

**Wiltshire Council  
Constitution  
Protocol 6  
Complaints Procedure**

# PROTOCOL 6

## COMPLAINTS PROCEDURE

Wiltshire Council is committed to listening to the view of customers and welcomes feedback whether positive or negative. This complaints procedure sets out what you can expect to happen when you make a complaint to this council.

A complaint is any expression of dissatisfaction by you or your representative.

You can complain to us verbally or in writing.

### 1. Aims of the complaints procedure

Our aim is to ensure that your concern is taken seriously and that you receive a satisfactory answer. The aims of this complaints procedure are:-

- To give you an effective way of raising your complaint.
- Where possible, to resolve complaints quickly.
- To deal with complaints fairly and consistently.

### 2. What is covered under the complaints procedure?

A complaint can be considered under this procedure if Wiltshire Council has a power or duty to provide or secure the provision of a service for you. If you are unsure whether we can deal with your complaint, please contact us for advice.

### 3. What is not covered by the complaints procedure?

Sometimes you will not be able to complain using our complaints procedure. We give some examples of complaints that we cannot consider using our complaints procedure below.

- Complaints from individuals or organisations where there is a contract governing the relationship between the council and the complainant (for example, contractors)
- Complaints by one part of the council or its affiliate organisations against another (e.g. community area boards, maintained schools, governing bodies)
- If there are or have been legal proceedings in connection with the complaint, including proceedings taken by the council.
- Any matter that should be considered by a court, statutory tribunal or statutory appeals process.
- A school admission or exclusion appeal dealt with by the Education Appeals Panel.
- Complaints about a councillor – there is a separate complaints process for this.
- A complaint which lies within the jurisdiction of the governing body of a school.
- A complaint about personnel matters, including appointments, dismissals, pay, pensions and discipline.

- Complaints that are principally about members of staff. Complaints about staff may, if it is appropriate, go through the staff disciplinary procedure.
- Complaints about council policy, such as the level of council tax, how eligibility criteria are set, or the prioritisation of works.

This list is not exhaustive. If we cannot consider your complaint using this procedure we will try to advise you of other appropriate routes available to you for making your complaint.

### **Time limitations on making a complaint**

In keeping with Local Government Ombudsman guidelines there will be some complaints that cannot be investigated because too much time has passed for there to be a reasonable and factual investigation to take place.

The Ombudsman puts a time limit of 12 months from the day you become aware of the problem.

The Local Government Ombudsman states:-

*“One reason for the time bar is that the further away an investigation takes place from the events to be investigated the more difficult it may be to establish the material facts with reasonable confidence. This is because of faded memories and other difficulties in gathering evidence. The difficulty of carrying out a fair investigation has to be balanced against the seriousness of the injustice claimed. If there seems to be little evidence of maladministration or of injustice it is unlikely that discretion should be exercised”*

If the Council receives a complaint where there is a question about the length of time since the original complaint, we will seek further advice and you will be contacted with an explanation if we cannot investigate.

## **4. Making a complaint**

We will take complaints seriously, and will always ensure that you receive a response within the set timescales.

You can make a complaint in a number of ways. You can contact us by phone, e-mail, by e-form online, a letter or at one of our offices. When you make your complaint please provide as much information as possible, including the names of any officers you may have already spoken to about the matter and any reference number you may have relating to the complaint.

If you want someone else, for example a friend, relative or representative, to complain to us on your behalf, we will work with them to resolve your complaint. However, we will always need to have evidence that you have given your permission for someone else to complain on your behalf.

## **5. The complaints procedure**

This is a two stage procedure, and it can be used for most concerns you wish to raise.

### **Stage 1**

We hope that most complaints can be resolved at the first stage of the complaints procedure.

When you first make a complaint we should acknowledge receipt of it within 2 working days, and let you know when we think we will be able to give you a full response.

The timescale for responding to Stage 1 is 20 working days. In some circumstances this can be extended to 30 working days. If the team or the complaints manager require more time, you will be contacted and advised of when you can expect a response and the reasons for the delay.

At Stage 1, your complaint will be dealt with by either the Department Complaints Manager or a member of the team that provides the service you are complaining about.

If you are not happy with the full response that you receive at Stage 1, you can ask for the complaint to be put through to Stage 2. Please telephone or write to the corporate complaints team at County Hall if you would like to take your complaint through to Stage 2. The corporate complaints team's contact details are at the end of this document.

### Stage 2 – Investigation and Review

If we are unable to resolve your complaint at Stage 1, the corporate complaints team will review your complaint.

The timescale for responding to Stage 2 is 30 working days. In some circumstances this can be extended to 40 working days. If the corporate complaints team require more time, you will be contacted and advised of when you can expect a response and the reasons for the delay.

We understand that you want your complaint resolved and we want to ensure you get a response as soon as possible. However to ensure all elements of your complaint are considered, we have to ensure that a thorough investigation is undertaken, that all information has been provided to us and that any legal requirement has been looked at. Only then can we produce a comprehensive and considered report for you.

If you remain unhappy with the council's response at the end of Stage 2, you can contact the Local Government Ombudsman. We will provide information about how to complain to the Ombudsman, who is completely independent of the council.

## **7. Data protection**

When you make a complaint, we will log information about your complaint and your name and contact details. Information will only be collected and stored for the purposes of dealing with your complaint and improving our services. Your complaint and details will be treated confidentially.

## **8. Equality and diversity complaints (including complaints relating to allegations of discrimination or discriminatory behaviour)**

If in receiving a service from us, you feel you have experienced any form of unlawful discrimination or unfair treatment on the grounds of your race, gender, disability, sexuality, faith/belief or age you can make a complaint using the corporate complaints procedure. In these cases we will put your complaint straight through to Stage 2 of the corporate complaints procedure.

If the complaint relates to staff conduct and behaviour the corporate complaints manager and the equality and diversity manager will consider the details of the complaint and decide what the most appropriate way to investigate the complaint.

Where officers of the council are involved, it may be necessary to refer the matter to the council's human resources department to be handled under the staff disciplinary procedures.

If you remain unhappy with the response, you will be advised how to take the matter further.

Depending on the seriousness of the allegations, it may be necessary to refer the matter directly to the police.

If you would prefer to seek independent advice about a complaint of this nature, you may wish to contact The Equality and Human Rights Commission.

## **Contact us**

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:

Corporate Complaints Team  
Wiltshire Council  
County Hall  
Trowbridge  
Wiltshire  
BA14 8JN

Telephone: 0300 456 0100

E-mail: [complaints@wiltshire.gov.uk](mailto:complaints@wiltshire.gov.uk)