

The complaint

Mr H and Miss W are unhappy National House-Building Council (“NHBC”) delayed in telling them a claim they made under their Buildmark warranty policy would not be covered. They are also unhappy they are being charged for drainage plans.

What happened

The details of the complaint are well known to both parties, so I won’t repeat them again here. The facts are not in dispute, so I’ll focus on giving my reasons for my decision.

What I’ve decided – and why

I’ve considered all the available evidence and arguments to decide what’s fair and reasonable in the circumstances of this complaint.

Having done so, I agree with the conclusions reached by the investigator for the following reasons:

- NHBC has accepted it should have told Mr H and Miss W at the start of the claim that unless there was physical damage to their property, their claim under the policy wouldn’t be accepted at that time. Due to miscommunications, and delays on the part of both parties, it took NHBC nearly three years to provide them with this information.
- I appreciate Mr H and Miss W’s reasons for claiming and why they are unhappy the claim can’t be covered. But having reviewed the policy, I think NHBC’s position is reasonable.
- In order to carry out a drainage survey, Mr H and Miss W have requested NHBC provide them with copies of the drainage plans for their property. NHBC has explained there is a charge for these. I understand given what has happened, Mr H and Miss W would like NHBC to waive this charge, however this isn’t something that is within my remit to consider. So, I won’t be asking NHBC to do this.
- I can’t explain why Mr H and Miss W didn’t receive the responses NHBC sent, but I do think NHBC’s delay in providing the claim information to Mr H and Miss W would have caused them distress. Having reviewed everything, I think £150 compensation fairly reflects the trouble and upset they have been caused.

For these reasons, my decision is to uphold Mr H and Miss W’s complaint.

My final decision

My final decision is that I uphold Mr H and Miss W’s complaint against National House-Building Council. I direct it to pay them £150 compensation.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr H and Miss W to accept or reject my decision before 14 April 2021.

Alison Gore
Ombudsman