

Corporate Complaints Policy

Our approach

At Wandsworth Borough Council we want to provide our residents, businesses and visitors with good quality services delivered in a helpful and efficient way. This document explains how we record and act upon this feedback, listening to the experiences of our customers - positive or negative - to make improvements in services.

We take a positive approach to complaints and value them as an important form of feedback on our services. We want to learn from complaints, and use the lessons learned to review and where necessary improve the services we offer and to help develop and train our staff.

The Council's definition of a complaint

“...an expression of dissatisfaction with the Council, however expressed, whether justified or not”

and

“...an expression of dissatisfaction about a Council service (whether that service is provided directly by the Council or by a contractor or partner) that requires a response.”

Faults or service requests

Issues such as missed bin collections, faulty street lights, street cleansing issues, will not, in the first instance, be treated as a formal complaint. Most contacts about matters such as refuse collections, dog fouling, graffiti, fly tipping or street related issues will be dealt with as **faults or service requests**. However, if you have to raise the same issue more than twice, the issue will then be dealt with as a formal stage 1 complaint.

You can make a service request or report a fault by using the Council's online form at <https://www.wandsworth.gov.uk/report>, or by calling Customer Services on 020 8871 6000.

What is a complaint?

We will take the following points into consideration when assessing your complaint:

- whether the service has been given the opportunity to resolve the complaint
- whether you have stated that you want to make a complaint
- the nature of the issue and whether the Council's corporate complaints procedure is appropriate in the circumstances; and
- what you would like to happen next



The above list is not exhaustive, and we will consider each issue individually.

A complaint may concern one or more of the following:

- The Council has done something which you consider should not have been done
- The Council has failed to do something that you consider should have been done
- The service provided by the Council was not good enough; you received poor quality of service or there was poor communication
- There has been a failure or a delay in providing a service
- Mistakes were made in the way a decision has been reached
- The Council has given incorrect or misleading information
- Staff have been rude or unhelpful or behaved inappropriately

The following list shows examples of those matters not covered under the Council's Corporate complaints procedure

Services for which there is an alternative appeal or tribunal process will not be dealt with using the Corporate complaints procedure. These include, for example:

- refusal of planning permission
- planning enforcement
- parking tickets (parking control notices)
- school admissions
- school exclusions
- Special Educational Needs decisions (including decisions made as part of the Education, Health and Care Plan process)
- Housing Benefit disputes
- Council tax disputes
- Homelessness decisions

In addition, the following matters will **not** be put through the corporate complaint procedure:

- First time requests for services (faults/service requests)
- Requests for information (these are dealt with under separate procedures: the Freedom of Information Act – and Subject Access Requests)
- Matters for which there is a right of appeal, or an alternative complaints procedure (as listed above)
- Complaints about a decision
- A complaint that has already been considered by the Council and completed both stages of the corporate complaints' procedure.
- A complaint where a decision has already been reached by a court, an appeal process, or an external independent tribunal

- A complaint where either the customer or the Council has started legal proceedings
- A complaint that is being, or has been investigated, by the Local Government and Social Care Ombudsman
- Matters that come under the Council's employment procedures
- Complaints about schools (including academies) and colleges
- Complaints about a registered housing provider
- Complaints against an elected Councillor
- Complaints about children's or adults social care – the statutory complaints procedures should be used for these
- Insurance claims against the Council

More information can be found at Appendix 1

Who can make a complaint?

Anyone who uses or is affected by our services can make a complaint, including:

- Our residents
- People who work in the borough, local businesses
- People who visit the borough
- A representative acting on your behalf. This could be a relative, friend, carer, solicitor, or an advocate from an advice agency (please note that we usually require your consent for them to act on your behalf)

Outsourced services

Where the Council has outsourced a service, while it no longer provides that service directly, it remains responsible for it and for the actions of the organisation providing that service. We would usually expect you to submit a complaint direct to the organisation delivering the service and allow them to respond to your complaint. If you complete their complaints procedure and remain dissatisfied, you should contact the relevant service at the Council and your complaint will then be addressed under the Council's corporate complaints procedure.

How to make a complaint?

In order to raise a complaint, you can do one of the following:

- Use the Council's online complaint form on our website www.wandsworth.gov.uk/complaints
- Send an email to the person you have been dealing with or the service that you are not happy with
- Write a letter to, or telephone, the person you have been dealing with or the service that you are not happy with

Details of your complaint

- Please provide your contact details

- Please include all the relevant points of your complaint. It would be helpful if they were in a numbered list
- Please be clear about what you hope to achieve and what will put the matter right. Your desired outcomes should be fair and proportionate to the issue raised
- We understand that you may feel strongly about your complaint but would ask that you are polite and refrain from being aggressive

The Council's Corporate complaint procedure explained

This procedure covers all eligible complaints except where the subject of complaint is outside the scope of this procedure. Other useful information can be found in appendix 1.

Stage 1 – Investigation (20 working days)

- When you raise an issue, we will check to see whether we should treat it as a complaint under the corporate complaints procedure.
- We will need clear details of your complaint and to know what outcome is required to assist the service in resolving the complaint.
- In some cases, further information may be needed about the complaint for the service to fully consider the matter. If further details are required, we will contact you and ask for more information. We may not be able to progress your complaint until this information is provided but we will let you know if this is the case.
- In some exceptional circumstances we may need to meet with you to discuss your complaint, or to see evidence in person, but this is not normally required
- We will acknowledge receipt of the complaint by email, post or phone within two (2) working days.
- A Service Manager from the service being complained about will oversee an investigation and come to a decision about your complaint.
- In some cases, we will contact you to discuss the complaint and explore how it might be resolved to your satisfaction. We will not always be able to take the action you wish but we will do our best to look at all available options.
- If the complaint is about the Service Manager, a more senior person will handle the complaint.
- We will provide a written response to a complaint within **twenty (20) working days** from receipt. If we are not able to do this, we may need to extend the timescale and we will let you know.

Stage 2 – Review (25 working days)

- If you remain dissatisfied following receipt of a stage 1 response, you can request that your complaint is reviewed at stage 2. We ask that you submit your request within 20 working days of receiving the stage 1 response. If you do not make your request promptly, it may become difficult to review your

complaint effectively due to the amount of time that has passed (see Time Limits below).

- You will need to explain why the stage 1 response has not resolved your complaint and what outcome you are seeking in order to resolve the matter at stage 2.
- We will acknowledge receipt of the complaint by email, post or phone within two (2) working days.
- We will provide a written response, with a decision on your complaint, following a review at stage 2 within **twenty five (25) working days** from receipt. If we are not able to do this, we may need to extend the timescale and we will let you know.
- Stage 2 will be a review of your stage 1 complaint and the response you have received – it will not re-investigate the matter which means that we cannot accept new issues at stage 2.
- This will be the Council's final decision and marks the end of our corporate complaints' procedure
- At the end of the stage 2 response, you will be provided with the contact details of the Local Government and Social Care Ombudsman or Housing Ombudsman Service, as that would be your next and final recourse if you were still unhappy.

Time limits

Complaints to the Council should be made within 12 months of a person becoming aware of the issue they want to make a complaint about. This is because it is easier to find out what happened and to put things right when complaints are received as close to the time that something happened. As time passes it becomes more difficult to investigate complaints fairly and fully, because staff members may have moved on, recollections may have changed, and records may no longer be available. We may accept complaints outside of this timescale in exceptional circumstances.

Local Government and Social Care Ombudsman (LGSCO)

If you have been through both stages of our complaints procedure and remain unhappy, you can ask the Local Government and Social Care Ombudsman to review your complaint. The Ombudsman will look at what the Council has done to see whether there have been any errors or failures and if so, how this has affected you.

The Ombudsman investigates complaints in a fair and independent way, they do not take sides and provide a free service. The Ombudsman expects you to have given the Council a chance to deal with your complaint before you contact them. If you have not heard from us within a reasonable time, the Ombudsman may decide to look into your complaint anyway.

The Local Government and Social Care Ombudsman is the final stage for complaints about Councils and some other organisations providing local public services. It also investigates complaints about all adult social care providers (including care homes and home care agencies) for people who self-fund their care.

Please be aware that the Ombudsman does not always investigate every complaint it receives: your complaint will be assessed to decide whether further investigation is needed, and you will be notified one way or the other.

Website: <https://www.lgo.org.uk>

Telephone: 0300 061 0614

Housing Ombudsman

The Housing Ombudsman Service (HOS) looks at complaints about social housing, including local housing authorities, housing associations, and other landlords, housing managers and agents. If your complaint is about Wandsworth Council, as your social landlord and you have completed both stages of our complaints procedure and remain unhappy, you can ask the Housing Ombudsman to review your complaint.

In the same way as the LGSCO, the Housing Ombudsman investigates complaints in a fair and independent way and expects you to have given the Council a chance to deal with your complaint first.

The Housing Ombudsman is the final stage for complaints about social housing provided by Wandsworth Council. The Housing Ombudsman will make their own assessment about whether a further investigation is needed and will keep you informed.

Website: <https://www.housing-ombudsman.org.uk/>

Telephone: 0300 111 3000

Further help

The following organisation may be able to offer general advice and guidance.

Citizens Advice (CA)

<https://www.citizensadvice.org.uk> or <https://cawandsworth.org>

Citizens Advice Wandsworth Telephone Advice Line: 0800 278 7833 (Lines open Monday to Friday 10am to 4pm except public holidays.)

Battersea Centre Battersea Library, Clapham Junction, 265 Lavender Hill, SW11 1JB (Open Mon/Tues/Wed & Fridays 10am-4pm except public holidays).

Roehampton Centre, Picasso Building, Mount Clare, Minstead Gardens, SW15 4EE (Open Tuesday and Thursday only, 10am – 4pm except public holidays)

Assistance can also be obtained from a specialist advice or advocacy organisation, such as:

- Age UK Wandsworth – <https://www.ageuk.org.uk/wandsworth>
- Brent, Wandsworth and Westminster MIND – <https://www.bwwmind.org.uk>

- POhWER (Independent Health Complaints Advocacy <https://www.pohwer.net>:
You can also contact on 0300 456 2370 or email pohwer@pohwer.net

VoiceAbility is a charity which supports people in having a voice through providing professional and independent advocacy support. They offer independent mental capacity advocacy, care and support advocacy, and community advocacy.

Telephone: 0300 303 1660

Email: helpline@voiceability.org

Website: <https://www.voiceability.org>

We want to make it easy for anyone who wants to complain to do so. If you need an **interpreter or sign language interpreter**, or need information translated into another language, in Braille, on audio tape or in electronic format, please tell us when you first make your complaint, so we can make appropriate arrangements for you. The Council will always do its best to meet customers' needs.

Contact information:

For more help or information, please contact the Corporate complaints team

Email: corpcomplaints@wandsworth.gov.uk

Other useful information

Complaints against Councillors

These complaints are handled under a separate procedure. Complaints about Councillors are viewed as breaches under the Councillors' Code of Conduct and are responded to by the Council's Monitoring Officer. Further details on the process and contact details for the Monitoring Officer can be found at <https://www.wandsworth.gov.uk/make-a-complaint-about-a-councillor/>

Complaints about children's or adult social care

Most of these types of complaints will be handled under separate, statutory complaint procedures. If you are unhappy about the care or support you or someone you know has received you should let us know as soon as possible. Further information can be found on the Council's website here

Wandsworth children's social care:

<https://www.wandsworth.gov.uk/childrens-services-complaints-process>

Wandsworth adults' social care:

<https://www.wandsworth.gov.uk/make-a-comment-complaint-or-compliment-about-adult-social-care>

Complaints about schools and colleges

Schools and colleges have their own complaint procedures; complaints about a school/college or a member of staff should be made direct to the Headteacher or Principal.

Complaints about registered housing providers

Providers have their own individual complaints procedures, so you will need to contact your landlord or housing association if you wish to register a complaint about a housing related issue.

Complaints relating to the fluency duty (Part 7 of the Immigration Act 2016)

Public authorities are subject to the fluency duty in relation to all their staff who work in customer-facing roles and must have a procedure in place to deal with complaints about insufficient proficiency in spoken English. To make a complaint under the Fluency Duty Code of Conduct, you should use our **corporate complaints procedure**.

For the purposes of the fluency duty, a legitimate complaint is one about the standard of spoken English of a public sector member of staff in a customer-facing role. It will be made by a member of the public or someone acting on his or her behalf, complaining that the authority has not met the fluency duty. A complaint about a member of staff's accent, dialect, manner or tone of communication, origin or

nationality would not be considered a legitimate complaint about the fluency duty.

Anonymous complaints

We will deal with anonymous complaints on an individual basis and determine whether further action is appropriate. The action we take will be dependent upon the substance of the matter and the amount of information provided.

Unreasonable and persistent complaints

We aim to ensure that we have given our complainants the opportunity to express their view and opinions. However, occasionally we encounter individuals that are unreasonable and persistent in pursuit of their complaint. This can result in unnecessarily excessive demands on time and resources of staff. We have a separate procedure the details can be found here:

<https://www.wandsworth.gov.uk/make-a-complaint>

Confidentiality

The Council will do all it can to respect your privacy and to protect the personal information we acquire about you when you use our complaints service.

You may be asked to provide personal and equalities information when you first make a complaint. Please be assured we will treat this information in confidence. Any personal information you give on the online or paper complaint form you complete, or as part of your complaint, will only be used by the Council to:

- Help address and resolve your concerns
- Check whether our services and our complaints procedure are equally accessible to every member of the community; and
- Improve our complaints procedure.

Data protection law gives you a number of rights to control what personal information we can hold and how it is used by us. All complaints will be dealt with in accordance with the requirements of the General Data Protection Act 2018 and the Data Protection Act 2018. For further information on how the Council manages your personal data and your rights, please visit:

<https://www.wandsworth.gov.uk/wandsworth-council-privacy-notice>

Information regarding your complaint will only be shared with others within the Council who are directly involved in the matters you have included in your complaint. They may need to be consulted in order obtain information to assist with providing a full response to the concerns you have raised. You can ask for access to the information we hold on you in connection with your complaint by submitting a Subject Access Request (SAR). More information about the SAR process can be found here: <https://www.wandsworth.gov.uk/accessing-your-personal-information-subject-access-request>.

Responses to complaints at both stages will be sent in writing to the email or home address you have given us, unless you have specifically requested otherwise.

Financial Remedy

As far as possible, we aim to put you back in the position you would have been in if there had been no fault by the Council. There are a number of actions we can take to put things right. In some cases, the Council may pay financial remedy if you are out of pocket because of our mistakes, or if you have been caused undue hardship, inconvenience, or distress. We follow the remedies guidelines issued by the Local Government and Social Care Ombudsman and the Housing Ombudsman in deciding the appropriate amount of financial remedy.

V1 - October 2020

V2 - August 2022

V3 – April 2023