

“The Property Ombudsman Scheme has provided independent redress and alternative dispute resolutions to the residential property market for over 25 years. The scheme is free to the consumer and fair to all. Comprehensive Codes of Practice set out the standards of service that professionals should meet and customers should expect to receive. This guide for Members of the British Association of Removers (BAR) sets out the parameters of the scheme and is part of my quest to raise standards and reduce risks by ensuring that everyone has all the information they need about the scheme from the outset”

Katrine Sporle, The Property Ombudsman

## What is The Property Ombudsman?

TPO provides an impartial and independent dispute resolution service for consumer complaints which you are unable to resolve yourself. TPO has been approved by the Department for Communities and Local Government and National Trading Standards to provide the mandatory redress scheme for the British Association of Member Firms. TPO is also approved as an 'ADR Entity' under The Alternative Dispute Resolution for Consumer Disputes (Competent Authorities and Information) Regulations 2015.

## Redress not Regulation

The Ombudsman provides redress which, where appropriate, is intended to put the consumer back into the position they were before the complaint arose. She is neither a consumer champion nor an industry regulator and does not have the authority to fine or take regulatory or legal action against your company.

## Independent

TPO is a full member of the Ombudsman Association and operates in accordance with its principles of independent; openness; accountability; integrity; clarity of purpose; effectiveness. The Ombudsman is accountable to the independent TPO Council, which are non-industry members. It is the Council who appoints the Ombudsman and sets her Terms of Reference (i.e. how the complaint process operates).

## Code of Practice

BAR's Code of Practice provides the benchmark for Member firms to ensure a consistency of service. BAR's Code carries the respected Chartered Trading Standard Institute's Consumer Code Approval Scheme logo providing consumers with further confidence that they will receive consistently high standards of service from your company.



## The Ombudsman's Jurisdiction

### Removals

British Association of Removers Member firms displaying the TPO and BAR Logos are required to act in accordance with the **BAR Code of Practice**.

### The Ombudsman's Other Jurisdictions

#### Sales

Estate agents (including buying agents) displaying the TPO logo are required to act in accordance with the **TPO Code of Practice for Residential Estate Agents**, the **TPO Code of Practice for Residential Estate Agents in Scotland** or the **TPO Code of Practice for Residential Buying Agents**.

#### Lettings

Lettings and management agents displaying the TPO logo are required to act in accordance with the **TPO Code of Practice for Residential Letting Agents** or the **TPO Code of Practice for Residential Letting Agents in Scotland**.

#### Commercial

Commercial and business agents displaying the TPO logo act in accordance with the **TPO Code of Practice for Commercial and Business Agents**.

#### Auctions/Chattels

Agents and auctioneers displaying the TPO logo follow the **TPO General Membership Obligations**.

#### International

The Ombudsman can consider disputes in relation to international property agents who are members of TPO. Disputes are considered against **TPO General Membership Obligations** and, where appropriate, the **Association of International Property Professionals' (AIPP) Code of Conduct**.



### Property Buying Companies

Property buying companies displaying the TPO logo are required to act in accordance with the **TPO Code of Practice for Residential Property Buying Companies**.

### Residential Leasehold Management (Block Management)

The Ombudsman can deal with disputes referred by leaseholders or lessees of managed residential buildings against managing agents. Agents displaying the TPO logo follow the **TPO General Membership Obligations**.

### Housing Warranty

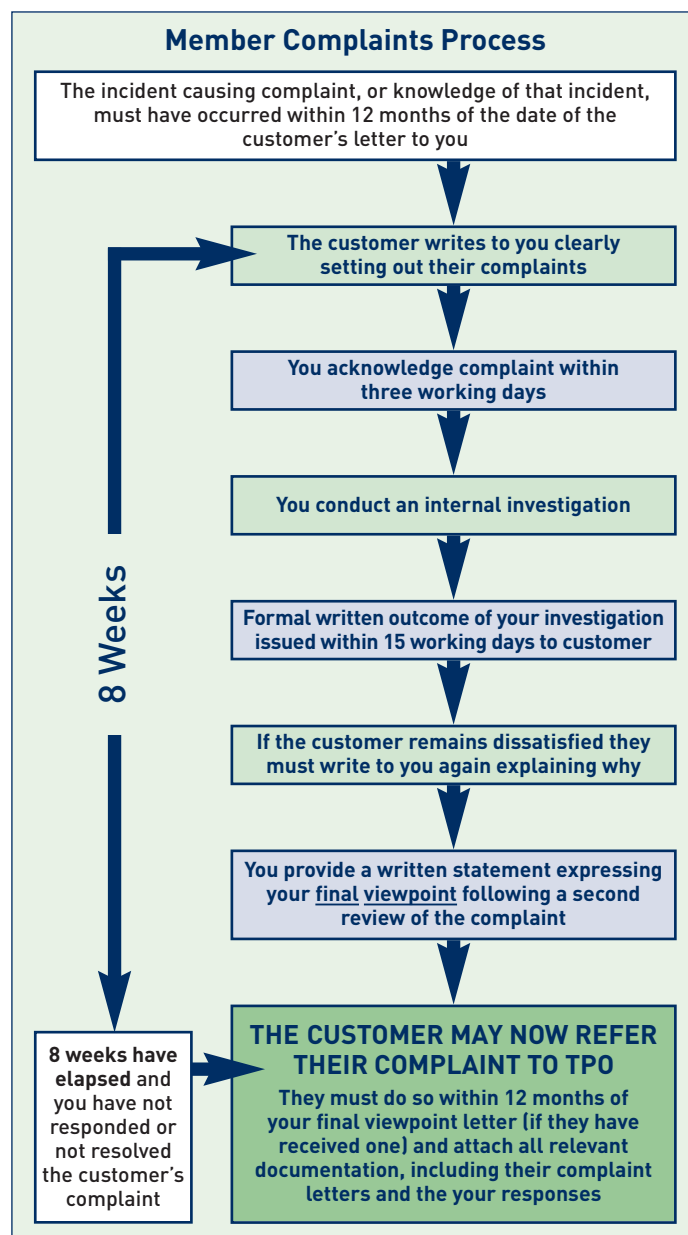
Members of Checkmate displaying the TPO and Checkmate logos are required to act in accordance with the **Checkmate Code of Practice**.

### How can TPO help your business?

- **TPO will not consider a complaint unless the consumer has referred it to your company first.** This provides you with the opportunity to resolve matters through your internal complaints process. If you require guidance, the BAR Regulatory Department will be able to assist.
- TPO can consider complaints where the issue giving rise to the dispute occurred within 12 months of a complaint being made to you or within 12 months of the individual becoming aware of the issue. Thereafter the dispute must be referred to TPO within 12 months of the date of your final response to the consumer.
- TPO cannot consider disputes which are being dealt with by a court or a regulatory body, unless both you and the consumer have agreed to place that action on hold.
- TPO will provide BAR with regular guidance on matters affecting removal practice, including case studies and best practice notes. This will assist in ensuring your company meets its legal obligations, updating your internal training and improving the overall service and consumer experience.

### TPO's Tips for Complaint Handling

1. Whether the complaint is justified or not, treat all complaints seriously. Ignoring complaints will always increase the aggravation felt by the consumer.
2. Acknowledge complaints in writing within 3 working days and provide a written response within 15 working days, which directly addresses the issues raised.
3. Make sure you provide the consumer with a final letter which confirms your final view, TPO's contact details and confirmation of the 12 month timescale for referral to TPO.
4. Cooperate with TPO's process. It is in your interest to ensure the Ombudsman has sight of all information relating to the issues complained about.
5. Complaints will not be considered by the Ombudsman until all of the information requested by TPO is received or deadlines have elapsed.
6. If you disagree with the Ombudsman's decision, you will have the opportunity to represent. However, the Ombudsman may not consider new information if that information was accessible but withheld prior to her consideration of the case.



7. If you are owed any monies, the Ombudsman cannot prevent you from taking legal action against a consumer to reclaim this. However, it is in the spirit of the TPO scheme to put the matter on hold until the Ombudsman has reviewed the complaint. The Ombudsman's Terms of Reference do not empower her to rewrite contract terms or cancel them because of a complaint, however she can make decisions based on what she considers to be fair and reasonable in the circumstances presented to her. She cannot make judgements on points of law. That is the role of the courts.
8. Note that if you do not deal with a complaint and more than 8 weeks have passed, the Ombudsman will take the complaint forward and may well make an award for complaint handling shortcomings.

A detailed description of the complaint process, frequently asked questions, **Codes of Practice** and further advice can be found at [www.tpos.co.uk](http://www.tpos.co.uk) and [www.bar.co.uk](http://www.bar.co.uk)