

London Borough of Newham  
Policy & Procedures

# Corporate Complaints Policy

April 2025

Version no.	1.2
Version date	1.4.25
Review date	1.4.26

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# 1 Introduction

At Newham, our corporate plan, **Building a Fairer Newham** sets out how we aim to provide a consistent and excellent resident experience. We aim to make it easy for all residents, businesses or any other service users to contact us and get it right first time.

We try to provide quality services, however if we fail to get things **right first time**, we want to hear about it! We encourage our residents to let us know when mistakes are made so we can take immediate corrective actions and put measures in place to prevent errors reoccurring.

Complaints will be acknowledged and worked to be resolved at the earliest possible opportunity, ideally within the first stage.

The aim of this policy is to bring clarity to roles and responsibilities and a clear outline of how we as a council view and approach complaints.

This policy does not cover complaints relating to a statutory issue or legal process, including complaints about adults and children's social services. There are separate processes for these types of complaints which can be found on our website.

## 2 What is a complaint?

### 2.1 Complaint definition

A complaint can be defined as '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 or group of individuals.'

A complaint is an opportunity to put things right.

### 2.2 What is not a complaint?

Under the complaint handling code, we must recognise the difference between a **service request** and a **complaint**. This applies whether it is raised by residents themselves, or via advocates, such as a Councillor or MPs.

It may not be classed or recorded as a complaint if the matter has not yet been raised with the service, or the service has not had a reasonable opportunity to

respond or resolve to the request. If this is the case, we may progress enquiries raised as a request to services to action as part of their day-to-day work.

A service request is a request to the organisation requiring action to be taken, i.e **provide or improve a service, fix a problem or reconsider a decision**, for example:

- Reporting fly-tipping
- Visitor Permits not delivered
- Reporting a missed bin
- Bulky Waste not collected
- A housing repair is required for tenants
- Road sweeping/cleansing
- Tree pruning
- Street lighting out
- Reporting a noise nuisance or anti-social behaviour

If we fail to provide a service that has been raised after a service request has been made, then it would be considered through the complaints or relevant statutory review process.

## 2.3 Who can make a complaint?

The council welcomes complaints from any residents, businesses or community groups living, working, or visiting Newham using council services.

## 2.4 How to make a complaint

Complaints may come from residents, businesses, community groups or other users of our services, or those affected by them. They may be received from complainants directly, or referred on their behalf, by an advocate, solicitor (acting as advocate), Councillors, Chief Executive, the Mayor, Member of Parliament, or another appropriate representative.

How you can raise a complaint:

- [Make a complaint](#) is the easiest, quickest and preferred way to contact us
- Post –**Corporate Resolution Team, London Borough of Newham, PO Box 71568, London, E6 9LQ**
- Telephone 020 8430 2000 Monday – Friday 9am - 5pm
- If language or interpreting support is needed, please call 020 3373 4000 or email [languageshop@newham.gov.uk](mailto:languageshop@newham.gov.uk)
- In person at one of our libraries

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- You can raise a complaint on behalf of a friend or relative (you must have their written permission to represent them)

## 3 Expectations and Limitations

### 3.1 Areas of limitations

If there is a statutory right of appeal or specific legal route, it must be taken, and we will not be able to deal with your complaint through our Local Government and Social Care Ombudsman and Housing Ombudsman complaints procedure. This includes:

- Where you have a separate right of appeal e.g. a benefit application, penalty charge or fixed penalty notices, homelessness application, housing suitability review, school admissions appeal, special educational needs assessments, etc.
- Planning decisions
- Allegations of fraud which must be dealt with by the Council's fraud team
- Matters subject to legal, court or tribunal process or police investigations
- Safeguarding concerns
- If the complaint is about the conduct of a councillor. This would be dealt with by the Standards Advisory Committee
- Matters subject to an insurance claim such as personal damages or damage to property
- Information requests such as Freedom of Information or Subject Access Requests

If the complaint is directly about or relating to the conduct of a Council officer, that aspect will be considered if it can be responded to as part of a corporate complaint, however any communications on decisions and information relating to the employee may be limited in line with provisions in the Data Protection Act and General Data Protection Regulations.

## 4 Complaints Handling, Procedures & Timescale

### 4.1 Before making a complaint

Before making a complaint, we encourage you to contact the relevant service to let them know about their concern, as it may be a problem that can be resolved quickly without use of the Complaints Policy.

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## **4.2 Stage one**

The expectation is that most complaints can and should be resolved at Stage One. Many residents just require a quick solution to a simple issue. This will usually require the relevant service or partners to resolve what went wrong and give a satisfactory outcome for you.

Complaints will be acknowledged at stage one within five working days of the complaint being received.

In line with the Local Government and Social Care Ombudsman Complaint Handling Code, we should provide a full response to stage one complaints within ten working days of the complaint being acknowledged. A complaint response will be given to you when the answer is known, not when the outstanding actions required to address the issue are completed. On rare occasions, if complex, a complaint investigation may take an additional 10 days if agreed upon with the complainant.

At the conclusion of stage one, details of how to escalate to stage two if you are not satisfied with the response will be provided.

## **4.3 Stage two**

If you do not agree with a stage one response, a review can be requested, and another officer will reconsider the actions and decisions taken at stage one. The purpose of stage two is to conduct a thorough review of any new information provided and to consider if the original decision was fair.

Requests for stage two will be acknowledged and accepted within five working days of the escalation request being received, in line with the Local Government and Social Care Ombudsman Complaint Handling Code. We should provide a full response to stage two complaints within twenty working days of acknowledgement. The outcome will include options and advice on further actions you may wish to consider. If you are not satisfied with the outcome, you will be advised of your rights to raise the matter with the relevant Ombudsman.

On rare occasions, if complex, a complaint investigation may take an additional 20 days if agreed upon with the complainant.

## **4.4 Time Limitations**

Usually, we cannot consider events that occurred more than 12 months ago as it is a long period of time since the service failure was experienced. This is in line with advice and guidance from the Local Government and Social Care Ombudsman,

which has a similar policy. We will consider late complaints where it is possible to access appropriate evidence to reach a fair conclusion.

## 5 Contacting the Ombudsman

### 5.1 Your Rights

If you remain dissatisfied or do not agree with the outcome of Stage Two, you have the right to refer the complaint to the relevant Ombudsman. For most matters, this will be the Local Government Ombudsman or the Housing Ombudsman.

The details of the relevant Ombudsman will be provided at the closing part of the stage two response. The Council can be bound by the Ombudsman's decision, and they can direct any remedial action.

The Ombudsman will usually only investigate complaints against the council when complainants have exhausted the council's own procedures. The aim of the Ombudsman is to consider whether there has been injustice or maladministration.

### 5.2 [Local Government and Social Care Ombudsman](#)

The Local Government and Social Care Ombudsman is the final stage for complaints about most council services. They independently investigate complaints made against the council when you are dissatisfied with the outcome provided by the council, free of charge.

### 5.3 [The Housing Ombudsman](#)

The Housing Ombudsman investigates complaints and resolves disputes relating to social housing, for both tenants and leaseholders. This does not usually include those in temporary accommodation, but the Ombudsman can advise on specific circumstances.

### 5.4 The Complaint Handling Code

The Housing Ombudsman and Local Government and Social Care Ombudsman and have implemented an aligned and updated complaint handling code.

The Code outlines good practice in complaint handling, with the aim of improving services for the public.

The Ombudsman have powers to use ensure council complaints policies comply with the principles set out in the code.

More information can be found on the Local Government and Social Care Ombudsman, and Housing Ombudsman, websites.

## 6 Financial Remedies

A complaint or review conclusion may include a decision to pay a monetary amount in recognition of an injustice or maladministration. The amounts provided can only ever be considered as symbolic. They are considered in line with guidance from the Local Government and Social Care Ombudsman.

## 7 Learning from complaints

We view complaints as opportunities to put things right and learn lessons to prevent similar mistakes from reoccurring. Learning from complaints helps with service improvements and most importantly improve the experience of our residents.

In the resolution of a complaint, **Recommendations and Actions** for improvement may be agreed upon, with follow-on actions that can be put in place, and monitored. Every year we take a report to our Cabinet giving an overview of on performance and key improvements that have been made.

## 8 Persistent Complaints or Unreasonable Behaviour

We do our best to help you resolve your complaint where we have made a mistake or not delivered a service to the best of our ability. If we consider that your complaint or behaviour has become persistent or unreasonable, then as a last resort we will apply our Unreasonable and persistent complaints or behaviour policy and follow established procedures to manage contact with you.