



NEW HOMES
OMBUDSMAN SERVICE

What to do if NHOS cannot investigate your complaint?



If you have a complaint about a developer/ housebuilder in relation to your new home, it may be that NHOS will not be able to help you. Here we tell you why this is and what you can do instead.

Q. Why can't NHOS assist me with my complaint?

A. NHOS was launched on the 4th April 2022 and can only deal with complaints about new homes where the developer has activated their account with NHOS and the reservation of the new home happened on or after that date. This is because when developers activate their account with NHOS it means that they agree to follow the New Homes Quality Code and agree that customers who reserve a new home can raise complaints with the New Homes Ombudsman Service.

So if your complaint relates to a property where you made a Reservation before 4th April 2022 then NHOS will not be able to assist you.

If you made a Reservation on or after 4th April 2022 we may be able to help but only if the Developer became subject to NHOS jurisdiction on or before the date of your Reservation. You can check if and when your Developer joined NHOS by clicking [here](#).

Q. So if NHOS can't help me what can I do?

A. There are a number of steps you can take.

**STEP 1
Complain in writing to the developer**

Make sure you have complained in writing to the developer. Every developer ought to have a formal complaints procedure [and you should ask for a copy]. Complain in writing to the developer [if necessary by writing to the Chief Executive] setting out the details of your complaint and what you would like the developer to do to put it right. You need to give the developer time to put things right and you should give them at least 56 days to do this.

**STEP 2
Complain in writing to your Warranty Provider**

Almost every new home in the UK is built with the benefit of a Warranty that protects homebuyers usually for the first ten years of ownership.

There are a number of these Warranty providers so it is important that you check what Warranty provider covers your property.

Some of the bigger warranty providers include names such as:

- NHBC
- Premier Guarantee
- LABC Warranty
- Checkmate

Many of these Warranty policies are supported by a Code of Practice which sets out clearly what the developer or housebuilder should do in the first two years of occupation.

The Warranty Provider will look at the complaint and will usually seek to resolve it. If it relates to the first two years of occupation they will normally ask the developer to resolve the matter [and if they do not they may step in and do it themselves]. If the complaint is not resolved by the Warranty Provider and/or you think there has been a breach of the Code of Practice, you can then refer the complaint to the relevant Code's independent dispute resolution service.

**STEP 3
Complain to the relevant Code body for issues arising in the first two years**

If the Warranty Provider has been unable to resolve the matter with the developer, and/or you believe the relevant Code of Practice has been breached, you can then complain to the relevant Code [check the table below to see which are the main schemes]. For example, the Consumer Code for Home Builders works with the NHBC, Premier Guarantee, LABC Warranty and Checkmate. You can make a complaint to the Consumer Code which operate an Independent Dispute Resolution Scheme and which will consider if there has been a breach of the Code. The Adjudicator

under that Scheme will look at your complaint, ask the developer to respond and will then make a decision based on the evidence that they have reviewed. The developer is expected to comply with the decisions of the Independent Dispute Resolution Scheme. Other Schemes operating a Code of Practice will have similar dispute resolution services

**STEP 4
Complaining further to the Warranty Provider in the case of building defects in the first 10 years of occupation**

The various Warranty providers do provide for insurance backed cover in the event of serious defects occurring in the first 10 years of occupation. Some will also cover minor defects (often referred to as snagging) in the first two years if the defect doesn't meet their technical standards. If the Warranty Provider does not deal with your complaint properly you may be able to complain about the Warranty provider to the Financial Ombudsman Service <https://www.financial-ombudsman.org.uk/>

**STEP 5
You may need to consider legal action in the Courts**

If all else fails you may need to consider taking legal action and you should seek independent legal advice before taking this step. Citizens Advice or your lawyer who helped with the conveyancing of your home may be able to offer further advice and/or assistance.

Useful Contacts			
Warranty Provider	Website	Consumer Code	Website
NHBC	http://www.nhbc.co.uk/	Consumer Code for Home Builders	http://www.consumercode.co.uk/
Premier Guarantee	http://www.premierguarantee.com/		
LABC Warranty	http://www.labcwarranty.co.uk/		
Checkmate	http://www.checkmate.uk.com/		
BLP Insurance	http://www.blpinsurance.com/	Consumer Code for New Homes	http://www.consumercodefornewhomes.com
FMB Insurance	http://www.fmbinsurance.co.uk/		
Global Home Warranties	http://www.globalhomewarranties.com/		
One Guarantee	http://www.oneguarantee.co.uk/		
Protek	http://www.protekwarranty.co.uk/		
Q Assure	http://www.gassurebuild.co.uk/		



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www.nhos.org.uk

info@nhos.org.uk

03308 084 286

New Homes Ombudsman Service

West Wing, First Floor,
The Maylands Building,
200 Maylands Avenue,
Hemel Hempstead,
HP2 7TG.