

Essex County Council
Complaints and
Representations Policy



Complaints and Representations Policy

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1. Introduction

Essex County Council is keen to understand our customers' experiences of the services we deliver and use learning to improve any identified service failures. Customer feedback helps us to identify what we are doing well and assists us in implementing improvements to the services we deliver, providing an overall benefit to all our customers and service users.

This policy is aimed at anyone who is dissatisfied with any services delivered by the Council and is considering contacting us seeking a viable solution. Also, for anyone wishing to share positive feedback following actions taken by the Council that made a valuable difference to that individual, family/friends or local community.

2. Representations

The term 'representations' is applied to:

Compliments:	positive comments, praise and thanks
Complaints:	expressions of dissatisfaction, seeking a remedy
Comment:	neutral observations and suggestions

Who can make a representation?

Any individual or organisation that uses or receives an Essex County Council service can make a complaint if they are dissatisfied with a service or wish to compliment us on something that has gone well.

If you are making a representation on behalf of a third party, we must have their consent to share their information with you. If we do not have consent our response will be limited.

3. Compliments

What is a compliment?

A compliment is an expression of satisfaction, thanks, praise or congratulations (internal compliments are excluded from the process).

Examples include:

'I would like to thank the Customer Services Advisor for the prompt and efficient way in which they answered the phone and handled my query from start to finish. They were friendly, helpful and efficient and made what could have been a difficult and sensitive conversation very easy'.

We will:

- Issue an auto acknowledgement to confirm receipt of your contact (no formal response will be issued for compliments).
- Record and share with the relevant key people.
- Use learning from compliments to identify what we are doing well.

4. Complaints

When considering complaints about us we always aim to be:

- Impartial to operational services.
- Helpful and accessible.
- Clear, timely and thorough, and
- Positive about putting matters right and learning lessons for the future.

What is a complaint?

- Delay or failure to provide a service.
- Dissatisfaction with our policies.
- Failure to provide adequate standards of service.
- Failure to fulfil statutory responsibilities.
- An employee's attitude or behaviour.
- Lack of customer service.
- Dissatisfaction or concerns with the way we handle your personal information.

What is not considered under the complaint policy?

- Informal, day to day matters that can easily be resolved.
- A request for service e.g., requests for an assessment or to undertake highway maintenance.
- A request for information or explanation of policy or procedures.
- Making an appeal following a decision about procedure or policy e.g., school admissions, school transport eligibility.
- Contacting us about a highway issue e.g., street lighting or pothole, for the first time, which must be reported via the online tool in the first instance.
- Complaints regarding issues that occurred over 12 months ago, where there are no exceptional circumstances identified for not raising at time of incident.
- Complaints about a County Councillor or Member of Parliament, as these are considered in line with the Member Code of Conduct.
- Complaints about our staff, their conduct or behaviour, as these are considered in line with HR policies.
- Allegations of fraud, theft, or corruption by our employees.
- School complaints (refer to individual school's complaints policy).
- Where issues are raised form part of active legal proceedings.
- Employment or recruitment issues.

Local resolution:

Our employees can resolve most issues of dissatisfaction as part of their job without the need for you to make a complaint. However, there may be cases that require an impartial review to find out what went wrong and why. These representations will be managed by the Compliance and Complaints Team in line with this policy.

What happens when I complain to you?

We will review your complaint to determine if it falls within one of the following complaints types:

- Corporate Complaint (section 4.1)
- Statutory Adult and Children's Social Care Complaint (section 4.2 and 4.3)
- Data Protection Complaint (section 4.4)

How can I complain?

You can make a representation in the following way:

- Online via <http://essex.gov.uk/complaints>

- Telephone 03457 430 430
- Write to Compliance and Complaints Team, County Hall, Market Road, Chelmsford, Essex CM1 1QH
- For Data Protection complaints email dpo@essex.gov.uk

4.1 Corporate Complaints

We will:

- Issue an auto acknowledgement to confirm receipt of your contact.
- Review your concerns and respond to you within 10 working days. If we can't respond to you within 10 working days, we will let you know and explain why.
- Take your comments seriously and make sure you receive a fair and full response.
- Put things right for you if we can and learn from any mistakes to make improvements to our services.

Complaint outcome

We will:

- Let you know if we agree with all or part of your complaint, apologising and considering appropriate actions to provide a remedy for any service failure.
- Provide clear explanations in circumstances where there may be confusion around the services we deliver and options available to us to rectify.
- Advise you of the next steps available to you
- Review the lessons learnt from complaints so that we can improve the quality of our services.
- Review the outcome of our consideration of your complaint with a view to improving the experience for others that use our services.

What happens when I make a complaint about Children or Adult Social Care?

The way we deal with complaints relating to Children's and Adult Social Care services is set down by Central Government. As a result, the process and timelines for dealing with complaints may vary dependent upon the type of complaint being made. Please refer to Section 1 and 2.

What happens when I make a data protection complaint?

Complaints relating to how we handle your personal information are determined by legislation and will be reviewed and responded to by the Authority's Data Protection Officer. Complaints of this nature will follow the process outlined in Section 3.

Complaints about other organisations

If your complaint falls within the responsibility of another organisation, we will signpost you with relevant contact details. If your complaint crosses over into multi agencies who we work with such as Health or a commissioned Care Provider with your consent, we will work with them to ensure you receive a co-ordinated and full response addressing all issues raised.

Confidentiality

We will maintain the confidentiality of all personal information and not disclose it outside Essex County Council without your permission unless we are legally obliged to do so. However, if we are informed of anything that makes us think that an individual is unsafe or at risk of being harmed, we will pass this on to the appropriate authority or service for action.

Consent

If you are making a complaint on behalf of someone else we will need their informed consent for you to act on their behalf. If someone lacks capacity to provide such consent we would need to be satisfied that you are acting in their best interests. Without this, any response we may be able to provide will be limited in its content.

Can I get help to make my complaint?

If you need help to make your complaint Essex County Council is working with Rethink Essex Advocacy to provide an accessible advocacy service. www.rethinkessexadvocacy.org

The role of an advocate in the complaints process is to provide independent and confidential information, advice, representation, and support. Advocates and advocacy schemes help people and children say what they want, secure their rights, represent their interests, and obtain the services they need.

What if I disagree with your response to my complaint?

If you are dissatisfied with the outcome of our investigation into your complaint*, you can contact us again to discuss why you are dissatisfied. Alternatively, you can contact the Local Government and Social Care Ombudsman at:

- Website: www.lgo.org.uk
- Local Government and Social Care Ombudsman, PO Box 4471, Coventry, CV4 0EH
Telephone: 0300 061 0614

* This applies to corporate and statutory complaints only. Data Protection related complaints can be referred to the Information Commissioner's Office (ICO) see section 3.

4.2. Children's Social Care Complaints

The way we deal with complaints relating to Children's Social Care set by Central Government.

As a result, the process, and timescales for dealing with them may vary dependent upon the type of complaint or representation being made.

Who can use this process?

This procedure is for children, young people and those closely connected with, or representing, them.

If we can't handle your complaint under our main complaints procedure we will still listen to your feedback and ensure your views are on record.

We may not be able to help if the event you are complaining about occurred longer than 12 months ago. Except where there are exceptional circumstances identified for not raising the concerns when the incident occurred.

Our complaints policy cannot change decisions made by a court of law.

The Children Social Care complaints procedure is divided into three stages:

Stage 1 – Local resolution

Contact us with details of your complaint:

We will then look into the issues and try to help; you will receive a written reply from a senior manager. We aim to respond to you within 10 working days and by day 20 at the latest. If your complaint will take longer to review, we will keep you informed of the progress.

If we cannot resolve your complaint to your satisfaction at stage 1 we may look to meet with you to see if a face-to-face discussion can resolve the issue. If matters cannot be resolved, you will be advised of your option to escalate to the next stage of the statutory complaints process.

Stage 2 – Investigation

- An independent person who is new to your case will look into the issues raised to ensure there is a full and fair investigation.
- They will contact you to make sure they fully understand the complaint.

Once the independent review is complete we will send you a full response. We aim to do this within 25 working days of the investigation starting, but it can take longer. We will keep you informed of progress and where it is not possible to complete the investigation within 25 working days, it may be extended to a maximum of 65 working days.

If you remain unhappy with the response to your complaint you are entitled to request a further review by a panel of three independent people, one of whom will chair the panel meeting.

Stage 3 – Panel Review

Requests for a panel review must be made within 20 working days of receiving a response to the stage 2 investigation, and must set out the reasons for dissatisfaction with the outcome.

On receipt of a request, we will convene a review panel within 30 working days.

The panel will:

- Consider any oral or written submissions made by you or your advocate, Essex County Council, and any person the panel considers has sufficient interest in the representation to merit consideration.
- If you attend the panel you may be accompanied by an advocate and one other person you nominate to speak on your behalf.
- At the end of the meeting the panel will decide on their recommendations and write a report setting out a summary of the representations and any recommendations to resolve the issues raised.
- Send the report to you within 5 working days of the date of the panel meeting.

Within 15 working days of notification of the panel's recommendations Essex County Council will consider these and decide how to respond to them, and what if any action, it proposes to take in response. Details of Essex County Council's response will be sent to you.

Can I complain about a school?

The Governing Body of a school is responsible for managing complaints from the community about their individual school. Any request for copies of school's complaints procedures should be made directly to the school.

How do I make a Schools Admission Appeal?

Essex County Council is responsible for co-ordinating admissions to all maintained schools. Appeals about admissions to schools cannot be dealt with through this complaint's procedure. There is a clear appeal process in place briefly described below:

Parents applying for a school place cannot be refused admission unless the published admission number has been reached, except in very limited circumstances. If refused a place, parents can appeal against the decision. Appeals are heard by an independent Admission Appeals Panel.

The Panel will make a decision either to allow the appeal or dismiss it.

Special Educational Needs, National Curriculum and Child Protection matters

Special Education Needs complaints can be considered under the Corporate Complaints process. However, some aspects of special educational needs, national curriculum and child protection have specialised statutory procedures for dealing with complaints which do not fall within the remit of school's general complaints policy. Such complaints must be dealt with in line with relevant statutory process.

Complaints about some aspects of special educational needs are dealt with by an independent panel: Special Education Needs and Disability Tribunal (SENDIST). The tribunal will hear cases concerned with decisions to carry out statutory assessments and the contents of statements.

4.3. Adult Social Care Complaints

The way we deal with representations and complaints relating to Adults Social Care set by Central Government.

As a result, the process, and timescales for dealing with them may vary dependent upon the type of complaint or representation being made.

Who can use this process?

- A person who receives or has received services from Essex County Council; or
- A person who is affected by, or likely to be affected by, the action, omission, or decision of Essex County Council.
- By a person acting on behalf of a person mentioned above who:
 - Has died
 - Is a child
 - Is unable to make the complaint themselves because of physical incapacity or lack of capacity within the meaning of the Mental Capacity Act 2005.

If you have a private arrangement with a social care organisation or provider you will need to raise your complaint with them.

Our complaints policy cannot change decisions made by a court of law.

We may not be able to help if the event you are complaining about occurred longer than 12 months ago. Except where there are exceptional circumstances identified for not raising the concerns when the incident occurred.

What happens when I complain to you?

We will:

- Issue an auto acknowledgement to confirm receipt of your contact.
- Tell you how long we think it will take to look into what you have told us and when a response is likely to be sent and,
- Tell you about any support that is available to you.

Step 1 – Local resolution

Most problems are resolved by speaking to the person you are dealing with or their manager. If you are not able to resolve it this way please tell us the details of your complaint.

We will look into the complaint quickly and thoroughly and give you a detailed response, this will:

- Summarise the nature and substance of the complaint.
- Describe our investigation process and summarise its conclusions and findings; and,
- Include any apology, remedy, outcome or explanation or planned action.

If the complaint is about both Health and Social Care, we will work with our Health colleagues and you to try to reach a resolution. To do this we will need your permission to share the details of your complaint.

Everyone who funds their own care, including those using a direct payment, have the right to refer any complaint to the Local Government and Social Care Ombudsman, once the residential home or domiciliary care agency has had an opportunity to investigate and resolve the complaint.

4.4. Data Protection Complaints

The way we deal with complaints relating to how we handle your personal information under Data Protection, is outlined under law (for example, the General Data Protection Regulation).

As a result, where a complaint relates to data protection matters, your complaint will be reviewed and responded to by the Authority's Data Protection Officer (DPO).

Where a complaint covers more than one area, if there is a data protection element to your complaint, this will be investigated separately from your main complaint. We will endeavour to ensure you are given one comprehensive response, but depending on the matter concerned, we may need to issue a separate response to your data protection complaint.

How will your complaint be handled?

Your complaint will be investigated by the Information Governance Team within Essex County Council and will be responded to within one month. Where your request is complex, legislation allows us to extend this period for up to a further two months. If we need to apply this extension, we will inform you within one month of receipt of your original request. Once the investigation is complete, this will be reviewed by the Data Protection Officer before the final response is issued to you.

Where you have exercised any of your rights under Data Protection law in your complaint, these will be responded to as part of your complaint.

Where can I get additional support?

If you are not satisfied with our response to your complaint, you can contact the Information Commissioners Office (ICO), who oversees compliance with Data Protection laws within the United Kingdom. They can be contacted via:

- www.ico.org.uk/concerns/handling
- email casework@ico.org.uk
- telephone 0303 123 1113

5. Unreasonable and Persistent Customer Behaviour

Some customers place unreasonable demands on our service by submitting multiple, lengthy requests or frequent repetitive contacts. These contacts dominate our attention and hinder the consideration of other people's complaints.

In most instances when we consider someone's behaviour to be unreasonably repetitive, we will explain why and ask them to change it. We will also advise them, that if their unreasonable behaviour continues, we may take action to restrict their contact with us in line with our 'Guidelines for managing abusive, unreasonable or persistent complaints, complainants or customers' <http://www.essex.gov.uk/complaints>

This information is issued by
Essex County Council
Customer Services

Contact us:
<http://essex.gov.uk/complaints>

0345 7430 430

Compliance and Complaints
Customer Services
Essex County Council
PO Box 11, County Hall
Chelmsford
Essex CM1 1QH

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