Higher Risk Building Complaints Policy

1. Introduction

This policy relates only to complaints regarding building safety in occupied higher-risk buildings. PRHA 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 (with the ground floor counted as a storey).

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 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

Providence Row Housing Association (PRHA) residents should expect:

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

PRHA 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

- PRHA will comply with legal and regulatory obligations.
- PRHA will ensure staff and volunteers are trained.
- PRHA sets out how it processes personal information on its website.

6. Inclusion

- PRHA will comply with legal and regulatory equality obligations.
- PRHA will consider if groups may be disadvantaged by its decisions and what reasonable adjustments can be made.
- PRHA's Board will receive monitoring data about staff and services.

7. Higher-Risk Building Complaints

Stage 1: Resolve

- PRHA will acknowledge complaints within one working day.
- The Assistant Director of Resident Services will investigate all 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.

PRHA'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 investigator.
- The Review investigator will normally be the Deputy Chief Executive and/or another member of the Senior Leadership Team.
- A response will usually be sent to the complainant within 20 working days.
- The complainant will be advised if, due to complexity, the investigation requires additional time.
- The decision will be PRHA'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 Providence Row Housing Association 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 PRHA's final response is given
- The complainant still has concerns following the stage 2 review 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 PRHA has no control

d. Is about an accountable person over which PRHA has no control

e. Is about compliance with a law or regulation

f. Is about PRHA as an employer

g. Is about something which was previously raised, investigated and responded to.

PRHA 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
- PRHA will respond within one calendar month.
- The complainant will be advised if, due to complexity, the investigation requires additional time.

- In responding, PRHA 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

- PRHA aims to resolve complaints with a remedy which reduces building safety risks as far as reasonably possible in higher-risk buildings. This may include remedial works.
- If PRHA 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
- Payable when the complainant is 'out of pocket' as a result of the building safety risk eg: alternative accommodation, travel etc.
- The cost must be reasonable, evidence must be provided, and payment will be made direct to the complainant.
- Discretionary

- Payable to acknowledge that PRHA has not done what it should and so caused frustration and/or upset and/or wasted the complainant's time having to complain.
- PRHA will consider payment on the circumstances of the individual and the complaint: eg: poor communication, delays etc.
- Payment may be used to offset money owed to PRHA.
- In such circumstances we will follow the guidance set out in our Compensation Policy.
- Minimal inconvenience and/or annoyance

11. Policy review

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

Next Review Date	June 2025
Associated Documents	PRHA Complaints Procedure **C16**