



Isle of Wight  
Council

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Isle of Wight Council

**Service Charge  
Dispute Resolution  
Policy**

**2024**

## 1. Document Information

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### 3. Introduction

- 3.1. When calculating service charges, we always try to ensure we:
- Calculate them correctly and fairly.
  - Follow the legal consultation requirements (these only apply to variable service charge payers).
- 3.2. This Policy outlines what action you can take if you feel we have not done this, and what we'll do to resolve your dispute.
- 3.3. Where we use 'you' and 'your' in this Policy, we mean the resident or homeowner responsible for paying the service charge. The terms 'we', 'our' and 'us' mean Isle of Wight Council.

### 4. Scope

- 4.1. This Policy applies to service charge disputes made by tenants, leaseholders, and shared owners who pay a variable or fixed service charge.
- 4.2. We provide the service charge dispute resolution service if you want to challenge:
- The reasonableness of a service charge or
  - The Section 20<sup>1</sup> consultation process (variable service charge payers only).
- 4.3. We manage service charge dispute resolution outside of our Complaints Policy because of specific legislation, legal remedies, and independent review and advice services that apply to service charges.
- 4.4. You can dispute the reasonableness of what we're charging you for services provided by us or anyone working for us.
- 4.5. If your building or estate is managed by a third-party agent or if Isle of Wight Council isn't the freeholder, we'll:
- Liaise with the relevant parties to get all the information we need to investigate the matter
  - Investigate and respond to your dispute in line with this Policy.
- 4.6. This Policy doesn't cover:
- Anything we deal with under our Complaints Policy, including:
    - the clarity and transparency of service charge information provided
    - the standard or frequency of services provided
    - the provision of key information on request
    - if we've followed our policies and procedures as well as the terms of the tenancy/lease
    - attitude or behaviour of staff.

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<sup>1</sup> Section 20 of the [Landlord and Tenant Act 1985](#)

- Disputes we've already investigated under our formal complaints process unless anything new has happened
  - Matters being handled as an insurance claim
  - Where legal action has started in relation to the dispute. In these circumstances, our solicitors will liaise with your legal representative. We're unable to handle complaints your (or our) solicitors are dealing with at the same time.
- 4.7. We reserve the right to deal with disputes differently; we may direct you to another channel to resolve it. We'll explain and document our reasons for this decision.

## 5. Disputing your service charges

5.1 There are a range of ways you can raise a dispute:

- Our website
- Phone
- Letter/email
- In person

If you need help in raising a dispute in another way, just let us know.

5.2 You must raise your concerns within six months of us notifying you of the charge. If more than six months have passed, we'll consider your dispute if there are unusual circumstances.

5.3 When disputing your service charge, you must:

- Explain how you would like us to resolve it
- Identify specific charges you dispute
- Back up your dispute with evidence.

5.4 We expect you to behave reasonably. Our Unacceptable Behaviour Policy explains how we manage unacceptable behaviour from residents and/or their representatives.

5.5 If you prefer, you can authorise someone else to raise a dispute on your behalf i.e. an 'advocate'. This could be a friend/relative or representative from an external organisation (such as Citizens Advice).

5.6 Our service charge dispute process is not a legal process therefore we're unable to accept a solicitor or legally trained advocate. A relative/friend with legal training may act as your advocate, however they must not provide support in a professional capacity.

5.7 We treat disputes received through petitions or a group of residents in the same way as all other disputes. If helpful, we're happy to meet the petitioners or group. In terms of handling the dispute efficiently, we'll ask for a single point of contact to be nominated.

## 6. Dispute process

6.1. When you first let us know you're unhappy with your service charge, we'll try to resolve the issue outside of our formal process.

6.2. If you're still unhappy with the service charge issue, you can ask us to deal with it formally.

6.3. Our dispute process has two stages:

- Stage one – dealt with by a manager with knowledge of the service charges or scheme
- Stage two – a resolution panel.

6.4. At each stage, we'll:

- Let you know who is leading on your dispute
- Tell you when to expect a reply; if we're not able to reply within the timescale, we'll agree an alternative date with you
- Carry out a full impartial investigation
- Explain our decisions.

6.5. We'll close your case once we complete any actions we've agreed with you.

### 6.6. Stage one

6.6.1 A manager will investigate your case. If you're disputing the quality of work by a contractor, the investigation may be carried out by the contractor.

6.6.2 We will contact you to discuss your case. The manager will be responsible for co-ordinating, recording and sending you a response within 10 working days from the date you contacted us. If we need more time to investigate, we'll let you know and keep you informed.

6.6.3 If we're unable to resolve your case to your satisfaction, you can request to go to stage two. You need to request this within 10 working days of our stage one reply.

### 6.7. Stage two – resolution panel

6.7.1. You must tell us the outcome you're seeking to achieve and provide us with evidence supporting your dispute within 10 working days of your request to go to stage two.

6.7.2. You can choose for the panel to:

- Meet and give you a written decision **or**
- Have a panel hearing, with you attending.

6.7.3. The resolution panel will include:

- A director or head of service who has not previously been involved in the dispute and has leasehold/service charge experience
- A business expert or independent advisor, to provide additional technical or legal advice (if required).

## 6.8. **Written decision – the panel makes a decision without you being present**

6.8.1. If you choose a written decision, we'll:

- Circulate relevant paperwork 10 working days before the decision deadline
- Make a decision within 20 working days of your request to go to stage two
- Send you the decision within 10 working days of making the decision. This will include agreed actions and target dates.

## 6.9. **Resolution panel hearing**

6.9.1. If you request a panel hearing, we'll:

- Arrange this within 25 working days of your request
- Circulate paperwork 10 working days before the panel hearing
- Arrange and pay for any specific support needs such as sign language or a translator.

6.9.2. If you cancel 48 hours or less from the date of the panel hearing, or fail to arrive, we'll normally:

- Continue with the meeting
- Let you know the panel's decision within 10 working days.

6.9.3. The resolution panel members work together to agree a decision on the day. In exceptional cases, they can defer their decision until after the meeting, for example if they need to consult a specialist or take legal advice.

6.9.4. We'll confirm the panel's decision within 10 working days of the hearing meeting, including information about agreed actions and target dates.

6.9.5. If you disagree with the panel's decision, you can have your dispute considered by an independent body (see [section 6.0](#)). You must tell us if you intend to do this.

## 7. **Closing cases**

7.1. We'll close a dispute when either:

- We reach an agreement with you and we've completed all agreed actions, meaning there's no further dispute
- The resolution panel overturns a dispute
- You don't engage with us, e.g. you fail to:
  - respond to contact for a prolonged period and we've exhausted all methods of contact

- provide information when requested within agreed timescales.

## 8. Independent review and advice

### 8.1. Tribunals

- 8.1.1. If you disagree with the resolution panel's decision on the reasonableness of a service charge or the Section 20 consultation process, you can apply to the First-tier Tribunal (Property Chamber) (FtT)<sup>2</sup>.
- 8.1.2. Each tribunal usually consists of three members: a lawyer, a valuer, and a layperson<sup>3</sup>.
- 8.1.3. The tribunal is entirely independent and impartial in its approach.

### 8.2. Housing Ombudsman Service

- 8.2.1. You're able to contact the Housing Ombudsman Service, who can provide advice and investigate issues that are covered under our [Complaints Policy](#) but not covered by this Policy (see 2.5).
- 8.2.2. The Housing Ombudsman Service won't investigate:
- Issues the First-tier Tribunal deals with
  - Concerns about the level of service charges or increases.
- 8.2.3. You can find the Housing Ombudsman Service contact details below, on our website, or at [housing-ombudsman.org.uk](https://housing-ombudsman.org.uk).

Housing Ombudsman Service  
PO Box 152  
Liverpool  
L33 7WQ  
**Telephone:** 0300 111 3000  
**Email:** [info@housingombudsman.org.uk](mailto:info@housingombudsman.org.uk).

### 8.3. Leasehold Advisory Service

Homeowners (leaseholders and shared owners) can contact the Leasehold Advisory Service (LEASE) for independent information and guidance on service charges via their website [www.lease-advice.org](https://www.lease-advice.org).

## 9. Review

- 9.1. We will review this Policy to address legislative, regulatory, best practice or operational issues.

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<sup>2</sup> Part of His Majesty's Courts and Tribunals Service

<sup>3</sup> Someone without expert knowledge of the matter being decided