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Resolving complaints fairly
Making a complaint
to the Surveyors
Ombudsman Service

The Surveyors Ombudsman Service (SOS) resolves complaints about Chartered Surveying Firms, Surveyors and Estate Agents from consumers using their services

Surveyor Ombudsman Service (SOS)

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Telephone: 0330 440 1634 | or 01925 530270

Fax: 0330 440 1635 | or 01925 530271

Textphone: 0330 440 1600 | or 01925 430886

Email: enquiries@surveyors-ombudsman.org.uk

Website: www.surveyors-ombudsman.org.uk



Resolving complaints fairly

We are the Surveyors Ombudsman Service (SOS), the ombudsman service set up to sort out complaints about Chartered Surveying Firms, Surveyors and Estate Agents from consumers using their services.

We were set up by the Royal Institution of Chartered Surveyors (RICS) to handle complaints about its members.

We have been approved by the Office of Fair Trading (OFT) to run an estate agents redress scheme and can handle complaints about Chartered Surveyors, Surveyors and Estate Agents which have chosen to become a member of the service.

The SOS is entirely independent.

This leaflet will tell you what we do and how to use our service.

We hope that this booklet will give you all the information that you are looking for, but please contact us if you need more details.

Our contact details are on page 22.

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What is the Surveyors Ombudsman Service (SOS)?

If you have a problem sorting out a complaint with a Chartered Surveying Firm, a Surveyor or an Estate Agent which has joined our service, we may be able to help.

The service is free and independent.

Our job is to investigate complaints fairly. We listen to both sides of the story and look at the facts.

What do you mean by Chartered Surveying Firm?

Surveying is a collective name for groups of activities which have certain skills in common. These include, for example; valuing homes, construction projects and property management. Many Chartered Surveyors are also Estate Agents.

A Chartered Surveying Firm is one that has suitably qualified staff and has joined the professional organisation known as the Royal Institution of Chartered Surveyors (RICS). RICS lays out strict standards which its members must follow. Individual Chartered Surveyors will give their qualifications as MRICS or FRICS in any letter or reports they write.

Some Surveyors are not members of RICS and don't call themselves 'Chartered Surveyors'.

Estate Agents

The Consumers, Estate Agents and Redress Act, 2007, requires all Estate Agents dealing with residential property in the UK to join an approved dispute redress scheme. The requirement came into force on 1 October 2008.





What kind of complaints do you deal with?

We deal with complaints made against Chartered Surveying Firms that have joined RICS and have become 'member firms' of the SOS. These will usually say that they are 'Regulated by RICS'. We also deal with complaints made against Surveyors and Estate Agents which have not joined RICS but have chosen to become a member of the SOS.

We handle complaints made by actual or potential buyers and sellers of residential property. Complaints might include an apparent breach of legal obligations, unfair treatment, avoidable delays, failure to follow proper procedures, rudeness or discourtesy, not explaining matters, poor service or incompetence.

We have been approved under the Housing Act as a redress scheme for the purposes of **Home Information Packs (HIPs)** related complaints against Chartered Surveyors, Surveyors and Estate Agents which are members of the scheme.

The Chartered Surveying Firm or Surveyor you are complaining about will tell you if it is a member of the SOS.

If an Estate Agent is a member of the SOS it will display our logo in its office or shop windows and on its website.

A list of all SOS members is available on our website www.surveyors-ombudsman.org.uk

Who can complain?

You can use the service if you:

- are complaining about a Chartered Surveying Firm or a Surveyor which has provided or is contracted to provide a surveying service to you and which is a member of our service (a 'member firm'); or
- have relied upon the surveying services of a Chartered Surveyor or a Surveyor which is a member firm; or
- are an actual or potential buyer or seller of a residential property who has a complaint about an Estate Agent which has provided, failed to provide or is contracted to provide a service to you and which is a member firm; or
- are a potential buyer or seller of a residential property who has relied upon the services of an Estate Agent which is a member firm; or
- are representing a customer who meets the above conditions and you have the customer's permission, in writing, to make the complaint.





Who can complain?

What we can and can't do

What we can do and can't do is set out in our full terms of reference (our responsibilities). This leaflet sums up the main points. You're welcome to read the full terms of reference - please just ask us for a copy or go straight to our website at www.surveyors-ombudsman.org.uk

We'll decide whether your complaint fits in with these terms and whether we have the power to deal with it.

We're here to help

Please ring us if you would like to discuss whether your complaint is one that we can deal with.

Is there anything that you cannot deal with?

Yes, there are some complaints that we are not allowed to deal with. These are:

- complaints which would be better dealt with by the Courts;
- complaints about a service which is regulated by another body. For example, complaints about matters regulated by the Financial Services Authority, such as complaints against lenders' in-house valuers and surveyors, should be handled by the Financial Ombudsman Service (www.financial-ombudsman.org.uk). Complaints against solicitors should be handled by the Legal Complaints Service (www.legalcomplaints.org.uk);
- complaints which would be better dealt with by another ombudsman scheme. Where this is the case we will refer you to the appropriate place.

The SOS opened for service on 1 June 2007. If you are complaining about a Chartered Surveying Firm or a Surveyor in England, Wales or Northern Ireland, the problem you are complaining about must have occurred after 1 June 2007.

If the Chartered Surveying Firm or Surveyor you are complaining about provided the service to you in Scotland, it must have been provided after 1 October 2003.

If you are complaining about an Estate Agent, the problem you are complaining about must have occurred after 1 October 2008.





When is the right time to complain?

Before you complain to us, you must first have complained to the member firm and given them a fair chance to sort the problem out. If you are still unhappy with the way things have been handled, you can contact us.

You must have told the member firm about the problem within 12 months of first knowing about it. So, for example, if you realised there was a problem with a service which was provided to you on 21 September 2007, you need to have told the member firm about it by 20 September 2008.

If you have already complained to the member firm, there are three situations where you can involve us. These are as follows.

Not making satisfactory progress

You must follow the member firm's complaints procedure, and allow up to eight weeks for them to sort out the problem. If after eight weeks of making your complaint you're still not happy with the way the member firm is dealing with it, you can pass it to us. For example, there might have been no reply to your complaint or you may not be satisfied with the solution that has been offered.

The deadline for bringing your complaint to our attention is nine months from the date you first told the member firm about the problem.

Getting a deadlock letter

You might get a letter from the member firm that says they will no longer be considering your complaint. The letter might say, for example, that they can't do anything for you and that this is their final position. We call this a 'deadlock letter'.

You then have six months from the date of the letter to pass your complaint to us.

Unable to complain

You have encountered sustained difficulty in registering or progressing a complaint even if eight weeks has not yet passed.





Member firms

We deal with complaints made against Chartered Surveyors which are members of the Royal Institution of Chartered Surveyors (RICS). We also handle complaints about Surveyors and Estate Agents which are not members of RICS but have chosen to join the SOS.

We can only look at your problem if one of our members is involved, so it is very important that you check this first. A list of SOS members is available on the SOS website.

If your complaint is about one of our members, the member firm must let you know that it has a complaints procedure when the details of a property or the terms of engagement are sent out. If you make a complaint to one of our member firms the member must let you have a copy of its procedure for handling complaints when the complaint is first made. This will tell you how best to make your complaint and will give details of the SOS.

How do I make a complaint?

You can phone us on **0330 440 1634** or **01925 530270**. Textphone users can call us on **0330 440 1600** or **01925 430886**.

You can also e-mail us at **enquiries@surveyors-ombudsman.org.uk**

Our full contact details are on page 22.

When you contact us, we'll ask you what's happened and we'll decide if we have the power to deal with your complaint. If we do, we'll take the details and send you a filled-in form for you to check, sign and return, with **copies** of all of the documents that you have to support your complaint. **We cannot return any original documents you send to us.** Once we have this information, the investigation process will begin.

See our website for an example of the type of information we need on the complaint form and in your supporting documents.





How do you handle complaints?

By signing the complaint form, you give permission for the member firm to release to the SOS, any information it holds about you and the service it has provided to you, which may be relevant to your complaint.

We'll decide as soon as possible whether your complaint is within our terms of reference and whether we can deal with it. Then we'll let you know.

How long it takes us to come up with a solution depends on how complicated the complaint is, and how quickly we can get to the facts. To help us with this, you should send us **copies** of all the information about your case when you return the signed complaint form. **We cannot return any original documents you send to us.** During the investigation process you will only hear from us if we need more information.

What information will you let me see?

We will be investigating your complaint after the member you are complaining about has had a chance to resolve it. You will probably already have seen all the information we use to make a decision, but we will refer to all the documents on which the decision will be based in the Provisional Conclusion. If you have not seen any of them you can ask for copies before a final decision is made.

What if I am concerned that there might be other information I haven't seen?

Our job is to look at information relevant to your complaint and to make a decision based on it. If you think something has been provided but not summarised in the report you can ask the Ombudsman to consider providing it to you. We will usually send any key documents on which the Provisional Conclusion refers to you, or the firm, if you don't already have them. If there is any document or information you have not seen, you can request a copy.

What if I provide some information to you in confidence?

If you believe that some information should be kept confidential between you and us, you should mark that information clearly and tell us why you think we should not pass it to the other party. We will consider your request – but we may not agree to it, unless there is a strong case for confidentiality, such as security reasons.

We may publish case studies and information about complaints but we do not release the names of the individual consumers or businesses involved.





How do you handle complaints?

If appropriate, we exchange information with the Office of Fair Trading (OFT), OFT approved estate agents redress schemes, other consumer redress schemes and any other person/organisation exercising regulatory functions in relation to the activities of persons engaging in estate agency work.

The Provisional Conclusion

When we have reached a decision, we will write to you with our Provisional Conclusion. If you and the member firm accept this as a settlement of the dispute, it will become the final decision and the member firm must put in place any remedy that is called for.

At this time, you or the member firm can give us more information about the complaint, for example, you may feel that we have made a significant error in fact or there may be important new evidence which could have a material effect on our decision. Any comments we receive will be passed to the Ombudsman to take into account when making the final decision.

When we have finished this process, we will send you and the member firm a copy of the final decision.

Sorting it out informally

Sometimes, we'll try to find an informal solution that will bring the matter to a close.

For example, if, when we ask for your file, the member firm tells us that they could do more to settle your complaint without us needing to investigate; we may agree to give them the opportunity to do this. We will then check if you are happy with the solution offered.





How might things be put right?

If we decide to make an award, and you accept it, then the member firm has agreed that they will keep to the decision and take the action that we have asked for in the final decision. We may ask the member firm to provide any or all of the following:

- a service or some practical action that will benefit you;
- an apology or explanation;
- a financial award.

It is not the Ombudsman's role to punish member firms when deciding what solution to provide. If a financial award is needed, this will be the amount that we consider appropriate to the particular dispute. This can be as much as £25,000 (including VAT).

So that the same problem is less likely to happen again, we may also recommend that the member firm should make changes to its policies or procedures.

Do I have to accept your decision?

No. It's up to you to decide whether you are satisfied with the final decision.

If you accept the decision

The member firm has agreed that it will keep to the decision and take the action that the Ombudsman has asked for.

If you don't accept the decision

You lose the right to the solution that the Ombudsman has offered. However, you will be free to follow other routes to try to sort out the problem in a way that suits you better.

We work to strict time limits so it is important that you let us know as soon as possible whether you wish to accept or decline the decision.





Is the service independent?

Yes. It is important for us to be independent so that people trust us to be fair.

Our Council works to maintain and safeguard the Ombudsmen's independence.

Our Council's job is to:

- agree the appointment of the Ombudsmen;
- keep the service independent;
- review our performance; and
- recommend any changes that might need to be made to the way we work.

How are you funded?

We are funded by our members. We have a board (the Member Board) made up of RICS members and independent representatives. The Member Board makes sure that we are appropriately funded and approves our annual budget.

Who's who?

Chief Ombudsman

The Chief Ombudsman is Elizabeth France, CBE. She is assisted in her work by a team of ombudsmen.

Council

The Council mostly consists of independent people. There is also a representative from the SOS Member Board. It is chaired by Peter Holland, CBE DL. If you'd like to know who is on the Council, please visit our website or ring us.

Member Board

The Member Board has an independent Chairman, an equal number of RICS members and independent people and an independent representative from the Council. If you'd like to know who is on the Member Board, please visit our website or contact us.





How do I contact you?

Write to us at:

Surveyors Ombudsman Service
PO Box 1021
Warrington
WA4 9FE

Phone

0330 440 1634 or 01925 530270

Fax:

0330 440 1635 or 01925 530271

Textphone:

0330 440 1600 or 01925 430886

E-mail:

enquiries@surveyors-ombudsman.org.uk

Website:

www.surveyors-ombudsman.org.uk





Who else might be able to help me?

Consumer Direct

Consumer Direct provides practical consumer advice. Its regionally based advisors are specially trained to give practical advice on all kinds of consumer issues.

Phone: 08454 04 05 06

Fax: 08454 04 05 05

Minicom: 08451 28 13 84

Website: www.consumerdirect.gov.uk

Citizens Advice

Your local Citizens Advice may be able to help you with your complaint. You can find out how to contact your local branch in England, Wales and Northern Ireland, by looking at the 'Adviceguide' website. Details for contacting your local branch will also be listed in the phone book.

Website: www.adviceguide.org.uk

Citizens Advice in Scotland

The 'Adviceguide' website will also help with your complaint if you live in Scotland. However, you may also want to visit the Citizens Advice Scotland site listed below. Again, details of how to contact your local citizens advice bureau are in the phone book.

Website: www.cas.org.uk





Who else might be able to help me?

DIAL UK

DIAL UK is a network of advice centres for people with disabilities.

Write to: St Catherine's
Tickhill Road
Doncaster
South Yorkshire
DN4 8QN

Phone: 01302 310 123

Textphone: 01302 310 123
(please use voice announcer)

E-mail: enquiries@dial.org.uk

Website: www.dialuk.info

Age Concern England

Age Concern England has a network of local advice centres for older people.

Write to: Freepost (SWB 30375)
Ashburton
Devon
TQ13 7ZZ

Phone: 0800 009966

Website: www.ageconcern.co.uk

Information Commissioner (IC)

IC will provide advice if you are concerned about how your personal information is being used.

Write to: Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Phone: 01625 545700

E-mail: mail@ico.gsi.gov.uk

Website: www.ico.gov.uk

Trading Standards

This is a one-stop shop for information on consumer protection in the UK. For advice on how to contact your local Trading Standards Service, you can use Trading Standards Central or your local phone book.

Website: www.tradingstandards.gov.uk





Who else might be able to help me?

British and Irish Ombudsman Association (BIOA)

BIOA's website lists the ombudsmen and other complaint-handling organisations that may be able to help you if you have a complaint.

Write to: PO Box 308
Twickenham
TW1 9BE

Phone: 020 8894 9272

E-mail: secretary@bioa.org.uk

Website: www.bioa.org.uk

Association of Residential Managing Agents (ARMA)

ARMA is able to give advice on its members and issues relating to residential leasehold blocks of flats managed by members.

Write to: 178 Battersea Park Road
London
SW11 4ND

Phone: 020 7978 2607

Fax: 020 7498 6153

E-mail: info@arma.org.uk

Website: www.arma.org.uk

Property Managers Association Scotland Limited

The Association concerns itself with all aspects of property management and the law relating to heritable property in Scotland.

Write to: 2 Blythswood Square
Glasgow
G2 4AD

Phone: 0141 248 4672

Fax: 0141 221 9270

Website: www.pmas.org.uk





Who else might be able to help me?

Association of Residential Letting Agents (ARLA)

ARLA, the Association of Residential Letting Agents, is the only professional self-regulating body to be solely concerned with lettings.

Write to: Maple House
53-55 Woodside Road
Amersham
Bucks
HP6 6AA

Phone: 0845 345 5752

Fax: 01494 431530

E-mail: info@arla.co.uk

Website: www.arla.co.uk

The Law Society of England and Wales

The Law Society is the representative body for solicitors in England and Wales.

Phone: 020 7242 1222

Website: www.lawsociety.org.uk

The Law Society of Scotland

The Law Society of Scotland is the governing body for Scottish solicitors. The Society promotes the interests of the solicitors' profession and those of the public in relation to the profession.

Write to: 26 Drumsheugh Gardens
Edinburgh
EH3 7YR

Phone: 0131 226 7411

Textphone: 0131 476 8359

Fax: 0131 225 2934

E-mail: lawscot@lawscot.org.uk

Website: www.lawscot.org.uk





Who else might be able to help me?

The Legal Complaints Service

The Legal Complaints Service (LCS) investigates complaints about solicitors.

Write to: Victoria Court
8 Dormer Place
Leamington Spa
Warwickshire
CV32 5AE

Phone: 0845 608 6565

Textphone: 0845 601 1682

Fax: 01926 431 435

E-mail: enquiries@legalcomplaints.org.uk

Website: www.legalcomplaints.org.uk

Federation of Master Builders (FMB)

The FMB is a trade association established to protect the interests of small and medium-sized building firms.

Write to: Gordon Fisher House
14-15 Great James Street
London
WC1N 3DP

Phone: 020 7242 7583

Fax: 020 7404 0296

Website: www.fmb.org.uk

The Ombudsman for Estate Agents

The scheme provides, for its members, an independent and impartial facility for the resolution of complaints between those members of the public who buy, sell or let property and the agents they deal with.

Write to: Beckett House
4 Bridge Street
Salisbury
Wiltshire SP1 2LX

Phone: 01722 333306

Fax: 01722 332296

Email: admin@oea.co.uk

Website: www.oea.co.uk

The Financial Ombudsman Service

This is the independent service for settling disputes between businesses providing financial services and their customers.

Write to: South Quay Plaza
183 Marsh Wall
London E14 9SR

Phone: 0845 080 1800

Website: www.financial-ombudsman.org.uk



