

DISPUTE RESOLUTION SERVICE

Outline of Process

DETAILS ACTION TIMESCALES Complaint made to Required within two years of Referred to Developer in writing **Developer by Buyer** completion of New Home purchase To be handled in line with Developer's Complaints Handling Required within 30 working days System. **Developer Response to** Buyer 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 YES **Buyer satisfied with Developer Response Complaint Resolved** within 30 days Required within 6 months of the Buyer refer complaint to date of the Developer's final Referred to Warranty Body in writing **Warranty Body** response or final offer to resolve the original complaint YES IF not satisfied with outcome, Does the complaint relate Warranty Body deal with complaint through their own Mediation to a claim under the Buyer may refer complaint to Process, under the terms of the warranty. Structural Warranty? **Underwriter or FOS** NO NO Is the complaint covered by the Consumer Code for Buyer may be able to take legal action against the Developer **New Homes?** YES NO Does the Buyer want to refer the complaint to Buyer may wish instead to take legal action against the Developer **CCNH** independent DRS YES

Buyer refers complaint to CCNH independent DRS 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.

Their statement must contain all the information relevant to the complaint together with copies of receipts or other evidence of expenditure.



YES

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ACTION

TIMESCALES

Independent Adjudicator will then ask the Developer to respond to the Buyer's statement. Can early settlement be

achieved?

NO

At this stage the Developer may resolve the complaint without formal adjudication - this is called "early settlement".

DETAILS

Complaint Resolved

Adjudicator will contact Developer within 7 working days of receipt of the complaint referral.

Developer must submit their response to the Buyer's statement.

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 working 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?

YES

Note: the Adjudicator's Decision cannot be appealed.

The Buyer may wish to take legal action against the Developer.

YFS

Has the Developer honoured the award?

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**

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.

NO