



Bexley Corporate Complaints Procedure

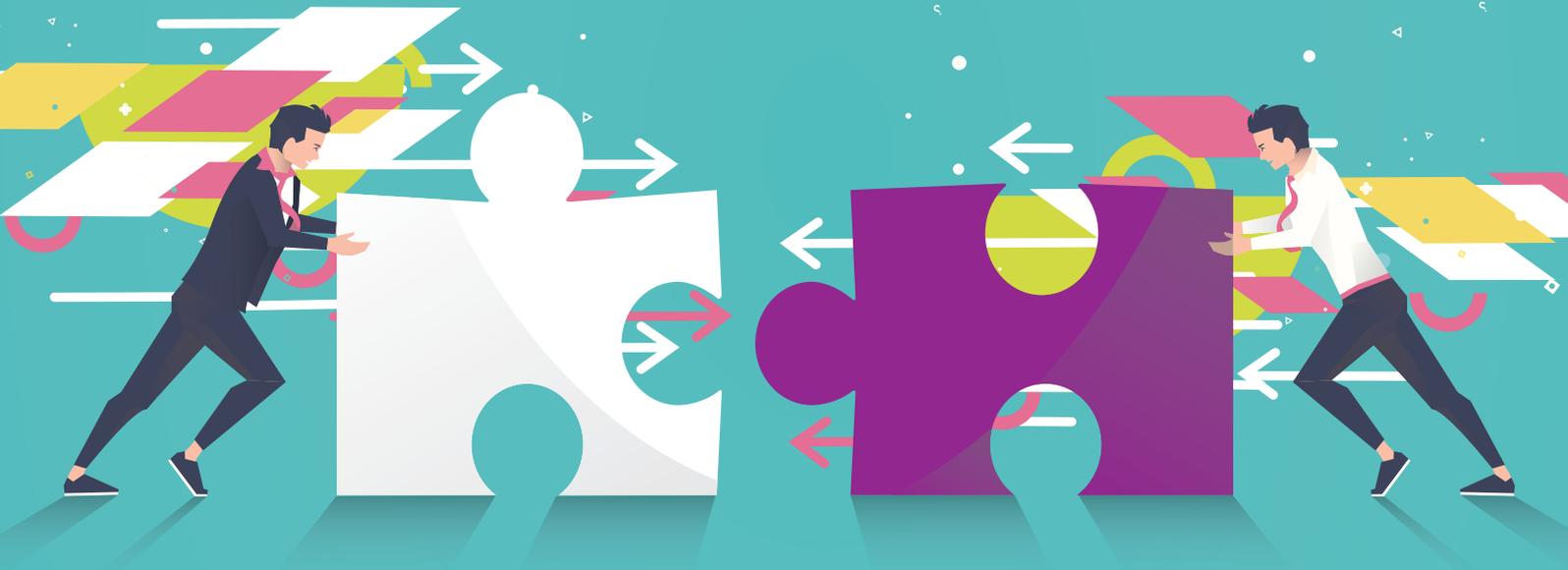


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Our Approach

At the London Borough of Bexley we want to provide our residents, businesses and visitors with good quality services delivered in a helpful and efficient way. If something has gone wrong, we want to know about it so we can put things right. We aim to deal with all complaints fairly and professionally and resolve them as quickly as possible.

We take a positive approach to complaints and value them as an important form of feedback on our services. We aim to learn from feedback and use the lessons learned as a means to continuously improve and review the services we offer and respond positively to customers' needs and expectations.

What is a complaint?

We define a complaint as:

"An expression of dissatisfaction with our services which requires a response"

This may include:

- **The Council has done something which you consider the Council should not have done** - For example: *"I want to complain because you sent the bailiffs to my home to collect unpaid Council Tax but I don't owe you anything."*
- **The Council has failed to do something that it should have done** - For example: *"I want to complain because I took time off work to meet the building control inspector but he failed to turn up,"* or *"I have written to you three times for an application form and you still have not sent me one."*
- **The quality of the service provided by the Council is not good enough** - For example: *"I want to complain because the information on your website about applying for a parking permit is incorrect."*

In the above and similar scenarios, the issue is likely to be best dealt with under the Bexley Corporate Complaints Procedure. In other cases, such as a missed bin or fly-tipping, the matter can normally be resolved more quickly as a service request (see page 6).

Who can make a complaint?

Anyone who uses or is affected by our services can make a complaint, including:

- Our residents
- People who work in or visit the borough
- Local businesses

Sometimes people need help making a complaint, so we accept complaints from a representative, made on their behalf with their agreement. A complaint could be made by a relative, friend, carer, solicitor, or an advice or advocacy agency.

For complaints made by a representative, in most cases we do require written, signed consent from the person affected, to allow us to deal with the representative acting on their behalf (in order to protect personal or sensitive information).

Where we consider consent is required, we will write to the representative to ask for a letter of consent signed by the person affected, or for copies of the relevant documentation that allows the representative to deal with matters on behalf of the person affected (i.e. Power of Attorney document).

In cases involving children or vulnerable people, if it seems that the person affected may be unable to give their consent, we will determine whether it is appropriate to accept the complaint from their representative without seeking consent.

How can I make a complaint?

- Submit a complaint via our [Online Form](#) on our website
- Send an email to: complaints@bexley.gov.uk
- Write a letter to: Complaints Team, London Borough of Bexley, 2 Watling Street, Civic Offices, Bexleyheath, Kent, DA6 7AT (Tel: 020 8303 7777)
- In person at the Civic Offices or over the telephone

If you are making a complaint, we encourage you to provide specific information about your complaint so that we can understand what went wrong and how it can be put right.

How will my complaint be dealt with?

If you are dissatisfied with a particular service, we ask that you contact the relevant service or the officer you have been dealing with. We want to resolve issues quickly and effectively and put matters right as soon as possible. Our formal complaints process begins where you are not satisfied with how the service area or officer has responded to your issue, or where you decide to immediately make a formal complaint. The Bexley Corporate Complaints Procedure is a two-stage complaints process. Our process provides for a detailed investigation of the complaint at Stage 1, and a thorough review of the complaint at Stage 2, where necessary.

Stage 1 – Investigation

- On receipt of a formal complaint, it will be logged by the Complaints Team and we aim to send an acknowledgment to you within two working days.
- We expect you to provide specific details of the reason for your complaint and details of the outcome you require as a resolution to your complaint.
- In some cases, further information is needed about the complaint in order for the Council to fully investigate the matter. If further details are required, we will contact you and ask for more information.

We may not be able to progress your complaint until this information is provided – we will let you know if this is the case.

- At Stage 1, the complaint will be investigated by the relevant Service Manager, who will liaise with the officers or contractors for the service, as appropriate.
- In some cases, the Service Manager will contact you to discuss the complaint and explore how it might be resolved to your satisfaction. We will not always be able to take the action you wish but we will do our best to explore the possible options.
- We aim to provide a written response to you within 15 working days.
- If the complaint is about the Service Manager, a more senior member of the service will handle the complaint.

Stage 2 – Review

- If you remain dissatisfied following receipt of the Stage 1 response, you can request that your complaint is progressed to a review at Stage 2 of the Bexley Corporate Complaints Procedure. The request for a review of a complaint should be made within 20 working days from receipt of the Stage 1 response.
- We will ask you to explain why the initial Stage 1 response has not resolved your complaint and what outcome you require as a resolution to your complaint. We aim to send an acknowledgment to a Stage 2 complaint within two working days of receipt.
- At Stage 2, a Senior Manager will complete a thorough review of your complaint and the steps taken at Stage 1 to investigate and resolve it. The Senior Manager may contact you to discuss your Stage 2 complaint so they have a clear understanding of why you remain dissatisfied and the possible options for resolving the matter.
- We aim to provide a written response to you within 15 working days.

- In some cases we may be unable to progress your complaint to Stage 2. This may be the case if either:
 - You have not explained which aspects of the Stage 1 response you disagree with and why, to allow the Council to further investigate your complaint, or
 - There are no clear outcomes identified that could resolve your complaint.
- In these cases, we will advise you to contact the Local Government Ombudsman if you wish to pursue the matter further.
- Another example of when the Council may not be able to progress a complaint could be complaints about policies or legislation. Some complaints are expressions of dissatisfaction with government or local policies, as opposed to the Council's service delivery. On receipt of a complaint about policy or legislation, we will explain the Council's position and the reason for the relevant policy or legislation. However, if this does not resolve the matter, the Local Government Ombudsman could be approached, as further review by the Council would not lead to a change in the original outcome.

Local Government Ombudsman

If you are dissatisfied with the outcome of your complaint once it has completed the Bexley Corporate Complaints Procedure, you have the right to ask the Local Government Ombudsman to consider your complaint.

The Ombudsman is an independent body that exists to review complaints made to local authorities where the matter has not been resolved to the complainant's satisfaction. The Ombudsman provides a free service.

You can approach the Ombudsman at any time during the complaints process for advice and assistance. However usually, the Ombudsman will not normally look into a complaint if the Council have not had an opportunity to resolve it through the Bexley Corporate Complaints Procedure.

The contact details for the Local Government Ombudsman are as follows:

- Submit a complaint via the Online Form on the LGO's website (www.lgo.org.uk/contact-us)
- Telephone: 0300 061 0614 - lines are open Monday to Friday from 8.30am to 5.00pm (except public holidays)

Timescales

We aim to respond to complaints within the following timescales:

| Stage | Timescale (Working Days) | Responsibility for Response |
|----------------------------------|--------------------------|-----------------------------|
| Investigation (Stage 1) | 15 | Service Manager |
| Review (Stage 2) | 15 | Senior Manager |
| Local Government Ombudsman (LGO) | Directed by LGO | LGO |

Time limit for making a complaint

If you do wish to make a complaint, we would ask you to do so as soon as possible after the incident occurred. We cannot normally accept complaints made more than 12 months after the date the matter occurred or the date you were notified of it. However, we will look at any complaints received after the 12 month time limit on an individual basis and determine whether the Council can investigate the matter.

What is not covered by this procedure?

There are certain types of complaint that will not be dealt with under the Bexley Corporate Complaints Procedure because there are specific policies or processes already in place for dealing with them, including:

- Services for which there is an alternative statutory appeal or tribunal process, such as:
 - Appeals against the refusal of planning permission or planning enforcement
 - Appeals against statutory notices
 - Parking appeals
 - School admission or exclusion appeals
 - Special Educational Needs (SEN) Tribunals
 - Housing benefit appeals
 - Homelessness decisions
- Complaints that have already been decided by a court or independent tribunal.
- Complaints where the customer or the Council has started legal proceedings.
- A complaint that is being, or has been, investigated by the Local Government Ombudsman.
- A complaint that has been previously investigated and responded to by the Council.
- Matters that properly fall within the Council's employment procedures.
- Complaints about schools (including academies) and colleges. These organisations have their own complaint procedures. Complaints about a school or a member of school staff should be made to the Head Teacher and then the school's Governing Body.
- Complaints about registered housing providers. Registered housing providers have their own complaint procedures therefore they would need to be contacted directly.
- Insurance claims against the Council.

Service Requests

Many routine matters can be dealt with as service requests. Once we are aware of a service request, it can quickly be routed to the correct team for action.

Examples of service requests include:

- A missed bin collection
- Dog fouling
- Noise nuisance
- Graffiti removal
- Fly-tipping

However, if the service request remains unresolved, the matter can be escalated for investigation under the Bexley Corporate Complaints Procedure.

Complaints against Councillors

Bexley Councillors are required to comply with the Council's Members' Code of Conduct. If you believe that a councillor has breached the Members' Code of Conduct and would like to make a complaint, please write to the Council's Monitoring Officer, either:

- by email to: memberscodeofconductcommittee@bexley.gov.uk or
- by post to: The Monitoring Officer, London Borough of Bexley, Legal Services Department, Civic Offices, 2 Watling Street, Bexleyheath, Kent DA6 7AT

Complaints about Social Care

Some social care complaints do not fall within the remit of the Bexley Corporate Complaints Procedure.

For Children's Social Care complaints relating to the Council's core social care responsibilities we are required to follow the [Children's Statutory Complaints procedure](#). This is in accordance with [The Children Act 1989 Representations Procedure Regulations \(2006\)](#).

For complaints relating to the core Adults' Social Care functions, we follow the [Adults' Social Care Statutory Complaints procedure](#). This is in accordance with the [Local Authority Social Services and National Health Service Complaints \(England\) Regulations 2009](#).

On receipt of a complaint about Adults' or Children's Social Care Services, we will determine whether the complaint should be dealt with under the corporate or statutory complaints procedure, as appropriate, and you will be advised accordingly.

Further information about both the Adults' and Children's Statutory Complaints processes is available on our website.

If we receive a complaint that does not fall within the remit of the Bexley Corporate Complaints Procedure, we will contact you and provide advice and assistance, including possible alternative routes for the complaint, where appropriate.

Anonymous complaints

We will deal with anonymous complaints on an individual basis and determine whether further action is appropriate.

The action we take will be dependent upon the substance of the matter and the amount of information provided (or otherwise available). This means:

- We will investigate any matters involving vulnerable people or children, and other matters of serious concern as appropriate.
- Where we do not have sufficient information, we will keep a record of the complaint as related issues may arise later.
- That in some cases we will not be able to investigate an anonymous complaint because of a lack of information or substance.

Unreasonable Customer Behaviour and Vexatious Requests

We aim to ensure that we have given our complainants the opportunity to express their views and opinions. We will listen and give appropriate thought and effort to resolving and explaining the Council's position and our actions.

However occasionally we encounter individuals who demonstrate unreasonable or vexatious behaviour, which can result in unnecessarily excessive demands on the time and resources of our staff. We have a separate procedure which aims to prevent unreasonable demands being placed on services. Further information is available in our full procedure: "[Procedure for Unreasonable Customer Behaviour and Vexatious Requests](#)"

Confidentiality

All complaints will be dealt with in accordance with the requirements of the Data Protection Act 1998. The identity of the person making a complaint will be made known only to those who need to know, in order to consider the complaint, and will not be made public by the Council. All responses to complaints at all stages will be sent in writing to the complainant's provided email or home address unless specifically requested otherwise.

Putting things right and learning from complaints

As far as possible, we aim to put you back in the position you would have been in if there had been no fault by the Council. There are a number of actions we can take to put things right:

- Taking specific action such as backdating a housing application.
- Offering financial compensation. In some cases, the Council can pay compensation if you are out of pocket because of our mistakes, or if you have been caused undue hardship, inconvenience or distress. We follow the guidelines issued by the Local Government Ombudsman in deciding the appropriate amount of compensation. These can be found on the Ombudsman's website at <http://www.lgo.org.uk/information-centre/reports/advice-and-guidance/guidance-notes> under the title 'Guidance on remedies'.

Fluency Duty

The English language fluency duty became law on 21st November 2016. The new law places a duty on Councils to ensure that staff members who work in a customer-facing role speak fluent English.

If a customer feels that a public-facing officer has insufficient proficiency in spoken English for the performance of their role, they can make a formal complaint that will be investigated under the Bexley Corporate Complaints Procedure.

However, please note that a complaint about the strength of a Council officer's accent, dialect, origin or nationality would not be considered legitimate as a complaint about the fluency duty.

Further information is available in "The Code of Practice on the English language requirement for public sector workers"

Further help

The following organisations may be able to offer general advice and guidance.

Citizens Advice Bureau (CAB)



www.citizensadvice.org.uk

CAB Telephone Advice Line: 01322 517150

Monday, Tuesday, Wednesday & Friday
1.30pm to 3.30pm

Thursday 10am to 1pm

The Erith CAB is at 42 Pier Road and is open from 9.30am to 12.30pm on Monday, Tuesday, Wednesday and Friday.

CAB also available at: Central Library, Townley Road, Bexleyheath on Monday and Thursday, from 10am to 1pm

Sidcup Library, Hadlow Road, Sidcup, on Tuesday and Wednesday, from 10am to 1pm

National Youth Advocacy Service (NYAS)

www.nyas.net



Telephone: 0808 808 1001

Weekdays 9am to 8pm & Saturday 10am to 4pm

(Excluding Bank Holidays)

Email: help@nyas.net

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