



NEW HOMES
OMBUDSMAN SERVICE

HOW THE NEW HOMES OMBUDSMAN SERVICE DECIDES COMPLAINTS

A guide for customers wishing
to bring a complaint against a
Registered Developer



The leaflet sets out how the New Homes Ombudsman Service deals with complaints submitted to it.

Who can complain?

A complaint can be raised by a customer with the New Homes Ombudsman if it 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 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



Submitting details of the complaint with supporting evidence

Providing these requirements have been met, the customer will be asked to provide full details of the complaint and the remedy they are seeking, together with any supporting evidence via our online platform [or by post]. This information will be copied by email or by post to the Registered Developer.

Asking the Registered Developer to respond to the complaint

The complaint will then be issued to the Registered Developer to respond, with any relevant evidence in support of their response.

Reviewing what the Registered Developer has submitted

The customer will be given an opportunity to review any evidence submitted by the Registered Developer and provide any additional comments or evidence. The Registered Developer will also be able to make any further comments in the same way.

The evidence portal will remain open for a specified period of time, allowing both parties to provide any final information.

Caseworker review

A caseworker from the New Homes Ombudsman Service will review the evidence and may ask for more information. The caseworker may also contact the parties to help resolve the matter directly with them at an early stage. If this is unsuccessful, the full complaint and evidence file will be passed to an Ombudsman.

Ombudsman review

An Ombudsman will review the file, make any further inquiries they consider appropriate and then issue a Draft Decision.

The Draft Decision will take into account the evidence and comments made by the parties, and will set out the Ombudsman's decision on the complaint and what remedy, if any, they propose. These remedies could include:

- An apology and explanation
- Putting the matter right
- Payment of compensation for loss up to £75,000
- Taking any other action in the interests of the complainant as the Ombudsman may specify

Reviewing of comments on the Draft Decision and issuing a Final Decision

Both parties will have 10 working days to make any comments on the Draft Decision and these comments will be reviewed by an Ombudsman. The Ombudsman will then issue their Final Decision to both parties.

There is no appeal against the Final Decision of the Ombudsman.

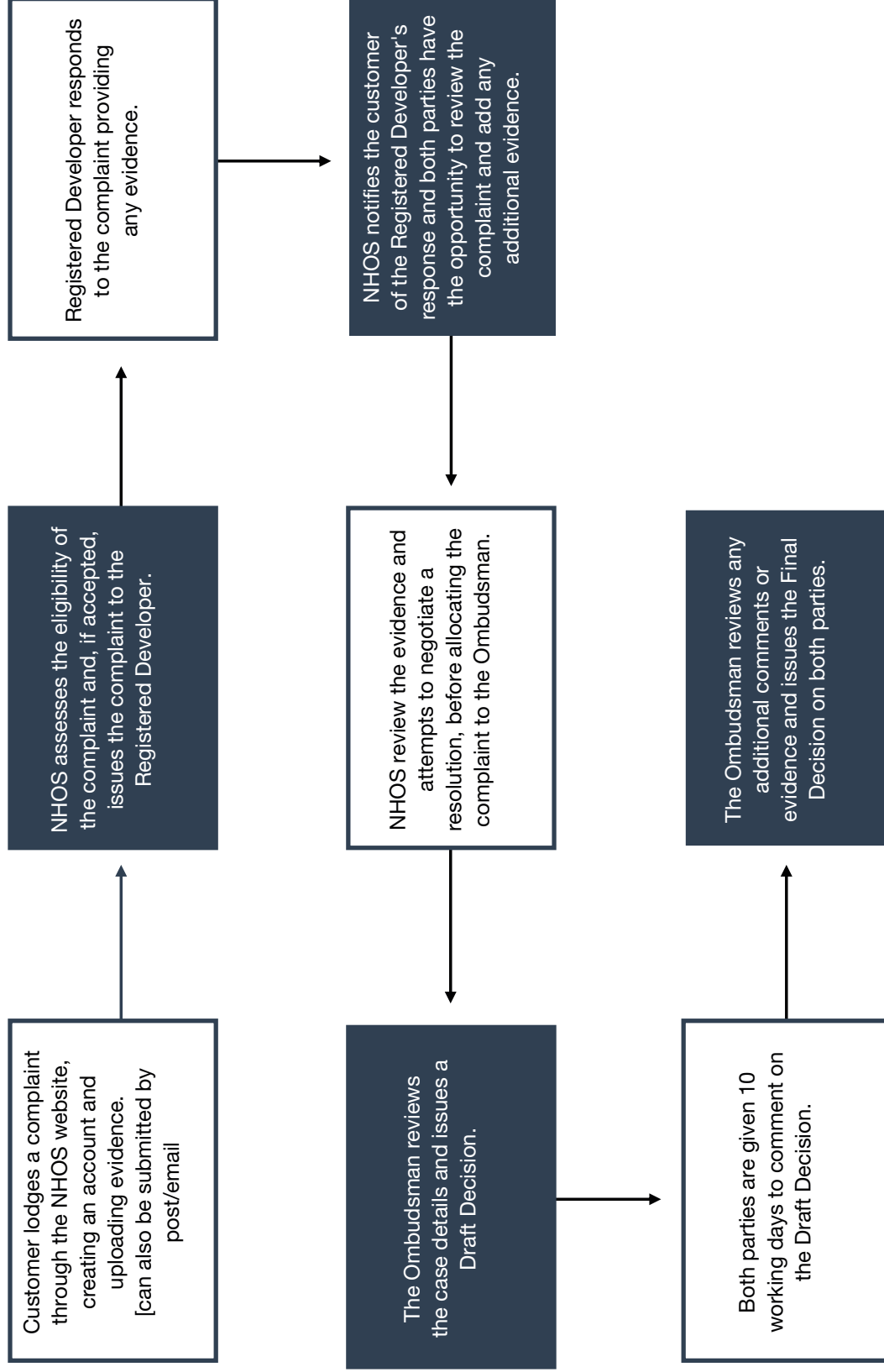
What happens next?

If the customer **accepts** the Final Decision then the Registered Developer will be expected to implement the Decision as quickly as possible.

If the customer **does not accept** the Final Decision they can instead seek redress elsewhere [for example through the Courts]. In these cases the Ombudsman will not require the Registered Developer to implement the Final Decision.

The customer has 6 weeks to advise the Ombudsman as to whether or not they accept the Final Decision. If no response is received the Ombudsman will assume that the Decision is not accepted and will close the case.

Diagram of the complaints process



Timescales [working days]

Complaint submitted to NHOS	5 days to review complaint
Complaint passed to Registered Developer for response	10 days to submit response
Customer/Registered Developer can review and add comments	5 days to make further comments
NHOS reviews complaint and seeks further information	10 days to review
Ombudsman reviews complaint and issues Draft Decision	20 days to issue Draft Decision
Customer/Registered Developer comments on Draft Decision	10 days to review Draft Decision
Ombudsman reviews comments and issues Final Decision	5 days to issue Final Decision
Customer either accepts or rejects Final Decision. [If customer fails to confirm acceptance within 30 working days, the Ombudsman will deem that the Final Decision has not been accepted]	Up to 30 days



Implementation of Decisions

The decision of the Ombudsman is binding on the Registered Developer but does not have to be accepted by the customer, who can reject the Decision and consider other action [such as a referral to Court]. If the customer rejects the Ombudsman's decision, the Registered Developer does not need to implement the decision.

Withdrawal of complaint

The customer can withdraw their complaint at anytime by notifying us at info@nhos.org.uk



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