CORPORATE COMPLAINTS

Our policy

Bromley
THE LONDON BOROUGH

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1 | INTRODUCTION

1.1 Complaints covered by this policy are usually overseen by the Customer Relations Service ('the service') based in the Finance division. The Head of Customer Relations fulfils the statutory role of Complaints Manager. References in this policy to the Complaints Manager will by extension include staff members of the service. The service's primary role is to provide an impartial link between the complainant and the department complained about.

1.2 Certain complaints about the care and support provided by the London Borough of Bromley ('the Council') to children are governed by a specific set of rules contained in the Children Act 1989 Representation Procedure (England) Regulations 2006 ('the regulations'). The Council maintains a separate policy explaining when the Council will apply those regulations and how it will comply with them.

1.3 This policy applies to the remainder of the services provided by the Council, including Adult Social Care, Children's Social Care (those complaints not covered by paragraph 1.2 above), Corporate, Education, Environment, Housing, Planning and Public Health.

1.4 Whilst the Council is committed to providing the best possible services to its residents, we are realistic in acknowledging that there will be times where mistakes are made and that we will need to take action to apologise for and/or remedy them. We also aim to analyse what went wrong and, where appropriate, gather and share the learning that can be derived from each case.

1.5 We will follow guidance issued by bodies such as Government Departments, the Local Government & Social Care Ombudsman and the Information Commissioner's Office. The Ombudsman oversees how Councils operate and acts as the final stage for complaints about Councils. The Ombudsman will investigate complaints, free of charge, in a fair and independent way but will usually expect the Council's internal procedures to have been completed before they will accept a complaint for consideration.

1.6 A formal complaint may not always be necessary, or the best way of resolving a difficulty. Many concerns are better addressed as service requests rather than formal complaints. It is for the Customer Relations Service to determine how any particular approach should best be handled.

1.7 Before a complaint is raised, consideration should be given to contacting the relevant team directly in case a way forward can be identified straightaway.

1.8 If that is not successful, or if a formal complaint is considered appropriate at the outset, the Customer Relations Service will :-

- provide information and guidance about the complaints process
- offer support to make a complaint
- provide details of any appropriate third parties who might be able to offer independent support
- keep all involved updated with progress and timescales
- work towards a prompt resolution of the concerns raised

1.9 A complaint can be withdrawn at any time by the person who has raised it, or by the person directly affected if somebody else has made the complaint on their behalf. A complaint can be withdrawn verbally and in those cases the Council will confirm the withdrawal by email or post.

1.10 The Council may decline to consider a complaint in certain circumstances. These include, but are not limited to :-

- where the complaint has already been addressed
- where the complaint does not concern the Council
- where the complainant has not been personally affected by the matters complained about
- where the subject matter of the complaint relates to anticipated or current court proceedings
- where it is not possible to properly investigate complaints, perhaps because relevant staff have left or the subject matter is too historical
- where the complainant conducts themselves in an unacceptable manner

1.11 Where the complaint relates to other organisations with whom the Council works in partnership, the service will liaise with the partner/s in question for a coordinated response.

2 | WHO MAY MAKE A COMPLAINT?

2.1 We may accept complaints from :-

- Service users
- Their family members and friends
- Residents
- Local businesses
- Visitors to the borough
- Community groups
- Any other group or individual directly affected by the services the Council provides

2.2 Complaints can be raised directly or through a third party such as the Member of Parliament or Councillor within whose constituency the complainant resides. Whilst the Council welcomes the involvement of local representatives, all complaints will be processed in the same way regardless of how they are brought to the Council's attention.

2.3 Where someone seeks to raise a complaint on a service user's behalf, the Council will take such steps as it considers appropriate to satisfy itself that the service user is content for that representative to act on their behalf, that the complaint properly reflects their concerns and that the representative is an appropriate person to conduct the complaint on their behalf. This includes cases where a representative purports to pursue a complaint on behalf of someone who is deceased.

2.4 An advocate is an independent adult who supports those with mental health difficulties or learning disabilities to have their voice heard, understand their rights and get their views across. Details of the independent service commissioned by the Council can be found in section 9.

2.5 The Council reserves the right to decline to deal, or continue to deal, with complainants who may be deemed habitual, persistent or vexatious according to the Council's criteria.

3 | WHAT MAY BE COMPLAINED ABOUT?

3.1 A complaint may arise as a result of many aspects of the Council's services, such as :-

- An unwelcome or disputed decision;
- Concern about the quality or appropriateness of a service;
- A delay in decision-making or provision of services;
- Delivery or non-delivery of services including complaints procedures;
- Quantity, frequency, change or cost of a service;
- Attitude or behaviour of staff;
- Application of eligibility and assessment criteria;
- The impact on a service user of the application of a Council policy; and
- Assessment, care management and review.

3.2 This is not an exhaustive list and the Complaints Manager is responsible for determining what complaints should and should not be accepted, with the benefit of legal and other advice as appropriate.

3.3 Some services provided by the Council, particularly where they are contracted out to a third party, may offer additional procedural stages prior to a formal complaint.

4 | WHAT MAY NOT BE COMPLAINED ABOUT?

4.1 The primary exclusions from this policy are as follows :-

- A complaint that has been previously investigated and responded to
- Complaints relating to matters which occurred more than 12 months previously (but see section 4 below)
- A complaint that is being, or has been, investigated by the Local Government & Social Care Ombudsman
- Complaints relating to direct payments or individual budgets, once the service user has taken control of their care provision, save where the complaint relates to the process of allocating the payment, about services provided directly by the Local Authority, or when the Local Authority manages the budget on behalf of the service user
- Complaints about residential or nursing care which an individual has funded independently ('self-funders')
- Grievance issues or complaints from staff about HR issues
- When the complainant has advised that they intend to, or have, initiated legal proceedings against the Council in relation to the substance of the complaint
- Complaints about the conduct of Councillors
- Complaints where the complainant was not personally affected by the subject matter of the complaint

4.2 In addition, there may be alternative statutory procedures to which complainants should be directed, such as the Special Educational Needs & Disability Tribunal and the Parking Adjudicator, to name but two examples.

4.3 The Complaints Manager has discretion in deciding whether to accept complaints where to do so might prejudice any of the following concurrent investigations :-

- Court proceedings;
- Tribunals;
- Disciplinary proceedings
- Safeguarding investigations; or
- Criminal proceedings.

4.4 If the Complaints Manager decides not to consider or further consider complaints subject to these concurrent investigations, they should write to the complainant explaining the reason for their decision and specifying the relevant concurrent investigation.

4.5 Once the concurrent investigation has been concluded the complainant may resubmit their complaint to the Council as long as it is within one year of the conclusion of the concurrent investigation, at which point the Complaints Manager will consider afresh whether the complaint is viable for consideration.

5 | TIME LIMITS FOR COMPLAINTS

5.1 Local authorities are not required to consider complaints made more than one year after the grounds to make the complaint arose. In such cases, the Complaints Manager should write to advise the complainant that their complaint cannot be considered, explaining the reasons why. This response should also advise the complainant of their right to approach the Local Government & Social Care Ombudsman.

5.2 The time limit can be extended at the Council's discretion if it is still possible to consider the complaint effectively and efficiently and/or where it would be unreasonable to expect the complainant to have made the complaint earlier - for example, where the justification for the complaint only became known some time after the event itself.

6 | RECEIVING COMPLAINTS

6.1 Complaints may be made verbally or in writing, including by email. There is a dedicated complaints section on the Council's website including an online form that can be completed. Some complaints are received via the Local Government & Social Care Ombudsman.

6.2 Complaints may also be taken over the phone or in person by a member of the service. Where a member of the service has received the complaint in one of these ways, a document summarising the elements of the complaint should be sent to the complainant for approval before the process is commenced.

6.3 All comments, complaints and compliments about services should be recorded by the front-line manager who receives them and forwarded to the Customer Relations Service.

6.4 In relation to complaints, the emphasis should be on a speedy resolution reached locally wherever possible.

6.5 However, where a complaint includes an allegation of significant harm, the matter must be directed to be dealt with under the appropriate safeguarding procedures and must be referred to the appropriate team for this purpose immediately. If a safeguarding procedure is commenced, the complaints process will not be started or continue whilst that is ongoing. Consideration can be given to any outstanding areas of complaint following the conclusion of the safeguarding.

6.6 Staff should not deal with complaints relating to their own practice and must pass such matters to their own manager.

7 | STAGE ONE COMPLAINT RESPONSE

7.1 If comments made by users about a service indicate dissatisfaction with the service, the front-line service provider or the line manager receiving the complaint should in most instances try to resolve them quickly, if they have the delegated responsibility to do so. Wherever appropriate, complainants should be asked to agree to a 'local' resolution. In all cases where complaints are received, the Complaints Manager must be informed.

7.2 When a formal complaint is received, this will be considered at Stage One and the Complaints Manager will :-

- Acknowledge the complaint within 3 working days, notifying the complainant of where the complaint has been forwarded and the timescale within which a response will be sent, and establish whether the child has or requires an Advocate;
- Request that the appropriate line manager attempt to resolve the complaint within 20 working days and send a copy of the response to the Complaints Manager, together with a brief résumé of any points not covered in the letter.

7.3 If it is not possible to respond within the above timescale - e.g. where extensive files or records need to be checked or a key member of staff is not available - the line manager must inform the Complaints Manager who will send a holding letter to advise the complainant of the delay and, wherever possible, give the best available guide as to when a response should be available.

7.4 When answering the complaint, the response writer should aim to address all the issues raised, provide any appropriate explanation and clearly state whether or not each element of the complaint is upheld.

7.5 If a complaint is upheld, the response writer should consider whether an apology is merited, whether further explanation is required and whether changes to the service's practice and procedures have been implemented as a result.

7.6 The primary aim is a complaint is upheld is for the complainant to be put back into the position they should have been if the wrongful action had not been taken.

7.7 Compensation is not automatic but may be considered where the seriousness of the case requires it. Where a payment is authorised, the Council may offset that against a debt owed by the complainant to the Council.

8 | IF THE COMPLAINANT IS DISSATISFIED

8.1 The Council operates a one-stage internal complaint process.

8.2 If the complainant remains dissatisfied with the Council's position following receipt of the formal response at Stage One, they are signposted (usually in the formal response) to the Local Government & Social Care Ombudsman, the Information Commissioner's Office or such other regulator as may be appropriate depending on the subject matter of the complaint.

8.3 Complainants may contact the Council if they are considering doing so in case there is anything else that might be resolvable but it is not compulsory and the Council will be at liberty to determine that there is nothing further that can or should be done if so contacted.

9 | DATA PROTECTION AND CONFIDENTIALITY

9.1 The Council is bound by the provisions of the General Data Protection Regulation and the Data Protection Act 2018 along with any associated legislation. This may necessitate the obtaining of informed consent and/or affect the amount of information that can be provided.

9.2 A complaint cannot be discussed with, or information disclosed to, a third party without the subject's permission, which will invariably be required in writing.

9.3 Where the complainant approaches the Council via a local representative such as their ward councillor or constituency MP, the Council is entitled to presume that the representative has the complainant's consent for their personal information to be discussed and/or disclosed to the representative as required. The Council is at liberty to decide to handle an enquiry from an elected Member as a complaint if it deems it appropriate and/or expedient to do so.

10 | USEFUL INFORMATION

Our contact details

To contact the Customer Relations Service :-

Email : complaints@bromley.gov.uk

Useful links

Our website…

www.bromley.gov.uk/complaints

Local Government & Social Care Ombudsman…

www.lgo.org.uk

Information Commissioner's Office…

www.ico.org.uk

Housing Ombudsman…

www.housing-ombudsman.org.uk

Our advocacy service…

https://advocacyforbromley.org

11 | VERSION HISTORY

July 2020

Policy (version 2.0) originally issued.

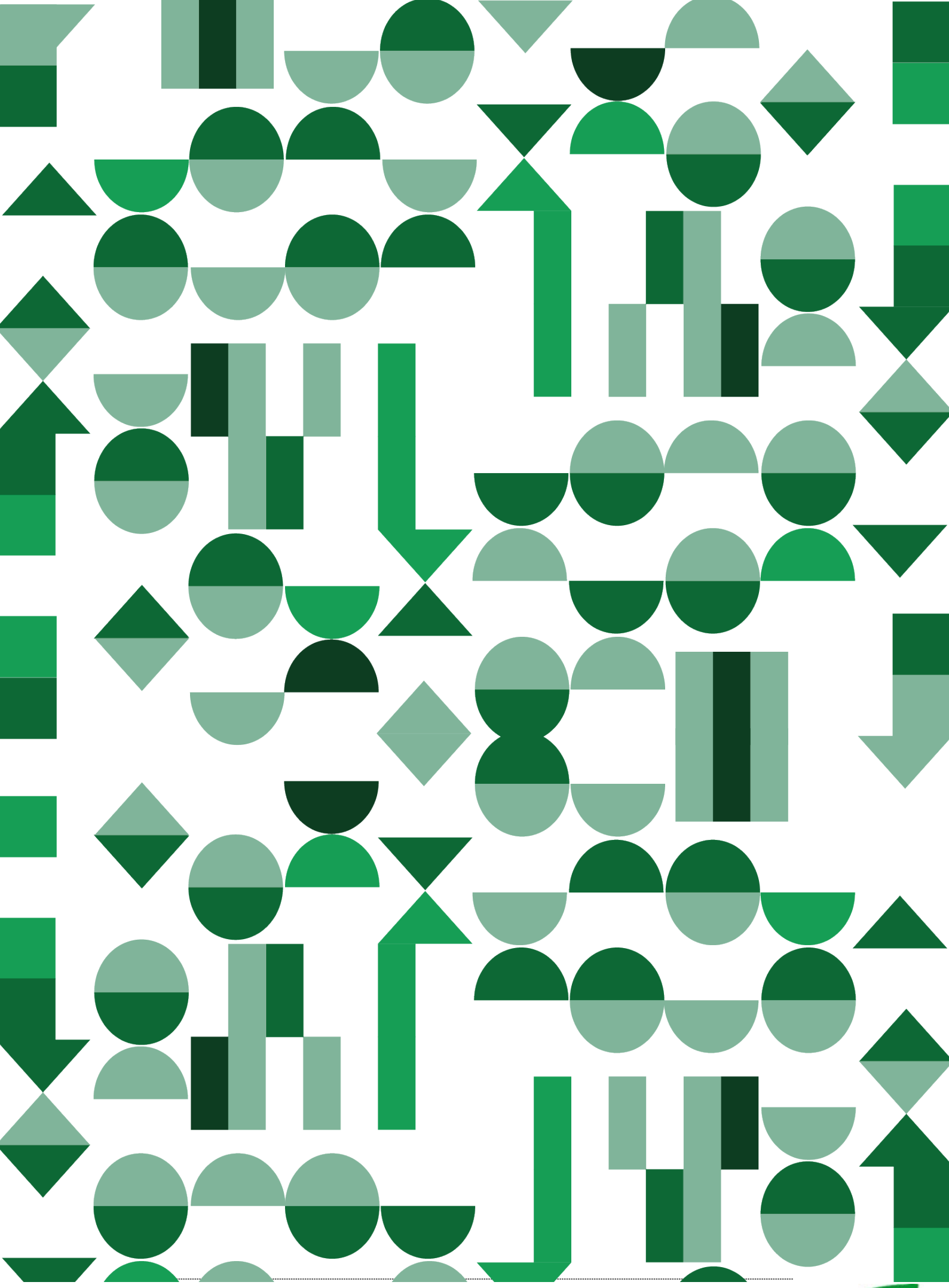
September 2022

Policy reviewed and design updated.

September 2026

Policy reviewed (version 2.1). A summary of the changes applied :-

- Updating the name of the Customer Engagement & Complaints Service to Customer Relations Service
- Including a reference to the Information Commissioner's Office (to become the Information Commission as of 30th September 2026)
- Adding to paras 1.10 and 4.1 so as to exclude complainants who have not been personally affected by the subject matter of the complaint
- Removing "Complaints about data handling under the Freedom of Information Act or Data Protection Acts" from the list of exclusions in section 4, as the Council has been required by the ICO to have procedures to cover such complaints since June 2026.
- Including provision for the Council to decide to handle an enquiry from an elected Member as a complaint if appropriate
- Including the ICO in the list of useful links
- Updating the Council's address in the footer



Version 2.1 effective from September 2026