

**Wiltshire Council
Constitution
Protocol 6
Complaints Procedure**

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PROTOCOL 6

COMPLAINTS PROCEDURE

1. Foreword

- 1.1 This Complaints Procedure (“the Procedure”) reflects Wiltshire Council’s commitment to valuing complaints. We welcome hearing our customers’ complaints to better understand how they view our services and to use these opportunities to learn and improve for the future.
- 1.2 We aim to resolve customer dissatisfaction promptly and efficiently and to conduct appropriate and fair investigations so that we can make evidence-based decisions on the facts of the case.
- 1.3 We aim to deliver a complaints function that:
- 1.3.1 Is simple for everyone to use and understand
 - 1.3.2 Is led and supported by the very top of the organisation
 - 1.3.3 Ensures excellent service standards are delivered
 - 1.3.4 Fulfils the needs of our customers
 - 1.3.5 Enables us to learn from customer feedback in order to improve
 - 1.3.6 Complies with the relevant legislation and council policy
 - 1.3.7 Focuses on fair, proportionate resolution at the earliest stage
 - 1.3.8 Works in an open-minded and impartial way
- 1.4 Not all complaints that the Council may receive are covered by the procedure set out in this document. In particular, complaints about adult social care, some aspects of children’s services, the Wiltshire Police and Crime Commissioner and elected members are governed by other, statutory, procedures. Links to those procedures are provided where appropriate.

2. What is a complaint?

- 2.1 Wiltshire Council’s definition of a complaint is 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 resident or group of residents, and which the public has suffered a personal injustice.
- 2.2 A complaint may relate to:
- 2.2.1 failure to provide a service
 - 2.2.2 inadequate standard of service
 - 2.2.3 dissatisfaction with the application of a Council policy
 - 2.2.4 treatment by, or attitude of, a member of staff
 - 2.2.5 disagreement with a decision where the customer cannot use another procedure (for example an appeal) to resolve the matter
 - 2.2.6 the Council’s failure to follow the appropriate administrative process.

This list does not cover everything.

- 2.3 A complaint does **not** fall within this Complaints Procedure if it:

- 2.3.1 is a routine first-time request for a service
- 2.3.2 relates to legal proceedings involving the complainant, including proceedings brought by or against the Council
- 2.3.3 concerns a disagreement with a decision where a statutory right of appeal exists, for example in relation to council tax, planning or licensing
- 2.3.4 is an attempt to reopen a previously concluded complaint or to have a complaint reconsidered where we have already given our final decision
- 2.3.5 is a matter relating to a contract between the Council and an organisation providing services to it, or vice-versa
- 2.3.6 relates to personnel matters, including appointments, dismissals, pay, pensions and discipline
- 2.3.7 it is a challenge to a policy/decision made by the Council
- 2.3.8 concerns school management issues (these are managed by individual schools)
- 2.3.9 falls within the scope of another statutory complaints process, such as those dealing with adult social care, some aspects of children's services, elected members, or the Wiltshire Police and Crime Commissioner (see below)

These issues will not be treated as complaints under this procedure. Customers will instead be directed to any appropriate alternative procedures that may be available.

3. Who can make a complaint?

- 3.1 Anyone who receives, requests or is affected by our services can make a complaint.
- 3.2 We will accept complaints brought by third parties (such as a friend or relative of the person affected) where there is clear evidence that the customer has given their permission. A complaint can also be made through an independent advocacy service and details of those services will be provided to the customer where appropriate.
- 3.3 A complaint can be made in writing, in person, by telephone, by email or online.
- 3.4 We do not accept complaints from corporate bodies under this Procedure, as in such cases there is no "personal injustice" suffered by the complainant.

4. Complaints involving more than one service or organisation

- 4.1 If a complaint relates to the actions of two or more Council services, we will endeavour to provide one response covering all issues raised.
- 4.2 Where a complaint relates to both a Council service and another agency or public service provider, (for example a housing association or a government department), and the Council has a direct interest in the issue, we will handle the complaint about the Council through this Procedure.

5. Handling anonymous complaints

- 5.1 The Council recognises that on occasions some complainants will wish to remain anonymous.
- 5.2 Generally, we will consider anonymous complaints if there is enough information to identify that there is an issue that needs to be considered and to enable further enquiries.
- 5.3 If, however, an anonymous complaint does not provide enough information to enable us to take further action, or is repetitive, we may decide not to pursue it further.
- 5.4 If an anonymous complaint makes serious allegations, we will refer it to an appropriate senior officer immediately for consideration.
- 5.5 If we pursue an anonymous complaint, we will still record the issues raised to allow us to take corrective action where appropriate.

6. What if the customer doesn't want to complaint?

- 6.1 If a customer has expressed dissatisfaction, but does not wish to complain, we will still fully consider the matter and take corrective action where appropriate

7. Time limit for making complaints

- 7.1 In line with guidelines set by the Local Government and Social Care Ombudsman and the Housing Ombudsman, this procedure sets a time limit of 12 months from when the customer first knew, or ought to have known, of the problem, within which time they may ask us to consider the complaint, unless there are special circumstances for considering complaints beyond this time.
- 7.2 We will apply this time limit with discretion.

8. Satisfactorily Resolved

- 8.1 At all stages of the complaints handling process the emphasis will be on resolving the complaint at the earliest opportunity.
- 8.2 On all occasions, an explanation will be provided to the complainant and where a mistake, error or failure (maladministration) is identified then a suitable apology along with a proposal for remedial action (if needed) will be provided. This does not mean that the Complainant's view will always be preferred.
- 8.3 If the complainant is unhappy with the conclusion, they are entitled to refer the matter to the appropriate Ombudsman who can provide an independent assessment of this conclusion. We will advise customers which Ombudsman is appropriate for their complaint.

9. Informal Resolution

- 9.1 Often customers simply want the issue they are raising to be resolved, rather than to pursue a complaint under the council's formal procedure. The council will

therefore often seek to resolve complaints by promptly delivering the service or correcting the error highlighted by the customer, without following the formal complaints procedure.

9.2 Where this approach is not appropriate, and in all cases where the customer requests it, the complaint will proceed to Stage 1.

10. Complaints Procedure

Complaint received

- Received in person, by phone, email, webform or letter
- Acknowledged within **2 working days** and recorded centrally

Informal resolution

- Where appropriate, quickly resolved as a 'service request'
- This can mean promptly delivering a service or correcting an error
- When not appropriate, or when the customer requests it, proceed to **Stage 1**

Learning from complaints

- Complaint details, outcomes, actions taken and Ombudsman findings recorded centrally
- Complaints data reported to senior officers and councillors highlighting areas of concern and improvement actions in place

Stage 1: Service team response

- Response by the relevant service team within **20 working days***
- **10 working day extension** possible, with reasons and updated timescale provided to the customer
- Customer informed of the outcome, addressing relevant areas and reasons, and advising how to progress to **Stage 2: Investigation**
- *For complaints about the council as a social housing landlord, response within 10 working days with a 10 working day extension

Stage 2: Investigation

- For issues not resolved at Stage 1, that are complex, serious or 'high risk', or where the customer believes they have faced discrimination due to a protected characteristic
- Complaints Team investigates
- Response provided within **30 working days****
- **10 working day extension**** possible with reasons and updated timescale provided to the customer
- Customer informed of the outcome, addressing relevant areas and reasons, and advising how to progress to **Independent external review**
- **For complaints about the council as a social housing landlord, response within 20 working days with a 10 working day extension

Independent external review

- For issues that have not been resolved at **Stages 1 and 2**, customers can contact the appropriate Ombudsman, whose contact details will be provided
- In most cases, they will only investigate if the customer:
 - has completed the council's procedure
 - contacts them within 12 months of becoming aware of the matter
 - has been directly affected by the matter
- Ombudsmen can require the council to take remedial action and make compensatory payments
- **Local Government and Social Care Ombudsman:**
www.lgo.org.uk
 0300 061 0614
- **Housing Ombudsman:**
www.housing-ombudsman.org.uk
 0300 111 3000

11. Maintaining confidentiality

- 11.1 Confidentiality in complaints handling includes maintaining the customer's confidentiality and explaining to them the importance of confidentiality generally. We will always bear in mind legal requirements as well as internal policies on confidentiality and the use of customer's information. This includes when we need to make enquiries to an outside agency.

12. Managing unacceptable behaviour

- 12.1 A customer's reasons for complaining may contribute to the way in which they present their complaint. Regardless of this, we must treat all complaints seriously and properly assess them.
- 12.2 However, the actions of some customers may result in unreasonable demands on time and resources or unacceptable behaviour towards our staff. We will, therefore, apply our policies and procedures to protect staff from unacceptable behaviour such as unreasonable persistence, threats or offensive behaviour from customers. Where we decide to restrict access to a customer under the terms of our Unreasonable Complainant Behaviour Procedure, we will communicate that decision, notify the customer of any right of appeal, and review any decision to restrict contact with us.

13. Supporting the customer

- 13.1 Everyone has the right to access to our complaints procedure. Customers who do not have English as a first language may need help with interpretation and translation services, and other customers may have specific needs that we will seek to address to ensure easy access to the complaints procedure.
- 13.2 We will always take into account our commitment and responsibilities to equality. This includes making reasonable adjustments to our service to help the customer where appropriate.
- 13.3 Several support and advocacy groups are available to support customers in pursuing a complaint and customers will be signposted to these as appropriate.

14. Publicising the Complaints Procedure

- 14.1 This Complaints Procedure is provided to all complainants and is available on the Council's complaints webpage ([here](#)).

15. Ombudsmen details

- 15.1 Local Government and Social Care Ombudsman (LGSCO):
www.lgo.org.uk, t. 0300 061 0614
- 15.2 LGSCO Complaint Handling Code ([here](#))
- 15.3 Housing Ombudsman:
www.housing-ombudsman.org.uk, t. 0300 111 3000
- 15.4 Housing Ombudsman Complaint Handling Code ([here](#))

16. Contact us

16.1 If you are unsure about making a complaint or want to talk to someone for further advice, information or support, please contact us in the following ways:

Complaints Team
Wiltshire Council
County Hall
Trowbridge
Wiltshire
BA14 8JN

Telephone: 01225 718400

E-mail: complaints@wiltshire.gov.uk