



# Complaints Policy

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## Introduction

The Local Government and Social Care Ombudsman (LGSCO) and the Housing Ombudsman Service (HOS) implemented their aligned Complaint Handling Codes in April 2024, which will result in better services to the public and make good practice in complaint handling clearer for local authorities and landlords.

The Complaint Handling Codes are an update of the existing Housing Ombudsman Code and the Local Government and Social Care Ombudsman's Good Practice Guidance. They make good complaint handling easier for local authorities and landlords, while setting clear expectations for the public.

The Codes are based on unified principles and share many of the same approaches in key areas like response times and these are what we work towards. Wigan Council aims to provide the best possible service to our customers, and to act on any feedback we receive.

We believe that you should receive a high quality service whenever you contact us to make an enquiry, request a service, or to ask for advice and information.

If this is not the case, we want you to let us know so that we can improve in future.

This document outlines how we will respond to a complaint and what you can expect when making a complaint to us.

## What is a service request?

A service request is a request from a customer requiring action to be taken to put something right. Service requests are not complaints, but they are recorded, monitored and reviewed regularly.

## 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, resident or a group of individuals or residents

Our response may be to put things right straight away, or to investigate the matter further.

A complaint could include any of the following concerns:

- a customer cannot access a service
- we delay or fail to deliver a service
- we provide a poor quality service
- we reduce or withdraw a service

- a member of staff's attitude, behaviour or competence causes concern
- we fail to meet our statutory responsibilities

We will not usually accept the following as complaints under the council's complaint procedure:

- a first request for service - such as reporting a repair or antisocial behaviour
- a query about service provision
- a query about progress of a specific issue
- a suggestion for service improvement
- complaints made on behalf of individuals without their explicit consent
- complaints about correctly applied council policy and the law
- complaints where legal proceedings have started, or court or tribunal action is being taken
- a complaint that has already been responded to under the complaint's procedure
- a request for enforcement action by the council. e.g. noise nuisance
- where no outcome has been specified or where the outcome is considered too unreasonable
- it is not regarding a service provided by the council, or a third party acting on our behalf
- there is an alternative option for resolution, e.g. a Housing Benefit review or an alternative review and appeal procedure
- where the incident that the complaint relates to is more than 12 months old
- an appeal of a decision where there is no fault in the way the decision has been made

### Insurance Claims or Proceedings

An insurance claim or any form of legal proceedings should not restrict a customer's ability to access our formal complaints procedure. Customers will not be able to raise a formal complaint once an insurance claim is submitted or legal proceedings are issued but may do so before the matter is submitted or issued or additional issues have been raised.

We will clearly explain what issues can be considered through our formal complaints procedure and will also appropriately signpost customers for personal injury or any other Legal Liability insurance related claims, where appropriate.

If a customer is dissatisfied with the decision of an insurer it may still be appropriate to raise and respond to a formal complaint in order to establish if there has been any service failure in the way the complaint was handled, but not about whether the council was liable.

If an insurer has determined that there is no liability to pay compensation, it may still be appropriate for the Local Government and Social Care Ombudsman or Housing Ombudsman to investigate and determine whether there has been any

service failure or maladministration in.

Furthermore, it may be fair and proportionate for the Local Government and Social Care Ombudsman or Housing Ombudsman to order compensation to the value of any damaged property and belongings as redress in such cases where service failure or maladministration has been determined.

## Freedom of Information Request

The Freedom of Information (FOI) Act (2000) gives you the right to access and ask for information held by Wigan Council and other public bodies.

Before you consider making a request, please take a look at the various sections of our website as the information you are looking for may already be publicly available at [www.wigan.gov.uk](http://www.wigan.gov.uk)

## Applying for your data and making requests regarding your data

Applying for your data or making requests regarding your data is called a Subject Access or GDPR Rights Request.

Applications can be made online, in writing or verbally and you will be required to confirm your identification as part of the process.

Further details on the above can be found at [www.wigan.gov.uk/dataprotection](http://www.wigan.gov.uk/dataprotection)

## Complaints that cannot be dealt with under this procedure

Some services have specific procedures that are set by law governing complaints and appeals. These may mean complaints have to be made to an outside or external body such as the Information Commissioner. Whilst these cannot be dealt with under our complaints procedure, they will follow the same principles of transparency and fairness.

If your complaint falls into one of these categories we will tell you, and let you know how it will be dealt with. Examples of complaint types that would be dealt with under other procedures include, but are not limited to:

- an appeal against refusal of planning permission
- complaints that fall within other statutory complaint procedures (e.g. care services or child protection)
- a school admission or exclusion appeal
- complaints about Councillors
- a complaint from a member of council staff about a personnel matter
- complaints about Freedom of Information Act Requests

- complaints about Subject Access Requests

## Complaints regarding third parties acting on our behalf

If a complaint is received regarding a third party acting on our behalf, we will request that the third party carries out an investigation into the concerns raised and provides feedback to the Council to form part of our response. If a third party is required to respond directly to the customer, we will oversee the response to identify any opportunities to learn and take necessary steps to prevent further complaints.

## How to make a complaint

You can make a complaint to us in whichever way is easiest for you. This policy applies to any customer of the council, or a person or body acting on behalf of the council.

A customer of the council is anyone who:

- is receiving or seeking to receive a service from the Council or its contractors
- is acting on behalf of an individual or group of individuals

We are committed to improving accessibility for everyone when accessing any of our services.

We will ensure you are able to access support to make a complaint or provide the opportunity for you to confirm that you have given consent for a representative to act on your behalf.

## General complaint

- Use our online form at [Council complaints \(wigan.gov.uk\)](https://www.wigan.gov.uk/council-complaints)
- Email us at [complaints@wigan.gov.uk](mailto:complaints@wigan.gov.uk)
- Phone us on (01942) 827607.
- Write to us at the Complaints and Information team, PO Box 100, Wigan, WN1 3DS
- Call into any public Council office

## Housing Repairs complaint (Wigan Council tenants only)

- Use our online form at [Housing Complaints \(wigan.gov.uk\)](https://www.wigan.gov.uk/housing-complaints)
- Email us at [customercare@wigan.gov.uk](mailto:customercare@wigan.gov.uk)
- Phone us on (01942) 489005
- Write to us at Housing Customer Care, PO Box 100, Wigan, WN1 3DS
- Call into any public Council office

## Adult Social Care complaint

- Use our online form at [Adult Social Care - complaints and feedback \(wigan.gov.uk\)](https://www.wigan.gov.uk/adult-social-care-complaints-and-feedback)
- Email us at [customerrelations-adults@wigan.gov.uk](mailto:customerrelations-adults@wigan.gov.uk)
- Phone us on (01942) 486175
- Write to us at Adults Social Care Complaints Team, PO Box 100, Wigan, WN1 3DS
- Call into any public Council office

## Children's Social Care complaint

- Use our online form at [Children's social care complaints procedure \(wigan.gov.uk\)](https://www.wigan.gov.uk/childrens-social-care-complaints-procedure)
- Email us at [CustomerFeedbackTeam-CSCandEH@wigan.gov.uk](mailto:CustomerFeedbackTeam-CSCandEH@wigan.gov.uk)
- Phone us on (01942) 489808
- Write to us at Childrens and Families Social Care Complaints Team, PO Box 100, Wigan, WN1 3DS
- Call into any public Council office

Complaints can also be made via social media direct messages

[www.x.com/wigancouncil](https://www.x.com/wigancouncil)

[www.facebook.com/WiganCouncilOnline](https://www.facebook.com/WiganCouncilOnline)

[www.instagram.com/wigancouncil](https://www.instagram.com/wigancouncil)

All complaints are dealt with in the strictest of confidence and any personal information is stored in accordance with the General Data Protection Regulation. This means that your information will only be shared with the relevant professionals in order to investigate the nature of your complaint.

## Our promise

Your complaint will be received positively, however you make it and we will:

- ensure we fully understand the nature of your complaint and the outcome you are seeking
- carry out impartial and confidential investigations
- make sure that our staff are trained to handle complaints effectively and will try to deal with your complaint at the first point of contact where we can
- apologise and put things right where we can when we have got it wrong
- respond to your complaint within the timescales outlined below
- keep you updated on progress, and tell you what will happen next
- tell you how we make our decisions
- learn from what you tell us and use your feedback to improve our services
- always try to resolve matters by talking through problems with you, without the need to go through our formal complaints procedure. This can save a great deal of time, distress and costs

- ensure we use simple, clear and plain language in correspondence with you wherever possible

## Service standards

If you are not satisfied with a council service you can make a complaint via telephone, email, letter, face to face or online.

We will investigate your complaint and the outcomes you are seeking, and always aim to resolve your complaint to your satisfaction.

We will listen and understand your concerns, allowing you time to fully explain your circumstances.

We will ensure that our approach to complaint handling reflects the need to:

- have a collaborative and cooperative approach towards resolving complaints
- take collective responsibility for any shortfalls identified through complaints
- act within the professional standards for engaging with complaints as set by any relevant professional body

## Timescales

We have adopted the following timescales in line with the requirements of the Local Government and Social Care Ombudsman (LGSCO) and Housing Ombudsman Complaint Handling Codes:

Acknowledge, log and define our understanding within 5 working days of receipt

- Stage 1 response within 10 working days of the complaint being acknowledged
- Stage 2 response within 20 working days of the complaint being acknowledged

If any aspect of the complaint is unclear upon receipt, we will contact you to request clarification.

If we are unable to provide a full response within the required timescale we will write to you to let you know why there is a delay and confirm the estimated time it will take to provide a full response.

Complaints must be made not later than twelve months from the date on which the issue(s), which is the subject of the complaint, occurred or twelve months from the date on which the issue(s) came to the notice of the complainant. However, if there is a valid reason why the complainant did not or could not make the complaint within the timescale, or if there is reasonable possibility for the complaint to be effectively and meaningfully investigated then it should be



investigated and responded to.

## The Complaints Procedure

A formal complaint can be raised when a customer expresses dissatisfaction with the response to their service request, even if the handling of the service request remains ongoing.

If we are unable to resolve the service request to your satisfaction then we will tell you how to proceed within the formal procedures outlined below.

### Formal Complaint - Stage 1

A complaint will be progressed under Stage 1 of our formal complaints procedure when:

- we are unable to resolve the problem informally as a service request
- you tell us that you want to make a formal complaint about something which is not a standard service request
- we believe it is necessary to use the formal procedure to resolve or respond to the complaint

Complaints at Stage 1 will be investigated by an Assistant Director, or appropriate Manager, from the service you have complained about, who was not directly involved in the reason for your complaint.

We will try to provide you with a full response within 10 working days of acknowledging your complaint.

If this is not possible, we will write to you to let you know why there is a delay, and the estimated time it will take to provide a full response is expected to be no longer than a further 10 working days, without good reason.

Our response at Stage 1 will set out:

- complaint stage
- complaint definition
- decision on the complaint
- reasons for any decisions made
- details of any remedy offered to put things right
- details of any outstanding actions

Following completion of your Stage 1, you can ask us to review your complaint at Stage 2 if you are unhappy with the way in which your Stage 1 complaint was handled.

Your request to review your complaint at Stage 2 must be made within one month from the date of the Stage 1 response explaining why you want to go to Stage 2. We will consider individual circumstances if an escalation request is received after one month, however, this will only usually apply for six months following the response.

The full response will advise you how to progress to Stage 2 if you are still unhappy.

If additional new issues are raised by the customer during a complaint investigation we will review and confirm whether they will be addressed as part of the ongoing investigation, logged separately as a new complaint (if unrelated), or would unreasonably delay the issuing of the complaint response.

## Formal Complaint - Stage 2

You can ask us to review your complaint at Stage 2 if:

- you are unhappy with how your complaint was handled at Stage 1
- you are unhappy with the response you have received

We ask you to let us know which part of the complaint you remain dissatisfied with or feel wasn't handled well, and what action you would like to be taken to resolve the matter.

Stage 2 complaints will be investigated by an independent Officer appointed by the Chief Executive, who will review how your complaint was dealt with originally to decide if the:

- complaint was investigated thoroughly, objectively and honestly
- conclusions reached are based on evidence obtained
- response was reasonable, appropriate and tried to achieve resolution

You may be contacted during the review to confirm any details or to discuss your complaint further. At the end of the investigation, and within 20 working days of acknowledging your request, the Senior Officer will write to you with the outcome of the investigation and any actions resulting from it.

A holding letter may be issued at Stage 2 if the investigating officer requires further time to review your complaint in full and provide a thorough response. If a holding letter is issued it will advise that a further response is expected to be provided within 20 working days without good reason.

The response confirming the outcome of the Stage 2 investigation will advise you

how to contact the Local Government and Social Care Ombudsman or the Housing Ombudsman if you are still unhappy.

## Complaints about Social Care services

Due to legislative requirements in Social Care there are different complaint procedures for both the Councils Children's (The Children Act 1989 Representations Procedure [England] Regulations 2006) and Adult Social Care Services (The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009).

Complaint handling in Social Care has a focus on resolution, which means that there is a closer relationship with customers making complaints in order to establish and agree outcomes.

When an outcome is agreed then the Council and customer will work together to achieve a satisfactory resolution.

If outcomes cannot be agreed or resolution cannot be found, then the complaint is referred to the Local Government and Social Care Ombudsman.

Further information relating to Childrens and Adults Social Care complaints can be found in Appendix A and B.

## Remedies

Where something has gone wrong we will acknowledge this and set out the actions we have already taken, or intend to take, to put things right and prevent the same mistake happening again.

This could include:

- apologising
- acknowledging where things have gone wrong
- providing an explanation, assistance or reasons
- taking action if there has been delay
- reconsidering or changing a decision
- amending a record or adding a correction or addendum
- providing a financial remedy
- changing policies, procedures or practices

We will ensure that there is a mechanism in place to monitor incidents of the same type and take appropriate action to remedy this. Where possible, we aim to put you back in the position you would have been had the fault not occurred.

Where we have investigated and do not uphold the complaint, we will:

- explain the reasons for our decision clearly
- provide any relevant evidence to support the decision
- inform customers how to progress their complaint if they remain dissatisfied

## **Local Government and Social Care Ombudsman (LGSCO)**

If your complaint has progressed through both stages of the Council's complaints procedure, and you are still not happy with our response, you can ask the Local Government and Social Care Ombudsman to review our investigation.

You can access the Local Government and Social Care Ombudsman Service throughout your complaint for impartial advice and support.

The Local Government and Social Care Ombudsman is an independent body, who provide impartial and prompt investigation and resolution of complaints of injustice through maladministration by Local Authorities.

The Local Government and Social Care Ombudsman can investigate complaints about how the council has done something, but they can't question what a council has done simply because someone does not agree with the Council's decision.

The Local Government and Social Care Ombudsman is unlikely to investigate your complaint unless you have given us the opportunity to consider your complaint under our procedures.

- Local Government and Social Care Ombudsman, PO Box 4771, Coventry, CV4 0EH
  - Phone: 0300 061 0614 or 0845 602 1983
  - Text: 0762 480 3014 to request a call back
- Online: [www.lgo.org.uk](http://www.lgo.org.uk)

## **Housing Ombudsman Service**

The Social Housing (Regulation) Act 2023 empowered the Housing Ombudsman to issue a code of practice about the procedures members of the Scheme should have in place for considering complaints against them following consultation on the code.

It also placed a duty on the Ombudsman to monitor compliance with a code of practice that it has issued. The Ombudsman consulted on the code and its intended approach to the duty to monitor in late 2023. This is the first statutory Complaint Handling Code ('the Code') and it will take effect from 1 April 2024; the duty to monitor compliance will go-live at the same time.

The Housing Ombudsman Service investigates complaints about housing organisations, the service is free, independent, and impartial.

If a complaint is regarding the Council's Housing Landlord services and the complainant is an existing Council tenant, the complaint can be referred to the Housing Ombudsman Service for investigation once the landlord's complaint process has been completed and the issues have not been resolved.

You can also access the Housing Ombudsman Service throughout your complaint for impartial advice or to request support if the landlord is not responding to your complaint.

- Housing Ombudsman Service, PO Box 1484, Unit D, Preston, PR2 0ET
- Phone: 0300 111 3000 Fax: 020 7831 1942  
Email: [info@housing-ombudsman.org.uk](mailto:info@housing-ombudsman.org.uk)
- Online: [www.housing-ombudsman.org.uk](http://www.housing-ombudsman.org.uk)

Please note a small number of services run by the council housing service, such as homeless services, remain under responsibility of the Local Government and Social Care Ombudsman, complainants will be advised of the correct Ombudsman service to apply to.

Please see Appendix C for the list of services where the Housing Ombudsman jurisdiction applies.

## **Learning from complaints**

A positive complaint handling culture is integral to the effectiveness with which we resolve disputes. We use complaints as a source of intelligence to identify issues and introduce positive changes in service delivery.

We collect and review feedback from our customers and use this information to drive service improvement.

In accordance with the codes, we have a lead officer who oversees the complaint process and a lead member who are updated on complaint performance and trends.

Data about complaints is collated and shared across the council to identify performance trends and review how we handle and respond to customer feedback and includes:

- how well we meet our target response times
- how effective we are in capturing complaints across the council

Direct feedback from customers about their experiences is important as it outlines whether services are being delivered in line with customer expectations and requirements.

Evaluating all complaints for learning opportunities is essential to show that we are listening to our customers and taking the necessary steps to guard against similar incidents in future. As part of an investigation the following areas will be considered:

- have any changes been made or will be made to prevent similar problems in the future?
- have other complaint enquiries raised similar issues?
- were there any changes you think appropriate but have been so far unable to action?
- do you need any help taking this forward?

It is essential that our customers are informed of any changes that have been made as a result of their complaint. The details of any changes that have made will be recorded and fed back to our senior management team.

There may be learning issues when dealing with all complaints not just those complaints where we have recognised that something has gone wrong. Even those complaints that we do not uphold may be able to tell us something about our service.

We will publish information about complaints – to inform customers about how we handle complaints and show how we make changes as a result of customer feedback.

### **Unreasonable Complainant Behaviour**

We aim to respond to all complaints positively and ensure that customers are satisfied with the way their complaint has been handled. We are committed to dealing with all complaints in a thorough, timely, fair, and consistent manner.

In a small number of cases customers may pursue a complaint in an unreasonable way which impacts on council resources and capacity to respond to the complaint effectively. We do not tolerate deceitful, abusive, offensive, threatening, or other forms of unacceptable behaviour from customers. When it occurs, we will take proportionate action to protect the wellbeing of our staff and the integrity of our processes.

We are unable to properly respond to a complaint if a customer is making frequent, lengthy contacts with repetitive information. This hinders the consideration of their, or other people's, complaints and may hinder the provision of service. When necessary, we will take action to restrict access to our service

when unreasonable behaviour of this nature persists.

Examples of unreasonable actions and behaviours include, but are not limited to:

- refusing to specify the grounds of a complaint, despite offers of assistance.
- refusing to co-operate with the complaint's investigation process.
- refusing to accept that certain issues are not within the scope of a complaints procedure.
- insisting on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.
- making unjustified complaints about staff who are trying to deal with the issues and seeking to have them replaced.
- changing the basis of the complaint as the investigation proceeds.
- denying or changing statements he or she made at an earlier stage.
- introducing trivial or irrelevant new information at a later stage.
- raising numerous, detailed but unimportant questions; insisting they are all answered.
- covertly recording meetings and conversations.
- submitting falsified documents from themselves or others.
- adopting a 'scatter gun' approach: pursuing parallel complaints on the same issue with a variety of organisations.
- making excessive demands on the time and resources of staff with lengthy phone calls, emails to numerous council staff, or detailed letters every few days, and expecting immediate responses.
- submitting repeat complaints with minor additions or variations that the complainant insists make these 'new' complaints.
- refusing to accept the decision, repeatedly arguing points with no new evidence.

Continuing to respond to these complainants can take up a lot of time and reduce capacity to deal with other complaints effectively. If we consider that a complaint is unreasonable it will be passed to the relevant Assistant Director, who will consider whether further investigation of the complaint will be carried out. If your complaint is confirmed as unreasonable you will be informed in writing and advised of any action to be taken or right of appeal.

### **Restricting access to Council services**

When we consider someone's behaviour is unreasonable we will explain why and ask them to change it. We will also warn them that, if the behaviour continues, we will take action to restrict their contact with our offices. Any restrictions placed on contact due to unacceptable behaviour must be proportionate and demonstrate regard for the provisions of the Equality Act 2010.

A senior manager (Director level and above) in conjunction with Directorate complaint staff will decide whether the circumstances justify any restriction of

access.

We will write to the customer with a copy of the unreasonable behaviour policy and explain:

- why the decision has been taken
- what it means for his or her contacts with the organisation
- how long any restrictions will last, and
- what the customer can do to have the decision reviewed.

The restrictions imposed could include:

- restricting telephone calls to specified days and limited times
- limiting contacts to one form only (for example, a maximum of one letter a week)
- requiring contact to take place with one named officer
- requiring the customer to enter into an agreement about their future behaviour before their case proceeds, and/or managing contact with the help of an independent advocate
- restricting all access to the Council.

Other suitable options will be considered in the light of the complainant's circumstances.

Where the behaviour is so extreme that it threatens the immediate safety and welfare of the Council's staff, we may report the matter to the police or consider taking legal action. In such cases, we may not give the customer prior warning.

## **Fairness**

We are committed to making it easy for anyone who is unhappy with a service, or experience provided by the Council to tell us about it. By giving us your views, you can help us to improve our services.

## **Reasonable adjustments**

We will make reasonable adjustments for customers where appropriate under the Equality Act 2010. We will keep a record of any reasonable adjustments agreed, as well as a record of any disabilities that have been disclosed. Any agreed reasonable adjustments will be kept under active review.

## **Retention**

The council will keep your information (Electronically) for 6 years, or for longer if appropriate. The council will destroy all hard copies after 6 months. These



timeframes vary in relation to Children's and Adults Social Care.

## **Complaint reporting and monitoring**

The responsibility of the daily performance management of complaints sits with the dedicated complaints resources within the council's Corporate, Housing, Adults and Children's Complaints Teams, working in partnership with service leads who have access to performance data to utilise customer learning and improve services.

All service leads have ownership of their own reports. The report format for all levels of reporting is flexible to accommodate individual Directorate requirements and will be built into any format and the format of any DMT (Directorate Management Team) and SMT (Service Management Team) reports will be subject to their final approval.

## **Reporting framework**

- Directorate Reports to DMT – Monthly
- Directorate Reports to SMT – Quarterly
- Corporate Report to Scrutiny Committee and Cabinet Member – Annually

# APPENDIX A – Children’s Services (Social Care; Prevention, Early Help and Sufficiency Services)

Complaints made about the above services will be considered under either the Children Act Statutory Complaint Procedure or the Council’s Corporate Complaints Procedure. If you make a complaint we will tell you which procedure the complaint will be considered through.

## Children Act Statutory Complaint Procedure (The Children’s Act 1989 Representations Procedure (England) Regulations 2006)

### What can be complained about:

The Statutory Complaint Procedure covers complaints about services to children in need or in care, about how the council applies to take a child into care, many complaints about fostering, special guardianship and adoption services and complaints about services to children leaving care.

### What is exempt from the procedure:

The procedure does not include complaints about child protection matters or how the council assesses families and prepares reports for the court in private proceedings (so-called Section 7 or 37 reports).

The Council may decide not to accept a complaint:

- if the person wishing to complain does not meet the requirements of ‘who may complain’ (under the Statutory Process)
- that is made more than one year after the grounds to make the representation arose (Regulation 9)
- if the same complaint has already been dealt with at all stages of the procedure
- where to do so would prejudice any concurrent investigations i.e. Court proceedings; Tribunals; Disciplinary proceedings; or Criminal proceedings

### Who can complain under these procedures:

- any child or young person (or a parent of his or someone who has parental responsibility for him) who is being looked after by the local authority or is not looked after by them but is in need
- any local authority foster carer (including those caring for children placed through independent fostering agencies)
- children leaving care
- Special Guardians
- a child or young person (or parent of his) to whom a Special Guardian order is in force

- any person who has applied for an assessment under section 14F(3) or (4)
- any child or young person who may be adopted, their parents and guardians; persons wishing to adopt a child
- any other person whom arrangements for the provision of adoption services extend
- adopted persons, their parents, natural parents and former guardians
- such other person as the local authority consider has sufficient interest in the child or young person's welfare to warrant his representations being considered by them

The procedure has three stages and there are timescales for response at each stage:

### **Stage 1 – Local Resolution**

This stage is where the complaint is investigated by the relevant service area, usually by the Operational Manager or Officer whose Team or Service the complaint relates to.

A response should be provided within 10 working days; however, a 10 working day extension can be applied for more complex complaints, if additional time is required or the Council may also suspend if an advocate is required.

If the matter is not resolved at Stage 1, you have the right to request consideration at Stage 2 and we recommend that you do this within 20 working days.

### **Stage 2 – Formal Resolution**

At this stage in the complaints process, an Independent Investigator and Independent Person is appointed to investigate the complaint. This is usually an external Independent Investigating Officer (but sometimes will be a Service Lead, Service Manager or Locality Manager).

A Stage 2 Complaint Investigation should be completed within 25 working days, however this may be impractical in some cases and where it is not possible to do so, the timescale can be extended to a maximum of 65 days if the complaint is more complex and the investigation warrants it.

Should you remain dissatisfied following conclusion of Stage 2, you are eligible to request further consideration of the complaint by a Review Panel and you have 20 working days to request this.

### **Stage 3 – Independent Review Panel**

A Review Panel must consist of three independent people (Regulation 19(2)); who are neither a member nor an officer of the Council.

A Stage 3 Review Panel should meet within 30 days of it being requested; the Panel must provide its written report within five working days of the Panel and the Council must issue its response within 15 working days of receiving the Panel's Report.

Issues that do not fall under the Statutory Complaints Procedure will be dealt with under the Corporate Complaints Policy.

# **APPENDIX B – Adult Social Care Complaint Guidelines – The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009**

Our [Adult Social Care Complaints Handling Procedure](#) reflects Wigan Council's commitment to valuing complaints and is in line with the broader Deal for Adult Social Care and Health approach.

It seeks to resolve customer dissatisfaction as close as possible to the point of service delivery and to conduct thorough, impartial and fair investigations of customer complaints so that, where appropriate, we can make evidence-based decisions on the facts of the case.

This procedure has been developed specifically for our Adult Social Care and Health services, so that staff have all the information they need to handle Social Care complaints effectively. The procedural elements follow those of the Local Authority and National Health Service complaints handling procedures, so where complaints cut across services, they can still be handled in much the same way as other complaints. This procedure aims to help us 'get it right first time'. We want quicker, simpler and more streamlined complaints-handling with local, early resolution by capable, well-trained staff.

Good complaints handling includes providing joint responses to complaints wherever they relate to more than one service. This procedure gives our staff information and guidance on how and when to do this, to ensure that our customers receive a comprehensive response to their complaints.

Complaints provide us with valuable information we can use to improve customer satisfaction. Our complaints handling procedure will enable us to address a customer's dissatisfaction and may also prevent the problems that led to the complaint from happening again. For our staff, complaints provide a first-hand account of the customer's views and experience and can highlight problems we may otherwise miss. Handled well, complaints can give our customers a form of redress when things go wrong and can also help us to continuously improve our services.

Resolving complaints early saves money and creates better customer relations. Managing them as close to the point of service delivery as possible means we can deal with them locally and quickly, so they are less likely to escalate to the next stage of the procedure. Complaints that we do not resolve promptly can greatly add to our workload and are more costly to administer.

The complaints handling procedure will help us do our job better, improve relationships with our customers and enhance public perception of the Local Authority. It will help us keep the user at the heart of the process, while enabling us to better understand how to improve our services by learning from complaints.

# APPENDIX C – Housing Landlord Complaints and the Housing Ombudsman Localism Act 2011

The complainant can, at any stage of the complaints process, seek advice and assistance from the Housing Ombudsman if they are not satisfied with how the council has handled the complaint. The Housing Ombudsman will always give advice but it will not normally investigate a complaint until it has been fully considered under the Council's complaint procedure.

## What type of complaints can be referred to the Housing Ombudsman?

The following sets out the complaint categories that can be referred to the Housing Ombudsman. However, please note that inclusion of a complaint category does not mean that the Ombudsman will necessarily investigate the complaint. The Ombudsman may decide that part or all the complaint falls outside their jurisdiction or they may decide that there are other reasons why they should not investigate. But if that is the case, they will explain why.

### Leasehold services

- Shared ownership and sales processes for leasehold properties
- Shared ownership stair-casing
- Full ownership and sales processes for leasehold properties owned by housing associations
- Right to buy and right to acquire for tenants of housing associations
- Repair responsibilities under the lease
- Mortgage rescue schemes
- Leasehold services provided by the landlord

### Rent and service charges

- Rent or service charges

### Complaint handling

- The landlord's handling of a complaint in their complaint process, including delays

### Moving to a property

- Transfer applications that are outside Housing Act 1996 Part 6
- Type of tenancy offered
- Mutual exchange
- Decision to renew a fixed tenancy
- Decants
- Mobility Schemes

## Occupancy rights

- Terms and conditions of occupancy rights
- Succession
- Assignment
- Ending a tenancy (e.g. notice periods)
- Abandonment of property
- Possession proceedings

## Property condition – repairs and improvements

- Condition of the property when first let (e.g. void works)
- Responsive repairs
- Planned maintenance or cyclical works
- Improvement works carried out by landlord or tenant
- Rechargeable repairs
- Disabled adaptations

## Tenant behaviour

- Anti-social behaviour
- Noise nuisance
- Harassment

## Estate management

- Cleaning or repairs of communal areas
- Boundary issues
- Grounds maintenance
- Parking
- Use of communal areas

## Compensation

- Home loss or disturbance payments
- Improvements carried out by the tenant

## Housing Ombudsman Scheme and Complaint Handling Code

The Council must adhere to the Housing Ombudsman Scheme and the Housing Ombudsman's Complaint Handling Code, first introduced in September 2020.

The Housing Ombudsman has significant powers to help complainants experiencing poor service and complaints handling. The powers include the introduction of **Complaint Handling Failure Orders** and the power to carry out **wider investigation** where there is evidence of 'a systemic failing'.

The new powers to carry out a **wider investigation** are described in paragraph 50 of the Scheme.



*'The Ombudsman may conduct further investigation beyond the initial complaint or landlord to establish whether any presenting evidence of service failure is indicative of a systemic failing. Where this is the case it will be referred to the appropriate regulatory body.'*

Ombudsman investigations are usually the result of a complaint from an individual. This power means they can now investigate the root causes that are giving rise to a significant number of individual complaints. Where an investigation results in a finding of maladministration they may consider whether there is a wider problem affecting service delivery or a sector wide issue affecting a number of providers. A wider investigation into systematic failure could result in a requirement to significantly change how services are currently delivered.

The new powers to issue **Complaint Handling Failure Orders** will be exercised for non-compliance with the Scheme or Code, in the following circumstance:

- failure to accept complaints in timely manner, or exclude without good reason
- an inaccessible complaints procedure
- not managing complaints in accordance with the complaints policy
- failure to progress a complaint through procedure or respond within timescales without good reason
- failure to notify resident of their right to refer the complaint to the Ombudsman
- failure to provide evidence to support investigation by the Ombudsman
- failure to comply with the Ombudsman's orders

### **Learning from complaints and customer engagement**

The code places emphasis on continuous learning and improvement and landlords reporting on wider learning and improvements from complaints to their residents, managers, and staff. Feedback shall be regularly provided to relevant scrutiny panels, committees and boards and be discussed, alongside scrutiny of the Ombudsman's annual landlord performance report. Learning and improvement from complaints should be included in the landlord's Annual Report.