

New Homes Ombudsman Case Study: **Loose Patio Slab**



Issue

The customer complained about a loose patio slab following a repair carried out by groundwork contractors. They felt the issue was not properly assessed by the developer and described the developer's communication as obstructive.

Relevant sections of the New Homes Quality Code

Part 3
After-sales, complaints and the NHOS

Circumstances

- The customer shared photographs showing cracking in the joint compound where three slabs meet.
- The developer concluded that the damage was caused by shrinkage from weather exposure, rather than poor workmanship, and no further action was required.
- The customer disagreed and stated that the silicone-based product should not shrink and that the patio slab remained unstable.
- The customer raised a formal complaint with the developer, who responded that the cracking was not excessive and likely resulted from ground settlement, rather than a build defect.
- The customer submitted a photograph of the patio to the developer, showing a loose chunk of joint compound. The developer contacted the compound manufacturer and asked for their opinion, and they concurred that ground movement was the cause. They said that their product neither expands nor contracts.

Ombudsman's decision

The Ombudsman reviewed the available evidence and did not find that the developer had breached the Code. However, the Ombudsman was not satisfied that the developer had treated the customer fairly.

The customer's photographs showed cracking and damage to a small section of joint filler but did not demonstrate that the slab was uneven or unstable. The joint compound manufacturer later confirmed that the likely cause was ground movement.

Although the developer responded to the complaint in a timely manner, they failed to visit the property to discuss the customer's concerns or provide consistent explanations. The expected cause of the issue shifted from shrinkage to ground movement, and the manufacturer was only contacted after the customer had made a referral to the New Homes Ombudsman. As a result, the complaint was not managed in line with the Code.

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Outcome

Complaint **partially upheld**. Developer to issue an apology to the customer for shortcomings during the investigation.



Learnings

- Offer to visit customer homes to review issues in person to better understand the complaint and avoid giving conflicting responses.
- If appropriate, proactively contact relevant manufacturers for advice and support about complaints.

Recommendations for developers

Consider reviewing the cause of the customer's complaint in person. In this case, the developer assessed the case entirely through submitted photos and did not properly discuss the customer's concerns, giving the impression of obstructive communication.

Third-party suppliers and manufacturers can offer insight and expertise on the issue. By proactively contacting third parties, the customer can be reassured that their complaint is being dealt with, and the potential for complaint escalation could be prevented. In this instance, the manufacturer was contacted for clarification only after referral to the Ombudsman.

