



Lewisham

Corporate complaints policy

September 2024

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Introduction

1. Lewisham Council welcomes feedback about its services and staff. This policy aims to resolve complaints effectively and fairly, and give us the chance to learn and improve.
2. Our corporate complaints policy is based on the [complaint-handling code](#)¹ issued by the [Local Government and Social Care Ombudsman](#).²

Our values

3. In Lewisham Council, we are ambitious for the future of our borough. We are inclusive in working with our residents, partners and colleagues, and collaborative in how we work with them. We are accountable for our actions, and trustworthy in all we do.
4. Our corporate complaints policy is a key way in which we implement those values across the organisation. We use complaints to identify issues and introduce positive changes in service delivery.

Fair access to all

5. 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.
6. We make sure that all staff are aware of the complaints process and know how to pass details of a complaint to the appropriate person within Lewisham Council. This includes correspondence addressed to a named officer, which, if it is a complaint, we will log as such.
7. We encourage staff to welcome complaints and support customers who make them. No customer should fear that making a complaint may affect the services we provide to them.
8. We summarise this policy on our website, providing a downloadable version of the full policy for those who wish to consult it. We publicise the corporate complaints policy in customer surveys and other communications with customers.
9. Where an individual requests a reasonable adjustment, we will adapt this policy to meet their need. We will also record the request within our complaint-

¹ www.lgo.org.uk/information-centre/information-for-organisations-we-investigate/complaint-handling-code

² www.lgo.org.uk

handling system, so all complaint-handlers can see what adjustments need to be made, and keep agreed reasonable adjustments under active review.

10. Customers can ask a third party to act on their behalf. If it is a friend, relative, or advocate (such as the Citizens Advice Bureau) we require written authorisation from the customer. We will not release any information about the customer, or process the complaint, without appropriate authorisation.

How to complain

11. Where possible, we prefer customers to log their complaint using [our website³](#), because this ensures we collect all the information we need about them, and automatically forwards the complaint to the relevant council service (or the corporate complaints team if there is a query about this).
12. Customers may also submit a paper complaint, either in person at any of our sites, or by post to Laurence House, Catford, SE6 4RU. We will forward these complaints to our corporate complaints team for logging, and allocation to the correct team.
13. We accept complaints made by phone to our corporate complaints line 020 8314 8090. Customers with difficulty speaking or hearing on the phone can use Relay UK with an app or textphone – dial 18001 followed by 020 8314 8090. Call centre staff will log phone complaints directly onto the system.
14. Customers may complain by email to corporatecomplaints@lewisham.gov.uk.
15. Customers may complain in an email or phone call to any officer, or face-to-face. This will normally be an officer they are already dealing with. The receiving officer will make sure the complaint is logged onto the system and allocated to the corporate complaints team for forwarding, if necessary.

Definition of a complaint

16. Our definition of a complaint is that provided by the Local Government and Social Care Ombudsman in their complaint-handling code:

An expression of dissatisfaction, however made, about the standard of service, actions or lack of action by Lewisham Council, its own staff, or those acting on its behalf, affecting an individual resident or group of residents.

What is a complaint?

17. A customer may say we have:
 - Made a mistake or we have done something wrong.

³ www.lewisham.gov.uk/mayorandcouncil/complaints-and-feedback/corporate-complaints-procedure

- Promised to do something but failed to do so.
 - Acted unprofessionally (this includes staff and contractors)
 - Failed or delayed in carrying out a service.
18. A complaint does not need to include the word 'complain', and it may arrive at the Council online, by email, by phone, by post, in person, or by social media.
19. We will keep a record of all complaints received, including those which can be resolved immediately, such as a missed appointment.

What is not a complaint?

Service requests

20. A service request may be defined as:
- A request that the Council provides or improves a service, fixes a problem, or reconsiders a decision.*
21. A service request may include an expression of dissatisfaction, but the Council must have an opportunity to deal with the request, before treating it as a complaint.
22. So we will not consider as a complaint, the first request for a service about which we had no previous knowledge, or where we have been given insufficient time to deliver that service according to our service standards.
23. We will also not consider as a complaint, a general request for information or a service.
24. We record service requests so we can monitor and review them. If a customer expresses dissatisfaction about our response to a service request, we will treat this as a complaint, but we will not stop our efforts to address the service request.

Exclusions

25. The Council can only deal with complaints about the services that it and its contractors and partners provide. The Council expects its contractors and partners to follow its corporate complaints policy, unless a different procedure, or an exclusion, applies.
26. There are special procedures for investigating some complaints. Complaints falling under these procedures cannot be dealt with using the corporate complaint process.
- Complaints about social care services for children and young people
 - Complaints about adult social care services
 - Complaints about housing services (the Council and its partners in the role of landlord)
 - Complaints about breach of the Data Protection Act 2018 and the Freedom of Information Act 2000

- Complaints about Councillors
 - Complaints about personnel matters
 - Complaints alleging fraud, for example in housing and council tax benefit, in housing tenancies, by Council employees, and by contractors
 - Complaints about schools.
- 27.** Where a complaint sits within more than one complaint procedure – for example, a complaint about housing adaptations to meet social care needs – we will, if the elements of the complaint are not separable, generally use the complaint procedure with the shortest timescale.
- 28.** For the following complaints there is an alternative right of appeal, so we will not consider them using the corporate complaints process:
- Complaints about school admissions
 - Complaints about parking penalty charge notices
 - Complaints about some housing benefit and council tax reduction decisions
 - Complaints about council tax liability and valuation
 - Complaints about some homelessness decisions
 - Complaints about planning decisions where the customer is the planning applicant.
- 29.** If a customer sends us a complaint which has an alternative right of appeal, we will write to tell them this and explain how to access the appeal process.
- 30.** 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.
- 31.** In addition to those matters which fall within a different complaint or appeal process, we will not consider the following matters using the corporate complaint process:
- An explanation of, or challenge to, a Council policy or procedure; although we can look at how that policy or procedure has been applied, and check that it complies with the law and statutory guidance.
 - 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
 - Complaints where legal proceedings have started, with details of the claim having been filed at court. However, if a solicitor is acting as an advocate for a customer, we will log this as a complaint and deal with it in the usual way

- Insurance claims.
 - Matters which have previously been considered under this policy.
- 32.** This is not an exhaustive list and we will consider the individual circumstances of each complaint when deciding whether to accept it.
- 33.** If we decide not to accept a complaint, for any reason, we will write to you and explain why. We will provide details of the appropriate ombudsman so you can challenge our decision.
- 34.** We will also keep a record of all rejected complaints and the reason for the decision to reject each one.

Comments and compliments

- 35.** A comment is a personal opinion or belief, remark or suggestion made by a customer. For example:

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.

- 36.** We will record comments on the complaints and feedback system, and acknowledge them within 10 working days. We will pass comments to the appropriate team.
- 37.** We will treat anonymous complaints as comments, and pass them to the appropriate team without acknowledgement. This includes:
- Any complaint claiming to be from a group of residents, or
 - Any complaint received via social media
- which provides no contact name, or insufficient contact details.
- 38.** We will also record compliments on the complaints and feedback system. The relevant service manager will thank the customer within 10 working days. If an individual member of staff is the subject of a compliment, the service manager will ensure the staff member and their line manager are made aware of this.

When can a complaint be made?

- 39.** We expect customers to make a complaint as soon as possible after they think 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.

- 40. 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.
- 41. There will be exceptions to this, such as when:
 - Something might have prevented the customer from reporting the complaint earlier.
 - The customer was not aware of the issue.
 - The complaint concerns ongoing safeguarding or health and safety issues.
 - The complaint is about continuing delay.
- 42. Because of this, we will not apply a blanket 12-month rule. We will treat each situation on its own merits.

Our corporate complaints process

- 43. The Council has two stages to its corporate complaints process. A different person will investigate the complaint at each stage.
- 44. Where a customer is complaining about an issue for the first time, we will normally investigate their complaint at stage 1 of the process. We will let you know if we are going to deal with your complaint in a different way.

Timescales

Stage	Investigated by	Acknowledgement	Response
Stage 1	Service manager	Within 5 working days of receipt	Within a further 10 working days
Stage 2	Head of Service (corporate complaints team for multi-faceted complaints)	Within 5 working days of receipt	Within a further 20 working days

- 45. It may take us longer to respond, for example if the complaint is a complex one. The officer investigating the complaint will tell the customer:
 - That there is a delay
 - The reason for the delay
 - The proposed new date for the response. The extension will not be more than 10 working days at stage 1, or 20 working days at stage 2.
 - The Local Government and Social Care Ombudsman’s contact details.
- 46. We normally expect customers to escalate their complaint within 1 month of receiving our stage 1 response. But we may allow longer if circumstances require this.

Multi-faceted complaints

47. Where a complaint is about more than one Council directorate, and we can separate out the different issues, we will raise a complaint against each of the services involved. This ensures we collect accurate data about the number of complaints made about each service.
48. Each service will provide its own response to the resident, without commenting on the other issues in the complaint.
49. Where a complaint is about how multiple Council services across directorates have interacted, we call this a multi-faceted complaint, and our corporate complaints team will handle the complaint.

Complaint-handlers

50. We require all Council staff handling complaints to:
 - Complete the appropriate corporate complaints training
 - Use relevant guidance and templates
 - Maintain a full record of the complaint investigation on our complaints and feedback system
 - Clarify with the individual any aspects of the complaint they are unclear about
 - Keep the individual informed of any delay to the complaint response
 - Deal with complaints on their merits, act independently, and have an open mind
 - Give the individual a fair chance to set out their position
 - Take measures to address any actual or perceived conflict of interest, and
 - Consider all relevant information and evidence carefully.
51. Complaint-handlers are authorised, in consultation with any relevant budget-holder, to appropriately remedy any complaint at the earliest possible point. They should still provide a written complaint response which conforms to this policy. But the customer should not have to wait for the written response, in cases where it is clear what has gone wrong and what should be done to put it right.

Stage 1

52. The service manager will ensure that, on receipt, the complaint is recorded on the Council's complaints and feedback system.
53. If the complaint is about the service manager, their line manager will investigate and respond to the complaint.
54. The stage 1 complaint-handler will contact the customer to clarify any aspect of the complaint which is unclear, and check if any reasonable adjustments are necessary.

- 55.** The stage 1 complaint-handler will, within 5 working days of receipt of the complaint, send the customer a written acknowledgement. This will include:
- The name of the officer who will be investigating the complaint;
 - Their contact details;
 - A summary of the complaint;
 - Confirmation of any reasonable adjustments; and
 - The date by which the Council will issue its written response.
- 56.** The stage 1 complaint-handler will investigate the complaint and write to the customer within 10 working days of the acknowledgement, advising them of the outcome of their investigation. The stage 1 complaint-handler will send the complaint response even if the Council has not yet completed all the actions to address the complaint.
- 57.** The stage 1 complaint-handler will include in the complaint response any additional related issues the customer has raised, unless doing this would unreasonably delay the response.
- 58.** The stage 1 complaint response will explain to the customer:
- The complaint stage
 - The complaint summary
 - Any aspects of the complaint for which the Council is not responsible
 - The evidence considered (including law and guidance where relevant)
 - The decision on the complaint – whether it is upheld, partly upheld, or not upheld
 - The reasons for this decision
 - The details of any remedy offered to put things right
 - 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.
- 59.** In most cases, a customer can escalate their complaint by contacting the head of service, so it is their details which will be in the stage 1 response.
- 60.** The stage 1 complaint-handler will send a written response, including escalation information, in all cases, including those where the Council has already successfully remedied the complaint.
- 61.** The stage 1 complaint-handler will also make arrangements to track any outstanding actions required to resolve the complaint, and provide progress updates to the customer. If the Council cannot deliver the remedy it has proposed, the stage 1 complaint-handler will write to the customer explaining why, providing details of any alternative remedy as well as the contact details for the Local Government and Social Care Ombudsman.

Stage 2

62. The Council may only refuse to escalate a complaint to stage 2 of the corporate complaint process for the reasons set out in paragraphs 25 to 32 above. We do not require a customer to provide a reason for escalating their complaint.
63. The head of service or director is responsible for reviewing a complaint at stage 2. This may involve a more detailed investigation, or it may be a review of the investigation already carried out at stage 1, depending on the circumstances of the complaint. The corporate complaints team is responsible for carrying out stage 2 reviews and investigations of multi-faceted complaints about 2 or more service areas.
64. The stage 2 complaint-handler will ensure that, on receipt, the complaint is recorded on the Council's complaint management system. The stage 2 complaint-handler will also contact the customer to check their understanding of why the customer remains unhappy.
65. The stage 2 complaint-handler will, within 5 working days of receipt of the complaint, send the customer a written acknowledgement. This will include:
 - The name of the officer who will be investigating the complaint;
 - Their contact details;
 - A summary of the complaint
 - Any aspect of the complaint for which the Council is not responsible
 - Our understanding of the unresolved issues and the outcomes the customer is seeking;
 - Confirmation of any reasonable adjustments; and
 - The date by which the Council will issue its written response.
66. The stage 2 complaint-handler will write to the customer within 20 working days of acknowledging the complaint. The stage 2 complaint-handler will send the complaint response even if the Council has not yet completed all the actions to address the complaint.
67. The complaint response will explain:
 - The complaint stage
 - The complaint summary
 - The evidence considered (including law and guidance where relevant)
 - The decision on the complaint – whether it is upheld, partly upheld, or not upheld
 - The reasons for this decision
 - The details of any remedy offered to put things right
 - Any action that the Council will take as a result of the complaint
 - Contact details for the Local Government and Social Care Ombudsman.

68. The stage 2 complaint-handler will send a written response, including escalation information, in all cases, including those where the Council has already successfully remedied the complaint.
69. The stage 2 response is the Council's final response to the complaint. But the stage 2 complaint-handler will also make arrangements to track any outstanding actions required to resolve the complaint, and provide progress updates to the customer.
70. If the Council cannot deliver the remedy it has proposed, the stage 2 complaint-handler will write to the customer explaining why, providing details of any alternative remedy as well as the contact details for the Local Government and Social Care Ombudsman.

Remedying and learning from complaints

71. Where the Council finds it was at fault, it will remedy any injustice caused using the [guidance on remedies](#)⁴ published by the Local Government and Social Care Ombudsman.
72. The Council will also consider what service improvements can be made as a result of the complaint, and regularly share information about lessons learned from complaints to all relevant parts of the organisation.

What happens if the customer remains unhappy?

73. If, after exhausting the Council's complaints process, the customer remains dissatisfied, they can ask the Local Government and Social Care Ombudsman to investigate their case.
74. The Local Government and Social Care Ombudsman can be contacted at:
www.lgo.org.uk
0300 061 0614 (Monday to Friday (except public holidays) - 10am to 1pm (4pm Wednesdays))
PO Box 4771, Coventry, CV4 0EH
75. The Local Government and Social Care Ombudsman will let us know if they decide to investigate the complaint. We will provide promptly any evidence they request, and implement their recommendations without delay.

Unreasonably persistent complainants

76. In most cases, we can deal with complaints quickly and efficiently. But the behaviour of a minority of customers can make investigating and resolving a

⁴ www.lgo.org.uk/information-centre/staff-guidance/guidance-on-remedies

complaint difficult. These customers can also take up a lot of officer time, so there is less time to help other people. The Council has a separate policy for managing unreasonable complainant behaviour, which is available on its website.

Confidentiality

77. 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.
78. All officers and managers are required to handle complaints according to the rules of data protection.
79. 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.

Monitoring

80. The Director of Resident and Business Services oversees the Council's complaint-handling performance, assessing any themes or trends to identify potential systemic issues, serious risks, or policies and procedures that require revision.
81. Additionally, the Council has a Member responsible for complaints.

Annual

82. The Council will produce an annual complaints report, for members to scrutinise and challenge, and for publication on its website. The annual complaints report will include:
 - An annual self-assessment against the Local Government and Social Care Ombudsman's Complaint-handling Code, to ensure this policy remains in line with the Code's requirements;
 - A qualitative and quantitative analysis of our complaint-handling performance. This will include a summary of the types of complaints we have refused to accept;
 - Any findings of non-compliance with the Local Government and Social Care Ombudsman's Complaint-handling Code;
 - The service improvements made as a result of the learning from complaints;
 - The annual letter from the Local Government and Social Care Ombudsman about the Council's performance; and

- Any other relevant reports or publications produced by the Ombudsmen in relation to our work.
- 83.** Alongside the annual complaints report, we will publish Members' response to it.
- 84.** In every complaint-handler's annual appraisal, we include an objective reflecting the need to work collaboratively, take collective responsibility, and act within the standards for engaging with complaints set by any relevant professional body.

Quarterly

- 85.** The Council will provide the Member responsible for complaints with a quarterly update on:
- The volume, categories and outcomes of complaints;
 - Complaint-handling performance;
 - Issues and trends arising from complaint-handling; and
 - Wider learning and service improvements identified from complaints.
- 86.** We will also share this information with local assemblies, and with directors for cascading to officers as appropriate.
- 87.** We provide each executive director with a quarterly complaint-handling report showing performance for the Council as a whole and for each directorate.

Monthly

- 88.** The Council will circulate to directors a monthly summary of the learning from complaints, explaining what changes to practice or procedure are now required, for implementation as needed within their division. We may use other internal communications channels to reinforce wider changes highlighted by learning from complaints.
- 89.** We will also provide a monthly complaint-handling report showing performance for the Council as a whole and for each directorate.

Weekly/daily

- 90.** The Council will provide to teams a weekly report of overdue complaints, and a daily report of complaints for which the response is due.
- 91.** We also expect teams to check team inboxes daily, and to use their iCasework dashboards to:
- Check progress in responding to complaints
 - Assign any unassigned cases
 - Check if activity on a closed case is a customer asking to escalate their complaint.

As required

92. The Council will carry out a self-assessment following a significant re-structure, merger, or change in procedures.
93. The Council will include complaint-handling requirements that comply with this policy, when agreeing contract arrangements with third parties. Contracts will also set out arrangements for monitoring our contractors' complaint-handling performance.
94. The corporate casework and complaints team has responsibility for carrying out quality monitoring of complaint responses.