

## Leathermarket JMB Service Charges Complaints Policy

### Problem resolutions:

**Try to resolve the issue informally:** Not all matters of concern are necessarily complaints, and the JMB asks that Homeowners raise any queries with their Resident Services Officer in the first instance allowing them time to resolve the matter first time. The JMBs response target is a maximum of 10 working days.

A Homeowner can raise a formal complaint, or alternatively a Senior Manager or Director may recognise that a homeowner does not think the JMB has got it right first time. If a homeowner feels that the JMB has not got it right first time, they are encouraged to email their Resident Services Officer heading the correspondence as Official Complaint or Not right first time.

It should be noted, for Leaseholders, that the Southwark Lease states that a Service Charge dispute does not permit non-payment of Service Charge contributions by the Lessee. Should the complaint not be upheld and a service charge debt has occurred, the Leaseholder may be liable to pay contractual interest from the date of the breach of Lease should the matter progress to the Courts.

**Level 1:** A phone call or email by a JMB officer to resolve the problem is best and will take place within 15 working days of receipt of the complaint. If it is not possible to resolve within this time-scale, the action being taken should be confirmed in writing either by letter or email to the complainant. Occasionally an extra five working days may be required to investigate a complex issue, if so this should be communicated to the homeowner as soon as it becomes apparent and within the 15 days initial response period. The Service Charge debt recovery process will be put on hold until a full response is provided to the Homeowner (if applicable).

If resolution is achieved on the basis of future action that is promised, the Service Manager should ensure that the action is completed. In the response the JMB Officer should say that s/he hopes that s/he has resolved the issue to the homeowner's satisfaction, however; if this is not the case the Level 2 process should be set out as well as providing the Summary of Tenants' Rights and Obligations document.

Once the Level 1 complaint has been responded to in full, the Service Charge debt recovery process will be continued (if applicable). This process starts with a chaser letters to the homeowner and their Mortgage Lender (if applicable), follows the Legislated Pre-Action Protocol and can conclude with a County Court Judgement being obtained.

**Level 2:** A Senior Manager will consider the issue.

The JMB officer who dealt with the issue at Level 1 should submit a written report setting out the nature of the complaint and action taken to resolve it. It is important that a full investigation is undertaken, all elements of the complaint are addressed and the information provided is accurate.

The Service Charge debt recovery process will be put on hold until a full response is provided to the Homeowner (if applicable). The investigator will when possible determine the action to be taken and should endeavour set out their decision in writing within 25 working days. A Level 2 issue may be complex and have multiple strands, in which case the homeowner should receive an up-date within 15 working days of each contact.

If the homeowner wishes to introduce new issues these should be raised separately as a new enquiry, which may not warrant being treated under the complaints process.

Once the Level 2 complaint has been responded to in full, the Service Charge debt recovery process will be continued (if applicable). This process starts with a chaser letters to the homeowner and their Mortgage Lender (if applicable), follows the Legislated Pre-Action Protocol and can conclude with a County Court Judgement being obtained.

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**Level 3:** If the resident is not happy with the Level 2 response they can ask Southwark's complaints section to undertake an independent review of the action undertaken by the JMB. The resident should notify the JMB at the same time the Level 3 complaint is submitted so that the Service Charge debt recovery process can be put on hold until a full response is provided to the Homeowner (if applicable).

If the homeowner wishes to introduce new issues these should be raised separately as a Level one issue. Should Southwark's complaints section uphold the JMBs findings, the Service Charge debt recovery process will be continued (if applicable). This process starts with a chaser letters to the homeowner and their Mortgage Lender (if applicable), follows the Legislated Pre-Action Protocol and can conclude with a County Court Judgement being obtained.

**Level 4:** The Housing Ombudsman does not have jurisdiction in relation to Service Charge disputes, as this has been legislated to be heard in the County Court, First Tier and Upper Tribunals.

If the homeowner believes that neither the JMB nor the Council have adequately addressed and resolved the complaint, they can exercise their statutory Rights as per the Summary of Tenants' Rights and Obligations document.

Once a Service Charge Dispute is in litigation, the JMBs Service Charge debt recovery process will be put on hold until a final judgement is made by the appropriate body. Should the Courts find in the JMBs favour, the Service Charge debt recovery process will be continued which may result in a S146 forfeiture Notice being served and executed or a Legal Charge being placed on the property.

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