



# **Corporate Complaints, Comments, & Compliments Policy**

**London Borough of Lewisham**

Version 1.0 – November 2020

**Owner:** Director of Public Services

**Review Date:** April 2021

## Document Control

### Version Control Table

Version Number	Date	Purpose / Change	Reviewer / Authoriser
Original	October 2014	Original Policy	-
Revised draft v0.1	14/04/2020	Original policy updated to reflect current complaints handling at Stage 2 and contact information. Section 4.3 – What is not a complaint has been updated.	Interim Complaints Manager, Complaints & Casework Team, Independent Adjudicator
Revised draft v0.2	09/11/20	Updated to include revised timescales for corporate complaints	Complaints & Casework Team Independent Adjudicator Service
Revised draft v0.3	10/11/20	Updated with suggested changes from corporate team for Ag. Director of Public Services to review	Ag. Director Public Services
Final – v1.0	26/11/20	Final version approved by Ag. Director of Public Services	Ag. Director of Public Services

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## 1 Introduction

- 1.1 Lewisham Council welcomes customer feedback about its services and staff, and we have a process for service users to give that feedback.
- 1.2 We will ensure that everyone is treated fairly and consistently when they give feedback, and we will take into account equality and diversity issues.
- 1.3 We will also ensure that any customer's concerns are taken seriously, and that they receive a timely and detailed response.
- 1.4 All complaints will be recorded on the Council's complaints management system to help us 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 our 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 Examples of complaints include:

- We have made a mistake or we have done something wrong
- We have promised to do something but failed to do so
- We have acted unprofessionally (this includes staff and contractors)
- We 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 general request for information or a service
  - An explanation of, or challenge to, a Council policy or procedure; although we can look at how that policy or procedure has been applied
  - Any matter that can be appealed to an outside body, so for example, the Housing Benefit Tribunal, the Planning Inspectorate and the Parking Adjudicators.
  - A challenge to a Council decision, although we can look at how that decision was reached
  - 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 is not an exhaustive list, but the Council can only deal with complaints about the services that it and its contractors and partners provide.

## **5 When can a complaint be made?**

- 5.1 A complaint should be made as soon as possible after the customer thinks that something has gone wrong, as this gives us the best chance to find out what happened. The more time passes, the harder it is to recollect the exact events; officers who were involved might have left the Council; and on 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 wants to speak to someone about their complaint.

### ***Timescales***

- 6.4 Our corporate complaints timescales have been revised because the Council is facing significant operational pressures dealing with the Covid-19 outbreak. The table below shows the revised timescales that took effect from 9 November 2020

<b>Corporate Complaint Stage</b>	<b>Investigated By</b>	<b>Revised Timescales with effect from 09/11/20</b>
Stage 1	Service manager or Head of Service	<b>20</b> working days (previously 10 working days)
Stage 2	Corporate Complaints Team	<b>25</b> working days (previously 20 working days)
Stage 3	Independent Adjudicator	<b>35</b> working days (previously 30 working days)

- 6.5 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.

### ***Stage 1***

- 6.6 The service manager will ensure that the complaint is recorded on the Council's complaints management 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.
- 6.7 The service manager will investigate the complaint and write to the customer within 20 working days, advising them of the outcome of their investigation.
- 6.8 If the complaint is about the service manager, the complaint will be investigated, and a response sent, by their line manager.
- 6.9 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.

6.10 If a customer is unhappy with the response to their stage 1 complaint, and they want to escalate it, they must contact the Corporate Complaints Team.

6.11 The Corporate Complaints Team contact details are:

**Email:** [CorporateComplaints@lewisham.gov.uk](mailto:CorporateComplaints@lewisham.gov.uk)

**Post:** Complaints & Casework Team  
London Borough of Lewisham  
4<sup>th</sup> Floor, Laurence House  
Catford  
London  
SE6 4RU

## Stage 2

6.12 The customer should explain why they remain dissatisfied with the Stage 1 complaint response, for example, what parts of their complaint have not been addressed, or providing new evidence not previously considered. The Council may refuse to undertake a Stage 2 complaint if the customer does not provide a sufficient reason for carrying out a further investigation.

6.13 All stage 2 complaints will be recorded on the Council's complaint management 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 in the Corporate Complaints team who will be investigating the complaint and a date by which the customer will receive a full written response.

6.14 The Corporate Complaints Team is responsible for carrying out a Stage 2 investigation independently from the service area.

6.15 The investigating officer will write to the customer within 25 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 *contacting* the Independent Adjudicator at:

**Email:** [Independent.Adjudicator@lewisham.gov.uk](mailto:Independent.Adjudicator@lewisham.gov.uk)

**Post:** Independent Adjudicator  
c/o Complaints & Casework Team  
London Borough of Lewisham  
4<sup>th</sup> Floor, Laurence House  
Catford  
London  
SE6 4RU

### Stage 3

- 6.16 The Independent Adjudicator (IA) investigates stage 3 complaints. There are some exceptions (see section 7.1)
- 6.17 The IA will send the customer an acknowledgement letter within two working days, advising them that the IA has received their complaint. The acknowledgement letter will give a date by which the customer will receive a written response.
- 6.18 The IA is responsible for carrying out a further investigation, if necessary. The IA will write to the customer within 35 working days of receiving the complaint explaining:
- their decision on the complaint and the reasons for that decision
  - any action that they have asked the Council to take as a result of their findings on the complaint
  - how to complain to the Local Government and Social Care Ombudsman or the Housing Ombudsman Service if they remain unhappy.
- 6.19 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 will make a decision on whether to agree to it or turn it down because the IA thinks that their 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.

### *What happens if the customer remains unhappy?*

- 6.20 If, after exhausting the Council's complaints process, the customer remains dissatisfied, they can ask the Local Government and Social Care Ombudsman (LGSCO) or the Housing Ombudsman Service (HOS) to investigate their case. They will let us know their findings.
- 6.21 The Local Government and Social Care Ombudsman can be contacted at:

**Web:** [www.lgo.org.uk](http://www.lgo.org.uk)

**Tel:** 0300 061 0614

**Post:** The Local Government and Social Care Ombudsman  
PO Box 4771  
Coventry  
CV4 0EH



6.22 The Housing Ombudsman Service can be contacted at:

**Web:** [www.housing-ombudsman.org.uk](http://www.housing-ombudsman.org.uk)

**Tel:** 0300 111 3000

**Post:** Housing Ombudsman Service  
PO Box 152  
Liverpool  
L33 7WQ

## 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 has a right of appeal to an outside body, 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 to discuss.
- 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 and Regenter – the Council's Arms Length Management Organisations (ALMOs) - except at stage 3: the ALMOs have their own procedure for earlier stage complaints (although the Council takes complaints at stage 2 about Regenter)
  - 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

- 7.5 If, during our investigation of a complaint at any stage, it becomes apparent that the outcome of our complaint investigation depends upon the outcome of a special procedure or an appeal, we will suspend our investigation under the corporate complaints process. We will write to the customer to let them know. We will keep the customer updated on progress and let them know we are still aware of the complaint and waiting for information. Once we have the outcome of the special procedure or appeal we will complete our investigation of the complaint within the normal timescales.

## **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.
- 10.3 Sharing personal information (including that which would normally be kept confidential) for the purposes of a complaint investigation is lawful processing of data under the Data Protection Act 2018.

## **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 will be recorded on the Council's system for recording feedback.
- 12.3 We will send comments to the appropriate directorate Casework Team to consider how to handle them.
- 12.4 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 will be recorded on the Council's computerised system for recording feedback.
- 13.2 The service manager will 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.