



#### WHO SHOULD READ THIS?



Tenants



Agents



Landlords

# **WHAT TO DO IF YOU ARE NOT SATISFIED WITH THE SERVICE YOU HAVE RECEIVED FROM THE TENANCY DEPOSIT SCHEME**

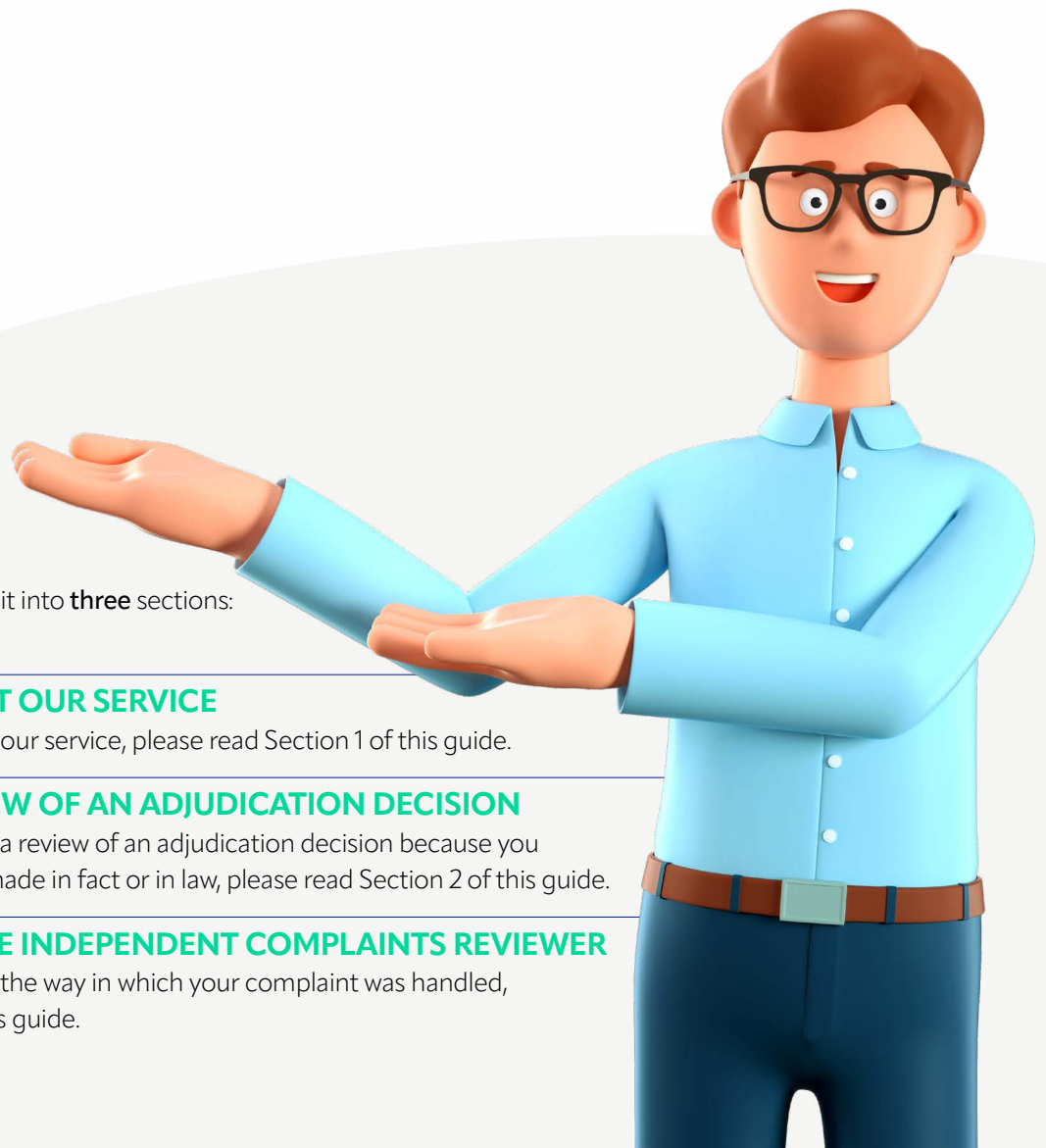
The Tenancy Deposit Scheme (TDS) is committed to providing an excellent service.

However, as in any organisation, things can go wrong. Whether you are a tenant, landlord or agent, you may feel we have not handled matters as we should have done.

We would like to hear from you if you are not satisfied with our service or how we have dealt with a case.

Please tell us of any concerns about what we did. We take all concerns seriously and deal with them promptly, fully and fairly. We try to learn any lessons that will help improve our service.

We will respond to you helpfully and courteously, and we expect all parties to a dispute to deal with us in a similar way.



Our complaints policy is split into **three** sections:

**1 COMPLAINTS ABOUT OUR SERVICE**

If your complaint relates to our service, please read Section 1 of this guide.

**2 ASKING FOR A REVIEW OF AN ADJUDICATION DECISION**

If you would like to request a review of an adjudication decision because you believe an error has been made in fact or in law, please read Section 2 of this guide.

**3 COMPLAINTS TO THE INDEPENDENT COMPLAINTS REVIEWER**

If your complaint relates to the way in which your complaint was handled, please read Section 3 of this guide.

# 1 Complaining about our service

We would like to hear from you if you have complaints about our service to you – for example, if you feel that:

- you have faced unreasonable delay, unprofessional conduct or rudeness from our staff;
- we have failed to keep you properly informed.

We will respond to complaints about our service within **5 working days** of receiving them.

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## IN THE FIRST INSTANCE

Does your question relate to the progress of a specific case before we have made an adjudication decision? If so, we will have sent you updates that show the name and contact details of the person responsible for progress. Please contact them first.

If your question does not relate to a specific case, please contact Customer Operations on 0300 037 1000 who will help or escalate your concern to a TDS member of staff, who will make direct contact with you.

We can resolve most issues at this stage.

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## IF YOU ARE DISSATISFIED

Please send your complaint to us within **28 calendar days** of the problem arising. Please do this by email or letter using the addresses on the back of this leaflet. Putting your complaint in writing will help us understand it better and respond fully.

You can ask someone to help you put your complaint in writing if you wish. If you cannot put your complaint in writing, please let us know why.

When contacting us, please:

- give us your name and contact details;
- tell us whether you are the agent, tenant, or landlord, or are representing the tenant or landlord;
- quote the case reference number and the address and postcode of the tenancy property, if you have these details;
- if you do not have a case reference number, quote the reference number on your Tenancy Deposit Protection Certificate;
- let us know what aspect of the service you are complaining about;
- say how you would like us to put matters right.

We will acknowledge your complaint within **1 working day** and will respond to your concerns within **5 working days** of receiving it. If we cannot respond to all the issues you have raised within **5 working days**, we will write to let you know why and when you can expect a reply.

If you remain dissatisfied, please let us know within **5 working days** and a further internal review will be undertaken and responded to within **5 working days**.

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## WHAT WILL HAPPEN IF YOU AGREE WITH MY COMPLAINT?

If we decide our service fell short of our normal standards, we will take action to put matters right.

## 2 Requesting a review of an adjudication decision

We make our adjudication decisions after considering the evidence we receive in a careful and unbiased way. By referring the dispute to TDS you agree that our decisions are final and binding, and therefore an appeal is not possible. We are not able to reverse a decision made by an adjudicator. Once the decision is issued the disputed deposit will be paid to the parties and we have no legal authority for retrieval or redistribution.

Please visit our website and look at the Guides and Case Studies sections. These explain in detail how the adjudication process works and the principles we follow when making adjudication decisions. These may help you resolve your concerns more quickly and save you needing to contact us again.

### CAN I APPEAL AGAINST THE DECISION MADE IN AN ADJUDICATION?

No, you agreed that the decision would be final and binding. You can, however, ask for the adjudication decision to be reviewed, but only if you can clearly demonstrate that we have made an error in **fact or law**.

If you request a review of an adjudication decision on the basis only that you disagree with the outcome of the decision and are not able to demonstrate a clear error in fact or law, the requested review will be declined.

If you remain dissatisfied, please let us know within 5 working days and a further internal review will be undertaken and responded to within **14 calendar days**.

If you are able to demonstrate an error in fact (for example a piece of evidence not being present, when it was in fact provided) or law, (for example, incorrect application of any notice provisions) within a request for a review of an adjudication decision, we will

respond to the request for review within **14 calendar days** of receipt.

### IN THE FIRST INSTANCE

Do you believe there has been an error in the adjudication decision? If so, please contact us on the number provided when we notified you of the outcome of the decision.

We can resolve most issues at this stage.

### HOW DO I REQUEST A REVIEW OF AN ADJUDICATION DECISION IF YOU ARE STILL NOT SATISFIED?

You can send us a completed Adjudication Review form:

- within **28 calendar days** from the date of our letter or email giving you the adjudication decision;
- by email or letter, using the addresses at the end of this guide. Putting your request in writing will help us understand it better and respond fully.

You can ask someone to help you put your request in writing if you wish. If you cannot put your request in writing, please let us know why.

When contacting us, please:

- give us your name and contact details;
- tell us whether you are the agent, tenant or landlord, or are representing the tenant or landlord;
- quote the case reference number and the address and postcode of the tenancy property, if you have these details;

if you do not have a case reference number, quote the reference number on your Tenancy Deposit Protection Certificate;

- let us know where the Adjudicator made an error in fact or in law based on the evidence available to TDS at the time;
- say how you would like us to put matters right.

### WHAT HAPPENS AFTER I'VE SENT YOU MY ADJUDICATION REVIEW FORM?

We will decide if your request for review is to be declined or accepted within **5 working days** of receipt. If the review request is accepted we will write to you with our response within **14 calendar days** of receipt. If the request for review has been declined, we will explain why.

### WHAT WILL HAPPEN IF YOU ACCEPT MY REQUEST FOR ADJUDICATION REVIEW?

We will ask another adjudicator to review the decision that was taken in the light of your comments in the review request. If we decide that we did not handle your case correctly, we will take action to put things right. If we identify an error that did affect the outcome of the adjudication, TDS will pay the difference in any award impacted by the error. This decision will be final.

### HOW DO I KNOW THAT YOUR REVIEW OF MY ADJUDICATION DECISION IS FAIR AND IMPARTIAL?

We will ensure that the person responsible for dealing with your review will have had no prior involvement, knowledge or handling of your dispute.



## 3 Complaints to the Independent Complaints Reviewer

If you remain dissatisfied about the service that you have received from TDS, you can escalate your complaint to the external Independent Complaints Reviewer. This person is not a TDS staff member but someone who is appointed to take an independent view of complaints and reports annually to the TDS Board on their work.

### WHAT CAN THE INDEPENDENT COMPLAINTS REVIEWER DO?

The external Independent Complaints Reviewer can review complaints about the service you have been given. For example, concerns about communication, timeliness or delays, whether the process has been fair and transparent, and that the issues raised in the complaints or review process have been properly considered, for example whether evidence that was available has been missed.

Where the Independent Complaints Reviewer considers that a mistake has been made in the handling of a complaint, they can recommend corrective action or the payment of compensation by TDS.

The Independent Complaints Reviewer acts completely independently of any influence from TDS. Once they have made their decision, there is no further appeal available.

### THE INDEPENDENT COMPLAINTS REVIEWER WILL NOT:

- review a complaint which has not been handled through TDS' published internal complaints process;
- review the merits of the case, or review the outcome reached, for example where the complainant disagrees with the award/or the adjudicator's interpretation of the evidence.
- review complaints which do not relate to the service provided by TDS in its dispute resolution and other customer service functions.

**The Independent Complaints Reviewer may also decline to accept a referral, or terminate their review of a complaint, if the behaviour of the person making the complaint becomes unacceptable. TDS' policy on unacceptable behaviour by customers can be seen here:**

[Our policy on unacceptable behaviour by customers](#)

### ASKING THE INDEPENDENT COMPLAINTS REVIEWER TO GET INVOLVED

- You must tell TDS in writing that you are dissatisfied with the way in which your complaint has been handled setting out the specific service issue you are dissatisfied with beyond a disagreement with the adjudicator's decision.

- You must do this within **14 calendar days** of TDS confirming that it has completed its own internal procedures in relation to your complaint.
- In requesting referral to the Independent Complaints Reviewer, you will be consenting to TDS sharing your personal details, complaint details and case file details with the Independent Complaints Reviewer. Unless already provided, any joint party will be approached by TDS for consent.
- If TDS does not receive consent from a joint party to share their personal details, complaint details and the case file with the Independent Complaints Reviewer within **5 working days**, the request for referral to the Independent Complaints Reviewer will be closed.

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## WHAT HAPPENS NEXT

TDS will review your complaint to make sure that the Independent Complaints Reviewer will be able to deal with it. Where this is not the case, TDS will advise you within 5 calendar days of receiving your request for referral to the Independent Complaints Reviewer.

Upon receipt of the consent of the joint party, where relevant, the Independent Complaints Reviewer will consider the information that you have provided. They will also have access to TDS' records that are relevant to your complaint.

- The Independent Complaints Reviewer will write to you to acknowledge and confirm the complaint within **5 working days** of receiving their referral.
- Within **14 calendar days** of receiving all the information on the complaint, the Independent Complaints Reviewer will aim to issue a written response to you and to TDS, setting out their findings as to whether TDS failed to follow the correct process in investigating and responding to your original complaint. The Independent Complaints Reviewer will contact you directly should it not be possible to issue such a response within **14 calendar days** and will provide details as to when a written response will be issued.

Where the Independent Complaints Reviewer considers that a mistake has been made, they may make recommendations to put the matter right. This can include requiring TDS to:

- make an apology; and/or take some other corrective action; and/or
- pay appropriate compensation for damage, distress or inconvenience to the person or organisation making the complaint.

The purpose of the Independent Complaints Reviewer's recommendations is to remedy the mistake identified and try to put you in the position you would have been in had things not gone wrong. Recommendations may also be made that relate to TDS' operating procedures and or training in order to avoid other similar errors in the future.

There is no appeal against the Independent Complaints Reviewer's written decision.

As a result, the Independent Complaints Reviewer and TDS will not engage in further correspondence with complainants after their decision has been sent.

**We are committed to dealing with complaints fairly and impartially, and to providing a high standard of customer service. We aim to put things right successfully for our customers where things have gone wrong as a result of our actions.**

**We will respond to all complaints in a courteous way. However, we will not respond to anyone who is aggressive or rude, or who threatens a member of our staff.**

**Our website gives full details of TDS Customer Service Standards, and our procedures for dealing with difficult or abusive customers.**




### Service Complaints





### Adjudication Reviews



 Tenancy Deposit Scheme, West Wing, First Floor, Maylands Building, 200 Maylands Avenue, Hemel Hempstead, HP2 7TG

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 **0300 037 100**

 [deposits@tenancydepositscheme.com](mailto:deposits@tenancydepositscheme.com)

 [tenancydepositscheme.com](https://tenancydepositscheme.com)