

Policy Name:	Higher-risk Building Complaints Policy
Lead Directorate:	Technical
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APPROVAL PROCESS FOR CURRENT VERSION

Presented to:	Services Committee / Health and Safety Committee
Date:	March 2024
Decision:	approved

1. Introduction

This policy relates only to complaints regarding building safety in occupied higher-risk buildings. PH will reduce building safety risks as far as reasonably possible.

Investigations of complaints related to higher-risk buildings will be prioritised.

A relevant complaint is a complaint in relation to:

- **a building safety risk in an occupied higher-risk building arising from the standard of service, actions, or lack of action, by the organisation, its staff, or by those acting on its behalf.**
- **the performance of an accountable person in relation to an occupied higher-risk building concerning their duties with the Building Safety Regulator.**

2. Definitions

Higher Risk Buildings

Higher risk buildings are defined under the Building Safety Act as at least 18 metres in height or at least 7 storeys. Appendix A lists all in scope buildings.

Higher-risk building is defined as ‘occupied’ if there are residents in more than one residential unit.

Building Safety Risks

Building safety risk includes a risk to the safety of people in or about the building arising from either the spread of fire or structural failure. For example

- flammable cladding on the outside of a building
- fire doors or smoke extraction which are not working or missing that may increase the risk of fire spread
- failure of the building’s structure, such as parts of the building collapsing, cracks, or parts of the building falling off

Accountable Person

An accountable person (AP) is either a person or organisation that owns or is responsible for repairing any of the common parts of the building, or a person or organisation required under the terms of a

lease, or by an enactment, to repair or maintain any part of the common parts. Common parts include the exterior and structure, corridors, or lobbies.

All occupied high-rise residential buildings must have one clearly identifiable AP, known as the principal accountable person (PAP) who is responsible for ensuring that fire and structural safety is being properly managed for the whole building. This could be either a person or an organisation and examples of their roles include

- communications to residents
- responses to raised concerns
- how building safety risks are managed

Ways to make a complaint

A complaint can be made in person, in writing, by phone, and/or via social media. With the permission of the complainant, it may also be made on their behalf by a representative or advocate.

3. Care Code

Poplar HARCA (PH) residents should expect

- to be treated with respect
- to have their voice heard
- to know how PH is performing
- to live in home and neighbourhood that is safe

PH staff will listen; explain what can and can't be done; and do what they say they will.

4. When you make a complaint

You will:

- be given a reference number
- be contacted personally by the investigating officer
- be kept informed of progress
- have findings and decision explained
- be informed of any follow-up actions

5. Data Protection

PH will comply with legal and regulatory obligations.

PH will ensure staff and volunteers are trained.

PH sets out how it processes personal information on its [website](#).

6. Inclusion

PH will comply with legal and regulatory equality obligations.

PH will consider if groups may be disadvantaged by its decisions, and what reasonable adjustments can be made.

PH's Board will receive monitoring data about staff and services.

7. Higher-risk Building Complaints

Stage 1: Resolve

PH will acknowledge complaints within one working day.

The Assistant Director of Health & Safety will investigate complaints.

A response will usually be sent to the complainant within 10 working days.

The complainant will be advised if, due to complexity, the investigation requires additional time.

PH's decision will:

- address all of the issues raised
- provide reasons for conclusions and decisions
- detail actions taken or planned, with time frames

The complaint will be closed if asked-for information is not received within two weeks.

Stage 2: Review

If the complainant does not agree with the response, a review can be requested within four weeks of the Resolve response being sent.

A review request will be acknowledged within one working day.

The complainant must set out why they do not agree with the stage 1 response; and what remedy they are seeking. This may be in writing, or when meeting a Review Panel.

The Review Panel will include a member of the Health and Safety Committee and/or a senior member of the Building Safety Working Group.

A response will usually be sent to the complainant within 20 working days.

The complainant will be advised if, due to complexity, the Panel investigation requires additional time.

The Panel's decision will be PH's final decision and no further representations on the same matter will be considered.

The complaint will be closed if asked-for information is not received within four weeks.

Escalations: Building Safety Regulator

Complainants can request Poplar HARCA to refer the matter to the Building Safety Regulator if:

- an agreement cannot be reached between the principal accountable person and the accountable person
- there is no satisfactory outcome after Poplar HARCA's final response is given
- the complainant still has concerns following a Review Panel response

8. Exclusions not considered under this policy

- a. If complaint does not meet the definition of a relevant complaint
- b. Is a service or maintenance request
- c. Is about a building, or part of a building over which PH has no control
- d. Is about an accountable person over which PH has no control
- e. Is about compliance with a law or regulation
- f. Is about PH as an employer
- g. Is about something which was previously raised, investigated and responded to.

PH will explain why it considers a matter excluded from this policy, and provide information about alternative dispute resolution, including the Housing Ombudsman Service.

9. Requests for information

Requests for prescribed information can be made by a resident of an occupied higher-risk building aged 16 or over, or an owner of a residential unit in the building.

Prescribed information, often referred to as golden thread is key building safety information
PH will respond within one calendar month.

The complainant will be advised if, due to complexity, the investigation requires additional time.

In responding, PH will consider its obligations under the Data Protection Act 2018 and any other statutory or regulatory restrictions.

The request will be closed if asked-for information is not received within two weeks.

10. Remedy

PH aims to resolve upheld complaints with a remedy which reduces building safety risks as far as reasonably possible in higher-risk buildings. This may include remedial works.

If PH is unable to remedy a significant risk, it will consider temporary re-housing.

There are two categories of financial compensation, and awards will be paid within one calendar month of a decision.

Quantifiable loss	<p>Payable when the complainant is 'out of pocket' as a result of the building safety risk e.g. alternative accommodation, travel etc.</p> <p>The cost must be reasonable, evidence must be provided, and payment will be made direct to the complainant.</p>
Discretionary	<p>Payable to acknowledge that PH has not done what it should and so caused frustration and/or upset and/or wasted the complainant's time having to complain.</p> <p>PH will consider payment on the circumstances of the individual and the complaint: e.g. poor communication, delays etc.</p> <p>Payment may be used to offset money owed to PH.</p>

		PH's responsibility		
		None	Some	Full
Impact on complainant	Minimal inconvenience and/or annoyance	zero	zero	zero
	Moderate inconvenience and/or annoyance	zero	up to £100	up to £250
	Serious disturbance and/or distress	zero	up to £500	up to £1,000

A greater amount may be awarded by a member of the Corporate Management Team where it is judged that there are exceptional circumstances.

11. Policy review

Policy will be reviewed annually or sooner if they no longer reflect best practice.

12. Impact assessment

How does the policy contribute to Poplar HARCA's aims?	Providing quality services, safe and secure homes, is a mainstay to PH's offer to its residents and community. This policy sets out how PH will respond when things go wrong in relation to building safety risk, and review those decisions.
Which group(s) of people will benefit from the policy? If any group could be disadvantaged, what is the mitigation or justification?	No group has been identified as potentially disadvantaged. The section on inclusion sets out that PH will consider reasonable adjustments if any are found to be disadvantaged.
How have residents been involved in developing the policy? If they have not been involved, why not?	The policy was informed by: <ul style="list-style-type: none"> • Building safety resident engagement strategy • Feedback from Estate Boards and Gatherings • JEP workshop
How will the policy be monitored and measured? (e.g. performance indicators?)	The Health and Safety Committee meets quarterly to review performance and complaints. Performance is presented quarterly to Services Committee and Poplar Board, and annual report is presented to residents, Services Committee and Poplar Board.
If any, what are the Value for Money implications?	Early capturing of building safety risk and intervention can reduce significant impact on costs and allow for future planned and cyclical fire remedial works.
Data Protection implications.	Personal information is collected, processed and stored for the purposes of dealing with contacts, enquiries, and complaints.

13. Appendix A – Higher-risk buildings

List of buildings in scope for the Higher-risk buildings complaints policy

Building	Estate	Storeys <i>At highest point</i>
Anglesey House	Lansbury West	10
Anne Matthews Court	Burdett	7
Argyll Point	Burdett	11
Ballinger Point	Bow Bridge	11
Bight Court	Leopold	9
Braid Court	Leopold	9
Busbridge House	Lansbury North	11
Butler House	Burdett	10
Carradale House	Brownfield	11
Colebrook House	Lansbury North	11
Coppers House	Aberfeldy	7
Couzens House	Leopold	7
Dorrington Point	Bow Bridge	11
Elmslie Point	Leopold	20
Ennis House	Lansbury South	9
Essex House	Lansbury South	11
Gayton House	Lincoln	19
Glencoe House	Aberfeldy	8
Grindley House	Leopold	7
Henshall Point	Bow Bridge	11

Insley House	Bow Bridge	7
Kirkby Apartments	Leopold	8
Langdon House	Brownfield	7
Lanyard Court	Leopold	9
Lariat Court	Leopold	9
Maidstone House	Lansbury North	11
Maypole Court	Leopold	9
Murray Court	Leopold	7
Norwich House	Lansbury South	11
Osterley House	Lansbury South	11
Perley House	Leopold	7
Salisbury House	Lansbury North	11
Sleaford House	Lincoln	19
Stileman House	Leopold	7
Talbot House	Lansbury South	11
Thimble Court	Leopold	8
Tynne Court	Teviot	12
Watermans House & Merchants House	Aberfeldy	10
Whytlaw House	Leopold	7
Wilcox House	Leopold	7
William Cotton	Burdett	9

14. Appendix B – List of buildings which are not in scope where Poplar HARCA is not PAP

Building	Scheme
Duesbury House,	
Yeoman Court	Tweed
Bowen Street e14 6gy	Carmen Street (Bellway)
Moseley Lodge, 119 Chrisp Street e14 6gx	Carmen Street (Bellway)
Queensberry House *	Carron Close (Bellway)
Parkview Apartments	
Landmark Pinnacle - 10 Marsh Wall	Landmark
Mauve Apartments	Willis Street
Panoramic Tower	
Lighterman Point / Aberfeldy	Aberfeldy
Sailors House / Aberfeldy	Aberfeldy
Flour Millers House / Aberfeldy	Aberfeldy
Waterman House & Merchant House	Aberfeldy
Cording Street E14 6NR	
Junction House	

15. Appendix C – Role of an Accountable Person

The core duties of an AP revolve around the assessment and management of building safety risks in their HRB. All APs have a duty to take all reasonable steps to:

- put measures in place to prevent building safety risks happening and reduce the severity of any incident that does happen
- report certain fire and structural safety issues or incidents
- engage with residents about the building's safety and perform duties relating to the resident engagement strategy
- keep, update, and provide information about the building for the building's safety case
- transfer building safety information to any incoming accountable person
- notify the Building Safety Regulator if there is a change to an accountable person
- apply for a building assessment certificate when directed by the regulator and display it in the building
- display a notice in the building information about the APs for the building, including their full contact details and a summary of their roles and duties
- prepare a safety case report containing an assessment of building safety risk carried out by the APs, and steps they have taken to address those risk or reduce the severity of incidents arising from them
- prepare a residents engagement strategy setting out how residents will be involved in building safety decisions'
- establish and operate a mandatory occurrence reporting system to enable information on building safety risk to be captured and reported to BSR
- set up and operate a system to investigate relevant complaints relating to building safety risk or the performance of an APs duties
- keeping, updating and providing information about the building for the building's safety case