

**optalis**

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Royal Borough  
of Windsor &  
Maidenhead



**achieving  
for children**

## **Royal Borough of Windsor and Maidenhead**

**Complaints policies for:**

**Adults' Services, Children's Services and Formal  
Corporate Complaints**

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## Frequently used acronyms

- RBWM - Royal Borough of Windsor and Maidenhead
- LGSCO - Local Government and Social Care Ombudsman
- ADR - Alternative Dispute Resolution
- IO - Investigating officer
- IP - Independent person
- AfC – Achieving for Children

## **1. Introduction**

- 1.1. The Royal Borough of Windsor and Maidenhead (RBWM) is committed to using our staff and resources effectively and efficiently, ensuring that the needs of residents are our top priority.
- 1.2. We aim to resolve concerns as quickly as possible. However, where this is not possible, we have a complaints policy and process to ensure that all complaints are dealt with fairly, appropriately, timely and within statutory guidelines where appropriate.
- 1.3. This complaints policy covers the following areas:
  - Adult Services complaints (statutory)
  - Children's Services complaints (statutory)
  - Children's Services complaints (corporate)
  - Formal Corporate complaints (this covers all other areas)
- 1.4. The council is governed by the Local Government and Social Care Ombudsman (LGSCO) for all complaints.
- 1.5. While you can complain to the LGSCO at any time, they will usually ask the council to investigate and respond to your complaint through the appropriate complaints process in the first instance.
- 1.6. You will still have the right to complain to them should you remain unhappy with the outcome once the complaints process has been completed.
- 1.7. The complaints policy is intended for the use of service users, customers, residents, businesses and visitors or their chosen representatives. Consent will be required if you are making a complaint on behalf of somebody else.

## **2. When we cannot deal with your concern as a formal complaint**

- 2.1. Many of the concerns that the council receives require us to do, remove, fix or clean something such as:
  - a missed bin collection
  - graffiti removal
  - a broken streetlight
  - fly tipping
  - potholes
  - abandoned cars
  - grass cutting
  - overgrown hedges
  - litter

2.2. We will treat these as a service request, for us to do something rather than as a formal complaint. These concerns are critical in helping us keep our borough clean and well maintained. These should all be reported through our standard customer contact channels.

- Using the council's 'report it' forms. These can be found [here](#).
- Email: [customer.service@rbwm.gov.uk](mailto:customer.service@rbwm.gov.uk)
- Phone: 01628 683 800

2.3. If there is recorded history within the last 6 months of you having reported the issue and the problem continues, we may decide to take your concerns as a formal complaint.

2.4. Many of our services have an alternative formal review, appeal, challenge process or procedure that must be followed. In these cases, the complaints process cannot be used. These include the examples below and the list is not exhaustive. \* - *in these cases, you will be advised of the next steps by the relevant service directly*

- [Code of Conduct of Elected Members \(Councillors\)](#)
- [Parking Charge Notices PCN \(fines\)](#)
- [School complaints](#)
- [School's admissions](#) and [exclusion appeals](#)
- Special Education Needs Tribunals\*
- [Complaint about a school](#)
- [Council Tax banding decisions](#)
- Planning decisions\*
- Rejected planning applications\*
- [Refusals for information requested under the Freedom of Information Act \(FOI\)](#)
- [Refusals to disclose information under the Data Protection Act \(DPA\)](#)
- Staff/ex-staff complaints about employment matters including grievances/disciplinary hearings\*
- Representations from Trade Unions\*
- [LGSCO Housing Procedure](#)

2.5. Where an issue is not upheld through the above processes, it is not uncommon for us to then receive a complaint regarding the same or related issue. In these circumstances we are sorry, but the complaint will not be accepted.

2.6. Other reasons that you will not be able to use the formal corporate complaints policy are:

- Legal action has commenced
- [Insurance claims](#)

- If you disagree with a policy, you can tell us why you think the policy is wrong or unfair and what you think needs to be done to change it. The council will use this as feedback to help decide any future changes to the policy. [Compliments, Concerns and Feedback form](#).

### 3. How to make a complaint

3.1. There are a number of ways you can formally complain to us:

- Using our [online form](#).
- Email [complaintsandcompliments@rbwm.gov.uk](mailto:complaintsandcompliments@rbwm.gov.uk)
- In writing to:

Compliments and Complaints Team  
Royal Borough of Windsor and Maidenhead Council  
Town Hall  
St Ives Road  
Maidenhead  
Berkshire  
SL6 1RF

- Via your local Councillor. Details can be found [here](#).
- Via your Member of Parliament (A response will be sent to your Councillor or MP for them to pass on to you).
- Via your representative who has permission to act on your behalf (we will need signed authority from you to confirm we have permission to speak to them about your complaint). [Consent form](#)

3.2. All complaints received RBWM, regardless of who they are made to will be sent to the Complaints Team to ensure that they are recorded and responded to within the published timeframes as defined in the policy. The Complaints Team will be your contact point for your complaint.

### 4. Things to include in your complaint

4.1. So we are clear about what to investigate please give us as much information as possible about your concerns.

- What you feel we did wrong, when and include evidence where possible.
- What should have happened in your opinion
- What policy or procedure has not been followed and why (if known)
- How we can put it right
- And any other outcomes you are wanting

4.2. All concerns/complaints will be recorded under one of the following categories:

- Attitude or behaviour of staff

- Failed to follow timescales
- Inaccurate and wrong information was recorded
- Lack of action - did not do what we said we would do
- Unhappy with how a situation/incident was handled
- Unhappy with the decision made
- Require help, intervention or guidance

## **5. Complaints against our contractors/partners**

5.1. Formal complaints against our contractors and partners can be made to the council. In these cases, we will liaise with them so we can fully respond to you.

## **6. Anonymous Complaints**

6.1. Anonymous complaints will always be recorded by the Complaints Team in the same way as the other complaints. We will decide what if any action should be taken.

## **7. Remedies**

7.1. In the event that fault has been found our immediate aim is to respond and apologise for what went wrong and to find a resolution to correct as quickly as possible.

7.2. We will deal with each case on its own merits, and we will usually follow the guidance issued by the Local Government Ombudsman for addressing remedies. This guidance can be found at [www.lgo.org.uk](http://www.lgo.org.uk).

7.3. In the event where compensation has been offered and has been accepted by you and we have no further contact from you within the 20 working days of its issue, your complaint will be considered resolved and closed.

7.4. If you decline the compensation offer, please advise us of the reasons for this as we can then review. Following the review, if the amount remains the same and this is the only matter outstanding, we will then close the complaints process to allow you to escalate your complaint to the LGSCO.

7.5. Where compensation has been offered, this does not prevent you escalating your complaint to the LGSCO. However, the LGSCO will be advised that compensation was offered to you by the council and accepted or declined by you. The LGSCO may take this into account when determining whether to investigate a complaint further.

## **8. Persistent, vexatious and unreasonable complaints**

8.1. Please refer to [this policy](#).

## 9. Complaints monitoring

- 9.1. An annual report for all complaints will be produced including an overview of the complaints that have been received, lessons learnt and improvements made. The report will also include a copy of the annual letter that is issued by the LGSCO.

## 10. Formal Corporate Complaints process

- 10.1. You should have already contacted the relevant council service to try to resolve your concerns at an informal level. If you have not already done this, we will refer you back to the team and we will record your concerns informally as a service request rather than a formal complaint.
- 10.2. Formal corporate complaints should be made within six months of the concern so that we can investigate fully and fairly.
- 10.3. There may be times when you haven't had a chance to contact us within six months. If there are exceptional circumstances such as illness, changes in personal circumstances etc, we may make a discretionary decision to consider a late complaint providing you are able to explain and evidence why you haven't contacted us sooner.
- 10.4. Before accepting a complaint under the formal corporate complaints process, we will check to see if there is any other formal legislative appeal process that supersedes the complaint process. If so, we will advise you of this.
- 10.5. There are two stages to the council's formal corporate complaints process. Each stage has its own timescales:
  - **Stage 1:** 20 working days, which can be extended for a further 10 working days. This will be passed to an appropriate manager in the service that the complaint relates to for a response.
  - **Stage 2 Review:** The Assistant Director or Executive Director for the service the complaint is about will review the complaint and reply within 20 working days (or advise you if the reply will take longer).
- 10.6. After all stages of the formal corporate complaints process have been completed, you will be advised you can complain to the LGSCO, and you will be provided with their contact details. The council will fully cooperate with any investigation they may undertake. (See section 13).

## 11. Statutory Adults' Services Complaints (Optalis)

- 11.1. Statutory adult social care complaints have a one stage process with the option to then go to the LGSCO. During the one stage process your complaint will be looked at by the manager in the adult care team that you are complaining about.

- The Council will aim to provide you with a response within 20 working days. which can be extended for a further 10 working days.
- You will be contacted if an investigation and response cannot be concluded within this timeframe and a new timeframe agreed.

## **12. Statutory Children’s Complaints (Achieving for Children)**

- 12.1. Complaints about children social services may fall under the statutory children complaints process, the formal corporate complaints process or another appeals process, for example, SEN Tribunal that is separate to the complaints process. The compliments and complaints team will advise you.
- 12.2. In general, assessments and services in the following areas can be considered under the statutory children’s complaints procedure:
- Children in need.
  - Looked after children.
  - Special Guardianship support.
  - Post-adoption support.
- 12.3. The statutory process consists of three stages:
- **Stage1:** 10 working days, however this may take 20 working days in complexed cases. This will be passed to an appropriate manager in the service that the complaint relates to for a response.
  - **Stage 2:** An independent investigation. Between 25 – 65 working days
  - **Stage 3:** Review Panel hearing
- 12.4. More information is found on: [Children services complaints | Royal Borough of Windsor and Maidenhead \(rbwm.gov.uk\)](https://www.rbwm.gov.uk/children-services-complaints)
- 12.5. The Compliments and Complaints Team will also guide you through this process.

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

- 13.1. If you have been through all stages of either the formal corporate, adult or children’s statutory process and remain unhappy, you can ask the Local Government and Social Care Ombudsman (LGSCO) to review your complaint.
- 13.2. They look at individual 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.
- 13.3. The LGSCO is a free service which investigates complaints in a fair and independent way.
- 13.4. The LGSCO expects you to have given us the opportunity to deal with your complaint before you contact them. If you have not heard from us within 12 weeks, they may decide to look into your complaint anyway.

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***LGSCO Contact details***

- Website: [www.lgo.org.uk](http://www.lgo.org.uk)
- Telephone: 0300 061 0614
- Monday to Friday: 10am to 4pm (except public holidays)