

DERBYSHIRE COUNTY COUNCIL

**CORPORATE COMPLAINTS
PROCEDURE**

AUGUST 2010



Version	Author	Date	Comments
2.0	Barbara Ackrill	August 2010	Review Due: August 2013

1. **What is a complaint?**

The Corporate Complaints Procedure defines a complaint as:

“an expression of dissatisfaction or disquiet by a service user or their representative which requires a response in writing.”

There are other complaints procedures which apply to particular areas of the Council's work and they should be followed where appropriate. In particular, complaints about Adult Care or Children and Younger Adult matters will be dealt with under separate, statutory procedures. Details of these procedures are available on Derbyshire County Council's website:

Adult Care Procedure:

http://www.derbyshire.gov.uk/contact_us/complaints/adult_care/default.asp

Children and Younger Adults Procedure:

http://www.derbyshire.gov.uk/contact_us/complaints/childrens_social_care/default.asp

The Council welcomes all forms of feedback including complaints, compliments and suggestions and will use information gathered from them to improve our services in the future.

2. **When should the Corporate Complaints Procedure be followed?**

The definition of a complaint is sufficiently broad to cover most complaints such as:

- Dissatisfaction with the implementation of policies
- Delays in responding to service requests
- Failure to achieve good standards of service
- Employees' behaviour or attitude.

However, it will not always be appropriate to follow the formal Corporate Complaints Procedure. For example:

- Many minor or day-to-day concerns amount to service enquiries or representations rather than complaints and can be addressed informally by the service provider.
- If the complaint would more properly be dealt with via an alternative route (for example police involvement, legal action, an insurance claim or an established appeals process), this will be explained to the complainant at the outset
- Complaints about the conduct of Councillors should not be handled through the Complaints Procedure but should always be reported to the Council's Monitoring Officer (John McElvaney, Director of Legal Services, Derbyshire County Council, County Hall, Matlock, Derbyshire DE4 3AG, telephone 01629 538303).
- Complaints about schools are normally dealt with by schools' own complaints procedures. For further details please refer to the County Council website: http://www.derbyshire.gov.uk/education/schools_colleges/complaints/

3. How will complaints be handled?

Every effort will be made to resolve complaints without undue delay. We believe that 12 weeks is generally sufficient time to conclude an investigation but what is reasonable will depend upon the particular circumstances of the complaint.

Complainants will be dealt with fairly and courteously and in keeping with the Council's "Customer Service Charter". For details of this please refer to the County Council website:

http://www.derbyshire.gov.uk/council/policies_plans/customer_care_charter/

A complaint may be made in any way (by telephone, letter, fax, e-mail or in person) but complainants will be encouraged to set down their complaints in writing and assistance will be offered if necessary. We will aim to respond to the complainant through the medium requested but will also provide a written copy. There will always be a written explanation of the outcome to a complainant.

Complainants will be afforded confidentiality in bringing their complaint unless this is not possible, for example where to do so would place a child or adult at risk of harm.

All departments have nominated a senior officer to be responsible for dealing with complaints. Their responsibility includes ensuring that satisfactory arrangements exist within their department for the receipt and handling of complaints. Call Derbyshire (Tel: 08456 058 058 or 01629 736200) will be able to put complainants in touch with departmental complaints officers or appropriate managers.

The complaint investigation may lead to other investigations (e.g. disciplinary proceedings). However, care will be taken to try to ensure that issues for the complainant are resolved speedily and do not get unnecessarily delayed as a result of other proceedings.

If the complaint involves more than one department of the Council a Lead Officer may be identified and a composite response provided.

If the complaint involves agencies other than the Council, agreement will be reached as to who will deal with the complaint. It may be that one agency replies on behalf of others or each agency replies in relation to areas within their remit. Whichever route is chosen the complainant will be notified.

The Council will seek to ensure that bodies acting on behalf of the Council have a robust complaints procedure and that monitoring information is provided to the Council regularly.

Where a complaint is found to be justified the appropriate remedy will be offered. This will normally include an apology and an explanation. Compensation or other action may be considered in the light of the circumstances of the case. The Council will follow the guidance contained in the Ombudsman's "Remedies - Guidance on Good Practice 6" , this guidance can be found at:

<http://www.lgo.org.uk/GetAsset.aspx?id=fAAXADIANgB8AHwARgBhAGwAcwBIAHwAfAAwAHwAO>

4. *The Two Stages of the Complaints Procedure*

The Complaints Procedure has two stages:

- **Stage One – Local Resolution**
Complaints will be dealt with by the staff in the department concerned. Timescales for dealing with complaints will be in accordance with the Council's Customer Service Charter. For details of this please refer to the County Council website:
http://www.derbyshire.gov.uk/council/policies_plans/customer_care_charter/
(The Council aims to reply to letters, faxes and e-mails within 10 working days of receipt. If this standard cannot be met, for example if the reply requires detailed research, the complainant will be told when he or she can expect a reply).
- **Stage Two – Formal Investigation**
If a complaint is not able to be resolved at Stage One the complaint will be referred to the Departmental Complaints Officer or appropriate manager. Receipt of a Stage Two complaint will be acknowledged within 5 working days and the complainant will be told who will be dealing with their complaint and informed that a response should be made within 20 working days of receipt of the complaint. Where it is not possible to respond within this timescale, an explanation will be given to the complainant within the first 20 working days and a full response will always be made within 3 months except in exceptional circumstances. Complainants will receive a written response explaining the decision, the reasons for it and, where appropriate, a proposed resolution.

5. *What happens if a complainant remains dissatisfied?*

If a complainant remains dissatisfied he or she may be able to complain to the Local Government Ombudsman:

A complaint can be made over the phone to the LGO Advice Team on 0300 061 0614 or 0845 602 1983 or in writing to:

The Local Government Ombudsman
PO Box 4771
Coventry CV4 0EH

Fax: 024 7682 0001

For further details please visit the Local Government Ombudsman's website:
<http://www.lgo.org.uk/>