



Mr Stephen Carr-Smith took up his appointment as Ombudsman for Estate Agents on 1 August 1999 following an Army career, and four years working in the Private Sector.

As the Ombudsman for Estate Agents, he remains totally independent of the Member Agencies and reports directly to the OEA Council, which includes a majority of non-industry members including leading consumer representatives.

This leaflet is published by the OEA Council. If you need any more information or advice, please contact:

**The Ombudsman for Estate Agents**  
**Beckett House, 4 Bridge Street**  
**Salisbury, Wiltshire SP1 2LX**

**Telephone: 01722 333306**  
**Facsimile: 01722 332296**  
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*1 April 2003*



# *Consumer Guide*

The Ombudsman for Estate Agents (OEA) Scheme provides an independent service for dealing with disputes between Member Agencies and customers who are buying and selling residential property in the UK.

OEA Scheme Members agree to abide by the OEA Code of Practice. This sets out a framework within which Members must operate and sets the standards of service they should provide.

The Code is mandatory and rigorously enforced. Compliance levels and consumer satisfaction are closely monitored.

If things go wrong, and you have a dispute with a Member Agency, you can refer your complaint to the Ombudsman for resolution. The Ombudsman is completely independent of the Member Agencies, and will provide a free, fair and speedy review of complaints falling within his Terms of Reference.

Member Agencies agree to co-operate with the Ombudsman and to abide by any decisions that the Ombudsman comes to. Any financial award that the Ombudsman makes in your favour is binding on the Agent.

Although not mandatory, any Estate Agency in the UK can apply to join the OEA Scheme. Member Agencies must meet certain criteria as laid down by the OEA Board.

To tell if your Agent is a Member, look for the OEA logo on the Agent's window or stationery. If you are still not sure, you can contact the Ombudsman's Office who will tell you - details are at the back of this Guide.

Your complaint may be considered by the Ombudsman if you believe a Member Agency has:

infringed your legal rights or not complied with the OEA Code of Practice; or

treated you unfairly; or

been guilty of maladministration (including inefficiency or undue delay);

in a way that results in you losing money or suffering inconvenience.

The Ombudsman's Office can help you if you are not sure.

Broadly speaking, the Ombudsman cannot deal with your complaint if:

Your complaint is not against a Member Agency.

Your complaint is not made as a private individual.

Your complaint is being, or has been, dealt with by a court or similar body.

Your complaint is about a survey and/or a formal valuation of the property.

Your complaint is about a property letting.

You (or your spouse or partner) have been given special terms because you are (or were) an employee of the Member Agency concerned.

Your claim is for more than £25,000.

Your complaint refers to something that happened more than 12 months before you complained in writing to the Member Agency, or before the Agency became a Member of the OEA.

You refer your complaint to the Ombudsman more than six months after you received the Member Agency's final offer of settlement or answer.

Tell the Member Agency concerned that you have a complaint and want them to look at it under their internal complaints procedure. The Ombudsman will not normally consider your complaint unless you have tried this first. If the Member Agency does not deal with your complaint within 3 months of receiving it in writing, then you may take it direct to the Ombudsman.

If the Member Agency has finished considering your complaint (they will normally tell you so) and you are still dissatisfied, you can write to the Ombudsman at the address given at the end of this Guide with details of your complaint.

The Ombudsman will ask for full details from you and the Member Agency.

The Ombudsman's Office may try to settle the dispute by agreement between you and the Member Agency. If this is unsuccessful, the Ombudsman will consider all the relevant factors and make a decision according to what he believes to be fair in all the circumstances.

The Ombudsman will send his decision to you and to the Member Agency. You can accept or reject his decision.

The Member Agency has agreed to pay any compensation up to £25,000 awarded against it by the Ombudsman - provided you accept the payment in full and final settlement of your complaint.

If you reject the Ombudsman's decision, it will lapse and you are free to do as you wish. If you wish to take legal action, you can do so. Your legal rights will not have been affected by the Ombudsman's decision.