

Westminster City Council Complaints Policy

Introduction

The council aims to provide quality services, but sometimes things go wrong and we encourage customers to tell us when this happens so we can quickly put things right, learn from our mistakes and improve our services.

We aim for our Complaints Policy to be:

- **Easy** to access, taking into account the different needs of customers
- **Simple** to understand and use
- **Clear** on what customers can expect from us and when
- **Impartial**
- **Fair**
- **Transparent**
- **Confidential**
- **Effective**, providing the right solution.

What is a complaint?

A complaint is:

Dissatisfaction, however expressed by the customer, which they wish to be treated as a complaint.

The Housing Ombudsman's definition of a complaint is also acknowledged:

'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.'

What is not a complaint

This Policy does not deal with complaints about Adults or Children's Social Services covered by statutory procedures. For more information on either of the two statutory complaints procedures visit

www.westminster.gov.uk/about-council/complaints#adult-and-childrens-social-services

Other matters which are not addressed by this Policy are below. This is not a full list and customers will be advised why their issue isn't covered by the Policy and of any other action they can take:

- **A request for a service.** This includes a report of a missed bin collection or an appointment for a repair which should be reported through the relevant channel such as the 'Report It' function at www.westminster.gov.uk/report-it on the relevant page of the council's website or through one of the contact centres. More information can be found at
- **When there are other legal rights of appeal.** These can include appeals against:
 - a planning decision
 - a school admission or exclusion
 - a Housing Benefit or Council Tax decision
 - a Penalty Charge Notice (parking ticket) or recovery action taken after the issue of the ticket
 - a homeless decision

 - Allegations of fraud or corruption may be best dealt with under the council's Anti-Fraud or Whistle Blowing procedures
- **When legal action has started.** This includes where:
 - the matter has already been heard by a Court or tribunal, including the council's Benefit Review Panel
 - either the customer or the council has started legal proceedings, or taken Court action (this does not include where the customer has only threatened legal proceedings against the council)
- **Complaints involving insurance claims against the council** (unless they are about how a service has communicated with a customer about an insurance claim, they have delayed sending information for example)
- **When the complaint is over 12 months old and the customer was aware of the issue but did not report it to the council.** Exceptions may be made if there is a good reason for the delay.
- **Complaints that have already been investigated** through the council's complaints procedure or by the Ombudsman.
- **Certain complaints about staff and councillors** as they are best dealt with under separate procedures, such as:
 - The Council's staff disciplinary code or performance management procedures
 - Complaints about the conduct of councillors or co-opted members¹, as these are dealt with under a separate procedure which can be found at

¹ People appointed for their knowledge and expertise on a specific subject, for example to sit on a council committee to help advise them. They are not elected members.

www.westminster.gov.uk/complaints-against-councillors

- **Complaints from members of staff relating to personnel matters**
- **Complaints about council policies.** In these cases, customers should contact their local Ward Councillor or the Cabinet Member responsible for the policy they are unhappy about.

Other

- Matters which should be reported to the Police

Who can make a complaint?

Anyone living, working or visiting Westminster or using council services.

How a complaint can be made

Complaints can be made:

- In writing
- By telephone
- By email
- Through social media such as Twitter (complaints made by social media will be dealt with off-line to ensure privacy)
- By web form through the council's website
- In person
- Through a representative or advocate such as a family member, friend, solicitor, Citizen's Advice Bureau or a local Councillor, Member of Parliament etc.

Help to use the Complaints Policy (reasonable access)

Where possible, this Policy will be made available in different formats to suit different needs.

Every reasonable effort will be made to help customers to make complaints, in line with their needs and this Policy may be adjusted to take account of individual circumstances.

Help may involve assistance to make a complaint if it is needed and as a minimum help will be available to complete the [web form](#) when requested. It may also involve reading the outcome of a complaint to customers where needed, as they are normally communicated in writing.

Before making a complaint

Before making a complaint, customers are encouraged to get in touch with the relevant service to let them know about their concern. It may be the problem can be resolved quickly without using the Complaints Policy. Contact information is available at:

Making a complaint: The Two Stage process

If the issue cannot be resolved, there are two stages:

Stage 1: Complaints will firstly be dealt with by the local service or office and considered by the relevant Manager, or anyone else delegated to look at them.

Stage 2: Customers that are unhappy with the response provided at Stage 1, can request a review by a senior officer delegated by the Chief Executive. Customers should explain why they are dissatisfied with the Stage 1 response received and what they would like from this review.

A number of outcomes are possible for Stage 2 complaints:

- A. **A decision is made not to investigate.** This may occur when:
- The complaint has already been thoroughly investigated
 - All the correct policies and procedures have been followed
 - The Complaints Manager is satisfied another investigation will not achieve anything
- B. **A further investigation is carried out.** This will be done when the Complaints Manager is satisfied there are grounds for a further investigation.

How long will it take?

Complaints will generally be acknowledged within 2 working days

At both stages, we aim to provide a response in **10 working days**.

Some complaints may need longer to investigate and where this is the case a holding response will be sent explaining the reason for the delay and when they should receive a full response.

How will I be advised of the decision?

Stage 1: Customers will generally be advised of the outcome by the method their complaint was made unless they request a different method.

Stage 2: Responses will always be in writing which could be by letter or email.

What type of decision can I expect?

Customers will be advised if their complaint is:

- **Upheld:** This means the investigation found that the area complained about was responsible for a failure in service. This could mean that the service hadn't followed its policies or procedures
- **Partially Upheld:** This means the investigation found that the area complained about was responsible for a partial failure in service
- **Not Upheld:** This means the investigation found that there were no failures in service delivery and for example all the correct policies and procedures had been followed

Whatever the decision, customers will be told how to take their complaint further if they are unhappy with the decision. At Stage 1 this would involve telling them how to make a Stage 2 complaint and at Stage 2 about how to make an appeal to the Ombudsman Service.

Resolving complaints

If a complaint is Upheld or Partially Upheld it may be resolved in a number of ways, taking into account the type of service failure. Remedies may include:

- Acknowledging that things have gone wrong, apologising and explaining why
- Taking action where there has been a delay
- Changing a decision
- Reviewing a policy or procedure
- Making an offer of financial compensation.

The Ombudsman's guidance on remedies and financial compensation will be taken into account when deciding on resolving complaints.

www.lgo.org.uk/information-centre/staff-guidance/guidance-on-remedies

www.housing-ombudsman.org.uk/about-us/corporate-information/policies/dispute-resolution/

Contacting the Ombudsman

Customers have the right to contact the **Local Government and Social Care Ombudsman** or the **Housing Ombudsman** at any stage of their complaint, although Ombudsmen may suggest they go through all the stages of a council's complaints policy before they investigate.

In line with legislation the Housing Ombudsman currently requires social housing residents to wait 8 weeks after exhausting the council's complaints policy before accessing their service, unless they are referred by a 'designated person' such as an MP or a councillor. This approach is being changed, however. More information about it is available at:

www.housing-ombudsman.org.uk/residents/designated-person-information/

The Ombudsman Service is free, independent and impartial and they will investigate if a local authority has acted unfairly or caused injustice by the council's maladministration.

Local Government and Social Care Ombudsman's contact details are:

The Local Government and Social Care Ombudsman
PO Box 4771
Coventry
CV4 0EH
Telephone: 0300 061 0614
Website: www.lgo.org.uk

The Housing Ombudsman's contact details are:

Housing Ombudsman Service
PO Box 152
Liverpool
L33 7WQ
Telephone: 0300 111 3000
Website: <https://www.housing-ombudsman.org.uk/>

Unreasonable customer behaviour

While complaints are always to be welcomed, some customer behaviour may be considered unreasonable and this takes up a disproportionate amount of council resources.

Unreasonable behaviour may include persistent contact and unreasonable demands, while the complaint is being investigated, or once all the complaints stages have been exhausted.

Where behaviour is considered unreasonable the appropriate action will be taken. This may involve establishing a cut-off point for dealing with the issue and advice on how to escalate a case to the relevant Ombudsman if the customer is dissatisfied with the council's response.

Other action may be taken in line with the recommendations of the council's Complaints Manager or with separate procedures, developed by some services, for dealing with persistent unreasonable behaviour. These procedures will be shared with customers if appropriate, and upon request, and they will be advised where they are being followed.

Privacy

Any information provided will only be used for the purposes of investigating the complaint. All personal data will be held securely and in line with the relevant legislation.

In order to investigate a complaint, certain customer information (like their name, contact details and details of the complaint) may be shared with other council services so that a response can be given. Information may also be shared with the relevant Ombudsman if they have received a complaint.

Confidentiality

All complaints will be dealt with in line the Data Protection Act 2018 and the Freedom of Information Act 2000. The identity of the person making a complaint will only be made known only to those who need to know in order to consider the complaint.

The council aims to be open and honest when responding to complaints but sometimes it is necessary to maintain confidentiality and information will generally not be provided about third parties.

Review

This Policy will be reviewed and updated from time to time.