Consumer Code for NEW HOMES

DISPUTE RESOLUTION SERVICE
Outline of Process

ACTION	DETAILS	TIMESCALES
Complaint made to Developer by Buyer	Referred to Developer in writing	Required within two years of completion of New Home purchase
Developer Response to Buyer	To be handled in line with Developer's Complaints Handling System.	Required within 30 calendar days
	Developer must also provide the Buyer with information relating to: - the Warranty Body's Mediation Process - the CCNH Dispute Resolution Scheme - an estimated time within which any required work will be completed	
Buyer satisfied with Developer Response within 30 days (YES)	**Complaint Resolved**	
Buyer refer complaint to Warranty Body (NO)	Referred to Warranty Body in writing	Required within 6 months of the date of the Developer's final response or final offer to resolve the original complaint
Does the complaint relate to a claim under the Structural Warranty? (YES)	Warranty Body deal with complaint through their own Mediation Process, under the terms of the warranty.	IF not satisfied with outcome, Buyer may refer complaint to Underwriter or FOS
Is the complaint covered by the Consumer Code for New Homes? (NO)	Buyer may be able to take legal action against the Developer	
Does the Buyer want to refer the complaint to CCNH independent DRS (NO)	Buyer may wish instead to take legal action against the Developer	
Buyer refers complaint to CCNH independent DRS (YES)	Referred to CCNH independent DRS in writing by the Buyer	Required within 6 months of the date of the Developer's final response or final offer to resolve the original complaint
	Buyer must complete an application form and send it to the Independent Dispute Resolution Scheme with their statement of evidence and a case registration fee of £100 plus VAT. Their statement must contain all the information relevant to the complaint together with copies of receipts or other evidence of expenditure.	

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Independent Adjudicator will then ask the Developer to respond to the Buyer's statement. **Can early settlement be achieved?** YES	At this stage the Developer may resolve the complaint without formal adjudication – this is called "early settlement" and costs the Developer a reduced fee of £250 plus VAT. **Complaint Resolved**	Adjudicator will contact Developer within 7 working days of receipt of the complaint referral.
NO		
Developer must submit their response to the Buyer's statement along with payment of £500 plus VAT.	The Buyer will be given a copy of the Developer's response and asked to respond if they wish. *At this stage, the Buyer may not make any further new complaints about this adjudication.*	Developer must respond within 30 calendar days
Adjudicator will review written submissions from both parties and decide whether or not a Buyer has a legitimate Dispute	If a legitimate Dispute is determined, the Adjudicator will also decide whether or not a Buyer has a legitimate Dispute and has suffered financial loss and/or emotional distress and/or inconvenience and if so how much loss/emotional distress/inconvenience because the Developer was in breach of the requirements of the Code.	Adjudication Decision will be made within 30 calendar days of receipt of Developer's response
	Both parties will be expected to have acted reasonably and to have controlled their costs.	
Adjudicator Decision Made	The decision may be: - a **performance** award *(where the Developer has to do something)* - a **financial** award *(where the Developer has to pay the Buyer money)* - a combination of the two.	Buyer has 45 calendar days to consider the Adjudicator Decision.
Does the Buyer accept the Adjudicator's Decision? NO	Note: the Adjudicator's Decision cannot be appealed.	The Buyer may wish to take legal action against the Developer.
YES		
Has the Developer honoured the award? YES	**Complaint Resolved**	Financial Award - must be paid by Developer within 4 weeks Performance Award - must be carried out to the timescale and standard specified in the Adjudicator Decision
NO		
If the Developer fails to accept the Adjudicator's award, the Code Sponsor may take legal action against the Developer to enforce the terms and conditions of the award.	The Developer is contractually obliged under their registration with the Code to comply with any decision given as a result of the Independent Dispute Resolution Scheme and accept the award of the Adjudicator.	