**Services Specification**

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| SERVICES SPECIFICATION  FOR NEW HOMES OMBUDSMAN |  |

1. Introduction
   1. The New Homes Quality Board (NHQB), is a new independent body which will champion quality new homes and better consumer outcomes for buyers.
   2. The Board will oversee the consultation on and introduction of a comprehensive new industry code of practice that will place considerably more responsibility on developers to deliver quality homes and better consumer outcomes for all; and the appointment of a **New Homes Ombudsman Service (NHOS**) that once operational, will provide much needed support for buyers in the event of a dispute.
   3. The establishment of a NHOS is a move that has been committed to by Government, and was the number one recommendation made by the All-Party Parliamentary Group in its report (*Better redress for homebuyers – June 2018*) on the quality and redress issues experienced by customers of new build homes.
2. Required Services (the service specification)
   1. Operate a customer responsive transparent, fair and responsive Ombudsman service to all stakeholders in accordance with the principles of an Ombudsman service, which will include:
      1. taking appropriate steps to ensure consumer awareness of the scheme (which may include promotion via social or other media), working with third parties as appropriate and accommodating consumers’ varying circumstances;
      2. periodically analysing the profile of complainants to inform its work to raise awareness of the scheme and to drive service improvement;
      3. ensuring that the scheme is transparent and available free of charge to consumers;
      4. maintaining procedures and processes for raising a complaint within the scheme that are easy to understand and use and are not overly bureaucratic or cumbersome;
      5. maintaining an up-to-date website which provides the parties to a dispute with information regarding the alternative dispute resolution procedure operated by the body;
      6. providing the information referred to in sub-paragraph (e) to a party on a durable medium, if a party requests it;
      7. maintaining an easy-to-understand guide explaining what the consumer needs to do to raise a complaint within the scheme and what the scheme’s processes are for investigating a complaint which must be made available and provided to consumers contacting the scheme when requested;
      8. ensuring that its website enables a consumer to file an initial complaint submission and any necessary supporting documents online;
      9. permitting the consumer to file an initial complaint submission by post, if the consumer wishes;
      10. enabling the consumer to progress their complaint via a range of methods, including telephone, email and post;
      11. enabling the exchange of information between the parties via electronic means or, if a party wishes, by post;
      12. ensuring that the cost to the consumer of accessing the scheme, such as the cost of making a call, is minimised;
      13. providing access to a wide range of translation services for those consumers that do not speak English as their first language, including a Welsh Language Service and additional services for those that are hearing or visually impaired;
      14. adopting processes that allow for additional help in accessing the scheme to be given to those consumers that need it. For example, this will include allowing persons to act on behalf of the relevant consumer;
      15. offering to complete any forms that are necessary in order for the scheme to investigate the complaint (excluding any signatures that are required to give staff the authority to proceed with the investigation).
      16. the ombudsman will handle complaints in an informal manner through an inquisitorial approach, will set the pace of the investigation and decide what questions to ask to get to the bottom of things
      17. report to the NHQB, at a frequency to be determined by the NHQB. At present it is unlikely to be at a frequency greater than 12 times per year but this will be subject to further clarification between the NHQB and NHOS following appointment.
3. Complaint investigation and resolution
   1. The NHO must:
      1. abide by the deadlines for bringing a complaint to the redress scheme, as set out in the industry Code of Practice which will be after 56 days has elapsed since first raising the complaint but will also allow for flexibility taking into account the circumstances of the case and the complainant, and do not unnecessarily limit access to the scheme;
      2. consider the vulnerability of the home buyer and whether any reasonable adjustments need to be made in order to bring their complaint to the Scheme; taking account of the individuality of every complaint which must be considered on its own merits and under its own unique circumstances.
      3. consider the imbalance of resources between the parties and ensure that one party is not disadvantaged as a result;
      4. take account of any independent advice, including that of an independent technical nature from, for example, home warranty bodies or legal advisers such as conveyancing lawyers;
      5. allow a home builder against whom a complaint is made a reasonable period of time to attempt to resolve the complaint – this will need to be a judgement determined by the consequential impact of the defect based on a harm/risk assessment;
      6. ensure that during the alternative dispute resolution procedure the parties may, within a reasonable period of time, express their points of view;
      7. provide a party to a dispute within a reasonable period of time, upon request, with the arguments, evidence, documents and facts put forward by the other party to the dispute, including a statement made, or opinion given, by an expert;
      8. ensure that the parties may, within a reasonable period of time, comment on the information and documents provided under paragraph 3.1.7;
      9. make decisions that are based on what is fair and reasonable in all the circumstances, having regard to principles of law, good practice of other home builders within the sector (of a comparable size/outturn) and any inequitable conduct or poor service. This must also include having regard to any regulatory requirements and Codes of Practice. All evidence must be clearly documented and analysed by the body. Natural justice and fair procedure must be observed, including appropriate opportunity to comment on facts, conclusions or outcomes. Conclusions must be evidence based and decisions and recommendations must flow clearly from the analysis;
      10. make decisions which take account of the nature of the issue and the effect it has had on the complainant. Redress must take into account the impact of any poor service that has occurred and of the hardship or injustice suffered as a result. Proportionality is key, whereby the process and resolution is appropriate to the complaint;
      11. in reaching a determination, take account of the home builder’s handling of the complaint prior to, and during, the investigation as well as the home buyer’s action with the home builder during this time;
      12. consider the information obtained during an investigation and the weight given to any particular piece of evidence and whether it is contentious or corroborated;
      13. inform the parties that they are not obliged to retain a legal advisor, but that they may seek independent advice or be represented or assisted by a third party at any stage of the alternative dispute resolution procedure;
      14. notify the parties of the outcome of the investigation in a durable medium and which gives the parties a statement of the grounds on which the outcome is based.
4. Adequate capacity and effective systems
   1. The NHO must provide suitably competent and sufficient staff and put in place suitable systems to undertake its functions as follows:
      1. ensure that the scheme is adequately staffed with competent personnel and funded in such a way that complaints can be effectively and expeditiously investigated and resolved and function impartially, efficiently and appropriately. In ensuring this, amongst other actions, policies and processes as appropriate, best-practice forecasting methodologies and processes must be used to achieve, so far as reasonably practicable, accurate estimates of staffing and funding requirements;
      2. establishes objective targets for reaching decisions and dealing with enquiries against which it and others can assess its performance and put in place arrangements for assessing its performance against these targets;
      3. carry out periodic quality assurance monitoring;
      4. in partnership with the NHQB, establish a set of procedures for enforcing its decisions and the scheme's rules;
      5. ensures that its alternative dispute resolution procedure is available and easily accessible to both parties irrespective of where they are located including by electronic means and non-electronic means;
      6. ensure that the parties to a dispute are not obliged to obtain independent advice or be represented or assisted by a third party although they may choose to do so;
      7. notify the parties to a dispute as soon as it has received all the documents containing the relevant information relating to the dispute constituting the complete complaint file;
      8. effectively signpost a consumer to alternative organisations or sources of advice if a complaint is outside its remit;
      9. notify the parties of the outcome of the investigation within a period of 90 days from the date on which the body has received the completed complaint file except that, in the case of a highly complex dispute, the NHOS may extend this period but must inform the parties of this extension and the expected length of time that it will need to conclude the alternative dispute resolution procedure.
5. Reporting requirements/industry interface & systems
   1. The NHO must ensure that it has mechanisms in place to report on the outcomes of complaint investigations, the performance of house builders who have been the subject of complaints/investigation and its own activities as follows:
      1. provide reports and external documents which will be easily understood by their target audience, including new home builders, consumers, Government departments, industry stakeholders (including home warranty providers, mortgage lenders, estate agents and, licenced conveyancers); the general public and the media;
      2. make the following information publicly available on its website in a clear and easily understandable manner, and provide, on request, this information to any person on a durable medium:
         1. its contact details, including postal address, telephone number and e-mail address;
         2. a statement that it has been approved as an ADR (Alternative Dispute Resolution) entity by the NHQB once the approval has been granted;
         3. its officials, jurisdiction, powers, the method of their appointment and the duration of their appointment;
         4. the type of disputes which it is competent to deal with, including any financial thresholds which apply;
         5. the procedural rules of the Scheme operated by it and the grounds on which it can refuse to deal with a given dispute in accordance with paragraph 3.4;
         6. the languages in which it is prepared to receive an initial complaint submission, which must include English and Welsh as a minimum;
         7. the languages in which its alternative dispute resolution procedure can be conducted, which must include English and Welsh as a minimum;
         8. the principles the body applies, and the main considerations the body takes into account, when seeking to resolve a dispute;
         9. the preliminary requirements, if any, that a party to a dispute needs to have met before the alternative dispute resolution procedure can commence;
         10. a statement as to whether or not a party to the dispute can withdraw from the alternative dispute resolution procedure once it has commenced;
         11. the costs, if any, to be borne by a party, including the rules, if any, on costs awarded by the body at the end of the alternative dispute resolution procedure (note the Scheme must be free to consumers);
         12. the average length of time an investigation may take;
         13. the legal effect of the outcome of the dispute resolution process, including whether the outcome is enforceable and the penalties for non-compliance with the outcome, if any;
         14. the publication of decisions in a format whereby the details are anonymised, but the key findings and learnings can be readily accessed by industry, consumers and other interested parties
      3. a statement as to whether or not alternative dispute resolution procedures operated by it can be conducted by oral or written means (or both);
      4. an annual activity report required to be prepared and which should also include information about-:
         1. the scheme’s decisions, including the nature of the complaint and the outcome; and
         2. consumers’ satisfaction with the scheme;
      5. publish on its website details of its Board (and members*) (where relevant)*, management structure, organisation charts, people profiles (where appropriate to do so) and its governance arrangements;
      6. publish an Annual Report which will be expected to provide information on all aspects of its operation including but not exhaustively:
         1. volume of enquiries received;
         2. number of complaints accepted;
         3. number of complaints resolved;
         4. types of enquiries and complaints received;
         5. timescales for dealing with complaints;
         6. outside scheme’s terms of reference and discontinued complaints and reasons;
         7. figures and commentary relating to compliance with NHOS decisions;
         8. complaint trends;
         9. expulsion and sanctions data;
         10. multi-jurisdictional complaints (if there are any);
         11. details of numbers covered by the scheme;
         12. service complaint statistics and recommendations undertaken for scheme improvement;
         13. number of legal challenges against the Scheme;
         14. best practice recommendations/actions taken by Ombudsman;
         15. highlighting systemic and emerging issues;
         16. funding income/expenditure;
         17. members of the scheme;
         18. those firms which were members of the scheme but have left it.
      7. publish its procedure for making complaints about the scheme and where appropriate, for requesting a review of decisions
      8. the NHO shall ensure that it puts in place robust, transparent, and effective contact arrangements with relevant trade bodies and individual house builders to ensure that there is a two way dialogue between the house building sector and the Ombudsman service and attend as a minimum two annual housebuilding conferences/events so as to promote the Ombudsman service and address any concerns/issues which the sector may have as regards its operation.
6. Mandatory Requirements
   1. Clarity of Purpose
      1. It is essential that the NHOS is, and is seen to be, easily accessible and responsive to consumers. Several factors are capable of impeding access, including a lack of awareness of the scheme, processes and procedures that prevent timely access to the scheme and its ease of use (or perceived ease of use) across all groups of consumers, including consumers in vulnerable situations.
      2. In order to ensure that these requirements are met, the NHQB must be satisfied that the NHOS can demonstrate that it will:
         1. take appropriate steps to ensure consumer awareness of the scheme (which may include promotion via social or other media), working with third parties as appropriate and accommodating consumers’ varying circumstances;
         2. periodically analyse the profile of complainants to inform its work to raise awareness of the scheme and to drive service improvement;
         3. ensure that the scheme is transparent and available free of charge to consumers;
         4. maintain procedures and processes for raising a complaint within the scheme that are easy to understand and use and are not overly bureaucratic or cumbersome;
         5. maintains an up-to-date website which provides the parties to a dispute with information regarding the alternative dispute resolution procedure operated by the body;
         6. provide the information referred to in sub-paragraph (e) to a party on a durable medium, if a party requests it;
         7. maintain an easy-to-understand guide explaining what the consumer needs to do to raise a complaint within the scheme and what the scheme’s processes are for investigating a complaint which must be made available and provided to consumers contacting the scheme when requested;
         8. ensure that its website enables a consumer to file an initial complaint submission and any necessary supporting documents online;
         9. permit the consumer to file an initial complaint submission by post, if the consumer wishes;
         10. enable the consumer to progress their complaint via a range of methods, including telephone, email and post;
         11. enable the exchange of information between the parties via electronic means or, if a party wishes, by post;
         12. ensure that the cost to the consumer of accessing the scheme, such as the cost of making a call, is minimised;
         13. provide access to a wide range of translation services for those consumers that do not speak English as their first language, including a Welsh Language Service and additional services for those that are hearing or visually impaired;
         14. adopt processes that allow for additional help in accessing the scheme to be given to those consumers that need it. For example, this will include allowing persons to act on behalf of the relevant consumer;
         15. offer to complete any forms that are necessary in order for the scheme to investigate the complaint (excluding any signatures that are required to give staff the authority to proceed with the investigation).
      3. In order to deliver the proactive innovative partnership approach required by the NHQB the NHOS will work constructively with the NHQB and the housebuilding industry to evolve the service into one which is seen to both champion consumers when things go wrong but to also help housebuilders to better understand consumer expectations and to resolve disputes in an amicable and fair way, without necessarily involving third party adjudication. The service should not be perceived as punitive, bureaucratic nor costly to any party and so the NHOS will work in a transparent way with the NHQB to ensure that fees/charges/administrative costs are fair, reasonable and proportionate. The NHOS should recognise that there will be occasions when not all parties will be content with the outcome of investigations not conclusions and so the NHOS will need to put in place a review process which all stakeholders will be expected to co-operate with.
      4. The NHOS will be expected to handle complaints in an informal manner through an inquisitorial approach will set the pace of the investigation and decide what questions to ask to get to the bottom of things.
      5. The NHOS will concentrate on the actual facts of the case, rather than the complaint as presented or who can present the most persuasive legal arguments. This may mean asking for more information than provided in the initial complaint such as:
         1. Sales brochures
         2. Reservation agreements
         3. Plans
         4. Building regulations and technical standards
         5. Contract terms and conditions
      6. The NHOS will be required to let the parties know what information they need and by when.
      7. The NHOS will enable the parties to tell them what they remember saying or being told.
      8. While written evidence or paperwork from the time will often be very helpful, if it isn’t available, it doesn’t automatically mean a complaint will be upheld or rejected. Through an inquisitorial approach the right outcome in one case may not be the right outcome in another as individual circumstances can vary considerably.
   2. Independence
      1. Independence means that the appointed NHOS must be, and be seen to be, independent from those whose disputes it is resolving, i.e. both consumers and the new home building industry.
      2. This is essential to ensure that consumers and the industry have confidence in the scheme, it is seen to be credible and that decisions are taken without bias.
      3. There must be sufficient safeguards in place to demonstrate impartiality.
      4. The NHQB must be satisfied that the NHOS can demonstrate that it will:
         1. ensure that the Ombudsman and its staff have (or will obtain) a general understanding of the new homes market and relevant consumer protection law, along with the necessary knowledge and skills relating to the out-of-court or judicial resolution of consumer disputes, to be able to carry out its functions competently;
         2. ensure that the person responsible for the scheme alone has the power to decide whether or not a complaint is within the scheme’s jurisdiction;
         3. appoint each official for a term of office of sufficient duration to ensure the independence of that person’s actions and provides that no official can be relieved of their duties without just cause;
         4. ensure that no official discharges their duties in a way that is biased as regards a party to a dispute, or the representative of a party;
         5. remunerate an official in a way that is not linked to the outcome of the alternative dispute resolution procedure;
         6. where it appoints more than one official, ensure that an official, without undue delay, discloses to the body a circumstance that may, or may be seen to:
            1. affect the official’s independence or impartiality; or
            2. gives rise to a conflict of interest with a party to the dispute which the official is asked to resolve;
         7. ensure that the obligation to disclose a conflict of interest is a continuing obligation throughout the alternative dispute resolution procedure;
         8. report to the NHQB, at a frequency to be determined by the NHQB. At present it is unlikely to be at a frequency greater than 12 times per year but this will be subject to further clarification between the NHQB and NHOS following appointment. The NHQB is the independent body responsible for safeguarding the independence of the person(s) responsible for the scheme;
         9. ensure that any terms of reference or Rules for a scheme, or changes to the terms of reference or Rules, are agreed by the NHQB;
      5. In the absence of fuller legislation streamlining the various voluntary, emerging and statutory schemes, the New Homes Ombudsman, assisted by the NHQB, will work collaboratively and co-operatively with the other ombudsman schemes to ensure that there is greater clarity for consumers about what falls within each remit, and where there is some aspects of duplication or whether another ombudsman could accept responsibility, engaging with those other ombudsman to agree a voluntary memorandum of understanding about responsibilities.
      6. Where there is a statutory ombudsman, such as the Financial Services Ombudsman then that will be the dominant ombudsman in relation to complaints within its remit.
      7. Going forward, Government has an ambition to develop a coordinated approach to all sector ombudsman and a specific Government led Group has been set up to consider the options on this. The NHQB is on this Group and is working with Government and other housing sector ombudsman bodies on this initiative, with one of the specified objectives being to ensure customers are sign posted clearly and effectively between ombudsman services. Outputs from the Group will be factored into how future processes are developed and it is therefore vital that the NHOS is able to work constructively with the NHQB to evolve the service.
   3. Fairness
      1. The Ombudsman must be impartial, proceed fairly and act in accordance with the principles of natural justice. It must make reasoned decisions in accordance with what is fair in all the circumstances, having regard to the principles of law, to good practice and to any inequitable conduct or maladministration.
      2. The NHOS must satisfy the NHQB that it can demonstrate that it will:
         1. abide by the deadlines for bringing a complaint to the redress scheme, as set out in the industry Code of Practice which will be after 56 days has elapsed since first raising the complaint but will also allow for flexibility taking into account the circumstances of the case and the complainant, and do not unnecessarily limit access to the scheme;
         2. consider the vulnerability of the home buyer and whether any reasonable adjustments need to be made in order to bring their complaint to the Scheme; taking account of the individuality of every complaint which must be considered on its own merits and under its own unique circumstances.
         3. consider the imbalance of resources between the parties and ensure that one party is not disadvantaged as a result;
         4. take account of any independent advice, including that of an independent technical nature from, for example, home warranty bodies or legal advisers such as conveyancing lawyers;
         5. allow a home builder against whom a complaint is made a reasonable period of time to attempt to resolve the complaint – this will need to be a judgement determined by the consequential impact of the defect based on a harm/risk assessment;
         6. ensure that during the alternative dispute resolution procedure the parties may, within a reasonable period of time, express their points of view;
         7. provide a party to a dispute within a reasonable period of time, upon request, with the arguments, evidence, documents and facts put forward by the other party to the dispute, including a statement made, or opinion given, by an expert;
         8. ensure that the parties may, within a reasonable period of time, comment on the information and documents provided under paragraph (g);
         9. make decisions that are based on what is fair and reasonable in all the circumstances, having regard to principles of law, good practice of other home builders within the sector (of a comparable size/outturn) and any inequitable conduct or poor service. This must also include having regard to any regulatory requirements and Codes of Practice. All evidence must be clearly documented and analysed by the body. Natural justice and fair procedure must be observed, including appropriate opportunity to comment on facts, conclusions or outcomes. Conclusions must be evidence based and decisions and recommendations must flow clearly from the analysis;
         10. make decisions which take account of the nature of the issue and the effect it has had on the complainant. Redress must take into account the impact of any poor service that has occurred and of the hardship or injustice suffered as a result. Proportionality is key, whereby the process and resolution is appropriate to the complaint;
         11. in reaching a determination, take account of the home builder’s handling of the complaint prior to, and during, the investigation as well as the home buyer’s action with the home builder during this time;
         12. consider the information obtained during an investigation and the weight given to any particular piece of evidence and whether it is contentious or corroborated;
         13. inform the parties that they are not obliged to retain a legal advisor, but that they may seek independent advice or be represented or assisted by a third party at any stage of the alternative dispute resolution procedure;
         14. notify the parties of the outcome of the investigation in a durable medium and which gives the parties a statement of the grounds on which the outcome is based.
      3. Whilst the following is not an exhaustive list it is likely that any decision made by the NHOS will be in the range of:
         1. The complaint is upheld and recommendations are made on how the home builder should put things right;
         2. The complaint is partly upheld;
         3. The complaint is upheld but no recommendations are made because the home builder may have put things right by the time the complaint is decided;
         4. The complaint is upheld but no recommendations are made because the fault isn’t considered to have had a significant effect on the home buyer;
         5. The complaint is not upheld;
         6. The complaint cannot or will not be investigated.
      4. In respect of the possible remedies the NHOS may recommend that the home builder should:
         1. Give the home buyer an apology or explanation;
         2. Take some practical action that will put right the matters complained of;
         3. Pay the home buyer the cost of putting right the matters complained of;
         4. Pay the home buyer the expenses reasonably incurred as a result of the developer not complying with the Code;
         5. Pay the home buyer an amount for inconvenience.
      5. In relation to the scheme, the NHOS must satisfy the NHQB that it can demonstrate that it will ensure that the consumer:
         1. has the possibility of withdrawing from the complaint process at any stage if they are dissatisfied with the performance or operation of the investigative procedure;
         2. before the investigative procedure commences, is informed of their right to withdraw from the procedure at any stage;
         3. is informed, before agreeing to or following the proposed solution:
            1. that they have a choice as to whether or not to agree to, or follow, the proposed solution, making it clear to the consumer that the scheme's decisions are binding on the new home builder but not on the complainant;
            2. that their participation in the scheme does not preclude the possibility of them seeking redress through court proceedings;
            3. that the proposed solution may be different from an outcome determined by a court applying legal rules; and
            4. of the legal effect of agreeing to, or following the proposed solution;
         4. before expressing their consent to a proposed solution or amicable agreement, are allowed a reasonable period of time to reflect.
      6. The NHOS must be able to satisfy the NHQB that it can demonstrate that it will only refuse to deal with a dispute which it is competent to deal with on one of the following grounds:
         1. prior to submitting the complaint to the scheme, the consumer has not attempted to contact the trader concerned in order to discuss the consumer’s complaint and sought, as a first step, to resolve the matter directly with the trader;
         2. the dispute is frivolous or vexatious;
         3. the dispute is being, or has been previously, considered and determined by another ADR entity (including another Ombudsman scheme) or by a court;
         4. the consumer has not submitted the complaint to the body within the time period specified by the Scheme and as set out in the Code of Practice. The NHOS should set out under what circumstances it may be appropriate to extend this time period, taking into account the circumstances of the case and the consumer and not unreasonably limiting access to the scheme;
         5. dealing with such a type of dispute would seriously impair the effective operation of the body.
      7. The NHOS must satisfy the NHQB that it can demonstrate that its policy regarding when it will refuse to deal with a dispute does not significantly impair consumers’ access to its scheme.
      8. Subject to paragraph 3.4, it must also satisfy the NHQB that it can demonstrate where it refuses to deal with a dispute, it will, within 15 working days of the date upon which it received the complaint file, inform both parties and provide a reasoned explanation of the grounds for not considering the dispute.
      9. Where following the expiry of the period referred to above, it appears to the NHOS that one of the parties has sought to mislead the body as regards the existence or non-existence of one of the grounds for it to decline to deal with a dispute, the body may immediately decline to deal further with the dispute.
7. Effectiveness
   * 1. In order for a dispute procedure to be effective, it has to be prompt, cost effective, fair, impartial and allow both parties to present their views. All representations, whether general enquiries or cases, must be dealt with on a fair and equitable basis. The scheme's dispute procedures and processes must facilitate the achievement of this objective.
     2. In order to ensure that these requirements are met, the NHOS must satisfy the NHQB that it can demonstrate that it will:
        1. ensure that the scheme is adequately staffed and funded in such a way that complaints can be effectively and expeditiously investigated and resolved and to allow the Ombudsman to function impartially, efficiently and appropriately. In ensuring this, amongst other actions, policies and processes as appropriate, best-practice forecasting methodologies and processes must be used to achieve, so far as reasonably practicable, accurate estimates of staffing and funding requirements;
        2. establishes objective targets for reaching decisions and dealing with enquiries against which it and others can assess its performance and put in place arrangements for assessing its performance against these targets;
        3. carry out periodic quality assurance monitoring;
        4. in partnership with the NHQB, establish a set of procedures for enforcing its decisions and the scheme's rules;
        5. ensures that its alternative dispute resolution procedure is available and easily accessible to both parties irrespective of where they are located including by electronic means and non-electronic means;
        6. ensure that the parties to a dispute are not obliged to obtain independent advice or be represented or assisted by a third party although they may choose to do so;
        7. notify the parties to a dispute as soon as it has received all the documents containing the relevant information relating to the dispute constituting the complete complaint file;
        8. effectively signpost a consumer to alternative organisations or sources of advice if a complaint is outside its remit;
        9. notify the parties of the outcome of the investigation within a period of 90 days from the date on which the body has received the completed complaint file except that, in the case of a highly complex dispute, the NHOS may extend this period but must inform the parties of this extension and the expected length of time that it will need to conclude the alternative dispute resolution procedure.
     3. Effectiveness also relies on the scheme having sufficient scope in terms of the type of complaint it can consider, the range of remedies it can require and its ability to enforce those remedies.
     4. The NHOS must satisfy the NHQB that it can demonstrate that it will:
        1. publish information on what outcomes are possible and what remedies are available, including how financial remedies are determined;
        2. publish the potential remedies available where poor service or consumer detriment is found;
        3. identify issues in individual home builders and makes recommendations to improve complaints handling, reporting these recommendations to the NHQB and/or Code Council body where appropriate;
        4. recommend changes to new home builders’ processes and/or policies where systemic failures are identified in order to promote improved service. This may also be to require them to undertake training;
        5. publicise, or require the publication of, any new home builder who fails to comply with the remedy awarded by an Ombudsman as set out in the decision and which has been properly accepted by the complainant under the Scheme rules;
        6. have procedures in place for:
           1. following up on decisions and recommendations to ensure they have been complied with and, if necessary,
           2. set out what steps will be taken to ensure compliance;
        7. regularly collect information regarding trends in complaints, company performance and scheme performance, and reports this information to the NHQB on at least a quarterly basis and publish this information on its website;
        8. promote the scheme in the media as appropriate and respond to any media requests about the information it publishes;
        9. publish information about consumers’ satisfaction with the scheme and have in place a quality assurance mechanism for its complaint handling and conduct regular auditing of outcomes;
        10. notify the NHQB on any proposed changes to the scheme (including changes to the Code of Practice) in light of any learnings from its investigations;
        11. provide information requested by the NHQB where the information is required to assess the performance of the redress scheme, its ongoing compliance with the criteria it has been approved against or the performance of new home builders; this may include providing the NHQB with each final decision taken;
        12. establish a procedure to consider and resolve complaints by consumers or new home builders about the service provided by the scheme, and the final decision on the complaint must be made by a person not previously involved in the determination of the complaint and with sufficient authority to direct how the issue may be resolved.
   1. Openness and Transparency
      1. An Ombudsman scheme should ensure openness and transparency so that members of the public and other stakeholders know why the scheme exists, what it does and what to expect from it, and can have confidence in the decision-making process and management processes of the scheme.
      2. The NHOS must satisfy the NHQB that it can demonstrate that it will:
         1. provide reports and external documents which will be easily understood by their target audience, including new home builders, consumers, Government departments, industry stakeholders (including home warranty providers, mortgage lenders, estate agents and, licenced conveyancers); the general public and the media;
         2. make the following information publicly available on its website in a clear and easily understandable manner, and provide, on request, this information to any person on a durable medium:
            1. its contact details, including postal address, telephone number and e-mail address;
            2. a statement that it has been approved as an ADR entity by the NHQB once the approval has been granted;
            3. its officials, jurisdiction, powers, the method of their appointment and the duration of their appointment;
            4. the type of disputes which it is competent to deal with, including any financial thresholds which apply;
            5. the procedural rules of the Scheme operated by it and the grounds on which it can refuse to deal with a given dispute in accordance with paragraph 3.4;
            6. the languages in which it is prepared to receive an initial complaint submission, which must include English and Welsh as a minimum;
            7. the languages in which its alternative dispute resolution procedure can be conducted, which must include English and Welsh as a minimum;
            8. the principles the body applies, and the main considerations the body takes into account, when seeking to resolve a dispute;
            9. the preliminary requirements, if any, that a party to a dispute needs to have met before the alternative dispute resolution procedure can commence;
            10. a statement as to whether or not a party to the dispute can withdraw from the alternative dispute resolution procedure once it has commenced;
            11. the costs, if any, to be borne by a party, including the rules, if any, on costs awarded by the body at the end of the alternative dispute resolution procedure (note the Scheme must be free to consumers);
            12. the average length of time an investigation may take;
            13. the legal effect of the outcome of the dispute resolution process, including whether the outcome is enforceable and the penalties for non-compliance with the outcome, if any;
            14. the publication of decisions in a format whereby the details are anonymised, but the key findings and learnings can be readily accessed by industry, consumers and other interested parties
         3. a statement as to whether or not alternative dispute resolution procedures operated by it can be conducted by oral or written means (or both);
         4. an annual activity report required to be prepared and which should also include information about-:
            1. the scheme’s decisions, including the nature of the complaint and the outcome; and
            2. consumers’ satisfaction with the scheme;
   2. Accountability
      1. The Ombudsman, staff members and members of any governing body should be seen to be responsible and accountable for their decisions and actions, including stewardship of funds.
      2. The NHOS must satisfy the NHQB that it can demonstrate that it will:
         1. publish on its website details of its Board (and members), management structure, organisation charts, people profiles (where appropriate to do so) and its governance arrangements;
         2. publish an Annual Report which will be expected to provide information on all aspects of its operation including but not exhaustively:
            1. volume of enquiries received;
            2. number of complaints accepted;
            3. number of complaints resolved;
            4. types of enquiries and complaints received;
            5. timescales for dealing with complaints;
            6. outside scheme’s terms of reference and discontinued complaints and reasons;
            7. figures and commentary relating to compliance with NHOS decisions;
            8. complaint trends;
            9. expulsion and sanctions data;
            10. multi-jurisdictional complaints (if there are any);
            11. details of numbers covered by the scheme;
            12. service complaint statistics and recommendations undertaken for scheme improvement;
            13. number of legal challenges against the Scheme;
            14. best practice recommendations/actions taken by Ombudsman;
            15. highlighting systemic and emerging issues;
            16. funding income/expenditure;
            17. members of the scheme;
            18. those firms which were members of the scheme but have left it.
         3. publish its procedure for making complaints about the scheme and where appropriate, for requesting a review of decisions