

Service Charge Dispute Resolution

There may be occasions when you feel that you should not have to pay your charges and you wish to dispute these with us.

What is a dispute?

A dispute is generally when you do not agree with your charges because you think:

- we have not provided you with a service you have paid for
- the quality of works carried out are not to an acceptable standard
- that costs are not reasonable or payable under the terms of your lease/tenancy
- statutory consultation was not carried out correctly

Our dispute procedure is designed to make sure:

- it is easy for you to register your dispute
- your dispute gets resolved quickly
- that if something is wrong we put it right

What do I do if I want to raise a dispute?

You can raise a dispute in the following ways:

- Email us at: improvement@swan.org.uk
- Write to us at: **Pilgrim House, High Street, Billericay, Essex, CM12 9XY**
- Call us on **0300 303 2500**

This is a local rate number and should be included in any mobile phone allowances but please check with your provider.

You do not have to raise your dispute in a particular way but it may be helpful to complete our dispute template attached to this guide.

How will we deal with your dispute?

A lead officer will be appointed to investigate your dispute. Depending on the type and nature of your concerns they may arrange to meet you to carry out an inspection of your property, block or estate.

The investigation will result in a decision on whether your dispute is upheld, partially upheld or not upheld. If fully or partially upheld we will decide what we need to do to put things right, which could be to remove or reduce a charge.

We will notify you of our decision within 28 days of receiving your dispute or let you know if we are unable to meet this timescale and give you a revised one.

If you are not satisfied with our response you can ask for your dispute to be investigated at Stage 1.

Stage 1 Review

You will need to tell us why you disagree with the original decision made, which will be reviewed by a manager. A decision will be made on whether the original outcome has been upheld, partially upheld or overturned.

If partially upheld or overturned we will tell you if we need to do anything else to put things right.

We will aim to respond within 28 days of receiving your request to have your dispute investigated at Stage 1.

If you are still not satisfied with our response you can ask for your dispute to be investigated at Stage 2.

Stage 2 Review

You will need to tell us why you disagree with the decision made at Stage 1 which will be reviewed by a more senior manager. A decision will be made on whether the outcome has been upheld, partially upheld or overturned.

If partially upheld or overturned we will tell you if we need to do anything else to put things right.

We will aim to respond within 15 working days of receiving your request to have your dispute investigated at Stage 2.

If we need more time to respond to you at any stage we will let you know.

What can I do if I am still not satisfied after Stage 2?

We hope our dispute resolution procedure will help us to sort out any dispute you may have, but our decision regarding your dispute may not satisfy you. In such instances, you may wish to direct your concern to an independent body or seek alternative dispute resolution such as mediation.

The **Leasehold Advisory Service (LEASE)** provides information and assistance on service charges on their website at www.lease-advice.org

If you are still not satisfied, you can challenge the charges at the **First Tier Tribunal (FTT)**.

- The First Tier Tribunal is an independent body set up by the government to assist in disputes. They deal with matters such as:
 - assessing whether service charges are reasonable
 - assessing rent levels including fixed service charges
 - management issues and charges
 - determining whether charges are payable and how much is payable

There may be fees payable to the FTT and we would recommend that you take legal advice before submitting an application to them.

Information on the how to apply can be found at www.gov.uk/housing-tribunals

If you have gone through all the stages of our formal dispute procedure and you remain dissatisfied at the end of all stages of the landlord's internal dispute process, you can apply to the Local Government Ombudsman to investigate your dispute.

Details of the **Housing Ombudsman Service** can be found on their website at www.housing-ombudsman.org.uk

The Ombudsman will not usually investigate issues that are dealt with by the First Tier Tribunal (FTT) or that have not been fully considered by us through either our dispute or complaint process.

Dispute Template

What are you disputing?	What has been charged and how much of this do you dispute? (£s)	What timescale or financial year does your dispute relate to?	Why are you disputing this?	What do you want us to do to put things right?

Name(s):

Tel:

Email:

Address Dispute relates to:

Home / correspondence address:

Please attach any supporting evidence or information you think will be useful