

**London Borough of Lambeth  
Corporate Complaints Policy**

1 April 2024

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## 1. Introduction and background

We are committed to making Lambeth neighbourhoods fit for the future, one of the safest London Boroughs, and a place that we can call home. The golden thread of these ambitions is that we will be a fair and equitable borough which seeks and delivers justice through all we do. While we aim to provide customers with services that are of a consistently high standard, we recognise that sometimes we may not always meet our desired standards. When this happens, we want to make sure that we quickly put them right and learn from our mistakes. We value complaints and welcome them as an important source of feedback about our services.

We aim to handle complaints promptly and effectively to resolve any issues to the satisfaction of the customer and the council. A comprehensive, accessible and up-to-date complaints policy is an essential part of providing a service at the standards we desire for our customers. Through our approach to dealing with complaints we aim to reassure customers that we have:

- Listened to their concerns
- Taken them seriously
- Learnt from our mistakes to improve our services
- Committed ourselves to providing excellent customer services, dealing with customers in a courteous and efficient manner
- Provided a quality approach to investigating complaints that is fair and equitable

This policy outlines how the council deals with complaints in a simple and timely way that is both open and transparent. This policy can be found on the council's website.

## 2. Service request and complaint definitions

Service requests are different to complaints. A service request is defined as:

‘a request that the organisation provides/improves a service, fixes a problem or reconsiders a decision.’

Examples of service requests might be when a member of staff or contractor fails to attend an appointment for the first time with a valid explanation and a new appointment now needs to be arranged.

We will aim to resolve a service request to an individual's satisfaction before it becomes a complaint.

A complaint is defined as:

‘an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the council, its own staff, or those acting on its behalf, affecting a resident, group of residents, or any other customer(s).’

A complaint must be raised when there is dissatisfaction expressed with the response to a service request, even if the handling of the service request remains ongoing. Customers do not have to use the word 'complaint' for it to be treated as such.

Complaints will generally (although not exclusively) involve:

- Delays in providing a service request
- Failure to provide a service request to the customer's expectations
- Delays in answering a query
- Failure to follow the council's agreed policies and/or procedures
- Broken promises
- Poor communication

A complaint must be about a service that the council provides and where it concerns a service we do not provide, the customer will be notified and signposted accordingly.

### **3. Who can complain?**

The council welcomes complaints from all customers and aims to have a complaints process that is accessible to all service users. A customer of the council is defined as anyone who uses or is affected by a service provided by, or on behalf of the council. It is important to note that a customer does not have to live in the borough in order to make a complaint.

We recognise that some people may need a representative to deal with a complaint on their behalf. We accept complaints made on behalf of someone who is unable to do so themselves, and they are treated in exactly the same way as a complaint made directly by the customer. We will however ask for consent from the customer to ensure they agree to a complaint being made on their behalf. For further advice on consent issues please contact the Corporate Complaints Unit.

The council does sometimes receive anonymous complaints. It can be difficult for the council to investigate anonymous complaints as we will often need to correspond with the customer in order to address their complaints. In cases where an anonymous complaint is received the service manager should discuss the case with the relevant complaints manager.

### **4. How to make a complaint**

Our complaints process is open and accessible and allows our customers or their representative, to make a complaint by whichever method they prefer. This includes:

- In writing (e-mail or hard copy)
- Online complaint form
- Telephone
- In person at any council building
- To a member of staff on-duty off-site

Complaints can also be made in any language. Where a complaint is made in a language other than English the appropriate service should arrange for a translation to be made.

A complaint can be made to any officer of the council, who is responsible for making sure a full written record of the complaint is made and it is recorded on the corporate system.

We want to assist customers in the most appropriate way to resolve their issue, and in line with equality legislation we will provide reasonable assistance or adjustments to enable a complaint to be made. We will also record any disabilities a resident discloses and any reasonable adjustments that we have agreed. Any adjustments will be kept under review.

## **5. Recording complaints**

The council has a corporate system to record customer complaints. All complaints must be recorded on the system, including any accompanying notes and documentation. This will help to ensure a thorough investigation is carried out and, will be used should the customer request a further review by the relevant Ombudsman. Records will be retained in line with the council's data retention policies.

## **6. When can a complaint be made?**

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

Similarly, where a customer would like to escalate their complaint, the request should be received within 12 months of the response date at the previous stage. There may be exceptional circumstances that have prevented the customer escalating their complaint within this time and, in these cases, the Officer receiving the complaint should discuss the case with the relevant complaints manager. Where we have decided that a complaint is 'out of time' the customer should be told why and advised of the right to take that decision to the relevant Ombudsman.

## **7. Resolution and remedies**

When the council is at fault we need to put things right and prevent the same mistake happening again. This should happen at the earliest possible opportunity.

So far as possible, we will seek to put the customers back to the position they would have been in if there had been no fault. Where this is not possible, we will consider the full range of remedies which may include:

- Acknowledging what we did wrong and providing an explanation why
- Apologising
- Improving procedures so similar problems do not happen again
- Reviewing a decision
- Carrying out an assessment/providing a service
- Amending an incorrect record
- Taking action if there has been a delay
- Changing policies, procedures, or practices
- Providing a financial remedy

## 8. Issues outside the remit of the Corporate Complaints Policy

Some complaints are not intended to be dealt with via the complaints process and are more appropriately dealt with through other channels. These include:

- Matters which have previously exhausted our complaint process.
- Cases where legal proceedings, court or tribunal action have started (i.e. when a claim is filed in court), and the council considers the proceedings are inextricably linked to the complaint. Responding to the complaint in these circumstances may prejudice the proceedings.
- Where the court has made a decision about the subject of the complaint.
- When the complaint is not about Lambeth Council or a contractor acting on our behalf.
- Matters for which there is a statutory right of appeal. For example, appeals against penalty charge notices, school admissions, or planning rejections.
- Complaints that are subject to a current Ombudsman investigation or cases in which the Ombudsman has previously made a decision.
- Complaints by council employees about matters relating to their employment that would be more appropriately dealt with under the council's HR policies and procedures.
- Complaints about the behaviour or conduct of elected members.
- Housing matters which are dealt with under the arbitration process.
- Matters which are subject to an insurance claim.

Please note that the list above is not a comprehensive list of all issues that are outside the remit of the Corporate Complaints Policy. If a complaint is outside the remit of the Corporate Complaints Policy the customer should be told why and be advised of the right to take that decision to the relevant Ombudsman.

## 9. Relationship of the Complaints Policy to other policies and procedures

**Members Enquiries procedure** – It is recognised that councillors act as representatives of their constituents and, in some cases, may raise a complaint on their behalf. Enquiries from members are dealt with under the Member's Enquiries procedure and are subject to different timescales. For further information please see our Members Enquiry Protocol. [1374396837Members' Enquiry protocol.pdf](#)

**Unreasonable complainant behaviour** – A minority of customers make complaints that can be considered unreasonable or persistent. This may involve making repeated complaints about the same issue. In such circumstances it may be necessary to consider the complaint to be unreasonable or persistent. If the matter is considered closed then in these cases the officer receiving the complaint should discuss the issue with the relevant complaints manager to agree an approach. Under no circumstances should a customer be deemed as vexatious or persistent without prior discussion and agreement with the relevant complaint manager.

**Hate Crime** – Hate crime is any incident based upon prejudice or hatred towards an individual because of their actual or perceived race, disability, sexual orientation or faith. The council is committed to tackling hate crimes wherever they occur. The council has specific procedures in place to record and report hate crimes and to provide support to victims. If you think that a hate crime needs to be reported please instead use our on-line form below.

[Report a hate crime | Lambeth Council](#)

**Freedom of Information Act (2000), Environmental Information Regulations (2004) and GDPR (2018)** – Some complaints may include a request for information covered by the Freedom of Information Act (2000), Environmental Information Regulations (2004) or GDPR (2018). As there are more suitable processes for dealing with these requests they should be directed to the correct services. Further information is available below.

[Freedom of Information | Lambeth Council](#)

[Privacy and data protection | Lambeth Council](#)

[Information Commissioner's Office \(ICO\)](#)

## **Appendix - The complaints process**

The council operates a two-stage complaints process aimed at resolving complaints at the earliest opportunity.

- The first stage of the complaints process is called Local Resolution. Complaints at this stage are investigated and responded to by the service who are best placed to resolve simple complaints.
- The second stage of the complaints process is called Final Review. At this stage the Corporate Complaints Unit carry out a full review of the complaint independent of the service that has been complained about

This policy establishes timescales for the two stages of the complaint process reflecting on the requirements set out in the Housing Ombudsman Service (HOS) and Local Government & Social Care Ombudsman (LGSCO) complaint handling codes.

At each stage of the complaints process, complaint handlers must:

- a) clarify with the customer or their representative any aspects of the complaint they are unclear about;
- b) deal with complaints on their merits, act independently, and have an open mind; give the resident a fair chance to set out their position;
- c) take measures to address any actual or perceived conflict of interest; and
- d) consider all relevant information and evidence carefully.

### **A) Local Resolution**

All new complaints will first be dealt with at the local resolution stage. Services should allocate local resolution complaints to officers of an appropriate level who have the authority to resolve a complaint and apply a remedy, where appropriate.

The complaint should be logged on the corporate system, and an acknowledgement sent within five working days of receipt. We will set out our understanding of the complaint and the outcomes the customer is seeking. If any aspect of the complaint is unclear the customer or their representative must be asked for clarification. The acknowledgement should also always include: the unique reference number, which aspects we are or aren't responsible for, contact details of the officer/team carrying out the investigation, and the date by which the complainant can expect a response.

For housing complaints relating to tenant/landlord functions, we will send a written response to the customer within ten working days of acknowledging the complaint. For all other complaints we will send a response within 20 working days from the date of receipt.

The response should include:

- the complaint stage;
- the complaint definition i.e. the reasons for the complaint and the outcomes the complainant is seeking;



- the decision on the complaint i.e. is it upheld or partly upheld?;
- the reasons for any decisions made, referencing relevant policies, law or good practice where appropriate;
- the details of any remedy offered to put things right;
- details of any outstanding actions; and
- details of how to escalate the matter to the next stage if the individual is not satisfied with the response.

Where housing cases relating to tenant/landlord functions are particularly complex and a response can't be provided in the standard timescale, then the customer, or their representative, should still be contacted within 10 working days of the acknowledgement to:

- advise why an extension is needed for the response;
- advise the expected timescale for the full response; and
- Provide the contact details of the relevant ombudsman in case they are still unhappy.

An extension must not be more than 10 working days without good reason.

Where a customer or their representative raises additional complaints during the investigation, these must be incorporated into the local resolution response if they are related and the local resolution response has not been issued. Where the local resolution response has been issued, the new issues are unrelated to the issues already being investigated, or it would unreasonably delay the response, the new issues will be logged as a new complaint.

## **B) Final Review**

If the customer is unhappy with the outcome of their complaint, they have the right to have their complaint reviewed by the Corporate Complaints Unit. The Corporate Complaint Unit investigates complaints on behalf of the Chief Executive and will carry out an independent review.

Final Review complaints will also be logged onto the complaints system, and an acknowledgement will be sent within five working days of receipt. We will capture our understanding of the complaint and the outcomes the customer is seeking. If any aspect of the complaint is unclear then the customer or their representative must be asked for clarification. The acknowledgement should also always include the unique reference number, which aspects we are or aren't responsible for, the contact details of the officer/team carrying out the investigation, and the date by which the complainant can expect a response.

For housing complaints relating to tenant/landlord functions, we will send a written response to the customer within 20 working days of acknowledging the complaint. For all other complaints we will send a response within 25 working days from the date of receipt.

The response should include:

- the complaint stage;
- the complaint definition i.e. the reasons for the complaint and the outcomes the complainant is seeking;

- the decision on the complaint i.e. is it upheld or partly upheld?;
- the reasons for any decisions made, referencing relevant policies, law or good practice where appropriate;
- the details of any remedy offered to put things right;
- details of any outstanding actions; and
- details of how to escalate the matter to the Ombudsman

Where housing cases relating to tenant/landlord functions are particularly complex and a full response can't be provided in the standard timescale, the customer or their representative will be contacted within 20 working days of the acknowledgement to:

- advise why an extension is needed for the full response;
- advise the expected timescale for the full response; and
- Provide the contact details of the relevant ombudsman in case they are still unhappy.

An extension must not be more than 20 working days without good reason.

### **C) The Ombudsman**

If you have completed our complaints procedure and you are not happy with the outcome, you can ask the Ombudsman to review your case. You can also contact the Ombudsman for free impartial advice at any point.

The Housing Ombudsman Service (HOS) deals with enquiries and complaints that are related to services provided by the council as a social landlord e.g., repairs to properties. The Local Government and Social Care Ombudsman (LGSCO) deals with complaints that are related to all other council services. This includes non-landlord housing issues such as housing allocation, homelessness and temporary accommodation.

If the relevant Ombudsman finds that a council has done something wrong, they will make recommendations about how to put it right. Further information can be found below.

[How to Complain - Local Government and Social Care Ombudsman](#)

[Make a complaint - Housing Ombudsman \(housing-ombudsman.org.uk\)](https://housing-ombudsman.org.uk)

[Complaint Handling Code 2024 - Housing Ombudsman \(housing-ombudsman.org.uk\)](#)

