

Building Safety Complaints Policy

Version: 1.0

Document owner: Head of Building Safety Management

See also: Complaints policy, Complaints procedure, Reasonable adjustments policy

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This Policy will be applied in a way that will not discriminate on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

Version number	Amendment	Amended by	Date
1.0	New policy created	Diane Young	October 2024

1. Introduction

- 1.1 The Building Safety Act 2022 introduces obligatory internal complaints procedures that are specific to building safety concerns, so that anyone can raise concerns about the safety of certain buildings (that fall within the scope of the Building Safety Act 2022) to Newlon Housing Trust (Newlon).
- 1.2 This policy sets out a fair and consistent approach to responding to building safety complaints from residents, customers and stakeholders. This policy aims to resolve issues at the earliest opportunity. We have developed this policy in accordance with our statutory and legal duties. All complaints falling within this policy will be dealt with in an impartial and fair manner.
- 1.3 The term 'complainant', 'you' and 'your' in this policy means anyone who has made a building safety complaint. The terms 'we', 'our', and 'us' mean Newlon.
- 1.4 For the avoidance of doubt, this policy is supplemented by our Complaints Policy and Procedure.

2. What is a building safety complaint?

- 2.1 The Building Safety Act 2022 (the Act) confirms that a building safety complaint is a complaint about:
 - A building safety risk (as defined in the Act as a risk to the safety of people in or about a building arising from the spread of fire or structural failure); Buildings in scope: (all occupied residential buildings 18 metres or above, or that have seven storeys or more and which contain at least two residential units). or
 - The performance of an accountable person.
- 2.2 A complaint is defined as an expression of dissatisfaction, however made, about the standard of service, actions, or lack of action by the organisation, its own staff, or those acting on its behalf, affecting an individual resident or group of residents. The complainant does not have to use the word complaint for it to be treated as such.
- 2.3 Examples of the type of complaints categorised as building safety complaints:
 - Fire sprinklers/alarms not working in the building.
 - Fire exits being blocked.
 - Flammable Cladding on the outside of the building.
 - Fire doors or smoke extraction which are not working or missing that may increase the risk of fire spread.
 - Failure of the building structure, such as parts of the building collapsing, cracks.

3. When will building safety complaints not be accepted

- 3.1 The following are **not** defined by Newlon as building safety complaints:
 - a) If the criteria for a building safety complaint is not met.

- b) If the building safety complaint has already been investigated or is under investigation by us or the Building Safety Regulator.
- c) If you make another complaint about the same issue that has already been investigated by us, unless new information is provided.
- d) At our discretion, the matters listed in Appendix 2 of our Complaints Procedure apply to this policy.

4. Who can make a building safety complaint?

- 4.1 Any person can make a relevant complaint.
- 4.2 Complainants can authorise someone else to make a complaint on their behalf i.e., an 'advocate' should you wish. This could be a friend/relative or representative from an external organisation (such as Citizens Advice). If you would like an advocate to act on your behalf, please let us know.
- 4.3 Where there is a group of people complaining, we will ask for a single point of contact to be nominated so we are able to handle the complaint more efficiently.
- 4.4 Where a complaint is sent to us that is not identified as a relevant complaint, but we identify it as such we will deal with it under this policy.
- 4.5 We expect all complainants to behave reasonably and cooperate with us throughout the complaints process. Appendix 1 of our Complaints Procedure applies to this policy.

5. How can you contact us

- 5.1 Complaints can be made through a variety of channels including:
 - Online.
 - By letter.
 - By e-mail.
 - By phone.
 - In person – by appointment only. (Newlon has adopted hybrid working arrangements which means that many staff are spending their time working from home and part time in the office. If you have a pre-arranged appointment, it means that the member of staff that you need to see will be in the office on that day. Please do not come to the office unless you have a pre-arranged appointment).
- 5.2 Where complaints are made via social media channels that Newlon uses, if it is possible to identify the complainant then the Communications Team will notify the Service Resolution Team (SRT) of this in order that they may manage this complaint from then on. Where it is not possible to identify the complainant, a reply will be sent asking them to contact the Service Centre.
- 5.3 The complaints process must comply with the Equality Act 2010, and we may need to adapt normal policies, procedures, or processes to accommodate an individual's

needs and make reasonable adjustments to address this. (See our Reasonable Adjustments Policy for further details).

6. Complaint stage: Stage 1

- 6.1** The Service Resolution Team will log the complaint with the case type and category and will check criteria to see if the complaint falls under the Building Safety Complaints process or not and whether it is Newlon who are responsible for responding and if not advising who is. To confirm this, they will forward the complaint to the Building Safety Team who will confirm this within 24 hours.
- 6.2** If the complaint does not meet the criteria for Building Safety complaint, the Building Safety Team will provide an explanation as to why it does not and then the SRT will manage the complaint in line with the Complaints Policy and Procedure. If it meets the Building Safety complaint criteria, then the Building Safety Team will manage this complaint. Where there is a Building Safety Complaint, but Newlon are not the Principle Accountable Person (PAP) or the Accountable Person (AP), then the Building Safety Team will endeavour to contact the relevant PAP/AP on the resident's behalf, but Newlon will not be responsible for managing the complaint.
- 6.3** If the complainant disagrees about it not meeting the building safety complaint criteria, they have the right to refer our reasoning for the rejection to the Building Safety Regulator (explained in section 8).
- 6.4** The team then responsible for the complaint will acknowledge the complaint, making clear whether it is to be treated as a complaint or a building safety complaint. This should be done within five days of the complaint being received by Newlon.
- 6.5** The acknowledgement will confirm that we are dealing with the complaint as a building safety complaint. The acknowledgement email will make it clear who will be responding and within what timescale, as well as outlining what our understanding of the complaint is, and the outcomes sought. If this is unclear this should be clarified with the complainant.
- 6.6** If a complainant raises multiple complaints at the same time, they should be provided with one case number and point of contact, where possible. If they raise further concerns when the response has already been issued, or it would unreasonably delay our response, we will log the 'new' issues as a separate complaint and provide a new case number. If multiple complaints are logged and the complainant wants these to be escalated to Stage 2, then we will merge the complaints if appropriate.
- 6.7** The target for providing a full response to the Stage 1 complaint is 10 working days from the date the complaint was logged and acknowledged. Where we are unable to meet this timescale for responding to the complaint in full, the Building Safety Officer is responsible for writing to the complainant to confirm the reasons for the delay together with a clear timeframe of when a full response will be issued by the Building Safety Officer (BSO).

- 6.8** The BSO will confirm the following in writing to the complainant at the completion of Stage 1 in clear, plain language (including explanations of any technical language):
- Confirmation of stage in complaints process.
 - Details of complaint definition.
 - An apology for any service failure.
 - A response on all the issues that have been complained about.
 - An explanation where appropriate for the service failure.
 - The outcome/decision of the complaint.
 - The reasons for any decisions made referencing the relevant policy, law and good practice where appropriate.
 - The details of any remedy offered to put things right, including an assessment of compensation where appropriate. Any remedy should reflect the level of impact that the service failure it has had on the complainant.
 - The details of any outstanding actions (and timescales to remedy), including who will be responsible for monitoring this and details of how to escalate the matter if dissatisfied.
 - Details of how to escalate the matter to Stage 2 if the complainant is not satisfied with the response.
 - Advise that the complainant has 30 days to respond to the complaint before it is closed.
- 6.9** If the complainant fails to engage with the Building Safety team on their complaint, then the complaint may be closed, for example, if they have failed to respond to us or refused access to their property (where this is required to investigate the complaint). Where we have taken reasonable steps to engage or gain access to progress works and followed our internal processes for this and this has been refused, we will close the complaint and advise the complainant of the next steps we have taken and that the matter is being closed.
- 6.10** Where Newlon and an accountable person cannot agree on the correct response to a relevant complaint, the BSO should seek permission from the complainant to refer the complaint to the Building Safety Regulator.

7. Complaint stage: Stage 2

- 7.1** Where the complainant remains dissatisfied with the outcome of their Stage 1 Complaint, then the matter must be escalated to Stage 2 of the Building Safety Complaints process.
- 7.2** All Stage 2 appeals must be acknowledged and logged as a Stage 2 Building Safety complaint within five working days.

- 7.3** The final response to the Stage 2 complaint must be sent within 20 working days of the complaint being acknowledged. Where we are unable to issue a final response within 20 working days, the complainant must be written to explaining why and providing a date when the Stage 2 response will be received. This should not exceed a further 10 days without good reason and this will be done by the Building Safety Team. If an extension beyond 20 working days is required, this should be agreed with both parties and the complainant should be supplied with the Building Safety Regulator details.
- 7.4** The Building Safety Team will confirm the following in writing to the complainant at the completion of Stage 2 in clear, plain language (including explanations of any technical language):
- The complaint stage.
 - What the issues are that the complainant remains unhappy about.
 - A review of the Stage 1 decision and decide whether the complaint was handled:
 - In accordance with Newlon's policies and procedures.
 - Thoroughly having considered all the available relevant facts.
 - Fairly and reasonably.
 - An apology for any service failure.
 - A response on all the issues that have been complained about.
 - An explanation where appropriate for the service failure.
 - The outcome of the complaint.
 - The reasons for any decisions made referencing the relevant policy, law and good practice where appropriate.
 - The details of any remedy offered to put things right, including an assessment of compensation where appropriate.
 - The details of any outstanding actions (and timescales to remedy), including who will be responsible for monitoring this and details of how to escalate the matter if dissatisfied.
 - Details of their rights to take the matter to the Building Safety Regulator and how they can do so.
- 7.5** There may be occasions when we will not accept a request to re-visit a complaint, for example if the outcome being sought is not within our power or ability to deliver. In these cases, the Building Safety team will write to the complainant and explain why, confirming the options available to them, including their right to contact the Building Safety Regulator.
- 7.6** Building safety complaints are dealt with in order of urgency so this may lead to us not being able to always meet the timeframes. As set out above, we will always write

to you when appropriate to explain why we cannot respond within the target timeframe.

- 7.7** The Building Safety team will be responsible for the case management of all Building Safety complaints, ensuring actions agreed as the resolution for the Stage 1 and 2 complaints are carried out, and keeping the complainant informed about any delays and progress on a regular basis.

8. What happens if the complainant remains unhappy after Stage 2 of the process?

- 8.1** The complainant can contact the Building Safety Regulator at any point throughout their complaint for advice. Complaints can be referred to the Building Safety Regulator in the following circumstances:

- a) If the complainant remains dissatisfied with the resolution once they have exhausted our internal complaints process; or
- b) If Newlon determines that a complaint is not a building safety complaint, and the complainant disagrees with our determination.

- 8.2** The Building Safety Regulator can be contacted as follows:

Address:

Email Address:

Telephone number: 0300 790 6787

9. Schemes where there are managing agents.

- 9.1** If a complaint is made by a Newlon resident wanting to make a building safety complaint where there are managing agents, NHT will make best endeavours to make contact with the relevant PAP/AP on their behalf. This should be documented on a case for Managing Agent liaison, linked to the original contact case from the resident.
- 9.2** If there is no response from the PAP/AP and the complaint is concerning a structural or fire spread the BSO will make best endeavours to contact the Building Safety Regulator. Again, this should be documented on the case for the managing agent contact.
- 9.3** If there is no response from the PAP/AP and the complaint is concerning the performance of a PAP/AP, the BSO will make best endeavours to make contact with the Building Safety Regulator on their behalf.
- 9.4** Once contact is made with the relevant PAP/AP NHT will pass all details over to the managing agent so that they can deal directly with the resident, NHT will request updates from the managing agent, storing all such contact on the case created on Dynamics and keep this updated until resolved.
- 9.5** The Building Safety Team will be responsible for escalating matters of concern.

10. How your data is processed

10.1 Newlon is fully committed to meeting its obligations under the Data Protection Act 2018, The General Data Protection Regulation (EU) 2016/679 and associated legislation (*The Data Protection Laws). NHT has a policy which sets out how we collect and use information about people with whom we work to carry out our business and services. How NHT will achieve those aims is set out in the Data Protection Procedure.