

# 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:

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 or group of individuals.'

The resident does not have to use the word 'complaint' for it to be treated as such. Where a customer expresses dissatisfaction we will give them the choice to make a complaint.

## 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](http://www.westminster.gov.uk/about-council/complaints#adult-and-childrens-social-services)

Other matters which are not addressed by this Policy are below. If we decide not to accept a complaint, an explanation will be provided to the customer, setting out the reasons why the matter is not suitable for the complaints process and the right to take that decision to the Ombudsman.

- **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](http://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 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
  - a Fixed Penalty Notice
  - the Community Trigger process
  - Levels of rent or service charge for Council tenants or leaseholders that are dealt with by the First Tier Tribunal
  - Allegations of fraud or corruption may be best dealt with under the council's Anti-Fraud procedures.
  - Personal Data and Information complaints (although related issues about the quality of service may be investigated)
  
- **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 members<sup>1</sup>, as these are dealt with under a separate procedure which can be found at
- **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.
  - **Complaints about the Coroner Service.** These complaints follow a separate process to that of the council's complaints procedure and can be escalated to the Chief Coroner.
- Other**
- Matters which should be reported to the Police.

## **Complaints about Contractors**

If a Contractor has its own complaints procedure, customers have the right to access and use it. If the complaint to the Contractor is not answered or fulfilled then this can be escalated to the Council. Customers can also complain directly to the Council in the first instance.

## **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. A complaint that is submitted via a third party or representative will still be handled in line with our complaints policy. However, it should be noted that we cannot respond to a representative without the complainant completing a consent form.

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<sup>1</sup> 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.

## Our commitment to you

- We will act independently and have an open mind.
- We will deal with complaints on their own merits.
- We will take measures to address any actual or perceived conflict of interest.
- We will consider all information and evidence carefully.
- We will keep the complaint confidential as far as possible, with information only disclosed if necessary to properly investigate the matter.

## 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:

[www.westminster.gov.uk/contact-us/council-services](http://www.westminster.gov.uk/contact-us/council-services)

## 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.

A request must be made within 12 months of receiving the stage 1 response. Exceptions may be made if there is a good reason for the delay.

Customers are not required to explain their reasons for requesting a stage 2, however it is helpful if they can explain why they are dissatisfied with the Stage 1 response received and what they would like from this review.

## How long will it take?

Complaints will be acknowledged within 5 working days. Following the acknowledgment, a response will then be sent as follows:

At Stage 1, we aim to provide a response in **10 working days from the day of acknowledgement.**

At Stage 2, we aim to provide a response in **20 working days from the day of acknowledgement.**

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. Any extension will be no more than 10 days at stage 1 and 20 days at stage 2, unless there is a good reason, and this will be clearly explained to the customer.

## How will I be advised of the decision?

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.

## 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.

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](http://www.lgo.org.uk)

**The Housing Ombudsman's** contact details are:

Housing Ombudsman Service  
 PO Box 1484  
 Unit D  
 Preston  
 PR2 0ET  
 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 with 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.

## **Publication**

This policy and information about the Ombudsman and their codes of practice will be publicised on the Council's website and regularly through resident communication.

Our self-assessment forms will be published on the Council's website in order to demonstrate compliance with the Ombudsman codes of practice.

## **Review**

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