

# Corporate Complaints Policy

Date Effective: April 2024

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## Introduction

London Borough of Southwark aims to provide excellent services to our residents, businesses

and visitors, and deliver those services right the first time. When we fail to do so we will take ownership and work with customers to resolve any issues. There may be times, however, when customers feel we have let them down and wish to make a complaint.

Southwark Council recognises the value of complaints and welcomes them as an important form of feedback regarding our services. We will learn from and use the information from complaints to drive forward improvements and respond positively to our customers' needs and expectations. We put a strong emphasis on making personal contact with complainants and finding out from them what we need to do to put things right. We want to resolve all complaints quickly and effectively, resolving them straight away where possible.

We accept complaints in all formats and they can be made in a number of ways, including:

- Visiting our website at: [Making a complaint - Southwark Council](#)
- Emailing us at: [complaints@southwark.gov.uk](mailto:complaints@southwark.gov.uk)
- Calling our Customer Service Centre on: 0207 525 0042
- Writing to us at: Customer Resolutions Team, PO Box 64529, London, SE1P 5LX
- In person at one of our offices
- Via social media (where we can identify the person making the complaint)

Where we accept a complaint via social media, we will liaise with the complainant as to the most productive way of managing that complaint and look to take it off-line, so that we can ensure confidentiality and privacy.

## Our aims

We believe that all our service users have the right to:

- Have their views heard
- Receive a good quality service
- Expect prompt action when our performance is below standard, balanced by the resources available.

Our staff and contractors will be:

- Efficient and sensitive to the needs of the service users
- Accessible and clearly identified
- Aware of the day-to-day concerns of our service users.

Our policy will:

- Be easy to access
- Advise service users of the standard of service they should expect, a timeframe for replying to their complaint and their right to appeal should they remain unhappy
- Ensure we monitor complaints so that we meet our standards
- Be reviewed and updated on a regular basis and at least annually.

## Our Values

Everything that we do as a council is to achieve our vision of a fairer future for all in Southwark. Our residents are at the heart of everything we do and they've helped us form the values that underpin the work of the council. Our values will continue to inform all the work we do across the council and what you can expect from us.

Our values are:

- treating residents as if they were a valued member of our own family
- being open, honest and accountable
- spending money as if it were from our own pocket
- working for everyone to realise their own potential
- making Southwark a place to be proud of
- always work to make Southwark more equal and just
- stand against all forms of discrimination and racism

## Our Complaints Procedure

We have adopted the Housing Ombudsman's definition of a complaint, which is:

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

A person does not need to use the word "complaint" for us to treat an expression of dissatisfaction as a complaint.

If we fail to resolve a matter and several contacts have been made by the service user, a complaint will be raised.

### **What complaints aren't covered by this policy?**

There are certain types of complaints that may not be dealt with under this policy. If we do not deal with a matter as a complaint we will inform the complainant of the reasons in writing and allow a challenge to that decision. We will advise people of their right to approach the Ombudsman in the event that we refuse to consider a complaint.

In instances where a complaint has not been accepted and is subsequently escalated to the relevant

Ombudsman, it is acknowledged that the Ombudsman may review the case and determine that the exclusion was not fairly applied. Should this happen, the Ombudsman has the authority to direct us to re-evaluate the complaint in accordance with their findings.

There are separate policies for dealing with the following:

- First time requests for services (faults/service requests)
- Requests for information (these are dealt with under separate procedures: the Freedom of Information Act – and Subject Access Requests)
- A complaint that has already been considered by the Council and completed both stages of the corporate complaints procedure.
- Complaints about a registered housing provider
- Complaints against an elected Councillor
- Complaints about schools (including academies) and colleges
- Matters for which there is a statutory right of appeal, such as the parking appeals process
- Complaints where legal proceedings, court or tribunal action have started (although related issues that are not subject to legal proceedings may be considered)
- Most social services complaints concerning adults and children where special procedures apply by law
- Employee complaints about terms and conditions of employment, working conditions or personnel issues which come under the employee complaints procedure
- Matters which are subject to an insurance claim, though each case will be treated on its merits
- Complaints that are submitted anonymously (although we may still investigate the issue)

Please visit our website for further details on the above: [www.southwark.gov.uk](http://www.southwark.gov.uk)

## Who can make a complaint?

We accept complaints from residents, local businesses, visitors to the borough, suppliers of services, community groups and any other groups or individuals that use or are affected by our services. We also accept complaints from people acting on behalf of someone else such as Councillors, Members of Parliament (MPs) and representatives, which will be handled in line with this policy.

## Service requests

A service request should not be logged as a complaint. For example, if a tenant contacts to complain that their sink is blocked and this has not been reported previously, it should be logged as a service request and the repair arranged as per policy.

If a tenant contacts to complain that a previously reported repair request has not been completed

or not completed satisfactorily, this will be recorded as a complaint.

Every effort to resolve the initial service request should remain ongoing even when a complaint is made. We must continue to address the original service issue while separately dealing with the complaint.

## **What happens if customers are still dissatisfied with the response?**

If we have not resolved the issue to the complainant's satisfaction, they can make a complaint through our formal complaints process.

[Document Accessibility Compliance at Southwark.](#)

## **What information do we need to investigate the complaint?**

We will make a detailed record of the complaint so it is important that we are given all relevant information. We will then pass the complaint to the relevant team to investigate.

We take complaints seriously so the team will always attempt to deal with the matter as soon as possible and make personal contact with the customer to ask what action they would like us to take to resolve their concerns. During the course of investigating a complaint, if we feel we will be unable to resolve a complaint to the customer's satisfaction, we will discuss this with the customer.

We expect our staff to keep in regular personal contact with customers until the complaint is resolved. We will agree how often we will update customers throughout the course of a complaint and provide assistance throughout – for example we can explain the complaints process and signpost customers to other services that can provide assistance. We will advise the complainant of the role the Ombudsman plays in the resolution of complaints and that a complainant has the right to approach that service at any time (though the Ombudsman may not undertake an investigation until they have exhausted Southwark's complaints process.

## **Our complaints procedure**

We operate a two-stage complaints process, which gives the complainant the right to have their complaint reviewed at more senior levels should they be dissatisfied with the outcome of the initial response.

### **Stage 1 (Complaint phase)**

The complaint will be dealt with by officers, contractors or the service manager from the relevant service area. If the complaint is about the manager, a more senior member of the management team will handle the complaint.

## **Stage 2 (Review phase)**

The complaint will be dealt with by officers, contractors or the service manager from the relevant service area. If the complaint is about the manager, a more senior member of the management team will handle the complaint.

**Relevant Director(s) are to be notified immediately when their service has received a stage 2 complaint.**

## **What is the time limit for acknowledging receipt of a complaint?**

We will acknowledge receipt of a complaint by phone or in writing within five working days. Our acknowledgement will provide full contact details of who is to investigate the complaint, the subject of the complaint and the deadline for our reply.

## **What is the time frame for a full response to a complaint?**

The time frame for a full response to a complaint is 10 working days for Stage 1 and 20 working days for Stage 2 complaints. All responses will include clear escalation details.

We strive to provide the full written response within the time frame above. Sometimes it may take longer to provide a response. If this is the case we will discuss with the complainant to explain when they can expect a full response by and seek to agree a new timescale. If we are unable to agree a timescale, we will provide the complainant with the Ombudsman's contact details.

## **Is there a time limit for making a complaint?**

We will not normally consider a complaint that is made more than 12 months after the individual first became aware of the issue they want to complain about. This is in line with guidance from the Ombudsman. There may be exceptions to this if the council accepts such a delay is reasonable.

In such cases, the investigating officer handling the complaint will discuss the matter with the Complaints Manager.

If we decide that the complaint is 'out of time' we will explain why and inform the complainant of their right to take the decision to the appropriate ombudsman.



## **What happens if the complainant is still dissatisfied once they have been through our complaints process?**

If the complainant remains dissatisfied following the outcome of the Stage 2 response, they have the right to escalate their complaint to the relevant Ombudsman.

Complaints against local authorities in their role as social landlords (as well as in respect of their ownership and management of leasehold housing) will be considered by the Housing Ombudsman.

The Local Government and Social Care Ombudsman deals with complaints about most other council services, including Planning, Social Care, Housing Benefit, environment and waste, transport and highways, Council Tax and some education matters.

Complaints related to the safety and regulatory compliance of buildings classified as 'higher risk' under the Building Safety Act 2022 can be referred to the Building Safety Regulator.

## **What happens when a case is referred to the Ombudsman?**

When a complaint is escalated to the relevant Ombudsman, the Ombudsman will make contact with the council via email. The Ombudsman will detail what action the Council needs to take, if any, and provide relevant timeframes.

**Relevant Director(s) and Strategic Director are to be notified immediately when the Ombudsman service notifies the council it has received a complaint.**

## **Equality & Diversity**

We will take into account customers' communication needs and preferences. We will offer support or tailor our approach accordingly and make any reasonable adjustments necessary to the operation of this policy to ensure that it is open and accessible to all. This can include:

- Home visits
- Fully accessible meeting locations
- Advice, advocacy or representation
- Translation and interpretation, including sign language, Braille and large print

We will apply this policy consistently, fairly, and will not discriminate against anyone, ensuring compliance with the Equality Act 2010. We will make reasonable adjustments to policy, process, training and learning when identified.

# Putting things right

There are a number of actions we can take to put things right.

- Apologise for any inconvenience caused.
- Provide the service: Where we have failed to provide a service that we agree the customer is entitled to, we should ensure that the service is provided in line with an agreed timetable, explaining any delay.
- Backdate the service: Where we have not provided a service that we should have, it may be appropriate to backdate the service to when it should have been provided in the first instance. For example backdating an application to the original claim date.
- Implement any learning identified.
- Financial compensation where applicable.

## How do we learn from complaints?

We will always look to identify learning and service improvements from complaints. Where a complaint highlights the need for changes in working practices, systems, staff training, procedures or policies, we will ensure that this is raised with the service area concerned. The service area will implement any changes necessary to ensure the services we provide continue to meet our customer's needs.

## Financial Compensation

Our first priority is to resolve failures and put them right. Unless we agree that the council is liable for material loss, we will usually only consider compensation when we review if the complaint has been adequately resolved. However, where we consider it appropriate, we will make an interim offer of compensation, pending full resolution of a complaint.

Compensation should be appropriate and proportionate. It is not an automatic payment when the council makes a mistake. Compensation should be considered under the following circumstances:

- Where statutory compensation is due (for example under the Right to Repair legislation).
- Where the complainant has suffered financial loss.
- Where it is appropriate to compensate the complainant to recognize any failings of the Council to deliver an acceptable level of service.

## Under what circumstances will financial compensation be considered?

If we cannot put a complainant back in the position that they would have been in but for our mistake/delay then we would consider financial compensation as a substitute. This may be because of the passage of time or the nature of the events.

We will **not** consider financial compensation in the following circumstances:

- Any matter settled via an insurance claim
- Any settlement agreed via court proceedings
- Any matter settled by the arbitration panel
- Where there is a specific statutory process of remedy open to the complainant, such as the parking appeals process
- We would generally not pay compensation where the amount awarded is calculated at less than £50. Instead we may consider some other form of benefits in kind, such as vouchers that can be spent on the High Street.
- Further information can be found within our compensation policy on the Southwark Council website.

## Arbitration

The Southwark Arbitration Service was set up to resolve disputes between the council and its tenants or leaseholders. The Arbitration Service is an independent service and is free to use, and has proved to be a quick, simple and informal way of solving disputes between the council, its tenants and leaseholders.

The applicant must have exhausted our formal complaints process prior to being heard by the panel. For more information on eligibility, please see the Southwark Arbitration page at: [Arbitration - Southwark Council](#)

## Maintaining confidentiality

The Data Protection Act (2018) regulates the way in which organisations can use personal information.

- A complaint cannot be discussed with or information disclosed to a third party without the written permission of the complainant  
For example - where an advice worker or solicitor is making a complaint on behalf of a customer, a letter of authorisation from the customer must be obtained; An exception to this rule allows a constituent's own Ward Councillor or MP to be given information when following up a complaint;
- Where a Councillor is acting on behalf of a constituent of a different ward the customer's permission must be sought before disclosing any information.
- We will only share details of the complaint with those people who need to know, in order to investigate.

This policy does not cover complaints relating to data incidents or concerns around the rights afforded to individuals by the General Data Protection Regulations. If you are concerned about how your personal

information is being handled, you may contact the Council's Data Protection Officer by email [dpo@southwark.gov.uk](mailto:dpo@southwark.gov.uk), or by telephone to 0207 525 5000

## Further information

Contact details for the Local Government and Social Care Ombudsman are as follows:

Website: [www.lgo.org.uk](http://www.lgo.org.uk)  
Address: Local Government and Social Care Ombudsman  
PO BOX 4771  
Coventry  
CV4 0EH  
Telephone: 0845 602 1983

Contact details for the Housing Ombudsman are as follows:

Website: [www.housing-ombudsman.org.uk](http://www.housing-ombudsman.org.uk)  
Address: Exchange Tower  
Harbour Exchange  
Square Isle of Dogs  
London  
E1 4 9GE  
Telephone: 0300 111 3000

Contact Details for the Building Safety Regulator are as follows:

Website: [www.gov.uk/guidance/contact-the-building-safety-regulator](http://www.gov.uk/guidance/contact-the-building-safety-regulator)  
Address: Canary Wharf  
10 South Colonnade  
Canary Wharf  
London  
E14 4PU  
Telephone: 0300 790 6787  
Email: [bsrcustomerservice@hse.gov.uk](mailto:bsrcustomerservice@hse.gov.uk)