



Appeals, challenges or complaints following a regulatory fire safety intervention

Guidance for the premises responsible person

In all your dealings with us, you can expect an efficient and professional service. We aim to carry out all our activities in a way that supports and enables 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, we would like to know.

There are two ways you could be unhappy with us, either:

- you consider the safety measures that we have suggested are not the right solution for you and you want to challenge them, or
- you feel that we have not treated you in an appropriate way, according to our published Service standards, and you want to complain.

Statutory Notices Appeals

If you are issued with a statutory notice, you have a legal right to challenge our decisions by appeal to the magistrates' court. The process of appeal is fully detailed in the supporting information provided to you with the notice.

Statutory notices served under the Regulatory Reform (Fire Safety) Order 2005 [the Order] are:

- Alterations notices;
- Enforcement notices; and
- Prohibition notices.

You must appeal to the magistrates' court within the prescribed time limit of 21 days from the day on which the notice was served. An appeal brought against an enforcement or alterations notice suspends the notice until such time as the appeal is finally disposed of or the notice is withdrawn. An appeal brought against a prohibition notice does not suspend operation.

If you are involved in a Primary Authority partnership, we will follow the Primary Authority guidance for consultation prior to serving the notice, where appropriate to do so. This does not apply in the case of a prohibition notice. Failure to consult will not affect the status of the notice.

You may decide to challenge or question a notice informally; however, this will not suspend the operation of the notice. If a challenge is subsequently upheld through this process, we will either withdraw or amend the notice accordingly.



Determinations by the Secretary of State

The Order also provides a route to resolve disputes over any fire safety requirements imposed on you by referral for determination to the Secretary of State. To bring a dispute to determination, the following conditions must be met:

- the parties agree there has been a failure to comply with the Order;
- there is disagreement between parties about how to rectify the failure; and
- the parties agree to take the matter to determination.

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

If you believe that seeking a determination is the appropriate way to resolve your dispute, please contact the person named on the notice supporting documentation in the first instance, or submit an on-line form from our website's [Compliments and Complaints](#) page.

Non-statutory Enforcement Appeals

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

You can challenge our advice, actions or decisions by following the route to appeal described in the letter which accompanied the schedule of improvements provided to you. You should contact the named inspector in the first instance but, If you feel as though your concerns are not being adequately addressed, you can request that your complaint is referred to a fire safety manager.

If you are a partner in a Primary Authority Scheme and are unhappy about any of our advice or decisions, you should contact your Primary Authority partner who can take up the matter on your behalf.

Complaining about our service

If you have a complaint following a fire safety audit or other intervention, the first thing to do is to let us know that you are unhappy by contacting the inspector involved. You can find their contact details on any emails or letters sent to you.

If you do not have contact details, please follow our website guidance on how to complain electronically or contact us using our general Service telephone number.

We will ensure all complaints or disputes are dealt with in accordance with our on-line [Compliments and Complaints](#) process and our supporting procedure. In most cases, we expect to be able to resolve the issue through this process.

If you are still not satisfied at the end of that process, you can contact the Local Government Ombudsman (LGO) to seek their assistance in the resolution of your complaint. Follow this link to the LGO website <http://www.lgo.org.uk>.