

Procedure

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Title							
Enforcement Appeals, Challenges and Complaints Procedures							
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Department				Date of issue			
Fire Protection and Business Safety				6 March 2018			
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Management Procedure		Operational Procedure		Technical Equipment		TGN	✓

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Links to other documents for consideration/review

Links to Legislation

Links to Regional/ National Guidance

Summary of Guidance

This document details the procedures available to anyone aggrieved by a decision of the Oxfordshire Fire and Rescue Service concerning the enforcement of fire safety legislation.

Guidance

FP PROC 001/2

1. Introduction

In all your dealings with us 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.

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 standard and you want to complain our service standard can be found at

<http://www.365alive.co.uk/cms/content/enforcement-policy>

2. Challenging our advice, actions or decisions

Statutory notices

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
- Prohibition Notices

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

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

Determinations by the Secretary of State

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
3. The parties agree to take the matter to determination

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

3.Challenging other advice, actions or decisions

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

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 Inspector concerned. If your concerns are not adequately addressed your concern can be raised with a senior fire safety manager.

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.

When we are not able to resolve your issues, you can make use of our corporate complaints procedure. You can access this process here <https://www.oxfordshire.gov.uk/cms/content/fire-and-rescue-service-comments-compliments-and-complaints>

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/>] This is a free service.

4. Complaining about our service

If you have a complaint, the first thing to do is to let us know that you are unhappy by contacting the Inspector 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 <https://www.oxfordshire.gov.uk/cms/content/fire-and-rescue-service-comments-compliments-and-complaints> or telephone 08000 325999

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.

Service and Community Impact Assessment

SCIA

Document Completed by:	P. Rosum	Date: 6 March 2018
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Outcomes:
This procedure does not have a significant impact on the service provision to the community

Freedom of Information Assessment

FOI Officer

Document Accepted	Yes	Date: 6 March 2018
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Data Protection Assessment

DP Officer

Document Accepted	Yes	Date: 6 March 2018
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Abbreviations

Final Document Approvals

Document Review Period

Risk <small>(tick box)</small>	High	Normal ✓	Low	Reason for low risk:	
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Functional Manager or SDM/SSM

Document Accepted	Yes	Date 6 March 2018
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Comments