



Lewisham Council's Corporate Comments, Complaints and Compliments Policy

1 Introduction

- 1.1 Lewisham Council welcomes customer feedback about its services and staff, and we have a process for service users to express their views and opinions.
- 1.2 We will ensure that everyone is treated fairly and consistently in expressing those views and opinions, and we take into account equality and diversity issues.
- 1.3 We will also ensure that a customer's concerns are taken seriously, and that they receive a timely response and an explanation of how any decision was reached.
- 1.4 All complaints will be recorded on the Council's complaints management system, and will help us to monitor our performance; to learn lessons for the future; and to inform and shape service delivery.

2 Our vision

- 2.1 To put our customers at the heart of complaints management and to use complaints as a learning opportunity to improve services

3 Equal access for all

- 3.1 The London Borough of Lewisham is a diverse community made up of many different groups and individuals. We value and celebrate that diversity, and we believe it is essential that everyone has easy access to the complaints process.

4 Our definition of a complaint

- 4.1 'Any expression of dissatisfaction with our staff or the services that we deliver (including partners and contractors, acting on our behalf)

What is a complaint?

- 4.2 A complaint is that we:
 - Have made a mistake or have done something wrong
 - Have promised to do something but failed to do so
 - Have been impolite or unhelpful (this includes staff and contractors)
 - Have failed or delayed in carrying out a service

What is not a complaint?

4.3 We would not treat the following as a complaint and we would not consider them under our complaints process:

- The first request for a service or where we have been given insufficient time to deliver that service according to our service standards
- A request for information or a service
- An explanation of, or challenge to, a Council policy or procedure
- An appeal against a decision, such as housing benefit, planning and parking
- A complaint about another resident, as part of a neighbour dispute for example
- Where legal action is in progress. However, if a solicitor is acting as an advocate for a customer, this will be logged as a complaint and it will be dealt with in the usual way
- Insurance claims

4.4 This list is not exhaustive, but the Council can only deal with complaints about services that it provides or that contractors provide on its behalf

5 When can a complaint be made?

5.1 Complaints should be made as soon as possible after the customer thinks that something has gone wrong, as there is then a better opportunity for us to carry out a thorough investigation. The more time that goes by people may not be able to recollect the exact events; officers who were involved may have left the Council; and, on some occasions, records might not be available.

5.2 For these reasons, the Council will normally only investigate a complaint about things that have happened within the last 12 months unless they were previously brought to its attention. Of course, there will be exceptions to this, such as when something might have prevented the customer from reporting the complaint earlier.

6 Our complaints process

6.1 The Council has three stages to its complaints process. Where a customer is formally complaining about an issue for the first time, their complaint will normally be investigated at stage 1 of our procedure. We will let you know if we are going to deal with your complaint in a different way.

6.2 At each stage the complaint will be investigated by a different person.

6.3 Our complaint acknowledgement will contain the Council's contact details in case the customer wishes to speak to someone about their complaint.

Stage 1

6.4 The service manager will ensure that the complaint is recorded on the Council's computerised system for recording feedback. The manager will also send the customer an acknowledgement letter within two working days, advising them that we have received their complaint. The acknowledgement

letter will give the name of the officer who will be investigating the complaint and a date by which the customer will receive a written response.

- 6.5 The service manager responsible for the service that is the subject of the complaint will investigate the complaint and write to the customer within 10 working days, advising them of the outcome of their investigation.
- 6.6 If the complaint is about the service manager, the complaint will be investigated, and a response sent, by their line manager.
- 6.7 The service manager's letter will explain to the customer:
 - The decision on the complaint and how that decision was reached
 - Any action that the Council will take as a result of the complaint
 - How the customer can escalate their complaint if they are unhappy with the decision.

Stage 2

- 6.8 If a customer is unhappy with the response to their complaint at stage 1, and they wish to escalate it, they must write to the Head of Service explaining why they remain dissatisfied.
- 6.9 All stage 2 complaints will be recorded on the Council's computerised system for recording feedback, and an acknowledgement letter sent within two working days advising receipt of the complaint. The acknowledgement letter will give the name of the officer who will be investigating the complaint and a date by which the customer will receive a full written response.
- 6.10 The Head of Service is responsible for carrying out a new investigation, and they will write to the customer within 20 working days of receiving the complaint explaining:
 - Their decision and the reasons for that decision
 - Any action that will be taken by the Council as a result of the complaint
 - That the customer can escalate their complaint to stage 3 of the complaints procedure by writing to the Independent Adjudicator at:

Freepost, Lewisham Town Hall, Rushey Green, London, SE6 4RU

- 6.11 The relevant Directorate Complaints Team is responsible for monitoring stage 2 complaints and ensuring that the customer receives a written response

Stage 3

- 6.12 The Independent Adjudicator (IA) investigates all stage 3 complaints with some exceptions (see section 7.1)
- 6.13 The IA will send the customer an acknowledgement letter within two working days, advising them that she has received their complaint. The acknowledgement letter will give a date by which the customer will receive a written response.



6.14 The IA is responsible for carrying out a new investigation, and she will write to the customer within 30 working days of receiving the complaint explaining:

- Her decision on the complaint and the reasons for that decision
- Any action that she has asked the Council to take as a result of her findings on the complaint
- How to complain to the Local Government Ombudsman or the Housing Ombudsman Service if they remain unhappy.

6.15 In some instances, the Council asks the IA to take a complaint even though it has not been investigated at each stage of the complaints process. The IA will consider the complaint and the reasons for the request, and she will make a decision on whether to agree to it or turn it down because she thinks that her involvement is premature: the IA looks at each case on its merits. The complainant is not usually consulted on this, and their agreement is not required.

Timescales

6.16 If a complaint is complex, it may take a longer time to reply at any of the three stages. The officer carrying out the investigation will let the customer know of any delay and they will give a new date for reply.

What happens if the customer remains unhappy?

6.17 If, after exhausting the Council's complaints process, the customer remains dissatisfied, they can ask the Local Government Ombudsman (LGO) or the Housing Ombudsman Service to investigate their case (HOS). They will let us know their findings.

6.18 The LGO can be contacted at:

PO Box 4771, Coventry CV4 0EH

Tel: 0300 061 0614

Website: www.lgo.org.uk

6.19: The HOS can be contacted at:

81 Aldwych, London, WC2B 4HN

Tel: 0300 111 3000

Website: info@housing-ombudsman.org.uk

7 Complaints that fall outside the complaints procedure

7.1 There are special procedures for investigating some complaints and complaints falling under these procedures cannot be dealt with under the Corporate Complaints Procedure. There are other complaints where the customer can appeal, and again this would exclude them from the Council's process.



7.2 If a customer sends us a complaint that should be dealt with under another procedure or by way of appeal, we will write to let them know this and explain how to access that procedure or appeal. If a customer is unsure as to whether a complaint falls under a different procedure or they can appeal, they can contact the Corporate Complaints Team.

7.3 The following complaints fall under special procedures and they cannot be dealt with under the Council's Corporate Complaints Procedure:

- Complaints about social care services for children and young people
- Complaints about adult social care services
- Complaints about breach of the Data Protection Act and the Freedom of Information Act
- Complaints about Councillors
- Complaints involving insurance claims
- Complaints about personnel matters
- Complaints alleging fraud in, for example, housing and council tax benefit, in housing tenancies, by Council employees, and by contractors
- Complaints about housing managed by Lewisham Homes – the Council's Arms Length Management Organisation (ALMO) - except at stage 3: the ALMO has its own procedure for earlier stage complaints
- Complaints about schools

7.4 For the following complaints there is an alternative right of appeal and they cannot be dealt with under the Corporate Complaints Procedure:

- Complaints about school admissions
- Complaints about parking Penalty Charge Notices
- Complaints about some Housing/Council Tax Benefit decisions
- Complaints about council tax liability and valuation
- Complaints about some homelessness decisions
- Complaints about planning decisions where the customer is the planning applicant

8 Dealing with unreasonably persistent complainants

8.1 In most cases, complaints can be dealt with quickly and efficiently. However, the behaviour of a minority of customers can make investigating and resolving a complaint difficult. These customers can also take up a lot of officer time so there is less time to help others. The Council has a procedure for dealing with such customers and it is available on its website.

9 Learning from complaints

9.1 The Council puts customers at the heart of its complaints process; it has a customer focussed approach to complaints handling; and it ensures that lessons are learnt from complaints.

10 Confidentiality

10.1 Anyone involved in handling a complaint, at any level, has a duty to comply with this procedure and to ensure information on the complaint is kept confidential at all times.

- 10.2 All officers and managers are required to handle complaints according to the rules of data protection.

11 Representation

- 11.1 Customers can ask for a third party to act on their behalf. If it is a friend, a relative or an advocate, such as the Citizens Advice Bureau, we require written authorisation from the customer allowing us to liaise with the representative and before we release any information about the complaint.
- 11.2 Customers can ask their MP and/or Ward Councillor to act on their behalf: written authorisation would not be required here.

12 Dealing with comments

- 12.1 The Council's definition of a comment can be described as a personal opinion or belief, remark or suggestion expressed by a customer.

Examples of a comment:

' the windows of the library are constantly damaged by vandals. If they were covered with Perspex, this would prevent damage in the future.'

' I just want to say that I agree with all those people complaining about the increased residents parking charges.'

'I don't wish to complain, I just want my comments noted that I think the way you deliver the service is inadequate.'

- 12.2 Comments should be directed to the appropriate directorate casework teams to consider how to handle each comment. They will liaise with the services area/ service managers, as appropriate.
- 12.3 The Council will acknowledge receipt of the comment within 10 working days. Any further correspondence will be sent as appropriate.

13 Dealing with compliments

- 13.1 Compliments received should be recorded on the Council's computerised system for recording feedback.
- 13.2 The service manager should write to the customer within 10 working days thanking them for their compliment.
- 13.3 If a member of staff is complimented, the service manager should bring this to their attention.