

Corporate Complaints

Policy

This policy is intended to be read electronically and has hyperlinks to other supporting information on the Council website.

**If you require a hard copy of the policy, with a printout of the link addresses, please contact the Council:
Tel. 0300 123 8123
email: enquiries@cheshirewestandchester.gov.uk**

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1. Introduction

Cheshire West and Chester Corporate Complaints Policy sets out how it will deal with all customer feedback. The Council welcomes any kind of feedback to help it monitor and improve the quality of services to its customers.

2. Objectives

The policy is intended to:

- acknowledge the importance of customer feedback in helping to shape future service delivery and continuously improve the quality of Council services
- provide a clear route for customers to raise concerns about the service they have received from (or on behalf of) the Council
- ensure that eligible complaints are dealt with fairly, promptly and sensitively and in line with the Council's [Customer Commitment](#)
- ensure that the Council has delivered services in line with its statutory requirements, relevant legislation, national and corporate policies, and any good practice guidance
- ensure that customers know what other options are available to them when the Council cannot deal with their complaint
- ensure that the Council learns from its mistakes and reduces repeat occurrences
- Deliver an effective complaints procedure in line with best practice guidance from the Local Government and Social Care Ombudsman.

3. Principles

The Council's published [Customer Commitment](#) explains what customers can expect in their day to day contact with the Council, whether online, face to face, on the telephone or in writing. Individual service areas may also publish their own service level agreements dependent on statutory requirements, local policies and/or priorities.

4. What you can expect from the Council

A professional and courteous service with a commitment to meeting the [Customer Commitment](#) and individual service level agreements, and achieving a high level of customer satisfaction. The Council is committed to providing a fair service to all members of the public regardless of their age, culture, disability, economic status, sex, race (including colour, nationality and ethnic origin), marital status, religion or belief, gender identity or sexual orientation.

The Council has a duty of care towards all its customers. Where officers have concerns for the welfare and well-being of customers because of their comments or behaviour, officers will seek advice from the Council's Safeguarding teams about how to ensure that the customer is supported. This may involve the customer being contacted by the Council's Safeguarding team or the Police if serious concerns are raised. More information about how we will use customer information can be found in our [Privacy Notice](#).

5. What the Council expects from Customers

The Council acknowledges that customers may feel frustrated and upset in having to raise a complaint about a service that has not been delivered to an acceptable standard and/or has fallen short of its published targets. The Council is committed to putting things right as soon as possible and to resolving any personal injustice to the customer. That is why the focus of the Council's complaint handling is on 'local resolution'. This is a commitment by each of our services to be accountable for its actions and to resolve complaints satisfactorily and informally under 'routine business' as early as possible and without the need for the customer to escalate their complaint.

That is why we ask customers to provide their contact details in order for an officer to call or visit them about their complaint, within 5 days of raising it, with a view to resolving it informally. If that is not possible then the customer will be advised of what they can do next, including proceed with a formal investigation and a written response.

6. Making Comments, Compliments and Complaints

There are various ways to contact the Council to provide feedback.

If a customer has never reported the issue before then it is most likely to be a service request or routine business that can be reported online via [Report It](#).

If a customer wishes to comment on a decision or action taken by the Council, they can raise a Comment.

If a customer wishes to highlight something that the Council has done well, they can raise a Compliment.

If a customer wishes to make a complaint about something previously reported but not acted upon within the expected timeframe or to the expected standard, then they should do so by creating an online account at: [Online Account](#) and submitting the complaint online via: [Complaint Form](#).

The Council accepts the following definition of a complaint, provided by the Local Government and Social Care Ombudsman ([LGSCO](#)):

"An expression of dissatisfaction about a council service (whether that service is provided by the council or by a contractor or partner) that requires a response. There is no difference between a 'formal' and an 'informal' complaint. Both are expressions of dissatisfaction that require a response."

6.1. Customer Assistance in raising a complaint

Assistance can be provided to customers on accessing the Council, e.g for setting up their accounts, or submitting their complaint via a different route, by contacting the Council's Contact Centre:

- a. Via Telephone to the Council's Contact Centre:** dial 03001238123 and ask to make a comment, compliment or complaint.

b. **By email to:** enquiries@cheshirewestandchester.gov.uk

c. **In Person:** visit a Customer Service Centre and ask to make a comment, compliment or complaint. Details on locations and opening times of customer service centres can be found via: [Customer Service Centres](#).

d. **Requesting Council Information in another format:** the Council has arrangements in place to help people who may have difficulty accessing its services via the above routes. It can help with translation, interpretation and provide information in a variety of formats such as large print, Braille, audio cassette and computer disk. [Other formats](#)

e. **Complaints received by direct email to officers, including senior officers and the Chief Executive:** the Council will ask customers to resubmit their complaint using our online [Complaint Form](#) or request assistance in logging it via the Council's Contact Centre (see 6.1).

f. All eligible complaints will follow the Council's two-stage corporate complaints process and then be signposted to the Local Government and Social Care Ombudsman. No complaints will be considered by officers, senior leaders or the Chief Executive outside of this process.

g. If there has been extensive or continued dialogue with officers prior to a complaint submission, the Customer Relations Manager will use their discretion to decide whether it is appropriate to accept escalation via the complaint route, or to refuse on the basis that the complaint has been answered via an alternative path (through extensive dialogue).

7. Complainant Representatives or Advocates

7.1. Consent

A Council customer may prefer someone to raise their complaint on their behalf. This can be informally, via a friend or family member, or more formally by using the services of an Advocate. If they choose either of these options, the Council will require their consent in writing. This can be provided by completing a form that the Council can send to the customer on request, or by them confirming, in writing, who they want to act on their behalf, and what that person can represent them about (it does not automatically mean that they will be given access to all of the customer's personal information).

Where correspondence is received from elected representatives, including a local MP or ward Councillor, raising concerns on their constituent's behalf, it is the MP or Councillor's responsibility to inform constituents when and what information will be shared with the

Council in order to allow for us to deal with any complaint. Where sensitive information is concerned, the Council reserves the right to seek a customer's direct consent before responding.

Complaints from adults on behalf of children aged 13 or above will be reviewed and, where appropriate, advice taken from officers who may have worked with the child. If the child is deemed to have capacity to raise the complaint themselves, or has not provided their consent, the complaint from the adult may be refused and the child or young person invited to raise the complaint themselves.

Any concerns about consent, or capacity of an individual to give consent, will be referred to the Council's Data Protection Officer for advice. That advice will be recorded against the complaint case reference and the complaint progressed or refused depending on the advice received.

7.2. Advocacy

The Citizen's Advice Bureau may provide relevant advice and support:

www.citizensadvice.org.uk

In some circumstances Adults requiring support can contact the Access West team for further information about advocacy support: [Access West Team](#).

Children requiring support to make a complaint can contact the Children's Society:

Contact details

- Referral email: cheshirecr@childrenssociety.org.uk
- General enquiries number: 0161 763 2170
- For further information on the Children's Society, visit: [The Children's Society](#)

8. Timescales and Process

In line with the Local Government and Social Care Ombudsman's practice, complaints about Cheshire West and Chester Council services must be complained about within 12 months of the issue being complained about happening, or the customer becoming aware of the matter. The Customer Relations team may however exercise their discretion to accept older complaints.

Once a complaint has been accepted the Council will acknowledge it to the customer, providing a reference number. The Council will respond within the following timescales:

Complaints Procedure Stage	Timescales	Who will deal with it
Stage 1: Service Area(s) Review and Investigation	<ul style="list-style-type: none">• Acknowledgement of complaint receipt: Within 48 hours. For complaints received online the customer will receive an auto-acknowledgement to confirm it has been submitted and will have the option to download a copy of their submission.	At stage1 the Council expects a team leader or manager within the service complained about to respond to the complaint.

Complaints Procedure Stage	Timescales	Who will deal with it
	<ul style="list-style-type: none"> • Triage: A telephone call/site visit or email to customer, where appropriate: Within 5 working days to attempt to resolve the complaint or identify how best to deal with the contact. Customers will be advised of the outcome of this 'triage' in writing. If the service decide not to triage the complaint they will record their reasons why on the complaint management system. • Formal response by service area(s): Where the triage outcome is to progress to a formal complaint, a response will be sent within 5 working days (if classed as an urgent complaint) or will be sent within 20 working days (if classed as a routine formal complaint) <u>of the date the initial complaint was received.</u> 	<p>Where there has already been extensive dialogue with the team leader or manager then, at the service's discretion a senior manager may respond to it.</p> <p>Where the complaint crosses several services, the service which has the most complaint issues raised by the customer will usually respond.</p> <p>However, it remains at the discretion of the services complained about as to which team leader or manager will respond.</p> <p>In exceptional circumstances the Customer Relations Team may investigate on behalf of the service.</p>
Stage 2: Service Senior Manager Review and Investigation	<p>1. Escalation by complainant:</p> <p>A Stage 2 complaint request must be made in writing within 20 working days of the date of the Stage 1 complaint response. This can be done via the customer's online account if it is within the 20 working day timeframe. You will be required to set out your grounds for appeal and/or submit any other supporting evidence.</p>	<p>At stage 2 the Council expects a senior manager within the service complained about to respond to the complaint.</p> <p>Where there has already been</p>

Complaints Procedure Stage	Timescales	Who will deal with it
	<p>If the customer is raising the complaint after the 20 day timeframe they should email the Customer Relations Manager via enquiries@cheshirewestandchester.gov.uk with a request to exercise discretion in accepting the complaint escalation out of time, with your reasons why. If the Customer Relations Team considers the grounds for escalation are valid, we may accept the complaint. The customer will be informed of the scope of the complaint accepted for investigation.</p> <p>2. Acknowledgement:</p> <p>The Customer Relations Team will add your request for escalation to a weekly review meeting, where they will assess whether the complaint is eligible. You will receive either a response confirming acceptance (with a response timeframe), or our reasons for not accepting your complaint, within 5 working days.</p> <p>Examples for refusing a request include:</p> <ul style="list-style-type: none"> • a satisfactory remedy was offered at stage 1 which has not been taken up or has not yet been completed • no grounds for escalation have been provided • there is no outstanding injustice (just dissatisfaction with the outcome), or • the request is out of time. <p>3. Response:</p> <ul style="list-style-type: none"> • Customer contact by telephone, face to face or site visit within 5 working days of the complaint being accepted, if required. • For a 'routine' case a Stage 2 complaint response will be provided within 20 working days of receipt. • For a 'complex' case a Stage 2 complaint response will be sent within 40 working days of the complaint receipt or by a date agreed with the customer in very complex cases. 	<p>excessive dialogue with the service senior manager then, at their discretion, the Director or Head of Service responsible for the service complained about may respond to it.</p> <p>Where the complaint crosses several services, the service which has the most complaint issues raised by the customer will usually respond.</p> <p>However, it remains at the discretion of the services complained about as to which senior manager will respond.</p> <p>In exceptional circumstances the Customer Relations Team may investigate on behalf of the service.</p>

8.1. Request for independent investigations

Where an independent investigation is requested by the complainant the Council will, wherever possible, seek for an equivalent manager within a service independent of the complaint to respond. If this is not possible then the customer will be given the option to progress the complaint within the service responsible as per our usual procedure. They will also be signposted to the Local Government and Social Care Ombudsman. Complaints will be held in suspense for 20 working days to give the customer time to decide and, if no decision is made, the complaint will be closed as 'withdrawn by customer'.

9. Exemptions and Alternative Paths

Not all complaints submitted to the Council may be dealt with under this policy because the customer may have a more appropriate 'alternative path' to pursue their complaint. A list of the exemptions the Council may apply to a complaint is provided below. This is not an exhaustive list and each complaint will be considered on its own merit. Council staff will assist customers in following the correct route for their complaint.

Exemptions	
a.	Initial reporting of faults or requests for a service
b.	Complaints about housing including but not limited to: <ul style="list-style-type: none"> • sheltered housing • repairs and maintenance • rents • procurement • tenant involvement • anti-social behaviour • leaseholder service • homelessness • Disabled Facilities Grants (DFG)
c.	Complaints about planning application decisions
d.	Complaints about damages or personal injury (the Council has an online claim form)
e.	Complaints about current policies of the Council (these are considered comments and are passed to Directors)
f.	Complaints about social care services (see Adult Social Care Complaints Policy and Children's Social Care Complaints Policy)
g.	Complaints about schools (each school will have its own complaint process)
h.	Complaints about the Council's employment processes and policies – there are separate HR policies to follow for these
i.	Complaints about the conduct and behaviour of individual staff (these are dealt with by the employee's line manager, with support from the Human Resources team if required). The Council has a duty to safeguard the personal data of employees so the handling or outcome of a complaint against a staff member may not be shared with the customer.
j.	Complaint where the customer or Council has started legal proceedings or there is a right of redress in law and where it is reasonable to have expected the complainant to have pursued that course of action. The complaint will be placed on hold until proceedings have ended, then it may be considered if some of the elements of the complaint remain unanswered.
k.	Complaints made by staff under the whistle blowing policy or believed to be a whistleblowing allegation. These will be dealt with via the separate Whistleblowing Policy.

Exemptions	
l.	Allegations of corruption, criminal behaviour or financial impropriety. The customer will be advised to report the matter to the Police. The Council will work in partnership with the Police and other relevant agencies that may make enquiries.
m.	Complaints about statutory Requests for Information (RFI) under the FOIA (2000), EIR (2004) and DPA SAR (2018) and/or information security incidents/breaches. Customers unhappy with their responses are invited to request an internal review under the relevant RFI process or can raise the matter directly with the Information Commissioner.
n.	<p>Complaints where a statutory right of appeal exists, such as:</p> <ul style="list-style-type: none"> • Penalty Charging Notices Appeals (Traffic Penalty Tribunal) • SEN or EHCP Appeals (SEND Tribunal) • School Admissions or Transport Appeals (Council's Appeals Process) • Valuation Appeals (Council Tax) • Waste Collection Fixed Penalty Notices (via the courts) <p>Customers will be signposted to the relevant appeal process, e.g. SEN Tribunal, Valuation Office.</p>
o.	Complaints about the conduct of Councillors (Customers will be signposted to the Council's Monitoring Officer)
p.	Partnership/Contracted Services – when the complaint is about a service the Council has commissioned and/or is delivering as part of a partnership For example, complaints about enforcement agents dealing with recovery of Council Tax debt – the customer will be expected to complain directly to the enforcement agency first).
q.	Complaints about the process followed by the Local Authority Designated Officer when coordinating a response to concerns about safeguarding will be coordinated by the Council as lead partner (this has been agreed by the Cheshire West and Chester Safeguarding Children Partnership).
r.	Services delivered by Council owned Companies. Individual arrangements exist with each company and when a complaint is received the Council will check who has the lead authority on complaints against Council Companies or Partnerships and direct the customer there. At all times the Council will keep the customer informed of how their correspondence will be dealt with.
s.	Any complaint received following extensive or continued dialogue direct with officers may be considered exempt as it has already received the equivalent of a complaint response. At the Customer Relations Manager's discretion, complainants may be advised that their complaint has already completed the Council's complaint process.

10. Remedies

With all complaints the Council will seek to provide an appropriate remedy, usually by apologising to the customer and putting things right, i.e. returning the customer to the position they should have been in without having to make a complaint, at the earliest opportunity. If this cannot be done the Council will provide an explanation. For more complex complaints the Council will consider the Local Government and Social Care Ombudsman's [LGSCO's] '[Guidance on Remedies](#)' before it decides on what it considers to be a proportionate, reasonable and satisfactory remedy.

11. Rights to Appeal

Customers wishing to progress their complaint (at any stage) may refer the matter to the relevant Ombudsman. In most cases this is the LGSCO a free service for investigating complaints about Councils in a fair and independent way. The Ombudsman is not part of the Council. The Ombudsman would usually expect the customer's complaint to have completed the Council's complaint process first.

The Ombudsman's contact details are:

Website: www.lgo.org.uk

Telephone: 0300 061 0614

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

12. Related Documents

- [Customer Charter and Standards](#)
- [Managed Contact Policy](#)
- [ASC Complaint Policy](#)
- [CSC Complaint Policy](#)
- [Whistleblowing Policy](#)
- [Information Request Policies](#)
- [Retention Policies](#)
- [Privacy Notice](#)
- Council Companies policies will be published on their own websites. Please ask the Council or the Company for more details

Appendix 1 – Corporate stage 1 & 2 process flows

Corporate Complaints Process – stage 1



Customer logs complaint online using form

Any officer is expected to log it at first point of contact with customer

Customer Relations log postal/email complaints received from Business Ops/Contact Centre



Complaint routes to relevant service

Customer Relations pick up 'Any Other Service' for low volume services, social care or if customer doesn't know which one and coordinates

Service must make a triage call or site visit within 5 working days with a view to resolving it informally or routing it through alternative path

If no triage call made they must record reasons why

If not resolved over telephone or site visit complaint is formally acknowledged



A manager investigates the complaint

Must respond within 5 working days (urgent) or 20 working days (routine)

Response is issued addressing all elements of the complaint and whether they are upheld/not upheld/partially upheld

Apology must be given and clear actions for remedying the complaint identified

Actions may be remedial, apology, a fix (new bin, update account etc) or a service improvement: policy update, staff training etc

Provide signposting to stage 2 or Ombudsman



Customer has up to 20 working days to request escalation



Corporate Complaints Process – stage 2



Customer requests escalation of complaint online using form within 20 days of stage 1 response

Any officer is expected to log it at first point of contact with customer

Customer Relations log postal/email complaints received from Business Ops



Complaint routes to Customer Relations for triage at stage 2

Check complaint is in time, or whether to use discretion if out of time

Check whether all complaint elements were answered at stage 1

Check whether an apology and/or a reasonable or satisfactory remedy was offered where relevant

Consider grounds for escalation and decide whether valid

Advise customer whether complaint accepted or refused

Allocate complaint to service senior manager (if accepted)

Close complaint with explanation to customer if complaint refused



Complaint routes to service and a senior manager investigates the complaint

Must respond within 20 working days (routine) or 40 working days (complex), longer deadlines to be mutually agreed with complainant if very complex

Response is issued addressing all elements of the complaint and whether they are upheld/not upheld/partially upheld

Apology must be given and clear actions for remedying the complaint identified

Actions may be remedial, apology, a fix (new bin, update account etc) or a service improvement: policy update, staff training etc

Provide signposting to Ombudsman



Customer can refer their complaint to the Ombudsman

Accessing Cheshire West and Chester Council information and services

Council information is also available in Audio, Braille, Large Print or other formats. If you would like a copy in a different format, in another language or require a BSL interpreter, please email us at

equalities@cheshirewestandchester.gov.uk

إذا أردت المعلومات بلغة أخرى أو بطريقة أخرى، نرجو أن تطلب ذلك منا.

যদি আপনি এই ডকুমেন্ট অন্য ভাষায় বা ফরমেটে চান, তাহলে দয়া করে আমাদেরকে বলুন।

Pokud byste požadovali informace v jiném jazyce nebo formátu, kontaktujte nás

Jeżeli chcieliby Państwo uzyskać informacje w innym języku lub w innym formacie, prosimy dać nam znać.

ਜੇ ਇਹ ਜਾਣਕਾਰੀ ਤੁਹਾਨੂੰ ਕਿਸੇ ਹੋਰ ਭਾਸ਼ਾ ਵਿਚ ਜਾਂ ਕਿਸੇ ਹੋਰ ਰੂਪ ਵਿਚ ਚਾਹੀਦੀ, ਤਾਂ ਇਹ ਸਾਥੋਂ ਮੰਗ ਲਵੋ।

如欲索取以另一語文印製或另一格式製作的資料，請與我們聯絡。

Türkçe bilgi almak istiyorsanız, bize başvurabilirsiniz.

اگر آپ کو معلومات کسی دیگر زبان یا دیگر شکل میں درکار ہوں تو برائے مہربانی ہم سے پوچھئے۔

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