

The complaint

Mr C and Mrs F complain about how National House-Building Council dealt with a claim they made under a Buildmark warranty policy.

What happened

The details of the complaint are well known to both parties, so I don't intend to repeat them again here. Instead I will 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.

My decision focuses on events that happened after NHBC issued a previous complaint response on 11 May 2018, to the date of its most recent response of 10 May 2021.

I understand Mr C and Mrs F have strong views about what has happened and have lost faith in NHBC and, the quality of the works that were completed on its behalf. I want to assure them I've read and considered carefully everything they've said. However, my findings focus on what I consider to be the central issues, and not all the points raised. This isn't meant as a discourtesy. But the purpose of my decision isn't to address every single point the parties have raised or to answer every question asked. My role is to consider the evidence presented by Mr C and Mrs F, and by NHBC, to reach what I think is a fair and reasonable decision based on the facts of the case.

The decision I need to make is whether the £500 compensation offered by NHBC is adequate to make up for the trouble and upset Mr C and Mrs F were caused by NHBC's actions. I think it is and I'll explain why.

- NHBC upheld Mr C and Mrs F's complaint, it admitted it had poorly communicated with them and there had been delays in the progression of the claim. It also acknowledged that previous repairs had failed which had required reattendance and that there had been issues with contractors attending.
- The role of this service isn't to make awards that are punitive in nature and generally they tend to be relatively modest in amount. And it doesn't make awards in the same way a court would do, such as awarding damages for example.
- I understand Mr C and Mrs F are unhappy with the way repairs were carried out at their property, and I agree it would have been frustrating for them to have realised those repairs had failed. Sometimes repairs do fail, and more work is required. This doesn't however mean I would automatically award or increase compensation because of this.

- It isn't my role to determine whether NHBC's contractors should have taken alternative action in the first instance. What I would expect to see happen, and what did happen, is NHBC investigated the concerns Mr C and Mrs F raised and sought to put them right.
- I agree the claim journey wasn't smooth, communication with them could have been clearer and timelier, and there were delays, which were also impacted by the Covid-19 pandemic and the various restrictions associated with that. But, I'm also mindful NHBC has admitted its failings here.
- Mr C has asked to be awarded loss of earnings to compensate for the time he had to wait around for contractors on multiple occasions. He hasn't provided evidence of the losses he incurred, but I don't think that makes a difference to my decision here. As acknowledged above, sometimes repairs fail, for whatever reason, but I would be looking to see what NHBC did to put matters right. I don't think it was foreseeable to NHBC the repairs would fail and therefore while I acknowledge it was inconvenient to Mr C and Mrs F to make sure someone was available at the property, I wouldn't look to award loss of earnings in a circumstance such as this.
- Having considered everything, I think the compensation offered by NHBC is fair and reasonable and reflects the trouble and upset Mr C and Mrs F were caused by its poor service. I won't therefore be asking it to increase this amount.

For the reasons above, I do not uphold this complaint.

My final decision

My final decision is that I do not uphold Mr C and Mrs F's complaint against National House-Building Council.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr C and Mrs F to accept or reject my decision before 2 June 2022.

Alison Gore
Ombudsman