

Exceptions to the Council's corporate complaints procedure

There are some cases where we can't put your complaint through our corporate complaints procedure. These exceptions are usually due to statutory or legal limitations, or because there are other independent appeal processes or procedures that you can follow instead.

Examples include:

- Where there are ongoing legal proceedings about the same matter. For example, this could include disrepair claims that are already being dealt with under the legal process.
- When there are safeguarding concerns or issues. In these cases, we'll refer the matter to our safeguarding teams. If, after the safeguarding concerns are investigated, there are outstanding service-related issues, we will deal with these under the appropriate complaints procedure, i.e. either the corporate complaints procedure or the statutory social care complaints procedure. Information about safeguarding can be found at <https://www.walthamforest.gov.uk/families-young-people-and-children/child-protection/multi-agency-safeguarding-hub-mash/how-report-adult-safeguarding-concerns> and <https://www.walthamforest.gov.uk/families-young-people-and-children/child-protection>
- Complaints about Adult Social Care and Children's Social Care. For such cases, we will apply the Statutory Social Care Complaints Procedure.
- Complaints about issues or events that occurred over 12 months before you reported the matter to us or complained about it. This is because when a long time has passed since an event or service failure occurred, it is not possible for us to carry out a meaningful investigation.

- Complaints about live procurement processes that are subject to the Public Contracts Regulations 2015.
- Complaints that involve matters that would usually be investigated by the Police. For example, allegations of theft, allegations of racial or sexual harassment or abuse; incidents or allegations of hate crime; allegations of assault, or where the matters being complained about have already been investigated by the Police. If you complain to us about action taken or which should be taken by the Police, we will ask you to refer your complaint to them.
- Allegations of fraud, as these would be dealt with by the Council's Anti-Fraud Team. You can find information on how to report fraud at <https://www.walthamforest.gov.uk/benefits-and-money-advice/how-report-fraud>
- Complaints about policies and decisions made by elected members, as these don't fall within the jurisdiction of the corporate complaints procedure. We will however review complaints about the way in which a policy or decision has been implemented, although we will not be able to change the policy or decision.
- Where you have a separate right of appeal. For example, this would apply when you disagree with a decision made regarding a benefit application or a decision regarding your housing or homelessness application.
- Complaints about the issue of a Penalty Charge Notice (PCN) for parking and moving traffic contraventions and the associated recovery process. When your complaint is about the administrative process for issuing PCNs, we will investigate it under the corporate complaints procedure. Information about the independent appeal process is provided in the PCN. You can

find more information at

<https://www.walthamforest.gov.uk/parking-roads-and-travel>

- Complaints about the issue of a Fixed Penalty Notice (FPN) by our Neighbourhood Management Teams, as there is a separate appeal process for these. However, if the complaint is about the administrative process of FPNs, for example, a delay in dealing with an appeal or a lack of response to an appeal, that will be dealt with through the complaints procedure. You can find more information about FPNs at <https://www.walthamforest.gov.uk/neighbourhoods>
- When the complaint is about noise nuisance or anti-social behaviour as there are separate procedures for investigating such matters. Under the corporate complaints procedure, we will investigate matters connected to the administrative process, for example, a failure or delay to investigate the nuisance or anti-social behaviour. You can find more information about reporting noise nuisance or anti-social behaviour at <https://www.walthamforest.gov.uk/neighbourhoods>. Council tenants should report noise nuisance and anti-social behaviour to their Housing Officer. Please see <https://www.walthamforest.gov.uk/housing/council-tenants/issues-within-your-estate>
- Where the complaint has already been heard by a Court of Law or tribunal for example, the independent tribunal service for benefit applications; or when the complainant has a right of appeal to an independent tribunal, for example, when challenging a decision on benefit applications and liability for Council Tax; or when an appeal about a Penalty Charge Notice has already been decided on by the independent adjudicator.
- Complaints about the independent Rent Officer Service.

- Complaints about schools or appeals about exclusions. Please see the information published at <https://www.gov.uk/complain-about-school>. Under the corporate complaints procedure, we can look at complaints about the administrative process used to reach a decision in such matters.
- Complaints by members of staff or ex-members of staff regarding personnel matters, such as appointments, dismissals, pay, pensions and disciplinary matters. These are usually dealt with under HR procedures. Similarly, complaints about HR matters, such as appointments, made by members of the public who have applied for employment with the Council.
- Claims for damages to property or personal injury. These are dealt with as insurance claims. In these cases, you should contact The Insurance and Risk Manager, London Borough of Waltham Forest, Town Hall Complex, Forest Road, Walthamstow E17 4JF, or email insurance-section@walthamforest.gov.uk.
- Complaints about damage caused to vehicles or personal property by our waste contractor Urbaser while collecting waste or recycling or while cleaning the street, as these are dealt with as insurance claims against our contractor in the first instance. For such matters, you can email walthamclaims@urbaser.co.uk
- Complaints about damage caused to vehicles through bad or reckless driving by third party motorists, as the Council has no control over motorists' behaviour. You should direct your claim to your own vehicle insurers. However, if damage to your vehicle has been caused by a council vehicle or driver, you should contact The Insurance and Risk Manager, London Borough of Waltham Forest, Town Hall Complex, Forest Road, Walthamstow E17 4JF, or email insurance-section@walthamforest.gov.uk.

- When your application for planning permission has been refused. As an applicant you have right of appeal to the Planning Inspectorate. You can find information about planning at <https://www.walthamforest.gov.uk/planning-and-building-control>. Through the corporate complaints procedure, we cannot change or overturn a planning decision. Similarly, we cannot re-assess a planning application on the basis of your objections to it.
- Complaints about planning breaches, as these are dealt with under planning enforcement. You can find more information about this at <https://www.walthamforest.gov.uk/planning-and-building-control/planning-enforcement>
- Complaints about councillors or councillor behaviour. There is a separate complains procedure for such matters. You can find information at <https://www.walthamforest.gov.uk/council-and-elections/your-local-councillors-and-mps/ethical-framework-and-standards>

The above list is not exhaustive. If we receive complaints that we cannot deal with under the corporate complaints procedure, we will let you know and explain our reasons.