

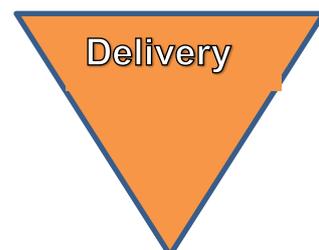
OFFICIAL



Protecting local
communities

Appeals, Challenges and Complaints against Fire Safety Decisions Procedure

July 2017



Delivery Area	Appeals, Challenges and Complaints against Fire Safety Decisions Procedure
Policy Process	Detail
Authored by:	Joe Flounders: Head of Fire Engineering
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Appeals, Challenges and Complaints against Fire Safety Decisions Procedure

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1. INTRODUCTION

1.1. In all your dealings with Cleveland Fire Brigade you can expect an efficient and professional service; and while we aim to carry out all our activities in a way that supports you to provide safety to people in case of fire, we will also help you if you encounter problems or if we get it wrong. We are always willing to discuss why we have acted in a particular way or made particular requirements. If you think we have (in some way) got it wrong for you, we would like to know, and this document tells you how to go about it.

2. APPEALS, CHALLENGES AND COMPLAINTS PROCEDURES

2.1. There are two ways you could be unhappy with us helping you to be safe in case of fire; either

1. you don't think that the safety measures that we have suggested are the right solution for you and you want to challenge them, or
2. you don't think that we have treated you in an appropriate way, according to our [Published Service Standards](#) and you want to complain.

3. CHALLENGING OUR ADVICE, ACTIONS OR DECISIONS

3.1. Statutory notices

3.1.1. Where you have been issued with a statutory notice, you can challenge our decisions by following the route to appeal described in the notice. Statutory notices under the Regulatory Reform (Fire Safety) Order 2005 [the Order] include:

- Alterations notices,
- Enforcement notices, and
- Prohibition notices

3.1.2. Statutory notices under the Health and Safety at Work etc. Act 1974 include:

- Improvement notices;
- Prohibition notices.

3.1.3. An appeal must be made within a prescribed time limit, usually within 21 days from the day on which the notice was served.

3.1.4. If you are involved in a Primary Authority partnership and we think a statutory notice is appropriate, we will follow the guidance provided for us under Primary Authority.

4. DETERMINATIONS BY THE SECRETARY OF STATE

4.1. The Order also provides a route to resolve disputes by referral for determination by the Secretary of State. To bring a dispute to determination, a number of conditions must be met. The conditions for the bringing of a determination are:

1. the parties are agreed that there has been a failure to comply with the Order;
2. there is disagreement between parties about how to rectify the failure; and
3. the parties agree to take the matter to determination.

4.2. If any of these conditions are not met, the dispute is not suitable for a determination.

5. CHALLENGING OTHER ADVICE, ACTIONS OR DECISIONS

5.1. We are always willing to discuss with you why we have acted in a particular way or made particular requirements of you.

5.2. In cases other than statutory notices, you can challenge our advice, actions or decisions by following the route to appeal described in the letter, usually by contacting the officer concerned. If your concerns are not adequately addressed your concern can be raised with a senior fire safety officer.

5.3. If you are unclear or unhappy about any of our advice or decisions and you are involved in a partnership under the Primary Authority scheme, you should contact your primary authority who can take up the matter on your behalf.

5.4. When we are not able to resolve your issues, you can make use of our corporate complaints procedure. You can access this process here [External Complaints Procedure](#)

5.5. If, having used our corporate complaint process, you are still not satisfied you can contact the Local Government Ombudsman (LGO) who may be able to help <http://www.lgo.org.uk/> It is a free service.

6. COMPLAINING ABOUT OUR SERVICE

6.1. If you have a complaint, the first thing to do is to let us know that you are unhappy by contacting the officer concerned. In most cases, we will be able to address your dissatisfaction so that you don't feel that you need to take it further. If you do, we manage complaints about our service through our corporate complaints procedure. For further information [External Complaints Procedure](#) or telephone our reception 01429 872311 and ask to make a complaint. If you are still not satisfied at the end of that process, we will encourage you to contact the Ombudsman and to seek their assistance in the resolution of your concern.

7. AUDIT, MONITORING & QUALITY ASSURANCE

- 7.1. Fire Safety will perform an audit of this procedure every three years or if there are any changes of circumstances
- 7.2. Any recommendations as a result of procedural audits will be assessed and implemented where appropriate into the existing procedure.