



Complaints Procedure/Dispute Resolution - Relating to Corporate Members -

Introduction:

In line with government policy and industry trends ARMA members must offer access to an independently run Ombudsman scheme where disputes cannot be resolved through the members own internal complaints procedure.

However, before a dispute can be referred to the Ombudsman the following procedures should be noted and/or followed.

Categories of Complaints:

Complaints can arise for many reasons and in many forms and a number of these would fall outside the Ombudsman's jurisdiction principally because there are already established mechanisms for dealing with these e.g. LVTs. In addition, there are some disputes that may fall outside the Ombudsman's remit in ensuring members' compliance with the recognised Codes.

The Ombudsman is not in a position to deal with complaints that:-

- Relate to non-members of the Ombudsman scheme.
- Have not exhausted the member's own internal complaints procedures (and, where appropriate, independent mediation).
- Have not been referred to the lessee's landlord or Residents management Company (if there is one) in the first instance.
- Relate to property owned or controlled by all or some of the lessees themselves and where the Member can demonstrate the board of directors are content with the Member's services, notwithstanding the fact that any instructions from this board must have been lawful and proper.
- Require the interpretation of leases where the parties to a lease are in dispute over such interpretation.
- Relate to insurance issues that fall under the jurisdiction of the Financial Services Authority.
- Are sub-judice.
- Are subject to the jurisdiction of the Courts or LVTs on matters of fact, reasonableness, financial recovery or compensation.

The sort of issues that the Ombudman can consider are:-

- Lack of communication/response to reasonable requests for information.
- Not delivering promised action or services.
- Disputes over contractual matters between ARMA Members and their clients.
- Issues relating to handovers.
- Accounting matters.
- Clear and proven breaches, unremedied, of the Code, the law and the lease provisions.
- Those capable of easy resolution by a proper and lawful action.

ARMA Bye-Laws:

Under ARMA's Bye-Laws, members are required to maintain and fully implement their own published internal complaints procedure appropriate to their size and structure which must be publicised and acted thereon and which will contain details of the Ombudsman scheme they have joined.

Members' internal complaints procedures should ideally include a facility for independent mediation, where appropriate. Should the member's own procedures and any independent mediation fail to deal with a complaint against their business, the matter can then be referred to the Ombudsman.

The Ombudsman may accept a complaint where the Resident Management Company is represented by their current managing agent.

The Process:

Step 1.

Before a formal complaint against a member is considered by the Ombudsman, the complainant must have endeavoured to resolve the issue(s) by instigating the member's own internal complaints procedure (and any independent mediation if offered) or by reference to the landlord of the property.

If the landlord of the property or the organisation ultimately responsible for the management of the property is a residents management company (RMC) owned/controlled by all or some of the lessees, the complainant must take up the issue(s) with the directors of that company and, if possible, demonstrate that the directors support the complaint.

This step allows members eight weeks (from when first notified of issues arising from the complaint) to deal with the dispute. However, if both parties agree, the matter can be taken to the Ombudsman anytime within this period.

Should the member fail to implement their own internal complaints procedure the matter can be referred to the Ombudsman.

Step 2.

Should the Member fail to address or resolve (if capable of resolution) the issues within the prescribed 8 week period, the complainant may contact the Ombudsman.

NOTE:

The member may belong to Ombudsman Services: Property (previously SOS), The Property Ombudsman or the Housing Ombudsman Service. Details will be shown on the members' internal complaints procedure and the member shall be entitled to have the dispute dealt with under that scheme.

*** Ombudsman Services: Property (previously SOS)**

PO Box 1021, Warrington WA4 9FE

Tel: 0330 440 1634 or 01925 530270 Fax: 0330 440 1635 or 01925 530271

Email: enquiries@os-property.org Website: www.os-property.org

or

The Property Ombudsman Limited

Beckett House, 4 Bridge Street, Salisbury, Wiltshire SP1 2LX

Tel: 01722 333306 Fax: 01722 332296

Email: admin@tpos.co.uk Website: www.tpos.co.uk

or

Housing Ombudsman Service

81 Aldwych, London WC2B 4HN

Tel: 0300 111 3000 Fax: 020 7831 1942

Email: info@housing-ombudsman.org.uk Website: www.housing-ombudsman.org.uk

** The members' complaints procedure may still reflect "Surveyors Ombudsman Services (SOS)" for the interim rather than "Ombudsman Services: Property" but can be amended in their next re-print.*