

# Complaints Policy

## Customer experience division

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# 1. Introduction

We want to provide excellent services and deliver those services right first time for our customers. When we fail to do so we expect officers to take ownership and work with customer 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 customer complaints and welcomes them as an important form of feedback on 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
- Completing a complaints form
- Emailing us
- Ringing us
- Using textphone/minicom
- Writing to us
- In person at customer access points

# 2. 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 we have 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 procedure will:

- Be easy to access and widely advertised
- Advise service users of the standard of service they should expect, a time limit for replying to their complaint and their right to appeal
- Provide a code of practice for handling complaints
- Ensure we monitor complaints
- Ensure we meet our standards

## 3. 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

## 4. How we handle a complaint

We define a complaint in the following way:

“Any expression of dissatisfaction about any of our services requiring a response.”

### 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.

### What happens if customers are dissatisfied with a service?

If customers are dissatisfied with a particular service, they are encouraged to contact the service or officer they have been dealing with as soon as possible. We want to resolve issues as quickly as possible by dealing with initial failures informally by making personal contact, where possible, and agreeing what actions we will take. Although we will try and contact customers as soon as possible, customers can expect us to respond within three working days.

We call this our “early resolution” phase. We will only enter into this with your agreement and it does not affect your right to escalate your complaint. An officer will contact you and agree an action plan. Once you are in agreement they will arrange a time to call back and confirm that the matter has been resolved. Only with your agreement will the matter be closed.

### 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 complaints process. If customers have not previously contacted us to let us know about their dissatisfaction with a service we will not normally treat the initial report as part of the complaints process.

We operate a two phase 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.

**Complaint phase:** The complaint will be dealt with by officers, contractors or the service manager in the section providing the service. If the complaint is about the manager, a more senior member of the management team will handle the complaint.

**Review phase:** If the complainant is dissatisfied with the outcome of their complaint, the customer resolutions team will carry out an independent review of the complaint on behalf of the chief executive.

For some complaints we may provide a final decision at the complaint phase so that there is no need for the complainant to go through the review phase. This is where we deem that the council is not at fault and that our response would be the same after a review of the complaint, When this happens complainants will be informed of their rights to refer the complaint to the Local Government and Social Care Ombudsman or Housing Ombudsman or the council will refer the complaint to the Ombudsman directly.

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

We will acknowledge receipt of a complaint by phone or in writing within three 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 limit for a full response to a complaint?

The time limit for a full response is 15 working days for the complaint phase and 25 working days for the review phase. Responses will include clear escalation details.

### 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 review of their complaint, the complainant will be informed of their rights to refer the complaint to the Local Government and Social Care Ombudsman or Housing 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.

## 5. What information do we need to investigate a complaint?

We will make a detailed record of the complaint so it is important that we are given all relevant information. We will then direct the complaint to the relevant service to handle.

We take complaints seriously so the service will always attempt to deal with the matter immediately and make personal contact with the customer to ask what action they would like us to take to resolve their concerns.

We expect our staff to keep in regular personal contact with customers until the complaint is resolved.

We will provide customers with reasonable help that they need – for example we can explain the complaints process and signpost customers to other services.

We have striven to remove barriers which might deter or exclude individuals from accessing the complaints process. To ensure equal access for all we can provide:

- Home visits (following government guidelines and only when it is safe to do so)
- Fully accessible meeting locations
- Full confidentiality
- Advice or advocacy or representation
- Translation and interpretation, including sign language, Braille and large print

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

We will not normally consider a complaint that is made more than twelve months after the individual first became aware of the issue they want to complain about. This is in line with good practice as practiced by the Local Government and Social Care Ombudsman. There are exceptions to this where the council accepts such a delay was reasonable.

## How do we learn from complaints?

When we do not provide customers with the right service at the right time it costs the council money. We learn from complaints by offering timely and effective remedies. This gives us the best outcome in terms of cost effectiveness and customer service. Where a complaint highlights the need for changes in working practice, systems, staff training, procedure or policy the officer is required to highlight this and other learning points to the customer resolutions team. They will work with the service manager(s) concerned to make sure the necessary actions to bring about the change are carried out.

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

There are certain types of complaints that will not be dealt with under this policy because there are specific policies for dealing with these including:

- Matters for which there is a statutory right of appeal such as parking appeals process
- Complaints where legal proceedings, court or tribunal action is being taken (although related issues that are not subject to legal proceedings may be considered)
- Housing matters which are being dealt with under the arbitration process
- 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
- Complaints that are submitted anonymously (although we may still investigate)

## Maintaining confidentiality

The Data Protection Act 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 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.

## 6. Complaints resolution

Southwark aims to resolve complaints by putting things right where there has been a service failure. Our approach will be fair and consistent across all the complaints we uphold.

### What will we do when resolving a complaint?

#### In resolving complaints we will:

- Try to call the complainant to make personal contact including, where appropriate, offering to meet with the complainant to provide us with the opportunity to fully understand what they want us to do to remedy the complaint
- Where possible, agree with the complainant actions that will be taken and when.
- Update the complainant at each step of the way and advise them of any delay in completing the actions
- Contact the complainant to ensure any issues have been resolved and the actions completed

### What will we do when answering a complaint?

When answering a complaint we will:

- Address the issues raised
- Explain the basic policy/procedure or level of service that we provide
- Say how we have handled the matter including, where appropriate, a chronology of the events
- Give a clear outcome as to whether we uphold the complaint

Where our services have not met our standards we will:

- Apologise for the failure in service
- Explain what went wrong
- Say what we have done to put things right
- Where appropriate, say how we have learned from the complaint

## 7. Putting things right

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

- Providing 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.

- Backdating 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 a benefits application that needs to be backdated to the original claim date.

- Stopping enforcement action

Where the complainant disputed the reasons for the enforcement action it may be appropriate to stop the action or postpone the action pending further investigation.

## 8. 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. Compensation should be appropriate and proportionate. It is not an automatic payment when the council makes a mistake. Compensation should only be considered where the complaint investigation has identified maladministration (a mistake or delay that has caused a customer to suffer an injustice) and the council, or those working on behalf of the council are wholly or partially at fault.

### 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 unit
- Where there is 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 would consider some other form of benefits in kind such as vouchers that can be spent on the High Street

Exceptions to these circumstances:

- We may pay compensation to settle a claim where it is cost effective for the council to do so
- If a tenant is not covered by insurance we will use our discretion to compensate them in the case of especially vulnerable tenants.

## 9. Further information

For details on the levels of compensation and who has authority to authorise payments see the Compensation Policy.



For further information on complaints you can:

- Visit our website [www.southwark.gov.uk](http://www.southwark.gov.uk)
- Email [complaints@southwark.gov.uk](mailto:complaints@southwark.gov.uk)
- Ring on (020) 7525 0042
- Use textphone/minicom on (020) 7525 3559
- Visit any of our customer access points
- Write to us at: Customer Resolution Team, 2<sup>nd</sup> floor hub 2, Southwark Council, PO BOX 64529, London SE1P 5LX

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  
E14 9GE  
Telephone: 0300 111 3000

