



WARRINGTON
Borough Council

Warrington Borough Council Complaints Policy

Version 1.8

June 2022

1. Introduction

This policy explains our approach to dealing with complaints and that we will deal with them in a fair, unbiased, consistent and structured way.

Complaints are important to us so we can put things right where they have gone wrong. We can 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 policy aims to give you a clear understanding of our complaints process.

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

2. How to complain

If you are unhappy with any aspect of a service provided by us, please talk to a member of staff from the service area first. They can often fix a problem straight away without you making a complaint.

If after speaking to a member of staff you still want to make a complaint then please contact us:

- [Use the complaints form on our website](#)
- Call us on (01925) 443322
- Write to us at: Warrington Borough Council, East Annex, Town Hall, Sankey street, Warrington, WA1 1UH
- Visit us at: Contact Warrington, 1 Time Square, Warrington. WA1 2NT

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

You can stop your complaint at any time, just write to us and include the reference number you are given. You can do this by email, letter, by yourself or someone acting for you.

3. What is a Complaint?

A complaint is when you tell us you are not satisfied with a specific service or services provided by us, or services provided by someone else on our behalf.

We would class the following as some of the valid reasons to complain:

- We do not give a suitable standard or level of service
- We do not follow our policies, rules or procedures
- Not looking at all the related information when coming to a decision
- Delaying or not responding to a request for a service or an enquiry
- Attitude or behaviour of staff
- Bias, discrimination or harassment

4. What is not a complaint?

We do not class the following as complaints as we have another policy or process for them:

- A request for service
- Reporting a problem or fault for the first time
- Making an insurance claim
- A concern raised by a contractor, member of staff, or partner agency about something which does not directly relate to a service provided to you as service users
- A complaint that is not about our services or anyone providing services on our behalf
- The same issue which the Local Government Ombudsman has already looked into for you
- If there is a better local appeals process available. For example Admission Appeals Panel, Fostering Panel, Adoption Panel, Planning Appeals Procedure, Housing Benefit Appeals, and Council Tax Valuation Appeals
- If you or the Council are taking or thinking of taking legal action about your complaint
- The behaviour of a Councillor or co-opted member of the council. The complaint will be referred to the Monitoring Officer of the council.
- Allegations of fraud or corruption. They will be referred to the council's Audit Services Manager to investigate

5. Who can complain

You can make a complaint if you have been affected by decisions made by us or the way services have been provided by us.

You can ask someone to make a complaint on your behalf if you cannot make the complaint yourself.

We will deal with anonymous complaints the same way as other complaints where possible.

This complaints policy does not affect your right, or an organisations right to ask a local Councillor or Member of Parliament (MP) for advice or help. Questions asked by an MP for one of their constituents will be treated as an MP Enquiry. If the outcome of an MP Enquiry does not answer your problem you should contact us where we can then treat it as a complaint.

6. Handling your complaint

We will use this policy to handle complaints unless it is a:

- Schools Complaint
- Children's Social Care Complaint
- Adult's Social Care Complaint

These services have legislation which takes priority over our Complaints Policy. We will look at your complaint and if it needs to follow a different process, we will let you know by sending you an email or writing to you.

If your complaint uses our normal route, we have a timescale and a three stage process to investigate it.

6.1 Stage 1 – Local Resolution

The Service Manager or member of staff who is responsible for the complaint will explain the reasons behind the decisions and actions. They will make sure there is open and honest discussion so your complaint is looked at thoroughly.

Timescales

When we get your complaint, we aim to reply within five working days to let you know we have it. We will give you a full response within 10 working days.

If you are not happy with the outcome you can request the complaint is raised to Stage 2.

6.2 Stage 2 – Formal Investigation

If your complaint has not been answered in Stage 1 or you are unhappy with the outcome, you can request a Stage 2 Formal Investigation is made. You can do this by filling in the [complaints form on our website](#) and including the Stage 1 case reference number.

Stage 2 is a comprehensive consideration of the complaint and the outcome will be a formal written report of the investigation.

Timescales

We aim to be clear about 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 carried out by a Director or appropriate senior member of council staff. It compares the way a complaint has been handled with the policy to make sure the complaint has been dealt with correctly. This is not a review of the complaint itself.

If you wish your complaint to be looked at under stage 3 then please complete the [complaints form on our website](#) and include the stage 1 and stage 2 case reference numbers, and give as much detail as possible about:

- The reasons why you want a Stage 3 review
- Why you are still not satisfied
- What you think we should do to resolve this complaint

If we do not believe a Stage 3 review will give a different result to the Stage 2 outcome we may send the case direct to the Local Government Ombudsman, instead of completing a Stage 3 review.

Timescales

We aim to reply within 5 working days of getting your request and will let you know the outcome of the review within 10 working days of receiving it.

6.4 Extending time limits at all stages

We aim to complete all complaints within the timescales above. If a complaint is very complex we may need 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

We may need to suspend a complaint investigation if the complaint is already being investigated by one of these procedures:

- 6.5.1 safeguarding or vulnerable adults
- 6.5.2 court proceedings
- 6.5.3 grievance procedures
- 6.5.4 disciplinary procedures
- 6.5.5 criminal proceedings

These procedures have priority over the complaint investigation process. Once they have finished, we can investigate any outstanding issues.

7. Cross service complaints

We deal with a single complaint which crosses service areas in a co-ordinated and consistent way. Where we can, you will receive a complete single response to your complaint. Where there is more than one lead member of staff involved in a complaint, we will identify who will be responsible for co-ordinating the complaint response and who will make sure you are kept informed.

We will deal with a complaint differently when it includes multiple separate issues, related to multiple service areas. We will raise multiple cases in our system. This is so you receive responses from services as they are completed, rather than delaying a response to you until all services have completed their investigation.

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 alongside other legislation and guidance relevant to the handling of feedback from customers such as:

- Equality Act 2010
- Human Rights Act 1998
- Public Interest Disclosure Act 1998
- Data Protection Act 2018 (GDPR)
- Freedom of Information Act 2000
- Local Government Act 1974 and 2000
- Localism Act 2011

9. Local Government Ombudsman

The Local Government Ombudsman (LGO) service was set up 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 you to have had your complaint investigated at all stages of the council's complaints policy before they will consider looking into your complaint.

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

- by phone on 0300 061 0614
- on their website at www.lgo.org.uk
- or write to them at: The Local Government and Social Care Ombudsman, PO Box 4771, Coventry CV4 0EH