

# **How to complain about a Council service**

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October 2013	Initial		
May 2018	1.0	Customer Services & Information Governance	Revised in line with GDPR
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## Introduction

Wigan Council aims to provide the best possible service to our customers, and to act on any feedback we receive.

We hope that you will 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 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 group of residents.”**

If you tell us about a fault that needs to be put right, for instance a street light that is out, this will initially be classed as a service request.

Some services have specific procedures governing complaints and appeals. Whilst not 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. The main complaint types that would be dealt with under other procedures are:

- an appeal against refusal of planning permission
- complaints that fall within other statutory complaint procedures (eg 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

## **How to make a complaint**

You can make a complaint to us in whichever way is easiest for you.

- Use our online form at [www.wigan.gov.uk/contactus](http://www.wigan.gov.uk/contactus)
- 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.

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
- We will carry out impartial and confidential investigations
- We will 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
- When we have got it wrong, we will apologise and put things right where we can
- We will respond to your complaint within the timescales outlined below
- We will keep you updated on progress, and tell you what will happen next
- We will tell you how we make our decisions
- We will learn from what you tell us and use your feedback to improve our services

## **The Complaints Procedure**

We will always try to resolve complaints on the spot 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 cost.

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

- Stage 1 – complaint investigated by an Assistant Director or appropriate Manager
- Stage 2 – review by an independent Senior Officer appointed by the Chief Executive

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.

## **Complaints Procedure - Stage 1**

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

- We can't resolve the problem informally
- You tell us that you want to make a formal complaint
- 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 acknowledge your complaint on receipt, and confirm our understanding of the complaint. We will try to provide you with a full response within 10 working days of receipt of 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. The full response will advise you how to progress to Stage 2 if you are still unhappy.

## **Complaints Procedure - 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 need to know which part of the complaint you feel wasn't handled well, and what action you would like to be taken.

Stage 2 complaints will be investigated by an independent Senior 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
- The conclusions reached are based on evidence obtained
- The 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 15 working days of receipt of your request, the Senior Officer will write to you with the outcome of the investigation and any actions resulting from it. The response will advise you how to contact the Local Government Ombudsman if you are still unhappy.

## **Documentation**

The Council will only keep your information (Electronically) for 2 years, or for longer if appropriate. The Council will destroy all hard copies after 6 months.

## **Local Government Ombudsman**

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 Ombudsman to review our investigation.

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

The 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.

**Note:** The Ombudsman is unlikely to investigate your complaint unless you have given us the opportunity to consider your complaint under our procedures.

Contact details for the Ombudsman are:

The Local Government Ombudsman  
PO Box 4771  
Coventry  
CV4 0EH

- Go to [www.lgo.org.uk](http://www.lgo.org.uk) to complete an online complaint form
- You can call the LGO Advice Team on 0300 061 0614 or 0845 602 1983 for advice, or to make a complaint by telephone
- You can also text 'call back' to 0762 480 3014

## **Unreasonable Complaints**

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.

Unreasonable complaints would include, but are not limited to:

- Sending the same complaint to a number of points within the Authority for response at the same time
- Making excessive demands on staff time and resources whilst investigating your complaint
- Refusal to accept a decision that has been made and upheld
- Resubmitting a complaint that has already been dealt with in the last 6 months
- Using abusive, threatening, or libellous language

If your complaint is considered unreasonable you will be informed in writing and advised of any action to be taken or right of appeal.

## **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.