

# Warrington Borough Council

## Complaints Policy

Version 1.6

March 2012

## 1 Introduction

This policy explains Warrington Borough Council's approach to dealing with complaints. Warrington Borough Council is committed to dealing with all complaints fairly and impartially and to providing a high quality service to those who make them. Complaints are important to us so that we can put things right where they have gone wrong, learn from complaints to improve our services and stop the same thing happening again.

If you feel we have let you down then please tell us about it.

The aim of this policy is to provide a fair, consistent and structured process for our customers if they are dissatisfied with a service they have received.

We will ensure our staff are equipped to deal with complaints efficiently and effectively, so that complaints can be resolved as quickly as possible.

## 2 How to complain

The Council encourages any customer who is unhappy with any aspect of a service provided by the council to raise their concerns with a member of staff in the service area first, to see if it can be resolved another way before escalating concerns to a complaint.

If you then wish to make a complaint then please contact us using one of the methods below:

- Email us at [contact@warrington.gov.uk](mailto:contact@warrington.gov.uk)
- Phone us on (01925) 443322
- Write to us at: Contact Warrington, PO Box 5, New Town House, Warrington. WA1 2NH
- Fax us on (01925) 443211
- Visit us at: Contact Warrington, 26-30, Horsemarket Street, Warrington. WA1 1XL.

Please include your contact details, so we can reply to you, and also tell us what you would like the Council to do as a result of your complaint.

Complaints can be withdrawn at any time, by email, letter or fax, by yourself or someone acting for you.

### **3 What is a Complaint?**

Warrington Borough Council consider a complaint to be an expression of dissatisfaction about a specific service or services provided by The Council, or services provided by another agency on the Council's behalf.

Valid complaints about Warrington Borough Council services include:

- Failure to provide a suitable standard or level of service
- Failure to follow the Council's policies, rules or procedures
- Failure to consider all relevant information when coming to a decision
- Delay or failure to respond to a request for service or an enquiry
- Attitude or behaviour of staff
- Bias, discrimination or harassment

### **4 What is not a complaint?**

The following are not covered by this policy as they are not considered to be a complaint or are covered by alternative policies and procedures;

- If it is a request for service
- If you are reporting a problem or fault for the first time
- If you want to make an insurance claim
- If it is a concern raised by a contractor, member of staff, or partner agency about something which does not directly relate to a service provided to them as service users
- If the complaint is not about the Council's services or anyone providing services on its behalf.
- If the Local Government Ombudsman has already looked into the same issue for you.
- If a more appropriate local appeals process is available, for example Admission Appeals Panel, Fostering Panel, Adoption Panel, Planning Appeals Procedure, Housing Benefit Appeals, Council Tax Valuation Appeals.
- If you or the Council are taking or considering taking legal action relating to your complaint.
- If it relates to the behaviour of a Councillor or co-opted member of the Council the complaint should be referred to the Monitoring Officer of the Council.
- If it relates to allegations of fraud or corruption, so should be referred to the Council's Audit Services Manager for investigation

## 5 Who can complain

A person is eligible to make a complaint if they are an individual who is affected by decisions taken by officers of the Council, or the way services have been provided to them.

A representative acting on behalf of an eligible person may make a complaint where that person has asked the representative to act on their behalf or is not able to make the complaint themselves.

Anonymous complaints will be dealt with in the same way as other complaints where possible.

This complaints policy does not affect the right of an individual or organisation to approach a local Councillor or Member of Parliament (MP) for advice or assistance. Enquiries made by an MP on behalf of one of their constituents will be processed as an MP Enquiry. If the response of an MP Enquiry does not resolve the constituents concerns they should contact the council directly where concerns will be dealt with in accordance with this policy.

## 6 Handling your complaint

This complaints policy will apply to all complaints. However, Schools Complaints, Children's Social Care Complaints and Adult's Social Care Complaints are covered by specific legislation which takes priority over this Complaints Policy.

If we assess your complaint to fall within a different policy to this Complaints Policy we will write and tell you. For those complaints that fall within this policy the timescales are as follows:

We handle your complaint by following a process which has three stages.

### 6.1 Stage 1 – Local Resolution

The Service Manager or officer who is responsible for the complaint will explain the reasons behind the decisions and actions. They will ensure there is open and honest dialogue in order to ensure that the complaint is considered thoroughly.

#### ***Timescales***

We aim to acknowledge your complaint within 5 working days of receiving it and give you a full response within 10 working days.

If you are not happy with the outcome of your complaint then you can request that the complaint is escalated to a Stage 2 complaint.

## **6.2 Stage 2 – Formal Investigation**

If the complaint has not been resolved under Stage 1, or you are unhappy with the outcome then you can request that a Stage 2 Investigation is undertaken.

Stage 2 is a request for a formal investigation. It is a comprehensive consideration of the complaint. The outcome will be a formal written report of the investigation.

### ***Timescales***

We aim to clarify the details of your complaint within 5 working days of receiving it and give you a full response within 10 working days.

## **6.3 Stage 3 – Procedural Review**

The Stage 3 Review will be handled by a Director or appropriate Senior Officer within the Council. It is a review of the way a complaint has been handled against the policy to ensure the complaint has been dealt with appropriately; it is not a review of the complaint itself.

If you wish your complaint to be looked at under stage 3 then please be as detailed as possible about the reasons why you want to do this, why you are still not satisfied, and what you think we should do to resolve this complaint.

If the council believes that a Stage 3 Review is unlikely to produce a different outcome than the Stage 2 outcome for the customer, we have the option of referring the case direct to the Local Government Ombudsman, rather than completing a Stage 3 Review.

### ***Timescales***

We aim to send you an acknowledgement within 5 working days of receiving it, and inform you of the outcome of the review within 10 days of receiving it.

## **6.4 Extending time limits at all stages**

We aim to complete all complaints within the timescales above; however, if a complaint is very complex it may be necessary to extend the time limit. We will tell you as soon as we know if there is a delay in replying to you

## **6.5 Suspension**

It may be necessary to suspend a complaint investigation if it becomes apparent the complaint is subject to a concurrent investigation under one of the following procedures:

- safeguarding or vulnerable adults
- court proceedings

- grievance procedures
- disciplinary procedures
- criminal proceedings

These procedures have priority over the complaint investigation process. Once they are concluded, any outstanding issues of complaint will be investigated.

## **7 Cross-Service Complaints**

The Council deals with complaints which cross service areas in a co-ordinated and consistent way. Where possible, you will receive a complete single response to your complaint. Where there is more than one lead officer involved in a complaint, we will identify who will be responsible for co-ordinating the complaint response and who will ensure that you will be kept informed.

## **8 Compliance with legislation and guidance**

This Complaints Policy complies with the Local Government Act 1974 and 2000. It is also intended to meet the guidance provided by the Local Government Ombudsman.

In compliance with the Equality Act 2010, this policy ensures that all customers are treated and respected the same, regardless of their circumstances.

This guidance should be read in conjunction with other legislation and guidance relevant to the handling of feedback from customers such as:

- Equality Act 2010 (Schedule 27)
- Human Rights Act 1998
- Public Interest Disclosure Act 1998
- Data Protection Act 1998
- Freedom of Information Act 2000
- Local Government Act 1974 and 2000

## 9 Local Government Ombudsman

The Local Government Ombudsman (LGO) service was established under Part III of the Local Government Act 1974 as an independent body responsible for investigating complaints from or on behalf of members of the public of alleged injustice arising from maladministration on the part of local authorities and of certain other bodies. The LGO is a free and independent service.

The Ombudsman can investigate complaints about how the Council has done something, but they cannot question what a council has done simply because someone does not agree with it.

The Local Government Ombudsman would normally expect a complainant to have had their complaint investigated at all stages of the Council's complaints policy before they will consider looking into their complaint.

If you wish to refer your complaint to the LGO then please contact them:

- by phone on 0300 061 0614 or 0845 602 1983
- on their website at [www.lgo.org.uk](http://www.lgo.org.uk)
- or write to them at;  
The Local Government Ombudsman  
PO Box 4771  
Coventry  
CV4 0EH