

Building Safety Act Complaints Policy

Document Owner	Head of Property Safety
Prepared by	Policy Officer
Approved by	Customer Services Committee of the Board Directors Group
Approved date	June 2024
Date of next review	June 2027
Monitoring, Auditing and Reporting	<ol style="list-style-type: none">1. Approval by Directors Group and Customer Services Committee of the Board2. Directors meet regularly to review complaints3. Performance reporting to Resident Groups and Board Committees

1. Aims and scope of the policy

- 1.1. This policy sets out how Hexagon will manage complaints related to building safety, as required by the Building Safety Act 2022. Any complaint which meets the definition set out in this section will be handed according to this policy.
- 1.2. Hexagon has a separate Complaints Policy, which defines our overall approach to all complaints the organisation receives. These two documents should be read together. Complaints covered by this policy will be handled in line with both the requirements outlined in this policy and in the Complaints Policy. Where following both policies is not possible, because they directly conflict, this policy takes priority.
- 1.3. As set out in the Building Safety Act 2022, accountable persons (APs) and the principle accountable person (PAP) hold specific roles and legal duties in the management of the fire and structural safety risks of a high-rise residential building. A high-rise residential building has (a) at least 7 floors or is at least 18 metres in height, and (b) at least 2 residential units.
- 1.4. For a complaint to be relevant under this policy, it must concern a building where Hexagon is the AP or PAP as defined by the Building Safety Act 2022.
- 1.5. Complaints that will be considered under this policy are limited to issues about:
 - 1.5.1. Building safety risks as regards the building, such as structural failure and spread of fire in the building;
 - 1.5.2. The performance of an accountable person for the building of any duty under Part 4 of the Building Safety Act 2022 and the Regulations.
- 1.6. Examples of issues that may be considered under this policy include:
 - 1.6.1. Flammable cladding on the outside of a building;
 - 1.6.2. Fire doors or smoke extraction which are not working or missing that may increase the risk of fire spread;
 - 1.6.3. Failure of the building's structure, such as parts of the building collapsing, cracks, or parts of the building falling off;
 - 1.6.4. Hexagon's communication to residents about building safety.
- 1.7. Anyone can make a relevant complaint to Hexagon under this policy, you do not need to be a Hexagon resident.
- 1.8. The aims of this policy are:
 - 1.8.1. To enable residents, and others, to raise issues with those responsible for managing building safety risks;
 - 1.8.2. To treat all issues raised impartially and fairly, and to encourage people to tell us about issues;
 - 1.8.3. To fulfil our obligations under the Building Safety Act 2022 and the Regulations.

2. Policy statement

- 2.1. Hexagon takes seriously the responsibilities and legal duties of being the PAP for high rise buildings, and we are dedicated to providing a fair and impartial complaints process to support you to raise any relevant concerns about building safety.
- 2.2. The complaints process has two stages. If you are not satisfied with the resolution at Stage 1, you can escalate it to Stage 2. If you are unsatisfied with our final response at Stage 2, you can take your complaint to the Building Safety Regulator.
- 2.3. Hexagon can refer a relevant complaint under this policy to the Building Safety Regulator with the complainant's consent when an agreement cannot be reached between the principal accountable person and the accountable person.

3. When we will not consider a complaint under this policy

- 3.1. We will not consider a complaint under this policy where it doesn't meet the definition of a relevant complaint as set out in Section 1 of this policy.
- 3.2. We will not consider a complaint if the issues raised have already been investigated.
- 3.3. Service and maintenance requests relating to building safety issues will not be considered a complaint under this policy. However, where these service and maintenance requests are not completed within Hexagon's published target timescales, or you are unsatisfied with the outcome, this can then be raised as a complaint under this policy.
- 3.4. If Hexagon refuses to consider or escalate your complaint, we will explain why in writing and inform you of your right to take the complaint to the Building Safety Regulator (see section 7).

4. How to make a complaint

- 4.1. A complaint can be made to any Hexagon staff member. It can be made by:
 - Telephone: 02087786699 or freephone on 0800393338.
 - Email: Complaints@hexagon.org.uk
 - Letter: Complaints Team, Hexagon Housing Association, 130-136 Sydenham Road, Sydenham, London, SE26 5JY
 - verbally in person or
 - through the form on the Hexagon website
- 4.2. You are welcome to provide photos and videos of the issue, particularly if you find it difficult to describe.
- 4.3. We are unable to accept complaints through any other channels, including social media, and online reviews. Wherever possible, if we see that you have

expressed an issue online, we will direct you to our complaints process and encourage you to raise a complaint.

5. Stage 1 - Investigation

- 5.1. Your complaint will normally be investigated by the Complaints Team at Stage 1. A complaints handler will contact you within 5 working days of receiving your complaint and provide a written acknowledgement.
- 5.2. On receipt of your complaint we will assign a priority category to the complaint based on the risks identified and this will determine our target timeframe to respond. We will set out the priority category for your complaint and our timeframe for response in our acknowledgement. We will prioritise complaints as follows:
 - 5.2.1. **Priority 1:** Complaints that will be considered Priority 1 include any defect which puts the health, safety, or security of the resident or a third party at immediate risk or which affects the structure of the building adversely. We will respond to Priority 1 complaints within 5 working days of acknowledgement.
 - 5.2.2. **Priority 2:** Complaints that do not meet the criteria for Priority 1 will be classed as Priority 2. We will respond to Priority 2 complaints within 10 working days of acknowledgement.
- 5.3. If we need more time to respond, we will inform you and explain the reasons for this.
- 5.4. The acknowledgement will set out our understanding of your complaint and the outcomes you are seeking, and which aspects of the complaint we are, and are not, responsible for. If any aspect of the complaint is unclear, we will ask you for clarification and ensure you agree with how we have defined your complaint.
- 5.5. The Complaints team will complete a fair, impartial, and thorough investigation into your complaint and send you a response.
- 5.6. The outcome of a Stage 1 investigation will be to uphold, partially uphold, or not uphold your complaint. Where appropriate, we will detail what actions to resolve the issue have been carried out or are planned, with timescales when these will be completed.
- 5.7. You may make representations and comments in response to our findings, which we will consider and respond to. Our response will also explain how you can escalate your complaint to Stage 2 if you are not satisfied.
- 5.8. If you raise additional related complaints during the investigation, we will incorporate these into our Stage 1 response. If this would unreasonably delay our response, we will log your additional complaints as new Stage 1 complaints.

6. Stage 2 – Review

- 6.1. If you are not happy with the outcome at Stage 1, you can escalate your complaint to Stage 2. You have 30 calendar days from receipt of our Stage 1 response to request an escalation. It is helpful if you tell us why you are not satisfied with our Stage 1 response, and what outcomes you want from this Stage 2 review.
- 6.2. At Stage 2, a Director will review our response at Stage 1 and consider if there are further concerns that need addressing. Your Stage 2 review will never be handled by the same person who handled your case at Stage 1.
- 6.3. We will contact you within 5 working days of your request to escalate to Stage 2 and provide a written acknowledgment that sets out our understanding of issues outstanding and the outcomes you are seeking from the Stage 2 review, and which aspects of the complaint we are, and are not, responsible for. If any aspect of your complaint is unclear, we will contact you to ask for clarification and make sure you agree with how we have defined your complaint and reasons for escalation.
- 6.4. If we decline your request to escalate your complaint to Stage 2, we will provide you with a written explanation of our reasons and inform you of your right to take your complaint directly to the Building Safety Regulator.
- 6.5. You will normally receive a full response to your Stage 2 complaint within 20 working days of your escalation request being acknowledged.
- 6.6. There may sometimes be valid reasons why we cannot respond within this timescale. If we need more time we will always tell you and explain the reasons.
- 6.7. The outcome of a Stage 2 review will be to uphold, partially uphold, or overturn the Stage 1 response. Where appropriate, we may offer different or additional actions at Stage 2.

7. The Building Safety Regulator

- 7.1. You can [refer a complaint to the Building Safety Regulator](#) if you:
 - 7.1.1. Cannot make a complaint
 - 7.1.2. Feel unable to raise your concerns
 - 7.1.3. Are not satisfied with our response to your complaint
 - 7.1.4. Have unresolved issues
 - 7.1.5. Have not had a response from Hexagon.
- 7.2. The Building Safety Regulator may speak to the principal accountable person and accountable persons to offer advice on how to resolve the issue. When necessary, the Building Safety Regulator will investigate and assess if any other action must be taken.

7.3. You can contact the Building Safety Regulator on 0300 790 6787 or online at: <https://www.gov.uk/guidance/contact-the-building-safety-regulator>

7.4. The Head of Property Safety is the single point of contact for the Building Safety Regulator.

8. Monitoring and learning from complaints

8.1. Monitoring of, and learning from, relevant complaints under this policy will be completed in line with our processes for all complaints, as detailed in our Complaints Policy.

9. Equality and Diversity

9.1. Hexagon will comply with the Equality Act 2010 and make reasonable adjustments to our Policy and processes in line with the Act. Our Complaints Team will complete appropriate training to manage complaints in line with the Act.

9.2. Hexagon will make reasonable adjustments to support access to this complaints process, in line with our Vulnerable Residents and Reasonable Adjustments Policy.

9.3. Hexagon offers, on request, a Translation Service, face-to-face meetings, documents in large print, Braille, or spoken word, and will contact you by your preferred method. Hexagon's office has an Induction Loop system and we can arrange a sign language interpreter or lip-speaker.

10. Data Protection

10.1. Hexagon will process your data in accordance with the Data Protection Act 2018 and the UK General Data Protection Regulation (UK GDPR).

10.2. See Hexagon's Data Protection and Data Retention policies.

11. Resident Consultation

11.1. Hexagon's Customer Services Committee, which includes Resident Board Members reviewed and approved this policy before it was put into effect.

11.2. Complaints performance is reviewed every three months by the Residents' Performance Review Group.

12. Related Hexagon Policies

12.1. Property Safety Policies

12.2. Complaints Policy

12.3. Managing Unacceptable Behaviour from Complainants Policy

12.4. Corporate Plan 2023-2028

13. Relevant regulations and legislation

13.1. Building Safety Act 2022

13.2. The Building (Higher-Risk Buildings Procedures) (England) Regulations 2023

13.3. The Fire Safety (England) Regulations 2022

13.4. The Building Regulations etc. (Amendment) (England) Regulations 2023

13.5. The Regulator for Social Housing Consumer Standards

13.6. Data Protection Act 2018 and UK GDPR

13.7. Freedom of Information Act 2000

13.8. Equality Act 2010

Appendix 1: Equality Impact Assessment

Part One Initial Screening

Name of policy, service or function	Building Safety Act Complaints Policy
Persons completing initial screening	Policy Officer

Analysis of relevant data

Data Type	Summary and Analysis
English Housing Survey (EHS): Households Report 2017-18	<p>The EHS Report highlights that certain groups are more likely to live in high rise flats than others: “younger people more so than older people; black, Asian and minority ethnic households more so than white households; and those who live in the most deprived areas.”</p> <p>This Building Safety Acts Complaints Policy provides clear and accessible routes for residents (and others) to hold Hexagon accountable for compliance with Building Safety standards in high rise buildings, which will have a beneficial impact on residents living in high rise flats. This policy aims to treat all issues raised impartially and fairly, and to encourage people to tell us about issues.</p>
Chartered Institute of Housing (CIH) Report	The CIH advises that building safety concerns may be of particular concern to residents who are disabled and/or mobility impaired.

Screening

Protected Characteristic	Is impact positive, negative, or none			Reason
	Positive	Negative	No Impact	
Age	X			This policy supports the safety of people of all ages living in high-rise buildings, which will particularly benefit younger people who are statistically more likely to be living in a high-rise building.
Disability	X			Disabled residents may have greater concerns about building safety; this policy ensures that residents have a clear, accessible route to raising concerns with Hexagon.
Sex			X	No impact identified. This policy is likely to be equally beneficial to people of all sexes.

Gender reassignment			X	No impact identified. This policy is likely to be equally beneficial to people of all genders.
Race	X			This policy supports the safety of people living in high-rise buildings, which will particularly benefit Black, Asian, and minority ethnic residents who are statistically more likely to be living in a high-rise building.
Religion or belief			X	No impact identified. This policy is likely to be equally beneficial to people of all (and no) religion or belief.
Sexual orientation			X	No impact identified. This policy is likely to be equally beneficial to people of all sexual orientations.
Socio-economic status			X	There are no costs or other socio-economic barriers to utilising this complaints process.
Literacy			X	Hexagon offers, on request, a Translation Service, face-to-face meetings, documents in large print, Braille, or spoken word, and will contact you by your preferred method. Hexagon's office has an Induction Loop system and we can arrange a sign language interpreter or lip-speaker.
What are the arrangements for monitoring the policy and its impact on customers?				
<ol style="list-style-type: none"> 1. Performance is monitored and reported to Directors Group, the Board, and the Customer Service Committee. 2. Performance against targets and lessons learned from complaints are published annually on our website in our Annual Report. 3. Complaints performance data is reviewed by the Resident's Performance Review Group every 3 months. 4. Residents are sent a satisfaction survey following the closure of their complaint and responses are monitored and assessed. 5. The policy will be reviewed every 3 years, or sooner if there are any changes to service delivery, regulations, or best practice. 				

As no negative impact has been identified for any group in this screening, we will not proceed to Part 2 of the Equality Impact Assessment.