



NEW HOMES
OMBUDSMAN SERVICE

What is the New Homes Ombudsman Service?



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What is the New Homes Ombudsman Service?

The New Homes Ombudsman Service deals with complaints by customers about the purchase of their new home.

The remit of the New Homes Ombudsman Service covers the whole period from the reservation, marketing and sale of a property through to after-sales and complaints management for issues during the first two years from a Reservation or the Legal Completion of a new home purchase [whichever is

later]. The New Homes Quality Code sets out the detail of the complaints that can be considered by the New Homes Ombudsman Service.

The service is free to customers and easy for them to access and use. The New Homes Ombudsman Service will independently and impartially assess and adjudicate on complaints that have arisen that fall within the Ombudsman's scope.

Who runs the New Homes Ombudsman Service?

The New Homes Ombudsman Service is run by NHO Service Ltd, which is part of The Dispute Service Ltd, a specialist not for profit company which resolves

complaints and disputes. It has been commissioned to provide the Ombudsman Service by the New Homes Quality Board.

New Homes Quality Board

The New Homes Quality Board (NHQB) is an independent not for profit body that is responsible for overseeing the quality of new homes and the customer service provided by Registered Developers to customers from the sales and marketing of new homes until the end of the first two-years of ownership.

Based on the principles of independence, transparency

and integrity, its objectives are to deliver a consistently high standard of new home quality and service, and to strengthen complaints handling and redress for purchasers of new-build homes where these high standards are not achieved.

It has produced the New Homes Quality Code which sets out detailed standards which Registered Developers must follow. If a customer considers

that their Registered Developer has not followed the New Homes Quality Code, they can refer a complaint to the Ombudsman.



How to complain to the New Homes Ombudsman Service

You can raise a complaint with the New Homes Ombudsman if your complaint meets the following criteria:

- The developer is a Registered Developer with the New Homes Quality Board and is subject to the New Homes Ombudsman Service. You will find an up-to-date list of Registered Developers who are subject to the New Homes Ombudsman Service on our website at www.nhos.org.uk. The list can change regularly so please check that your developer/housebuilder is a Registered Developer before raising a complaint
- The Reservation date of the property took place on or after the date that the Registered Developer became subject to the New Homes Ombudsman Service [we publish these dates on our website]. We cannot deal with an issue or complaint that occurred BEFORE the Registered Developer came under the jurisdiction of the Ombudsman
- The complaint relates to an issue which occurred within two years of the date of Reservation or Legal Completion, whichever is later
- The complaint is a breach of the New Homes Quality Code, which cover the sales and marketing process pre purchase and issues arising in the first two years after Reservation or Legal Completion, whichever is later
- You have already complained to the Registered Developer, and they have issued a Closure Letter in relation to your complaint, or more than 56 days have passed since you raised your initial complaint to the Registered Developer and the complaint has still not been resolved
- The complaint is raised no later than 12 months after the Final Closure letter has been issued
- The issue being complained about is not a Major Defect that is best dealt with through other means [such as Court]
- Your claim is less than £75,000 as this is the limit the Ombudsman can award

Why might the New Homes Ombudsman refuse to deal with your complaint?

We are here to help customers but there are a small number of reasons why the NHOS must refuse to deal with your complaint.

- The customer is not an individual purchaser and is a business or a buy to let landlord
- In relation to second and subsequent purchasers of a new home, NHOS cannot accept complaints unless the matter complained of is an after-sales matter that was reported within two years of Legal Completion of the original new home purchase

In addition, we may refuse to deal with a complaint if:

- You have not attempted to contact the developer to discuss the complaint
- The complaint is, in the opinion of the Ombudsman, frivolous or vexatious
- The complaint is being, or has been previously, considered and determined by another Alternative Dispute Resolution [ADR] entity (including another Ombudsman scheme, a Building Warranty Provider or by a Court)
- Dealing with such a type of complaint or dispute would seriously impair the effective operation of the New Homes Ombudsman Service

Assuming your complaint is eligible what happens next?

You will be asked to create a Complaints Account with the New Homes Ombudsman Service by giving us your name, address, and contact details, and details of the Registered Developer you are complaining about and the property that relates to the complaint.

When you have validated your account with the New Homes Ombudsman Service through our website, we will ask you to tell us more specific details about your complaint and upload any supporting evidence you want us to consider.

What will happen then?

We will review your complaint and if we can accept it, we will then pass it to the Registered Developer to respond. They will see all the detailed evidence you have submitted and when they respond we will also share their response with you.

We may well ask you or the Registered Developer for more information to help our inquiries and we may also speak to you and the Registered Developer to see if we can facilitate an early resolution to the complaint.

The Ombudsman will then review all the information and evidence we have collected and will issue a Draft Decision. Both you and the Registered Developer can comment on the Draft Decision and these comments will be considered when the Ombudsman issues the Draft Decision to both parties. This will be a Final Decision and no further representations or appeals will be accepted.

What decisions can be taken?

The Ombudsman will decide the action to be taken in respect of each complaint. In some cases, the Ombudsman may decide that the complaint is not a valid one. However, where the Ombudsman decides a complaint is upheld [in full or part] they may issue one or more of the following decisions:

- To require an apology
- To require the issue to be put right
- To pay compensation to the customer [up to a limit of £75,000]
- Any other action that the Ombudsman considers to be reasonable and appropriate in the circumstances

In some cases, the Ombudsman may also make specific recommendations to the Registered Developer to avoid a repetition, and these may then become general recommendations to the industry.

The Ombudsman will have a process in place to check that the Final Decisions have been implemented by Registered Developers.



Other key points about the complaints process

Withdrawal

- You can withdraw from a complaint at any stage in the process by advising us that you no longer wish to carry on with the complaint
- When the Ombudsman has accepted your complaint for investigation you will be notified of your right to withdraw from the complaint procedure at any stage

Acceptance of the Ombudsman's proposed solutions to your complaint

- The Ombudsman's decision will be binding on the Registered Developer
- You will be advised in the Final Decision notification that you still have a choice as to whether or not to agree to the proposed solution. The Ombudsman's decision is not binding on you and your participation in the Ombudsman's complaint process does not stop you seeking redress against the Registered Developer through court or other proceedings
- The notification to you will also say that the Ombudsman's decision is binding on the Registered Developer but that the Ombudsman's decision may be different from an outcome determined by a court applying legal rules; and of the legal effect of agreeing to, or following the proposed solution
- Before giving your consent to a proposed solution or amicable agreement, you will be allowed a reasonable period of time to reflect on any implications
- If you do not accept the proposed solution, we will advise the Registered Developer as they will no longer be required to implement the Ombudsman's Final Decision

Who pays for the service?

The costs of the service are met by the New Homes Quality Board who in turn raise a levy on Registered Developers.

There is no charge to customers for raising a complaint with the New Homes Ombudsman.

Complaining by post

If you wish to complain by post, please download the Complaints Form on our website and send it to us at the following address:

The New Homes Ombudsman Service
West Wing, First Floor,
The Maylands Building
200 Maylands Avenue
Hemel Hempstead
HP2 7TG

Reasonable adjustment

We aim to make our service easy to use for everyone and we will discuss any reasonable adjustments for anyone who finds it difficult to use the online or postal service. For example:

Where you need help to complete the complaint forms you can speak to us over the telephone, and we will do all that we can to assist you

For people who find it difficult to use the online platform we can provide the service via the post

Our website can be translated into different languages, and we have access to Language Line where this would be helpful

For deaf and hard of hearing customers we can provide the Text Relay service

For any other issues please contact us online, by phone or email and we will do our utmost to assist you



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