



Who should read this?

Tenants Agents Landlords

Insured / Custodial

What to do if you are unhappy 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 happy 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, fairly and fully. 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:

Complaints about our service

If your complaint relates to our service (but not the outcome of a specific adjudication decision), please read **Section 1** of this guide.

Complaints about our decision in an adjudication

If your complaint relates to the outcome of an adjudication decision that you think was wrong, please read **Section 2** of this guide.

Complaints to the ICR

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

Section 1 Complaining about our service

If you are unhappy about how we dealt with your complaint, please read **Section 3** of this guide.

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; or
- we have failed to keep you properly informed. We will respond to complaints about our service **within 5 working days** of receiving them.

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. Customer Operations will help or escalate your question to a TDS member of staff, who will contact you directly.

If you are still unhappy

Please send us your complaint **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, 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.

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.

Section 2 Complaining about 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. We cannot reverse a decision made by an adjudicator because the disputed deposit will have already been paid to the parties and we have no legal authority for retrieval or redistribution.

Please visit our website and look at the Documents and Forms 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?

You cannot appeal against the adjudication decision except by applying to a court. If you choose to apply to a court, we recommend you seek independent legal advice. Please note there are strict time limits for going to court and the costs are likely to be high. The court may direct you to use our complaints procedure before it will consider your case.

However, we would still like to hear from you if you have a complaint about the outcome reached in an adjudication, for example, only if you feel that the adjudicator:

- made an error in fact; or
- made an error in law; or
- did not arrive at a fair judgment properly based on the evidence available to TDS at the time.

We will respond to complaints about an adjudication decision where the above criteria have been demonstrated within 14 calendar days of receiving them.

How do I complain?

Please send us your complaint:

- **within 28 calendar days** from the date on our letter giving you the adjudication decision;
- 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, 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 or why you consider the Adjudicator did not arrive at a fair judgment properly 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 complaint?

When we receive your complaint about an adjudication decision, we will review it and check there are matters we can investigate. We will write to you with our response **within 14 calendar days** of receiving your complaint.

What will happen if you agree with my complaint?

If we decide that we did not handle your case correctly, we will take action to put things right.

How do I know that your review of my complaint is fair and impartial?

We will ensure that the person responsible for replying to your complaint will have had no prior involvement, knowledge or handling of your dispute.

If you are unhappy with how we dealt with your complaint

Section 3 Complaints to the Independent Complaints Reviewer

If you remain unhappy about TDS' response to your formal complaint about an adjudication decision or other aspect of TDS' customer service, 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 report annually to the TDS Board on their work.

What the Independent Complaints Reviewer can do

The external Independent Complaints Reviewer can review the handling of investigated complaints to ensure that the process has been fair and transparent, and that the issues raised in the complaints process have been properly considered.

Where the 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 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

- consider a complaint about an adjudication decision in order to review or overturn adjudication decisions;
- look at a complaint which has not been handled through TDS' published complaints process;
- deal with complaints which do not relate to the service provided by TDS in its dispute resolution and other customer service functions.

The 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 unhappy with the way in which your complaint has been handled;
- You must do this **within 14 calendar days** of TDS confirming that it has completed its own internal procedures in relation to your complaint;
- You and any joint party will be asked to consent to your personal details, complaint details, and case file details being shared with the Independent Complaints Reviewer.

What happens next

TDS will review your complaint to make sure that the 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 complaint.

Upon receipt of the consent of all complainants the Reviewer will consider the information that you have provided. They will also have access to TDS' records that are relevant to your complaint.

- The Reviewer may themselves reject a referral **within 5 calendar days** of receiving it, if they do not consider it falls within the issues they are able to consider (see above). This will be confirmed to you in writing.
- Where the Reviewer accepts a referral they will aim, **within 14 calendar days** of receiving it, to issue a written response to you and to TDS. This will give the Reviewer's decision on whether TDS failed to follow the correct process to investigate and respond to your original complaint. The Reviewer will contact the complainant directly with details of the timings of issue of a written response should it not be possible for the Reviewer to issue such a response within 14 calendar days.

Where the 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 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 in order to avoid other similar errors in the future.

Except where it contains a material error the Reviewer's written decision and any recommendations within it will be final. There is no appeal against the Reviewer's written decision.

As a result, the Reviewer and TDS will not engage in further correspondence with complainants after their decision has been sent, unless there is a material error.

Our Customer Service Standards

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.

 **0300 037 1000**

 **complaints@tenancydepositscheme.com**

 **www.tenancydepositscheme.com**