

Consumer Code for New Homes (CCNH)

Virtual Audit

4th March 2024

Background information

Consumer Code for New Homes Ltd is a company set up for the sole purpose of administering the Consumer Code for New Homes (CCNH). There are now nine warranty companies that are registered as CCNH Code Users.

- Building Lifepans Ltd
- CADIS MGA Ltd
- FMB Insurance Services Ltd
- Global Home Warranties Ltd
- One Guarantee Ltd
- Protek Group Ltd
- Q Assure Build Ltd
- Sennocke International Insurance Services Ltd
- Thomas Miller Specialty Underwriting Agency Limited

All provide warranty insurance for the new build sector and each are committed to raising standards both in terms of quality and consumer service. Code Users are competitors in the warranty market but collaborate in maintaining and improving standards in new build and enhancing consumer protection and satisfaction. Each Code User is represented on the CCNH Board.

CCNH has a Primary Authority Partnership with Kent Trading Standards Service and operates as the co-ordinator for a co-ordinated partnership, this means that any member can form a co-ordinated primary authority partnership with Kent Trading Standards Service.

Audit Process

A qualified Chartered Trading Standards Practitioner from the Chartered Trading Standards Institute (CTSI) completed a virtual audit.

The audit focused on the following areas:

- Advice to members, including general compliance and staff training

- Marketing and advertising by member businesses - Terms and conditions and contracts, including cancellation rights, deposits, delivery times, guarantees and warranties
- Customer service provisions
- Consumer complaints process including ADR
- Customer satisfaction and how this information will be used to develop and improve the code
- Sanctions against members for non-compliance with the code

Member Application Process/New members

Any developer who wants to work with one of the nine warranty bodies who support CCNH on a residential new build development must join CCNH and register every unit with CCNH. There are currently 2,520 members, with 184 applicants in 2023.

When a developer approaches a CCNH Code User Warranty Body to ask them to oversee a new development, they are vetted by their respective Warranty Body, who undertakes checks on the business. These include Companies House, Experian and Sanctions search. Checks on directors CCJs and criminal activity are also carried out. The warranty bodies comply with financial services legislation as warranties are financial products. They are governed by strict rules regarding the vetting of new business.

The checks that are completed by the Warranty Body are recorded on the CCNH portal.

If the developer meets the warranty bodies' thresholds on these checks, they are put forward as new applicants for the Code.

Once a new membership application is received CCNH completes additional pre-approval checks, searching online for any evidence of consumer protection issues and negative feedback. If any issues are found, they are considered on a case-by-case basis. Additional conditions or monitoring requirements maybe imposed.

CCNH make sure the agreement is correct (e.g. in sole name if sole trader, 'trading as' etc.) and signed by right people. CCNH also check if this is a company/director that they have previously had issues with or is subject to a ban. CCNH check that the warranty body has done all the appropriate checks and then carries out an in-depth Companies House check to ensure that no banned directors or companies are hidden behind a new company name. These additional checks may result in extra assessments being made on the company and/or written assurances being sought before a developer is admitted to the Code.

CCNH have a list of banned and flagged developers and directors, this list is from internal disciplinary actions and from notifications from other CCAS approved Codes in the sector. The warranty bodies check this list before they agree to work with a Developer. This helps prevent 'Code hopping' and banned developers and Directors creating new companies to try to evade a Code ban.

Members are given a password to give them access to the Members Only portal on the CCNH website. This area provides various guides, including checklists, complaint handling, Code and CTSI branding guidelines, vulnerable consumers, disciplinary procedures, etc.

New members are audited to ensure they log onto the portal and complete the Code training early on. It is found to be the best way to ensure they understand their Code obligations.

Members are required to renew their commitment to the code on an annual basis.

Existing Member Inspections/Audit

When a developer wants to work with one of CCNH's Code Users on a new homes development, they are informed that they must sign up to the Code. Developers are required to sign a contract directly with CCNH.

The build is overseen by the warranty provider, using either their own or subcontracted surveyors. There is a comprehensive checklist used by surveyors to ensure that the code is being complied with. All sites are required to have at least four inspections per plot.

Members are audited when they join and annually at renewal. At annual renewal if nothing has changed, for example they are still at an early stage and not selling houses, or they are in Code run off, this is confirmed.

Following any ADR referral, an in-depth post ADR audit, focusing on the areas highlighted in the ADR decision, is carried out. Most of this is completed remotely. If there are any areas of Code non-compliance highlighted in the ADR ruling, remote face to face training is offered to developers, along with a review of their systems and processes.

All developers receive a desktop audit annually by CCNH. Remote audits focus on high-risk areas and are a combination of targeted audits and full audits. CCNH add all audit follow up tasks to the portal along with a target date for resolution. A prompt is automatically generated when due, to ensure that deadlines are not missed.

CCNH have full, free Code training available on the member's portal. Each developer can add their own staff and sales agents and select the relevant role. Each trainee is then sent their own training log in. The developer and CCNH can see the training dashboard and track progress and reset the training if required.

Five audit reports were viewed during the audit. No particular issues were highlighted by the audits.

Membership Withdrawal and Sanctions for Non-Compliant Member Businesses

Developers don't leave the Code, they become dormant once their development has run off from Code cover. Their membership is reactivated should they register another development with CCNH. They are either live, dormant or banned. Even if a member is dormant or banned, they may have remaining obligations to buyers as the Code protection lasts two years post completion. The Code member agreement makes this clear.

There are various sanctions for non-compliance ranging from an improvement programme to include training or retraining, financial penalties, suspension of the member from the registered members list and ultimately removal from the code members list.

Where required a Disciplinary and Sanctions Panel can be convened with members relevant to the alleged breach of the code.

Should a member be removed, the Warranty Body Code User must also remove them from their members list. All code sponsors in the new homes sector will be notified.

Recently two members have been notified of a disciplinary hearing to be held in March 2024.

Marketing and Advertising by Member Businesses

The code requires all marketing material to be in plain English, in compliance with all relevant law on misleading advertising and with both the CAP and BCAP codes on media and broadcast advertising.

Members are provided with the Code logo and information on how they can add this to their websites via the members' only portal. There is also guidance on what Code information to put on their website. Not all members have a website as they sell through agents.

CCNH and warranty bodies monitor this information via the onsite audits, plus spot checks/desktop audits.

Terms and Conditions and other Pre-Contractual Information

The CCNH code requires that terms and conditions and other pre-contractual information must be assessed for compliance. A number of template documents have been produced and approved as assured advice by Kent Trading Standards Service.

CCNH acts as the Co-ordinator for a Primary Authority Partnership with Kent Trading Standards Service. This agreement also enables members to 'sign up' to a partnership if they wish to.

Customer Service Provisions

CCNH have an online training portal with training modules that cover all areas of the Code, there is a test at the end. Code members and their sales agents can be added to the training portal. They each have a master log in to manage the training themselves. CCNH can see who has been trained per developer. All the training and questions have been revised to reflect the new Code wording. The vulnerable consumer training has been updated to include signposting to the CTSI online business companion resources.

The member can view a training dashboard, which details their progress via the portal. Training is required to be refreshed on an annual basis. CCNH monitor the take-up of training and require members to keep up-to-date.

The CCNH website contains comprehensive information for both members and consumers.

Consumer Complaints Process

Members are required to have systems and procedures for receiving, handling and resolving buyers service calls and complaints.

CCNH will provide advice to consumers about their complaints process and confirm what is and is not within the scope of Code. CCNH does not mediate between Code members and consumers. If an amicable resolution cannot be reached, the complaint is moved to the dispute phase where the buyer can either refer the complaint to the Warranty Body (if it relates to issues covered by the warranty) or to the CCNH Dispute Resolution Scheme. The Member is required to provide the buyer with full details of the CCNH Dispute Resolution Scheme, which is operated on CCNH's behalf by CEDR (Centre for Effective Dispute Resolution) which is independent of both member and Warranty Body. Since the last audit, 68 complaints have progressed to ADR, with several more in the pipeline.

The ADR service is free to consumers. The maximum limit of an ADR award is £50,000.

Customer Satisfaction and Feedback

When a new home is sold, the buyer's email address is added to the plot details on the portal and a customer feedback questionnaire is sent to them. In reality, very few are returned. Buyers tend to contact CCNH directly if they have a complaint or want to raise an issue. CCNH have started asking homeowners for feedback when they speak to them and are in the process of adding a rolling feedback banner to their website. Response rates are very low. However, buyers regularly approach CCNH or the warranty body if they have issues.

Some positive feedback is available to view on the CCNH website.

<https://www.consumercodefornewhomes.com/about-the-code/reviews/>

Conclusions

CCNH worked alongside Consumer Code for Home Builders last year and both launched a new Code. They have ensured that the Code wording aligns as close as possible. All the Code documents, guidance and developer training have been rewritten. The new code is well written, comprehensive and fully complies with the requirements of the CCAS Consumer Codes Approval Scheme.