
STATUTORY INSTRUMENTS

2023 No. 907

The Higher-Risk Buildings (Management of Safety Risks etc) (England) Regulations 2023

PART 2

Higher-Risk Buildings

PAP complaints procedures

12.—(1) The complaints system established by a PAP under section 93 of the 2022 Act (“the system”) must secure the matters specified in the following paragraphs.

(2) The PAP must publish a complaints policy which explains—

- (a) what amounts to a relevant complaint⁽¹⁾;
- (b) how a relevant complaint may be made;
- (c) how a relevant complaint will be dealt with;
- (d) how a complainant can make representations and comments on any findings during an investigation;
- (e) the expected timeframes for investigation and determination of a relevant complaint;
- (f) the address, telephone number and email address of the regulator and details of the right and manner in which to take a relevant complaint to the regulator where an agreed outcome cannot be reached between the PAP and complainant;
- (g) details of how compliance with the Equality Act 2010⁽²⁾ is secured, such as by giving examples of the types of reasonable adjustment which may be made;
- (h) details of how personal data is processed.

(3) Any complaint which is a relevant complaint, made to any AP for the building, is dealt with under the system.

(4) There is an effective process for the prioritisation of relevant complaints taking account of the level of risk involved.

(5) All complaints are dealt with in an impartial and fair manner under the system.

(6) Any question as to whether a complaint is a relevant complaint is determined under the system or if necessary referred to the regulator for final determination of that question.

(7) Any person is able to make a relevant complaint.

(8) A complaint may be made via any reasonable method, including in particular any method agreed between the PAP and relevant persons, as that expression is defined in section 91 of the 2022 Act, as to the manner in which complaints should be made.

(1) See section 93(4) of the 2022 Act for a definition of “relevant complaint”.

(2) 2010 c. 15.

(9) A complainant may be assisted by another person in the making of a complaint and in responding to the investigation of a complaint.

(10) A complaint which is a relevant complaint is dealt with under the system, irrespective of whether the complaint identifies that it is a relevant complaint or specifies that it is a matter to be dealt with under the system.

(11) Any complaint is acknowledged as soon as reasonably practicable.

(12) If a complaint is accepted by the PAP as a relevant complaint, that the complainant is informed of that fact.

(13) If a complaint is not accepted by the PAP as a relevant complaint, that the complainant is given reasons for that decision and informed of the right to take the issue to the regulator for final determination.

(14) A relevant complaint may be rejected for consideration under the system if it consists of a complaint which has already been determined or which is under consideration following a complaint by the same complainant.

(15) All complaints are dealt with in a timely manner and the complainant is given information about the timeframe for responding to and taking action in response to the complaint, including details of any changes to the timeframe communicated, with reasons for any such changes.

(16) A procedure exists for reconsidering the first substantive response to a relevant complaint where the complainant requests reconsideration.

(17) All responses to a complaint include details of how that response may be challenged including—

- (a) in the case of a first substantive response to a relevant complaint, details of how the complainant may ask the PAP to reconsider that response; and
- (b) in the case of any subsequent substantive response to a relevant complaint, details of the right to refer the complaint to the regulator, and how the complainant can do so.

(18) A procedure exists for referral of a complaint to the regulator where—

- (a) there is an absence of agreement between the PAP and any APs for the building as to the appropriate response to the complaint; and
- (b) the complainant consents to the referral.

(19) All responses to the complainant are in writing and in a form which allows the recipient to understand the content of the information given, including explanations of technical language used, or with plain English summaries of complex or technical provisions.

(20) A substantive response to a complaint—

- (a) addresses all material points relating to the relevant complaint;
- (b) gives reasons for decisions;
- (c) gives details of any action undertaken;
- (d) gives details of any action planned, including a timeframe for that action to begin and be completed.