

# **Policy for Corporate Complaints**

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Policy amendments may occur at any time, and you should consult the Policies and Procedures Intranet/Internet Site if in doubt.

## Document Control

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### 1. Introduction

The council aim to provide exceptional services to our customers and deliver those services right on the first time. It is not always possible to deliver the services without on occasion things going wrong due to this we recognise and understand the importance of feedback.

The Council aim to respond to complaints promptly and efficiently, resolving complaints quickly whenever it is possible. We will then use your comments to drive service improvements.

For the purpose of this document, the term complainant refers to any person making a complaint, for example, a resident or a service user.

### 2. What is a complaint

The Council takes complaints seriously and has adopted the following definition:

“An expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the landlord, its own staff, or those acting on its behalf, affecting a resident or group of residents”.

Anyone who receives a service from the Council can make a complaint if they feel the service has not been good enough. You do not have to use the word “*complaint*” for us to treat it as one.

If you need help from someone else, like a friend, family member, or support worker, we can speak to them directly once you give us permission.

The Council will normally accept all complaints unless there is a good reason not to. These reasons are listed in Section 5 of this policy. This list does not cover every situation, but if we decide not to take your

complaint forward, we will explain the reason to you.

### **3. Service Request**

There is a clear difference between a complaint and a service request.

- A complaint is when you have an ongoing problem that has not been fixed, even after you reported it before.
- A service request is when you report a problem for the first time, and the council needs to take action.

For example, if something in your home needs a repair, you should report it first through the website or the contact centre so we can arrange the work.

Our website lists many issues you can report to the council. When you make a report, it is sent to the right team and recorded. This helps us show what work has been done.

If you are unhappy with how your service request is being handled, you can then make a complaint about it.

Making a complaint will not stop any repair or work that is already in progress.

### **4. Complaint Stages**

#### **Stage 1 Complaint**

You can contact the Council in different ways to make a complaint. When you send us a complaint, we will reply within 5 working days to let you know we have received it. In this message, we will also:

- give you the date when you will get a full response, and
- give you a short summary of your complaint and what outcomes you want.

If your complaint is not clear, we will write to you and ask for more information. This helps us make sure we answer every point you are worried about.

If part of your complaint is something the Council cannot deal with, we will tell you and explain who might be able to help instead. This information will be contained within the acknowledgement which is sent to you this will enable you to address this with the relevant service.

We aim to send you a full response within 10 working days after we acknowledge your complaint. If we need more time, we will explain this in writing and agree how often we will update you. We may extend the time by up to 10 more working days. If it will take longer than 20 working days, we will ask you first and keep you updated regularly.

If you add more issues after sending your Stage 1 complaint, and they are related, we will include them under the same complaint. If they are not related, or if adding them would delay the response too much, we will open a new Stage 1 complaint and acknowledge it separately.

If you are making a complaint for someone else, we will need written, signed permission from that person before we can continue.

#### **Review**

If you have received your Stage 1 response and you are still not happy, you can ask for a review.

You must ask for a review within 28 days of getting your Stage 1 response.

When we receive your request, we will send you an acknowledgement within 5 working days. This message will:

- give you the date when you should receive the full review response
- give you a short summary of your complaint and the outcomes you asked for

If part of your complaint is something the Council cannot deal with, we will tell you and explain who might be able to help instead. This information will be contained within the acknowledgement which is sent to you this will enable you to address this with the relevant service.

We aim to send you the full review response within 20 working days.

If we cannot meet this deadline, we will send you a progress update explain why there is a delay ask for extra time (up to 20 more working days).

If the review will take longer than 40 working days, we will talk to you first, agree the extra time needed, and keep you updated regularly.

Your review will be looked at by someone independent, who did not work on your Stage 1 complaint.

Sometimes the Council may decide that a review is not appropriate. If this happens, we will explain clearly why your complaint cannot be reviewed.

Examples of complaints we cannot review are listed in Section 5 of this policy.

## **Ombudsman**

If you are still not happy with our response, you can contact either the Local Government and Social Care Ombudsman, or the Housing Ombudsman Service.

You can go to the Ombudsman at any time during your complaint. You do not have to wait until the end of our process.

If the Council takes longer than the allowed time at Stage 1 or Review, you can also choose to contact either Ombudsman.

In both stages of our complaints process, we will give you a response as soon as we know the answer. We will not delay your reply while waiting for any actions to be completed.

Any actions we agree to complete will be tracked until they are fully finished. You will also be notified of updates on these actions. These may come directly from service areas such as repairs who will keep you and complaints updated with progress.

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

We encourage our residents to use our online forms to submit their complaint which will allow for evidence to be uploaded to support your case. The form can be found at the following link

[Submit a Complaint](#)

Should for any reason residents are unable to use digital services complaints can be directed to the Council via;

Post Barking Town Hall 1 Town Square Barking Essex IG11 7LU

Email [complaints@lbbd.gov.uk](mailto:complaints@lbbd.gov.uk)

Telephone 0208 215 3000

## **6. Complaints that cannot be considered under this policy**

- requests for a service (e.g. reporting a faulty street light)
- complaints relating to established council policy or the council's implementation of government policy
- matters for which there is a right of appeal (either within the council or via an employment tribunal), or a legal remedy (e.g. a penalty charge notice, parking ticket, school admissions, housing benefits, and planning applications);
- insurance claims decisions which have a separate appeal route. Circumstances for example we can consider would be the Council failing to provide evidence needed to process the claim.
- requests for the council to engage with a third party over a problem which the council may have some control/regulating function. This means when someone asks the council to speak to another person or company to help fix a problem, because the council has some power or responsibility over that issue.
- ombudsman complaints (except for those which the ombudsman asks the council to deal with through its complaints procedure)
- complaints from former and existing staff about human resources issues, including appointments, dismissals, pay, pensions and discipline
- commercial or contractual matters, for example contracts for the supply of goods and services to the council
- freedom of information, and data protection subject access requests, or complaints about the decision, the information provided or how a request was handled
- complaints about restrictive contact arrangements, such as but not limited to, single point of contact arrangements and bans
- Legal proceedings have started. This can be defined as details of the claim, such as the Claim Form and Particulars of Claim, having been filed at Court.

Should the Local Authority be unable to deal with your complaint for any of the reasons either listed above or for another reason this will be communicated to you in writing. The Local Authority will give you advice as to the next steps you can pursue such as following legislative pathways for Penalty Charge Notices. Should you disagree with the decision of the Local Authority to not take your complaint via our formal process you are able to take the matter to either the Local Government and Social Care Ombudsman or the Housing Ombudsman. The Local Authority will identify and communicate to you the relevant Ombudsman to approach relating to your complaint.

## **7. Complaints and Enquires from an MP or Councillor**

The complaints policy is intended for individual residents to seek resolution to an issue. A Member of Parliament or Councillor cannot make a formal complaint on behalf of a constituent.

The Council has a separate process for residents who decide to escalate their issues via a Member of Parliament or Councillor.

## **8. Timescales for making a complaint**

Complaints must be made no later than 12 months after the date on which the matter occurred or the issue become known to the resident.

If there are good reasons for not having made the complaint within the above time frame and, if it is still possible for the Council to investigate the complaint effectively and fairly, we may decide to still consider the complaint.

## **9. Complaint Handling**

It is important that the Local Authority ensure that all investigations are undertaken in an appropriate and impartial manner giving residents the knowledge that all complaints are taken seriously and are

used to practice continuous improvement.

To ensure that we follow this there is a team of individuals known as Complaints Officers who remain responsible for the complaints handling process from the start of the complaint until completion.

All complaints officers have the necessary training in order to undertake their roles to the required level and this is repeated on an annual basis to ensure adherence to all procedures. Complaint officers are reminded of the importance of impartiality when considering complaints and should any known conflict of interest arise will ensure that they do not engage with this particular case. Notification of conflict is provided to the manager and the officer will be unable to access the case details this is monitored by a full audit trail.

## **10. Putting things right**

The objective of redress is to rectify any mistakes or problems at the earliest opportunity. The Council will acknowledge faults when they occur and take responsibility for putting things right and avoiding a reoccurrence.

Following an investigation into a complaint, if it is recognised that the service did not meet the required standards, the Council will:

- apologise where appropriate
- rectify the mistake or problem within an agreed time frame and provide you with the service you should have received
- make a decision that should have been made earlier
- review practice, policy or procedure as appropriate

## **11. Data Rights**

In the process of handling a complaint the council will be required to collect personal data and in some circumstances, this would fall under the category of sensitive personal data. It is necessary to collect, store and use this data to administer the process and to investigate all complaints made.

Confidentiality of this information is maintained by storing on a system which is purpose built for complaints with limited users being allowed access. This system also maintains the function to fully audit any access to the system.

The Council will keep information relating to complaints for a period of 7 years following the complaint being finalised. All information which is passed the retention period is securely destroyed.

## **12. Equality and Diversity**

As a Council, it is crucial for us to uphold and adhere to the provisions outlined in the Equality Act 2010. This means that we must be prepared to make necessary adjustments to our regular policies, procedures or processes in order to accommodate the unique needs of individuals. Should the Council either be informed or identify a need which would highlight the requirement for us to consider adaptation of our normal processes all requests will be considered on a case by case basis with the intention to ensure all individuals have the same rights of access to the complaints system, have their voice heard and for our communication to be in a style which meets their needs.

All complaints staff are trained in equalities and diversity and this training is monitored via internal processes.

If it is required we are able to provide this policy in accessible formats such as large print upon request.

### **13. Policy Review**

As part of our ongoing commitment this Policy will be reviewed on an annual basis alongside the Ombudsman's self-assessment and applicable changes will be made.

This policy alongside relevant information will be published on our website for resident review. Information will be available on the LBBB Complaints website page. It will also be published via tenant newsletters.