

Building Safety Act

Higher Risk Building (HRB) Complaints Procedure

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1. Introduction

The Building Safety Act 2022, legislation that primarily applies to Defoe Halls of Residence, places a responsibility on the University to establish a complaints procedure so that individuals can effectively highlight matters that may affect the safety of residents within Defoe Halls of Residence. This document details that procedure. Any complaints made will be dealt with in an impartial and fair manner.

2. Relevant complaints

A “relevant complaint” is:

- A complaint concerning a safety issue that may lead to either the uncontrolled spread of fire or a structural failure.
- A complaint concerning the performance of the University in respect of any duty imposed on it by Part 4 of the Building Safety Act 2022 (and any regulations made under that Part).

3. Making a complaint

Any person (resident, member of staff, visitor, etc.) is entitled to make a complaint. Individuals wishing to make a complaint should in the first instance use the University’s incident management system to report a ‘Fire Safety Breach’.

Where information is received by any individual in a form that resembles a relevant complaint, it should be treated as such regardless of whether the individual reporting the matter has indicated that they are making such a complaint. Details of the matter should be entered onto the incident management system as described above.

Anyone wishing to make a complaint can be assisted by another person. This, or another person, can also assist the complainant with any responses that may be necessary as part of any investigation into the complaint.

4. Dealing with complaints

Complaints that may constitute a relevant complaint will be assessed by the Health and Safety Section (HSS). As soon as reasonably practicable following receipt of a complaint, the HSS will write to the complainant to acknowledge receipt of the complaint. Within 5 days of the receipt of the potential complaint, the HSS will respond to the complainant with a decision as to whether the matter is being treated as a relevant complaint.

Where a complaint is to be treated as a relevant complaint, the complainant will be provided with a timeframe for the investigation into the complaint – all complaints should

be dealt with within three months. The complainant will be updated in writing as to the progress of the complaint at intervals of no longer than 1 month. At these points, the complainant may make further comment.

Where it is considered necessary or desirable, the HSS may enlist the assistance of others to assist their investigation and/or guide their determination. Reasons for such action might include the need for specialist advice where a competent judgement cannot be made internally. For similar reasons, the HSS may also, with the approval of the complainant, refer the complaint directly to the Building Safety Regulator.

Where multiple complaints are being dealt with simultaneously, the HSS will arrange the complaints in priority order and deal with them accordingly. Higher priority complaints will generally be those that represent the greatest risk.

After completion of a complaint investigation, the complainant will be written to and provided with details of the investigation. The response will be in plain English and written so as to be easily understood. In respect of the content, all responses will

- Address all material points relating to the relevant complaint
- Provide reasons for decisions
- Provide details of any action undertaken
- Provide details of any action planned, including a timeframe for that action to begin and be completed.

5. Appeals and rejected complaints

As part of the response to any complaint, complainants will be informed of what steps they ought to take where they have concerns about the investigation and its outcomes. In the first instance, this will involve the right to request an internal review of the original response. This review will be carried out by the Head of Health and Safety and the complainant will be advised, within 28 days of any revisions made to the original response. If the complainant remains dissatisfied, they will be provided with the address, telephone number and email address of the Building Safety Regulator and guidance as to how to raise the issue with them.

Where a complaint is made that the HSS decide is not a relevant complaint (as defined by legislation), the complainant will be advised of this, provided with an explanation for the decision and informed that they may, if not satisfied, approach the Building Safety Regulator for a final determination. Complaints may also be rejected if they have been

dealt with previously or if the same (or very similar) complaint has been made by others and is already being investigated.

Any complaints dealt with under this procedure that are not deemed to be relevant complaints will be, subject to any decision made by the Building Safety Regulator, be processed in line with other relevant University policies.¹

6. Equality Act 2010

To comply with the Equality Act 2010, the University will explore any request for a reasonable adjustment. Such adjustments might include:

- Using larger print, or a specific colour contrast
- Giving more time than usual to provide information or comments on a complaint
- Using the telephone rather than written communication
- Communicating with a person through their representative or advocate
- Arranging a single point of contact
- Having an 'easy read' version of the complaint process or decisions

7. Personal data processing

Personal data of complainants will be handled in line with the University's general policy on this matter, namely *Code of Practice 1: Collecting and processing personal data – responsibilities of staff*, Version 02/12/20.

8. Review

The system outlined above will be regularly reviewed to ensure that it remains effective.

¹ See, in particular, [Student Complaints Procedure | Documents | University of Greenwich](#).