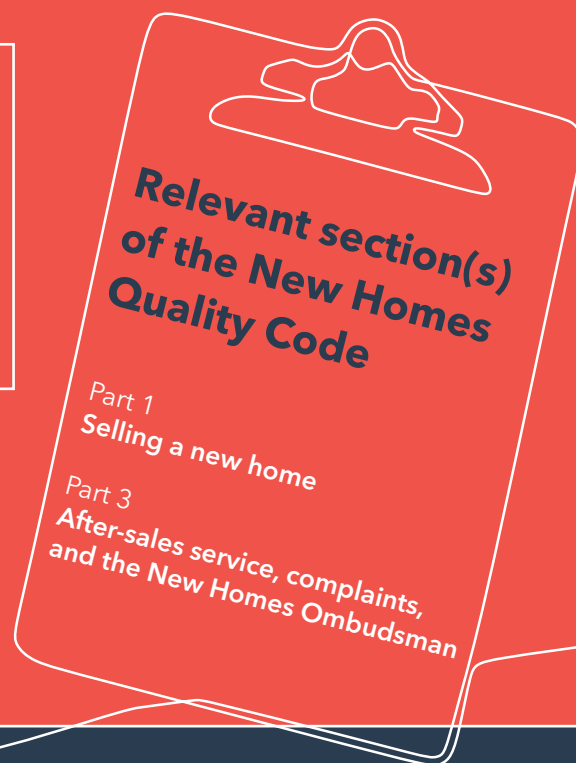


NEW HOMES OMBUDSMAN CASE STUDY



The complaint

The customer complained about the information provided by the developer on covenants* and their unfulfilled support promises. They were also frustrated with the slow communication and dissatisfied with the handling of their complaint.



The circumstances

- Shortly after the customer moved in, they became concerned about aspects of their neighbour's behaviour, mainly in relation to parking and the use of the shared driveway.
- The customer contacted the developer's sales team with their concerns, and the developer responded with an offer to write a letter to the neighbour, which the customer accepted the same day.
- The customer chased the developer for an update on this offer several times and pointed out further problems to the developer during this time. A few weeks later, the developer withdrew the offer, and did not provide the customer with clear reasons why.
- The complaint continued through the developer's escalation channels, with the customer questioning whether the developer had been aware of the breaches of the agreement during the sales process, and why the developer had failed to follow the complaints procedure as required by the New Homes Quality Code.

The New Homes Ombudsman decision

The customer had concerns about the shared driveway arrangements, but the evidence was insufficient to prove they were misled by the developer. However, the developer was advised to provide more detailed information about the arrangements in future, during the marketing process to improve customer understanding.

The developer initially offered assistance but later withdrew it. The developer's lack of communication during this time unsettled the customer, and the Ombudsman found that the developer's communication and transparency fell below expected standards. This aspect of the complaint was upheld, and the developer was asked to apologise for the confusion caused.

The developer's response to the complaint was delayed and the customer had to follow up several times. In addition, some aspects of the initial complaint were not addressed adequately. This aspect of the complaint was upheld, and a payment of £200.00 to the customer was requested, as recognition of the stress and inconvenience caused.

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Outcome

The complaint was **upheld in part**.



Learnings from the complaint

Developers can draw several important lessons from this case study and the upheld aspects of the complaint:

- Providing comprehensive information, including property restrictions and covenants*, when selling a new home to customers can help avoid misunderstandings.
- Changing a course of action without proper communication can lead to customer dissatisfaction and complaints. It is important to communicate clearly how developers intend to resolve the issue, and it is crucial to do this in a timely manner with the customers.
- Overlooking timely communication and allowing the Customer to make multiple attempts for a response falls short of the expected standards outlined by the Code. The Code requires that within 10 days of receiving the complaint, a developer must provide 'a path to resolution' letter outlining how they intend to investigate the complaint.

Recommendations

1. Ensure that customers are aware of any covenants* and restrictions and whose responsibility it is to take action in the event of any breach. Customers naturally assume that the developer will take action so if this isn't the case, then this must be made clear.
2. Keep promises when offering help to resolve problems, or give clear reasons if the offer needs to be withdrawn.
3. Follow the Code's robust and transparent process for handling complaints, including communication milestones and a 'path to resolution' letter within 10 days of the complaint.
4. Acknowledge all issues originally raised by the customer in correspondence.

