

Disputes and Complaints in Retirement Housing

The majority of retirement housing residents will enjoy living in their home without ever needing to raise a formal complaint or dispute with their managing agent or building developer. However, if something does go wrong it is good to know what options are available to you to resolve it.

Know your rights

The following organisations may be able to advise you on your rights or inform you of the code of conduct that their members must conform to.

Associated of Retirement Community Operators (ARCO) - Represent housing-with-care providers across the UK. Their members include both private and not-for-profit members, comprising about half of the housing-with-care sector. ARCO have produced and enforce a Code of Conduct for their members. <https://arcouk.org/>

Association of Retirement Housing Managers (ARHM) - ARHM's mission is to continually raise the standards within the sector by promoting best practice and ethics amongst those managing

retirement housing. Their Code of Practice is recognised by the Secretary of State and should be adhered to by all leasehold managers.

<https://www.arhm.org/>

Association of Residential Managing Agents (ARMA) - ARMA is the leading trade association for residential leasehold management, although the mostly operate in the general housing market. <https://arma.org.uk/>

Leasehold Advisory Service (LEASE) - Provide free information and advice to consumers on residential leasehold law in England and Wales.

<https://www.lease-advice.org/>

Informal resolution

If you do have a concern that you feel needs action then in the first instance you should speak with your scheme manager, or go direct to your management company if you do not have a scheme manager. They should be able to work with you to resolve any concerns you have about the building itself and are an effective starting point for any queries you might have about your rights and responsibilities as a leaseholder.

If your complaint relates to the action of

one of your neighbours then the scheme manager may be able to act as a mediator to remedy the situation.

Formal complaints

If your concerns cannot be resolved by simply speaking to the scheme manager you can request a copy of the management company's **formal complaints procedure** from them. This should give you information on who you should address your complaint to and when you can expect to receive a response from them. This information can also usually be found on the managing agent's website, if they have one.

If your development has a recognised **Tenants' Association** then you may be able to get their help with raising your complaint in a structured and effective way, particularly if your concern is shared by a number of leaseholders within your building.

Alternatively, your local Citizens Advice or Local Age UK may be able to assist you with drafting your complaint.

Escalating your complaint

If you have not received an adequate response from your management company then your options to escalate your complaint will depend on whether you own your home or are renting.

Home owners

If your managing agent belongs to a trade body, such as the **ARHM, ARMA or ARCO** you may wish to contact them to raise the concerns you have regarding one of their members. They may be able to review your case and resolve any dispute by discussing it with the management company.

If your landlord/freeholder is a housing association then you may be able to raise your complaint with the **Housing Ombudsman**, so long as the association is one of their members. You can contact the Housing Ombudsman on 0300 111 3000.

If your dispute relates to your lease, for example if you feel the service charge fund has not been administered correctly or the managing agent has fallen short in their responsibilities, you have the option to take your case to the **First Tier Property Tribunal (Property Chamber)**. It is advisable to seek legal

advice if you are going to pursue this option.

If you feel you were mis-sold your property then you may wish to contact the **Property Ombudsman** to report your estate agent and seek further advice. They can be contacted on 01722 333306.

Renting

If you are renting from a social landlord, such as a council or housing association, you may be able to escalate your complaint to the **Housing Ombudsman**. The Housing Ombudsman Service was set up by law to look at complaints about the housing organisations that are registered with them. Their service is free, independent and impartial. You can contact them on 0300 111 3000.

Other ways to resolve complaints

If at least half of all leaseholders wish to remove the managing agents, then they have the legal right to do so under The Commonhold and Leasehold Reform Act 2002, this process is known as the **Right to Manage**. If this step is taken then the leaseholders must establish a RTM company. Whilst this might feel like quite a drastic measure to take, it can be an effective way of removing an unco-operative management company.

You may wish to raise your dispute with your **Member of Parliament or local Councillors**. Sometimes an MP's caseworkers can prove very effective at getting a complaint reviewed by the managing agent. Some local councillors may also be able to work on your behalf to resolve the issue.

If you have pursued all other options then you may wish to speak to a **legal advisor**, who will be able to advise you on other ways forward that are available to you. Note that this is likely to be costly.