Housing Department
Building Safety Team
Building Safety Complaints Procedure

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General Synopsis – Southwark Council's obligations regarding building and fire safety are mainly set out in the Regulatory Reform (Fire Safety) Order 2005, the Housing Act 2004, the Construction (Design and Management) Regulation 2015, the Health and Safety at Work etc. Act 1974, the Building Regulations 2010, the Fire Safety Act 2021 and the Building Safety Act 2022 and associated statutory instruments.

This document supplements Southwark's approach, focusing on risk management and escalation for higher-risk buildings in-scope of the Building Safety act 2022. This ensures quick, fair resolution of safety complaints.

For further advice and guidance, please contact the Building Safety Team.

Document reference	**BST Complaints Procedure**					
Document status	Live					
Document type	Policy		Procedure	X	Statement of requirements	
Custodian and Author	Building Safety Team		Laurie Carlisle			
Approval and Issue date	Head of Building Safety		Dominic Johnson			
Review period	2 yearly or on change of legislation					
Next review due	May 2026 or on change of legislation					
Last review conducted by	N/A		N/A			
Document location and custodian	BST Document Control Policies & Procedures		Building Safety Team			
Process Owner	Head of Building Safety		Building Safety Team			

Revision History

Revision number	Date	Reviewed/Modified By	Comments
1.0	03/24	Laurie Carlisle	Initial Draft
1.1	05/24	Laurie Carlisle	Added due to further Government Guidance 4.10, 4.11 & edits to 4.14
1.1	05/24	Dominic Johnson	Signed off & Live
1.0	X	Author	Initial release

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1. Introduction

This detailed policy is an extension of the Southwark Council's Corporate-wide Complaints Policy, tailored to address the unique requirements of building safety within higher-risk buildings. It embodies our commitment to ensuring the safety and well-being of our residents by adhering to the Building Safety Act 2022, specifically under the secondary legislation of The Higher-Risk Buildings (Management of Safety Risks etc.) (England) Regulations 2023. This emphasises our dedication to addressing and resolving building safety concerns efficiently and effectively.

2. Scope

The scope of this Building Safety Complaints Policy encompasses all 'relevant' complaints related to the safety and regulatory compliance of buildings classified as 'higher-risk' under the Building Safety Act 2022, defined as residential buildings that are 18 metres or more in height or have 7 or more storeys. It specifically addresses concerns about structural integrity, fire safety and the duties of accountable persons managing these properties.

Building Safety Management System: The BSM system above will form part of the integrated Southwark Council Building Safety Management System used to monitor processes following the Plan, Do, Check, Act (PDCA) methodology; and will apply the following elements of PDCA:

- **Part 1 – Leadership**
- **Part 2 – Using Technology**
- **Part 3 – Our People**
- **Part 4 – Communication**
- **Part 6 – Hazard and Risk Analysis**
- **Part 8 – Performance Monitoring**

3. Policy Integration

This Building Safety Complaints Procedure is intricately aligned with the overarching principles and procedures outlined in the Southwark Council's corporate-wide complaints policy. It serves to specifically address the nuances of building safety issues, incorporating additional measures for comprehensive handling of such complaints. For aspects of the complaints process not explicitly covered in this document, stakeholders are encouraged to consult the Southwark Council's complaints policy to ensure a unified approach to complaint resolution.

4. Procedure Content Enhancements

4.1. **Relevant Complaint Definition**

A ‘relevant complaint’ specifically refers to issues associated with buildings classified as ‘higher-risk’ under the Building Safety Act 2022. A ‘relevant complaint’ is an issue about:

- Structural failure and spread of fire in the building (building safety risks)
- How an accountable person performs their duties regarding building safety.

4.2. **Making and Handling Complaints**

- How to Make a Relevant Complaint: Individuals should follow the Council’s general complaints procedure, specifying the building safety aspect of their concern, here a complaint will be determined as to whether it falls under a ‘relevant’ complaint.
- Handling a Relevant Complaint: Relevant complaints will be expedited and managed by the relevant staff within the Building Safety Team (BST) who have expertise in building regulations and safety standards.

4.3. **Accessibility of Making a Complaint**

The Council supports multiple channels for submitting complaints as outlined in the Council’s general complaints policy. Any individual, irrespective of their relation to the higher-risk building is entitled to lodge a relevant complaint concerning building safety, even if not explicitly identified as such by the complainant.

4.4. **Assistance in Complaint Making**

Guidance on assistance during the making of a complaint is outlined within the Council’s General Complaints Policy.

4.5. **Acknowledgement and Information**

Complaints will receive timely acknowledgement as defined in the Councils General Complaints Policy & Procedure. Within the acknowledgement there will be confirmation whether the complaint falls under a ‘relevant’ complaint.

4.6. **Reasons to Reject a Complaint as ‘Relevant’**

A complaint may be rejected as 'relevant' if it falls outside the scope of higher-risk buildings or does not directly relate to building safety risks or the performance of an accountable person's duties as outlined by the Building Safety Act 2022. For example, general maintenance issues unrelated to safety, or concerns not directly impacting the building's integrity or occupants' safety, may be redirected to the appropriate channels as per the council's general complaints policy.

4.7. **Appeal Process for Non-Relevant Complaint Status**

If a complainant disagrees with the determination that their complaint is not 'relevant' under the definitions set by this policy, they have the right to escalate this decision, in such cases, the complaint can be referred to the Building Safety Regulator (BSR) for a final determination. The outcome provided by the BSR will be deemed final and will guide the subsequent actions taken by the Council.

4.8. **Timeframes for Investigation and Response**

Expected timeframes for acknowledgement and stage responses of relevant complaints will adhere to the timeframes established in the Council's general complaints policy and procedure.

4.9. **Prioritisation of Complaints Actions**

Complaints will be prioritised based on risk level and introduces a structured approach to assessing and prioritising building safety complaints based on their potential risk, ensuring that the most critical issues are addressed with urgency.

Apart from the standard time-frame for a complaints response as per the Council's general complaints policy & procedure, if there are any actions required after a relevant complaint under the definition of a 'building safety risk' it will be logged on a Corrective and Preventative Actions (CAPA) log and prioritised in terms of urgency [Table 1.0]. In addition to this it will be determined if this is reportable under the Mandatory Occurrence Report (MOR) system where the Mandatory Occurrence Reporting process will be utilised.

Timeframes for completion of actions are based on the risk, and aligned with the Southwark Council completion targets for fire risk assessment actions;

Risk rating	Time for completion
Major	24 Hours
High	1 month
Medium	3 months
Minor	6 months
Low	1 year

[Table 1.0]

4.10. **Keeping a Record of Relevant Complaints**

Comprehensive records of all relevant complaints concerning higher-risk buildings must be maintained for a duration of seven years. This archive must include:

- Detailed information contained within each complaint.
- Steps taken in response to the complaint.

- Any details of involvement of the Building Safety Regulator in relation to or in response to the complaint.
- Final Outcome of the complaint.

4.11. **Recurring Relevant Complaints**

A recurring relevant complaint is defined as more than one relevant complaint made about the same issue within a seven-year timeframe. In the event of a recurring relevant complaint the following details must be meticulously recorded:

- The subject and nature of the recurring complaint.
- The date each recurring complaint was recorded.

4.12. **Complainant Representation and Comments**

Individuals will have the opportunity to provide input or comments on the investigation's findings as per the Council's general complaints procedure, ensuring on-going communication, transparency and inclusiveness.

4.13. **Comprehensive Substantive Written Response(s)**

All complaint responses to the complainant will:

- Be clear.
- Use plain language.
- Address all material points relating to the relevant complaint.
- Give reasons for decisions.
- Give details of any action undertaken.
- Give details of any action planned, including a timeframe for that action to begin and be completed [Table 1.0].

4.14. **Escalation Process & Challenging Responses**

The procedure followed will be that of the Council's general complaints procedure where all endeavours must be made with complainants to reach an outcome where everyone is satisfied. However if after Stage 2 an agreed outcome cannot be reached then the complainant will be provided information on escalating complaints to the Building Safety Regulator (section 7). The Regulator's information is also available in the Council's general complaints policy.

4.15. **Compliance with the Equality Act 2010**

This policy follows the guidelines and standards outlined in the Council's general complaints policy. This ensures all procedures are conducted fairly and inclusively, catering to the diverse needs of our community.

4.16. **Personal Data Processing**

The approach aligns with the practices described in the Council's general complaints policy. This adherence guarantees that personal information gathered during the complaints process is managed securely and in accordance with the Data Protection Act 2018, safeguarding individual's privacy.

4.17. **Impartiality and Fairness**

Our commitments to impartiality and fairness in the complaints handling process is paramount, particularly for building safety issues. We ensure that all complaints are treated with the utmost seriousness, with a focus on maintaining privacy and confidentiality for all involved parties.

5. Relevant Legislation

This procedure is informed by and adheres to key legislative frameworks that govern building safety and complaints handling, including but not limited to:

- The Building Safety Act 2022 – specifically The Higher-Risk Buildings (Management of Safety Risks etc) (England) Regulations 2023.
- Data Protection Act 2018.
- The Equality Act 2010.

These statutes provide the legal foundation for our procedure, ensuring our practices are in compliance with national standards and regulations.

6. Conclusion

By integrating with and expanding upon the Southwark Council's Corporate-wide Complaints Policy, this Building Safety Complaints Procedure ensures a comprehensive, rigorous, and effective approach to managing and resolving building safety concerns as defined under the Building Safety Act 2022. It underscores our commitment to the safety, security, and satisfaction of our residents, ensuring that all building safety complaints are addressed in a manner that is both responsive and responsible.

7. References

Building Safety Regulator details:

Address:

Canary Wharf
10 South Colonnade
Canary Wharf
London
E14 4PU

Telephone Number: *0300 790 6787*

Email Address: bsrcustomerservice@hse.gov.uk

Complaints Website Link: https://www.gov.uk/guidance/contact-the-building-safety-regulator