

Essex County Council Complaints, Comments and Compliments Policy



We want to hear about your experiences of our services. Complaints, compliments and feedback can help us improve the services we provide to all customers.

This policy is aimed at anyone who is dissatisfied with our service and is considering making a complaint to us.

Your complaints and concerns are important to us. Where something has gone wrong, they help us to put it right and improve our service. Equally when you are pleased with our services we would like you to tell us so we know what's working well for you. If you are making a complaint on behalf of someone else we need their signed consent that they have agreed to this.

When considering complaints about us we try to be:

- 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 a complaint?

- Informal, day to day matters that can easily be resolved.
- A request for service.
- A request for information or explanation of policy or procedures.
- Making an appeal following a decision about procedure or policy i.e. school admissions.
- Telling us about a highway issue for the first time.

What happens when I complain to you?

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

- Corporate Complaint
- Statutory Adult and Children's Social Care Complaint
- Data Protection Complaint

Corporate Complaints

We will:

- Acknowledge receipt of your complaint.
- Review and look into what you have told us and respond to you within 10 working days. If we can't respond to you within 10 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.
- Advise you if your complaint is about another body acting on our behalf.
- Investigate and respond properly to your complaint.
- Let you know if we agree with part or all of your complaint, apologising and considering appropriate actions to provide a remedy for any service failure.
- Explain the reasons why if we do not agree with your view of our services. We hope this will help you understand matters better, even if some of your concerns still remain.
- Regularly review the lessons learnt from considering complaints so that we can improve the quality of our service. In this way, the outcome of our consideration of your complaint may help improve the experience of others that use our services.

What happens when I make a complaint about children or adults 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.

How can I complain?

You can tell us your views in the following way:

- Use our online form <http://essex.gov.uk/enquiries>
- Telephone 03457 430 430
- Write to Customer Services Team, County Hall, Market Road, Chelmsford, Essex CM1 1QH
- For Data Protection complaints email the Data Protection Officer via dpo@essex.gov.uk

We will always treat you with courtesy and respect and our staff have the right to be treated the same. Rude, violent or abusive behaviour towards our staff will never be tolerated.

Complaints about other organisations

If your complaint concerns another organisation such as the National Health Service, Hospital Service or an independent service provider, we will forward it to the relevant organisation with your consent. If your complaint involves the council and another body there will be full co-operation and co-ordination to resolve your complaint to ensure you receive a co-ordinated response.

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.

Can I get help to make my complaint?

If you need help to make your complaint Essex County Council is working with Advocacy Essex Services (AES) to provide an accessible advocacy service. (<http://www.essexadvocacy.org.uk>)

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.

Unreasonably persistent 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 unreasonable we will explain why and ask them to change it. We will also warn them, that if their unreasonable behaviour continues, we will take action to restrict their contact with us.

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 complain to the Local Government Ombudsman at:

Website: www.lgo.org.uk

Local Government 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.

Section 1. Additional Information for Children's Social Care Complaints

The way we deal with complaints relating to children's social care is set down 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. Please contact us for advice if your complaint is before then.

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

This complaints procedure is divided into three stages:

Step 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 look into we will keep you informed of the progress.

If we cannot resolve your complaint to your satisfaction at step 1 we may look to meet with you to see if we can resolve the issue.

Step 2 – Investigation

If we investigate your complaint:

- 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.

Step 3 – Panel Review

Requests for a panel review must be made within 20 working days of receiving a response to the step 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 schools 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 complaints procedure. There is a clear appeals 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

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.

Section 2. Additional Information for Adult Social Care Complaints

The way we deal with representations and complaints relating to Adults social care is set down 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. Please contact us for advice if your complaint is before then.

What happens when I complain to you?

We will:

- acknowledge receipt of your complaint, usually within 3 working days and offer you the opportunity to discuss it with us at a mutually convenient time
- 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

If you do not accept the offer of a discussion Essex County Council will determine the handling and response time and notify you of this in writing.

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 Ombudsman, once the residential home or domiciliary care agency has had an opportunity to investigate and resolve the complaint.

Section 3. Additional Information for 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 any data protection elements 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

This information is issued by:

**Essex County Council
Customer Services**

Contact us:

ecc.customerservices@essex.gov.uk

www.essex.gov.uk

0345 743 0430

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

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this document can be translated,
and/or made available in alternative
formats, on request.

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