



Protection for new-build home buyers



A guide to effective complaints and the support available for new build home buyers

Understanding complaints and disputes



Introduction

Buying and moving into your new build home is an exciting process and there's a lot to take in. Occasionally there may be some aspects that don't go according to plan and you might find that you need to raise a complaint with your builder.

The Consumer Code for Home Builders (the Code) sets clear requirements that builders covered by our Code must meet throughout the process of marketing and selling new-build homes, and in their after sales support for home buyers. This includes providing an accessible complaints process. The Code also provides an Independent Dispute Resolution Scheme (IDRS) that you can access if you believe your builder has breached our Code.

We've put together this guide to understanding complaints and disputes to make it easier for you to identify who to go to with what issues, how to escalate complaints if they are not resolved, and what information to include.

This pack focuses on complaints relating to builders, snagging and breaches of the Code, but other forms of support and redress are available for other property-related issues depending on your situation. Find out more in our [useful links and resources](#) section.

Produced in partnership with:



The Consumer Code for Home Builders offers a free Independent Dispute Resolution Scheme (IDRS) for home builders which is operated by the Centre for Effective Dispute Resolution (CEDR).

CEDR is approved by the Chartered Trading Standards Institute as the 'competent authority' acting on behalf of the Secretary of State for dealing with disputes that are raised with the builder from the reservation date until two years after the date of legal completion.

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Complaints, disputes and how they are handled

The Consumer Code Scheme defines complaints and disputes as follows:

Complaint:	An expression of dissatisfaction about an issue brought to the builder’s attention by the buyer (this may be verbally or in writing).
Dispute:	A disagreement about a complaint made by the buyer to the builder (under the builder’s published complaints procedure) where the parties do not agree on the outcome regarding matters covered by this Code.

This pack provides helpful hints on what to include when making a complaint to your builder, as well as when and how to raise a dispute with the Code’s IDRS.

Your right to complain

Alongside other requirements covering the whole home-buying process, including pre-sales, builders operating under our Consumer Code Scheme must provide an after sales service. This must include how any snags or incomplete works will be dealt with and the timescales for responding to issues you raise. Builders are also required to have, and keep to, a system for dealing with complaints and explain this to you prior to purchase. Your builder should provide you with a copy of their complaints process along with details of the Code’s IDRS.

Builders are responsible for handling queries and complaints raised from reservation until two years after legal completion. Before raising a dispute with the Code’s IDRS, you should attempt to resolve the issue through the builder’s complaints process. This gives your builder an opportunity to investigate and put things right and can result in a quicker resolution to the problem. See [raising a complaint with your builder](#) for tips on what to include.

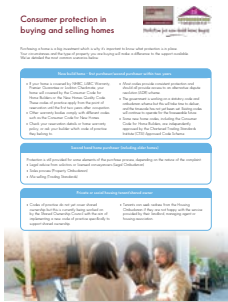
Raising disputes

If you have followed your builder’s complaints process and are not happy with their response, you can contact your home warranty provider in the first instance. They will either deal with your complaint under the terms of the home warranty or may be able to assist through [their own dispute resolution service](#). If your complaint relates to a potential breach of our Code requirements, your home warranty provider will give you a reference number which you will need to include in your application form to make a claim via the Code’s free IDRS.

Other property-related support

If your complaint is about another aspect of property purchase or ownership not covered by our Code or supporting home warranty providers, other sources of support and redress are available.

Download our [overview](#) which includes useful contact numbers.



Raising a complaint with your builder: what to include

Consider these tips when raising a complaint with your builder:

- **Check your builder's complaints process.** This should include details of how to make your complaint, who to, and the relevant contact details. Your builder's policy should also set out what is covered by their complaints service and for how long - for example, builders are expected to handle complaints in the first two years after legal completion, although some issues may need to be escalated to your home warranty provider. The Code requires your builder to provide you with a copy of their complaints process when you reserve a property and again at exchange of contracts.
- **Explain the subject of your complaint clearly and concisely.** It's best to set the details out in writing even if you tell them in person. Stick to the facts, avoiding any emotive language, and always remain polite. Cover all the relevant points but be as brief as you can. Avoid writing long letters or emails - you might feel the need to write in great detail but usually this is not required. Make it easy to read by using numbered lists and headings to highlight the important issues. If the person dealing with the complaint needs more information, they can contact you and ask.
- **Provide evidence.** If you have relevant documentation such as warranties, work orders, email correspondence or receipts that support your complaint, include a copy of these. Make sure you keep the original documents yourself.
- **Alert your builder to any support needs.** If you require support or have specific needs that may affect how you share or receive information from your builder, make the customer service team or complaints contact aware of this so they can adapt their approach accordingly.
- **Set out exactly the remedial action you would like your builder to take to put things right.** This lets your builder know your expectations and helps prevent any misunderstanding. You are more likely to receive a fast and effective response and/or resolution if your builder is clear about the problem and proposed solution and discussions remain constructive. Keep in mind that your request needs to be fair and in line with the problems you have had.
- **Keep written records.** It's important to keep a note of conversations you have with those dealing with your complaint, and retaining a copy of all correspondence you receive. These will be helpful if you need to escalate your complaint further.
- **Be prepared to follow-up.** Some issues may take a while to resolve, and your builder should keep you informed throughout, but be prepared to chase if you don't hear anything for a while.

If your builder fails to resolve your complaint to your satisfaction, you can raise a dispute via the Code's IDRS from 56 calendar days after your complaint was first raised with your builder and no later than 12 months after your builder's final response.



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Raising a complaint via your home warranty provider

If your complaint relates to a defect within the first two years of legal completion and you are not satisfied with the response from your builder, you can get further support via your home warranty provider's dispute resolution service.

Before raising the dispute with the home warranty provider, you will need to have notified your builder about the problems and what you want done about them, and provided a reasonable amount of time for a response. Unresolved issues should first be raised via your builder's own complaints process. If you are unhappy with the outcome or your builder fails to follow the process, you can raise a claim via your warranty provider.

Typically your home warranty provider will only be able to support with issues covered by your warranty scheme such as those relating to technical standards and build quality. Disputes relating to customer service as set out in the Consumer Code Scheme are covered by the Code's [dispute resolution scheme](#). More details and contact information can be found on your warranty provider's website:



NHBC:
0800 035 6422



Premier Guarantee:
0800 107 8446



LABC:
0800 183 1755



Lockton Checkmate:
020 7933 2626



Raising a dispute via the Code's IDRS

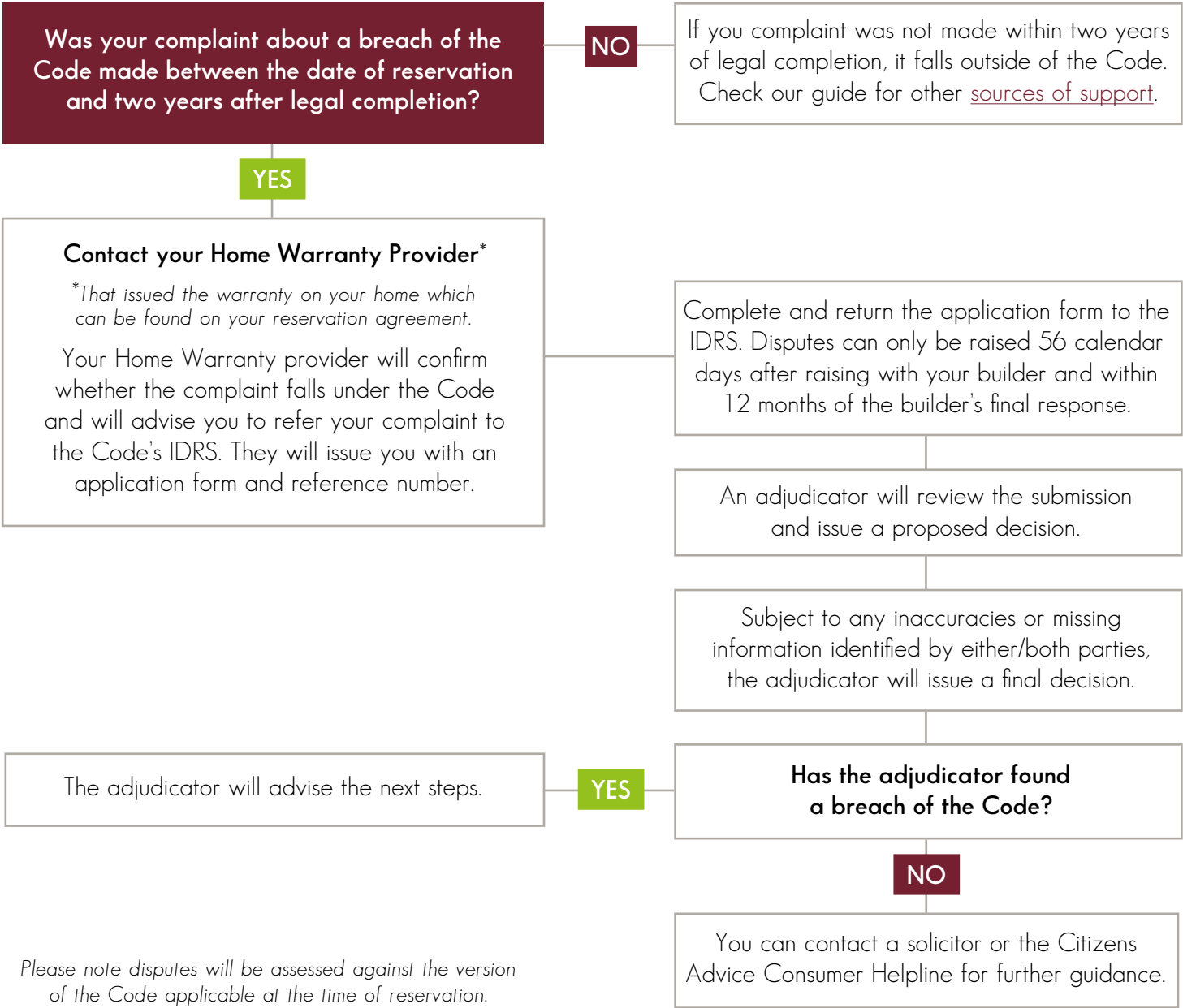
If you believe the Code has been breached and your complaint has not been resolved by your builder, you can raise a dispute via the Code's free Independent Dispute Resolution Service (IDRS), which is provided by the Centre for Independent Dispute Resolution Ltd (CEDR). This is sometimes referred to as a claim or application.



Like all alternative dispute resolution (ADR) and ombudsman schemes, where an adjudicator decides a breach of the Code has occurred, our IDRS is designed to return you to the position you would have been in had the service you received been compliant with the Code. Adjudicators can only award sums based on evidence. That is why it's important to back up any claims, and ensure any financial claims are supported with quotes or bills to show loss of funds or costs to put things right.

The maximum amount that can be claimed is £50,000 for homes reserved from 1 January 2024 (£15,000 for homes reserved on or before 31 December 2023).

Adjudicators can award up to £2,000 (£500 for properties reserved on or before 31 Dec 2023) for upset and inconvenience if they consider a complainant has suffered more than minor distress. Upset and inconvenience payments are included in the overall maximum amount that can be claimed.



Please note disputes will be assessed against the version of the Code applicable at the time of reservation.



Submitting your claim

There are four main steps to follow when raising a dispute via the Code's IDRS:

1. Contact your home warranty provider.

Explain the dispute and provided it falls under the scope of the Code, they will provide an application form if you haven't already downloaded it and a reference number for you to include in your application.

2. Use the links in this pack or our [online resources centre](#) to download the following:

- Dispute application form, which guides applicants through the information that needs to be included
- Scheme rules which explain what the IDRS does and doesn't cover and how it works
- Evidence checklist, a handy reminder of documents to include to support your application
- IDRS frequently asked questions (FAQs)

3. Gather the evidence you have to support your claim, including:

- Correspondence between you and your builder/agent, including emails or notes from phone/in-person conversations
- Copies of brochures or plans
- A copy of your Reservation Agreement
- Quotes for works needed or costs incurred
- Photographs to illustrate your concerns
- Any evidence available to support a claim for inconvenience where applicable

4. Complete the application form and explain as clearly as you can which requirements of the Code you believe the builder has failed to comply with. Submit your completed form either online or by post via the addresses provided on the form along with copies of the supporting evidence (do not send originals if possible). If submitting by post, keep a copy of the form and associated documents for your records.

If you require any special assistance with your application, please contact [CEDR](#) who will make adjustments in line with their [reasonable adjustments policy](#).

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What happens next

Once you have submitted your claim, an adjudicator will review your evidence and the information provided by the builder. Firstly, they will determine that your dispute falls within the scope of the Code Scheme. If it does, they will then consider the evidence provided by you and the builder and will decide whether the Code requirements have been breached by the builder or not and if they have, what needs to be done to put things right.

Having considered the evidence, the adjudicator will issue a proposed decision to both parties to give you both an opportunity to address any inaccuracies or supply any missing information. The adjudicator will then make their final decision.

Once the final decision has been shared, you can either accept or reject the decision. If you accept the decision, the home builder must action any directions set out in the decision within 20 working days unless a different schedule is arranged. In the unlikely event that the builder does not respond in the agreed timeframe, you should contact CEDR and advise them. They will escalate the issue which can ultimately lead to sanctions being applied against the builder. However, you should be aware that if a builder still fails to comply with an adjudicator's decision, you may need to take further legal action to enforce it and on which you should seek independent legal advice.

If you reject the adjudicator's decision, no further action will be taken by the Code or IDRS but you are free to take the matter further via other routes such as legal action through the courts.

More information can be found on our ['how does the IDRS work'](#) page.



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Useful links and resources

Independent Dispute Resolution Scheme (IDRS)

Visit the [IDRS Resources](#) section on our website which includes:

- The IDRS Scheme Rules: This includes what the scheme covers, how to apply, the financial limits of any claim, the adjudication process and compliance with decisions
- Scheme Rules Summary: A short overview of the full rules covering the essentials
- Frequently Asked Questions
- Evidence Checklist: A handy guide to help you consider what to include with your claims
- Application Form: A downloadable application form. Please note that you must contact your home warranty provider first to obtain a reference number before completing and submitting your form.

The Consumer Code Sceme



[For properties reserved from 1 January 2024](#)



[For properties reserved up to and including 31 December 2023](#)

Consumer Protection Overview



[An overview of Consumer protection support and redress in buying and selling homes.](#)

Case studies, blogs and updates



Take a look at our [case study highlights](#) showing the different types of cases we deal with, or download all [adjudication case histories](#) for more details.

Our [blog](#) includes tips and updates for new-build home buyers.



You can also [subscribe to our newsletter](#) which includes latest Code news for the industry and home buyers including tips about the protection available for new build home buyers.

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