

Royal Borough Windsor and Maidenhead

Complaints policies for Adults' services, children's services and formal corporate complaints

1 April 2021

Our Values:

Empowered to improve

One team and vision

Respect and openness

Invest in strong foundations

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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

1. INTRODUCTION

- 1.1 The Royal Borough is committed to using our staff and resources effectively and efficiently ensuring that the needs of residents are our top priority. We will where possible communicate with you electronically or online rather than by letter.
- 1.2 We aim to resolve concerns of residents as quickly as possible, however where this is not possible, we have complaints policies and processes to ensure that all complaints are dealt with fairly, appropriately and timely, and within statutory guidelines where appropriate.
- 1.3 This complaints policy is concerned with complaints for the following areas:
 - Adult services complaints (statutory)
 - Children's services complaints (statutory)
 - Formal corporate complaints (this covers all other areas)
- 1.4 While some adults and children's complaints fall within statutory guidelines, the formal corporate complaints policy is discretionary and deals with complaints that do not fall within statutory guidelines and for which there is no alternative appeals process in place.
- 1.5 The council is governed by the Local Government and Social Care Ombudsman (LGSCO) for all complaints, who you will still have the right to complain to should you remain unhappy with the outcome once the complaints process you are following has been completed. 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 The complaints policies are intended for the use of service users, customers, residents, businesses and visitors or their chosen representatives which may include Councillors.

2. WHAT IS A COMPLAINT?

- 2.1 Our definition of a formal complaint is ***“an expression of dissatisfaction, where you feel we have got something wrong, such as; the standard of service, or the way a decision has been made, behaviours or actions or lack of action by the Council, it's staff or its partners and contractors, that affects you, that has already been reported and has not been addressed”***.
- 2.2 If you have already contacted the service area itself to try and resolve your concerns informally, we will liaise with you to agree your complaint and establish your desired outcomes before the investigation starts. If you are making a complaint on behalf of someone else we may need to seek their permission to speak to you before we proceed.

3. WHEN WE CAN'T DEAL WITH YOUR CONCERN AS A FORMAL COMPLAINT

- 3.1 Many of the reports that the council receives concerning Highways, Environmental and Street Scene areas just require us to do, remove, fix, or clean something such as:

- a missed bin collection
- graffiti removal
- a broken street light
- litter
- fly tipping
- potholes
- abandoned cars
- grass cutting
- overgrown hedges

3.2 We will treat these as a request for us to do something (a service request) rather than as a formal complaint. These reports 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](#).
- Emailing: customer.service@rbwm.gov.uk
- Phone: 01628 683 800

3.3 If there is a recorded history of you having reported the issue and the problem continues, we may decide we can take your concerns as a complaint.

3.4 Even though you may want to use the formal complaints process, many of our services have an alternative formal review, appeal, challenge process or procedure that has to be followed. In these cases, the complaints policies cannot be used. These include the examples below; the list is not exhaustive:

- Code of Conduct of Elected Members (Councillors)
 - The Monitoring Officer is responsible for considering complaints that a Councillor may have breached the [code of conduct](#) for Councillors.
- Parking Charge Notices PCN (fines)
- Education complaints
 - Schools admissions and exclusion appeals
 - It is a legal requirement for every school in the county to have a complaints policy and they should be accessible on their website or on request from the school office. In the first instance you should follow that policy. If you have not done this, we will not record your contact with us.
 - If you are not satisfied after following the school policy and you have submitted your complaint in writing to the Chair of Governors, you can raise your complaint with either the Department for Education, Ofsted or the Education Funding Agency.
 - The circumstances of your complaint will determine which route to take and you can find out more on the Government website [here](#). If you are doing this, we will record your intention to complain and tell our education service the name of the school but please note they cannot investigate the complaint.
- Housing Benefit calculation
- Planning decisions

- All formal planning decisions are not eligible to be considered under the formal corporate complaints process as under the law we are unable to alter these.
- There is a separate appeal process for rejected planning applications.
- Special Education Needs Tribunals
- Council Tax banding decisions
- 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
- Complaints about suitability of interim housing
- Complaints about suitability of temporary accommodation and s.184 decisions (s.202 review).
- Disputes about the findings of s.202 review
- Decisions about housing priority band
- Housing medical decisions
- Outcome of statutory enforcement action
- Complaints from landlords about dilapidations in Private Sector Leased properties

3.5 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

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

- You have already commenced legal action against us. In this situation our representatives will be in contact with you or your representative
- Insurance Claims. In this instance you will need to submit a claim and our insurance team will be in contact with you - Guidance on this is available at www.rbwm.gov.uk
- Not agreeing with a council policy and want it changing, rather than the policy not being followed or being applied incorrectly. 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

3.7 If you are not sure who to contact or what process to follow, you don't need to worry as we will forward on your issue or let you know who to contact and how.

3.8 We recognise that there are times when we still get it wrong and you want to put in a formal complaint. See sections 11-14 for further information about our complaints processes.

4. HOW TO MAKE A COMPLAINT

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

- Online using the form [here](#)
- Email complaintsandcompliments@rbwm.gov.uk
- Twitter @RBWM (we may ask you to contact us through a private secure channel)
- 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
(NB: If you contact your Councillor or MP we will need your permission that we can divulge information to them. A response will usually 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)

4.2 You may make a complaint using other channels such as to a Director or Managing Director. However, all complaints received by the Royal Borough, 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.

4.3 The Complaints Team will be your independent contact point.

5. THINGS TO INCLUDE IN YOUR COMPLAINT

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

- What we did wrong and when
- 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

6. COMPLAINTS AGAINST OUR CONTRACTORS/PARTNERS

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

- Attitude or behaviour of staff
- Breach of data protection

- Did not answer all questions asked
- Did not follow Policy, Rules, process or the law
- Failed to follow timescales
- Failed to respond at all
- Failed to take all information into account
- Gave the wrong information
- Inaccurate and wrong information was recorded or is on file, passed on
- Lack of action - did not do what we said we would do
- Multiple reasons
- Objecting/disagreeing against an actual agreed policy
- Safeguarding/LADO
- Services being delivered at lower standard than is set out in our policy
- Unhappy with how a situation/incident was handled
- Unhappy with the decision made

7. ANONYMOUS COMPLAINTS

- 7.1 We will not normally investigate anonymous complaints but depending on the individual circumstances we may choose to do so. If we do we will not tell anyone you have complained and will keep your details confidential. If we know who you are and keep in touch with you, it will help us investigate things better and more quickly

8. REMEDIES

- 8.1 Our immediate aim is to respond and apologise for what went wrong, to put right what we might have done wrong, and to do so as quickly as possible. The purpose of the complaints process is to put you back to the situation you would have been if we had done it right in the first place.
- 8.2 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 www.lgo.org.uk
- 8.3 Where compensation has been offered and has been accepted by you (or the cheque not returned within 20 working days of its issue), then we will assume that we have resolved your concern and your complaint will be considered closed.
- 8.4 Where compensation has been offered and you consider it as not adequate please advise us of the reasons as to this so we can review the amount offered. If after the review the amount offered remains unchanged, and this is the only matter outstanding, we will close the complaints process to allow you to escalate your complaint to the LGSCO.
- 8.5 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 in determining whether to investigate a complaint further.

9. PERSISTENT, VEXATIOUS AND UNREASONABLE COMPLAINANTS

9.1 In a minority of cases some complainants pursue their cases in a way that can impede the investigation of their complaint or have significant resource issues for us.

This may include reasons like:

- Repeatedly not accepting the response and not providing any new evidence
- Not wanting to follow the correct appeals/complaints channel
- Repeatedly not following the correct customer contact channel
- Repeatedly copying many people including Councillors into contacts resulting in several people working on it at the same time.
- Volume of contacts
- Aggressive and intimidating in style of communication
- Unreasonably chasing officers for responses within timeframes published.

9.2 We do not expect our staff to waste time on dealing with unreasonable complainants. Nor do we expect staff to tolerate threatening or abusive behaviour by complainants and we will take action to protect staff from such behaviour.

9.3 We have a separate policy for dealing with unreasonable behaviour, persistent and vexatious complainants and this can be found at www.rbwm.gov.uk

10. COMPLAINTS MONITORING

10.1 Performance will be monitored on an on-going basis including a quarterly report for Heads of Service.

10.2 An annual report for the statutory adults' and children's complaints and for the formal corporate complaints will be produced for the council giving an overview of the complaints that have been received, overall performance, lessons learned, and improvements made. The report will also include a copy of the annual letter that is issued by the LGSCO.

COMPLAINTS PROCESSES

11. STATUTORY ADULTS' SERVICES COMPLAINTS

11.1 There is one stage for statutory adults' services. The council's policy allows up to 20 days for either a full response or, if more time is needed to complete the investigation, an interim response will be sent within 20 working days, giving an update and a timescale for the investigation to be completed and a full response to be sent to you. The final response will be provided within three months, and often within a shorter timescale. If longer is needed because of exceptional circumstances, we will let you know.

- 11.2 Statutory adult complaints should be made within 12 calendar months of the failure so that we can investigate fully and fairly.
- 11.3 There may be times when you haven't had a chance to complain within 12 months. If there are exceptional circumstances (illness, changes in personal circumstances etc.), the relevant director and the compliments and complaints team may make a discretionary decision to consider a late complaint providing you are able to explain and evidence why you haven't complained sooner.
- 11.4 Before accepting a complaint under the statutory adult complaints process we will check to see if there is any other formal legislative appeal process that should be used and if so we will advise you of this.
- 11.5 You should have already contacted the relevant adult 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 adult team and we will record your concerns informally as a case concern rather than as a formal complaint.
- 11.6 Further information about how your complaint will be handled can be found on [our webpage](#).
- 11.7 After the statutory adult complaints process has been completed. You will still have the right to complain to the LGSCO and the council will fully cooperate with any investigation they may undertake. (see Section 14).

12. STATUTORY CHILDREN'S COMPLAINTS

- 12.1 The council works to the statutory children complaints procedure. This is explained fully in the national guidance: [Getting the Best from Complaints](#).
- 12.2 Statutory children complaints should be made within 12 calendar months of the failure so that we can investigate fully and fairly.
- 12.3 There may be times when you haven't had a chance to complain within 12 months. If there are exceptional circumstances (illness, changes in personal circumstances etc.), the relevant director may make a discretionary decision to consider a late complaint providing you are able to explain and evidence why you haven't complained sooner.
- 12.4 There are three stages to the statutory children complaints procedure, each stage has its own timeframe:
- 'The complaint' (stage 1): up to 20 working days
 - An independent investigation (stage 2): up to 65 working days
 - An independent panel (stage 3): up to 70 working days
- 12.5 Before accepting a complaint under the statutory children complaints process we will check to see if there is any other formal legislative appeal process that should be used and if so we will advise you of this.

- 12.6 You should have already contacted the relevant children 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 children team and we will record your concerns informally as a case concern rather than as a formal complaint.
- 12.7 Further information about how your complaint will be handled can be found on [our webpage](#).
- 12.8 After all stages of the statutory children complaints process have been completed you will still have the right to complain to the LGSCO. The council will fully cooperate with any investigation they may undertake. (see section 14).

13. FORMAL CORPORATE COMPLAINTS

- 13.1 If a complaint is accepted by the council that does not fall within either the children or adult statutory complaints processes, it will be taken under the council's formal corporate complaints process.
- 13.2 Formal corporate complaints should be made within six (6) calendar months of the failure so that we can investigate fully and fairly.
- 13.3 There may be times when you haven't had a chance to complain within six months. If there are exceptional circumstances (illness, changes in personal circumstances etc.) the relevant director may make a discretionary decision to consider a late complaint providing you are able to explain and evidence why you haven't complained sooner.
- 13.4 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 should be used and if so we will advise you of this.
- 13.5 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 as a formal complaint
- 13.6 There are two stage to the council's formal complaints process. Each stage has its own timescales:
- 'The complaint' (stage 1): 20 working days which can be extended for a further 20 working days.
 - 'A review' (stage 2): up to 20 working days
- 13.7 Further information about how your complaint will be handled can be found on [our webpage](#).
- 13.8 After all stages of the formal corporate complaints process have been completed you will still have the right to complain to the LGSCO. The council will fully cooperate with any investigation they may undertake. (see section 14).

14. LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN

- 14.1 If you have been through all stages of our complaints procedure and are still unhappy, you can ask the Local Government and Social Care Ombudsman to review your complaint.

The Ombudsman investigates complaints in a fair and independent way - it does not take sides. It is a free service.

The Ombudsman expects you to have given us chance to deal with your complaint before you contact them. If you have not heard from us within a reasonable time, it may decide to look into your complaint anyway. This is usually up to 12 weeks but can be longer for social care complaints that follow a statutory process.

About the Ombudsman

The Local Government and Social Care Ombudsman looks 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.

Contact

Website: www.lgo.org.uk

Telephone: 0300 061 0614

Opening hours

Monday to Friday: 10am to 4pm (except public holidays)