



Corporate Compliments and Complaints Policy

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This policy will be reviewed on an annual basis including a self-assessment against the Local Government and Social Care Ombudsman [Complaint Handling Code](#)

Derbyshire County Council is committed to putting Derbyshire residents at the heart of all we do. Compliments and complaints play a key role in maintaining and improving standards and the quality of service provided. When we receive feedback, we see this as a way of getting an important insight into how services are being delivered. By listening to you we can look at actions that can be taken to improve services and your experience.

Aim of the compliments and complaints policy

We recognise the need to provide a first-class public service which is responsive to your views, and this is reflected in our vision: 'Working together to improve lives across Derbyshire', and outcomes:

- 1. People:** Empowered communities where people live safe, happy, healthy and independent lives
- 2. Place:** Prosperous, green and sustainable places with opportunities for all
- 3. The Council:** A resident focused, efficient and effective organisation delivering value for money

We are committed to making it easier for you to provide feedback to us and use your feedback to improve our services. Through this policy, we will try to resolve your complaints speedily, effectively and fairly.

When dealing with complaints, it is our aim to work with you so we understand what your issues are and what you would like to happen to resolve them. The tone of our contact will be open, responsive and avoid jargon. Our written correspondence will use plain English and will be backed up with agreed positive action to resolve your complaint where possible.

We are committed to treating all members of the public fairly, and we take equality and diversity into account. We will make sure that individual needs are taken into account when applying this policy, and that reasonable adjustments are made as required. These adjustments will be kept under active review.

Members of the public can provide compliments and raise complaints in person, or by using the contact methods below. All staff should be aware of the compliments and complaints process and be able to pass details of compliments or complaints to the appropriate officer within the organisation. Any third parties, acting on behalf of the council, should handle complaints in line with the Local Government and Social Care Ombudsman Complaint Handling Code.

All feedback received will be treated equally and can be shared with us through various methods:

Online

You can use our [Contact Us](#) form

By Phone

You can contact Call Derbyshire on 01629 533190 or by texting 86555. Call Derbyshire opening hours are 8am to 6pm on Monday to Friday and 9:30am to 4pm on Saturdays.

By Post

You can write to us at:

Derbyshire County Council
County Hall
Matlock
DE4 3AG

British Sign Language (BSL)

Customers who prefer to use British Sign Language (BSL) can [contact us using a SignLive video interpreter](#). This service is available Monday to Friday from 8am to 6pm.

Departmental Contacts

Alternatively, you can contact the relevant department as outlined below:

Adult Social Care

Email address: your.views@derbyshire.gov.uk

Telephone: 01629 532236

Children's Services

Email address: cs.feedback@derbyshire.gov.uk

Telephone: 01629 538435

Place

Email address: ETC.Complaints@derbyshire.gov.uk

Public Health

Email address: ASCH.Public.Health@derbyshire.gov.uk

What is a compliment?

Any compliment outside of the usual courtesies where a member of the public, individual that receives a service or partner agency gets in touch with a specific compliment or expresses the difference our work has made to them. This could be a strong statement of thanks, when they state that we have exceeded their expectations or when they state we have taken action to improve their life.

All compliments are recorded, and a copy is sent to the relevant manager to provide feedback to the member of staff or service.

What is a complaint?

A complaint is an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the council, its staff, or those acting on its behalf, affecting an individual or group of individuals.

Council staff 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 further investigation and the involvement of other officers to find out what went wrong. We will deal with these as complaints, whether or not you use the word 'complaint'.

A complaint that is submitted via a third party or representative should still be handled in line with this policy, though steps will be taken to ensure consent is in place. You are welcome to have a suitable representative or advocate deal with your complaint on your behalf, and to be represented or accompanied at any meeting.

Council policy in relation to compliments, complaints and complainant behaviour will also apply to representatives and advocates and the council reserves the right to assess suitability. The council will not liaise directly with representatives or advocates without the prior knowledge or agreement and full consent of the complainant.

Retention and disposal of records related to complaints

Records relating to complaints/compliments will be retained for the time stated in our management and administration of [records retention schedule](#) which can be found on our website.

Currently, this usually means that these records will be destroyed 6 years from the end of the financial year in which last recorded action or response in relation to the complaint was made.

What we cannot deal with under this policy

Not all complaints will be dealt with under this policy. The council provides a wide range of services and there may be more appropriate ways for some matters to be addressed. If a formal appeal process exists, then this will be used to address your concerns. Appeals processes exist for several areas including school admissions and elements of the special educational needs and disabilities assessment process.

Initial requests for service (service requests) also sit outside of the complaints process. To ensure you are using the correct route for the issues you are raising, please see Appendix 1 for guidance on what we cannot deal with.

Stages of the process

Derbyshire County Council has a two-stage process.

Upon receipt of the complaint, one of our teams will look at the concerns raised. We will decide whether your contact is a service request (see Appendix 1) and if we could resolve the concern for you quickly.

Issues are taken into account, such as the complexity of the complaint and any vulnerability or risk issues. If we think we can do so, we may contact you to discuss this with you with the hope of resolving your concern.

Remedies will be considered where appropriate at all stages of the process. If the complaint cannot be resolved, it will be dealt with in the following way:

Initial investigation (stage one)

This is the first formal stage, and we will acknowledge receipt of your complaint within 3 working days. Our acknowledgement will be made in writing and will include:

- Confirmation that your complaint has been received and, if possible, the name and contact details of the investigating service/officer, however this may not be possible in all cases
- The date or time frame by which you can expect to receive a response.

Our policy is to respond in full to you within 10 working days of acknowledgement of your complaint wherever possible. Where the complaint is of a complex nature, or where key people are not available, we aim to respond within 20 working days.

We will place a complaint on hold where it is unclear what the specific points of the complaint are, or until we have the necessary information from you to progress the investigation.

If we cannot respond in full within the acknowledged timescale, we will provide you with regular updates at least every two weeks. These will detail the reason for the delay and when you can expect to receive a response. You will also be provided with contact details for the Local Government and Social Care Ombudsman.

In exceptional circumstances, the investigating officer may be from another service if we feel this is necessary. The investigating officer may need to ask you for further information to assist with their investigation.

Our response can be provided by letter, email, virtually, in person or by telephone. Where a response is given verbally, we will offer to provide written confirmation of our discussion. This will include a clear statement about whether your complaint has been upheld; an explanation of why we have come to that decision; where appropriate an offer of remedy and what we will do to prevent it from happening again, along with how to refer your complaint to the next stage should you wish to do so.

Final response (stage two)

If you remain dissatisfied following our initial investigation, you can ask for your complaint and the initial response to be reviewed by a senior officer. We would expect a complaint to be escalated within a calendar month of a stage one response, however, this can be extended in exceptional circumstances.

Requests for stage two should be acknowledged and logged at stage two of the procedure, within 3 working days of the escalation request being received.

When escalating a complaint, it is beneficial to be clear in your reasons for progressing your complaint and what your desired outcome is. Within the acknowledgement, we will set out our understanding of any outstanding issues and the outcomes you are seeking. If any aspect of the complaint is unclear, we will ask you for clarification.

In the review, we will look at how we dealt with your original complaint, and we will also respond to any further related issues that you have raised with us (although not new complaints). Our policy is to respond in full to you within 20 working days of receipt of your escalation, wherever possible.

If we cannot respond in full within the acknowledged timescale, we will provide you with regular updates at least every two weeks and respond within a further 20 working days. These will detail the reason for the delay and when you can expect to receive a response. You will also be provided with contact details for the Local Government and Social Care Ombudsman.

Next steps

There is no further right of appeal to the council following completion of a final response at stage two of this policy. Within our final response, we will inform you of your right to take your complaint to the Local Government and Social Care Ombudsman if you remain dissatisfied.

About the Ombudsman

The Local Government and Social Care Ombudsman looks at individual complaints about councils and some other organisations providing local public services. The Ombudsman investigates complaints in a fair and independent way - it does not take sides. It is a free service.

Our response will contain the contact details for the Ombudsman's office:

[Local Government & Social Care Ombudsman website](#)

Telephone: 0300 061 0614

Types of complaints

Complaints received via elected members for the council or Parliament

When we receive a complaint from you via an elected member, we will direct our response to you and inform the elected member that the issue is being dealt with as a complaint.

Complaints received by the managing director or other senior leaders

Complaints received by the council's senior leaders will be acknowledged and passed to the appropriate team who will ensure that you are responded to. Due to the size of the organisation, responses will not necessarily come directly from the senior leader you contacted.

Complaints relating to more than one council service

Where a complaint includes issues for more than one part of the council, the investigation will be led by the person who has responsibility for the major part of the complaint. We will aim to provide you with a single response whenever possible.

Complaints against members of staff

If you have an issue about a member of staff (this includes people who volunteer on our behalf), we will investigate and take appropriate action, in accordance with our policies.

If, during our investigation, we find that staff have acted in a way that requires disciplinary action, our internal HR policies will apply. Due to data protection, it will not be possible for us to share the outcome of any management actions.

Anonymous complaints

Anonymous complaints will be investigated as far as possible, and a record of the complaint will be kept.

Petitions

When a petition is received by the council which is under 100 signatures, these must be treated as a complaint and responded to in accordance with this policy.

Reasonable adjustments

We are committed to understanding the impact of a complaint on a member of the public, taking their individual circumstances into account. To assist in this, where reasonable adjustments are required concerning how complaints are made, considered, or responded to, we aim to accommodate requests where possible. We encourage in the first instance to raise any reasonable adjustments needed when you make your complaint.

Dealing with unreasonable complainant behaviour

The council recognises that individuals that make complaints are often upset or angry, there are a small number of members of the public whose behaviour we feel is unreasonable in pursuing the resolution of their complaint. Staff safety and wellbeing are paramount when dealing with unreasonable behaviour and communication and we will not tolerate any abuse, aggression, discriminatory behaviour or violence towards our staff.

A separate procedure exists to deal with these instances and explains our approach. A copy of this is in Appendix 2.

Useful links

[Derbyshire County Council – Complaints and Praise](#)
[Local Government and Social Care Ombudsman](#)
[Top tips for making a complaint](#)
[Complaint Handling Code](#)

Appendix 1

What we cannot deal with under this policy

If we decide not to accept a complaint, an explanation will be provided setting out the reasons why the matter is not suitable for the corporate complaints process and the right to take that decision to the Ombudsman. We will consider each complaint individually and on its own merits. Some examples of reasons why a complaint may not be accepted are as follows:

Requests for service or information (service requests)

Service requests are defined as “a request that the council provides or improves a service, fixes a problem or reconsiders a decision”.

As an example, if you request a repair to a pothole or let us know that a streetlight is not working – these are alerting us to work that needs to be done.

These requests may become a complaint if we do not deal with them appropriately, as referenced in the Local Government and Social Care Ombudsman's Complaint Handling Code:

‘Service requests are not complaints but may contain expressions of dissatisfaction. Organisations should have the opportunity to deal with a service request before a complaint is made. A complaint may be raised when the individual expresses dissatisfaction with the response to their service request, even if the handling of the service request remains ongoing’.

Appeal procedures

If an appeal procedure applies to your complaint, we will refer you to this, and notify you of our actions at the outset.

Appeal procedures must be completed before we can investigate issues related to this. If this is the case, we will let you know.

The following are examples of complaints where there is an appeal process:

- A decision to exclude a child from a school
- Elements of the special educational needs and disabilities assessment process
- A decision about a school a child should attend. Following the outcome of a school's admission appeal, complaints about the process should be sent directly to the Local Government and Social Care Ombudsman. The Ombudsman is independent of Derbyshire County Council and has the authority to investigate these types of complaints on your behalf.

Existing right of objection

This is where there is a more appropriate individual or organisation to deal with your complaint such as a tribunal, Ombudsman or court.

Complaints regarding issues that occurred over 12 months ago

We would not normally investigate complaints about something that happened more than a year ago or a year after you became aware of the issue unless there are exceptional circumstances.

Complaints about councillors

The Council has a separate procedure for dealing with complaints about councillors which should be directed to the Council's Monitoring Officer. [Further information about the procedure and contact details](#) are available on the Derbyshire County Council website.

Complaints about MPs

For MPs contact:
Office of the Parliamentary Commissioner for Standards
House of Commons
London
SW1A 0AA
Email: standardscommissioner@parliament.uk
Telephone: 020 7219 1883

Complaints about your child's education

Please contact your child's school direct. You may also [contact the Schools Complaint Unit at the Department for Education](#) for advice online. Complaints about an academy should be addressed directly with the academy or you can [contact the Department for Education](#) for advice.

Where legal proceedings are involved

When a legal challenge is being made regarding whether a decision, action (or lack of action) is lawful, this is a separate legal process so will not be considered under the compliment and complaint policy.

Employment Issues

Complaints made by employees concerning their employment will be referred to human resources to be considered in line with internal HR procedures. Complaints made by job applicants who wish to complain about the recruitment and selection process will be dealt with by the relevant recruitment manager.

Complaints about adult or children's social care services

There are two acts of Parliament that require local authority social care services to have a procedure for considering representations (including complaints) by an individual or anyone acting on their behalf in relation to the discharge of, or any failure to discharge, any of their social services functions. The two acts are:

- The Children Act 1989 Representations Procedure (England) Regulations 2006
- The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009

Complaints about either adult or children's social care issues are dealt with under separate statutory timescales and are outside of this policy.

For complaints regarding children's services:

Email: cs.feedback@derbyshire.gov.uk

Telephone: 01629 538435

[Contact Form](#)

For complaints regarding adult social care services:

Email: your.views@derbyshire.gov.uk

Telephone: 01629 532236

Address:

Adult Social Care Complaints Manager – Quality Team

Derbyshire County Council

FREEPOST DY76

County Hall

Matlock

Derbyshire

DE4 9BR

Complaints about how we handle personal data we may hold about you

Under the UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018, you have a number of rights over your personal information. These include:

- The right to access personal data held about you. This is called a subject access request or SAR
- The right of rectification if the information we hold about you is incorrect
- The right to have your personal data erased
- The right to restrict how your data is used
- The right to object to how your data is used

These rights do not apply in all circumstances. For further information, please see our [Exercise of individual's rights procedure](#).

If you wish to make a subject access request (SAR), you can do so by [completing the subject access request form](#). If you make a SAR, we are legally obliged to respond and provide you with the information we hold about you within a specified time period, in most cases this will be within one month.

In some circumstances you may not be entitled to all the information held about you. There are exemptions which mean that the council sometimes must withhold information (for example, if it includes another individual's personal data, or where disclosing it could result in serious harm). If we refuse your request or part of your request, we will provide you with a justification for this decision.

If you have made an individual rights request and you are not happy with the council's response, you can ask for a review of the council's response. You are also entitled to ask for a review if there is a delay beyond statutory timescales in providing a response. You can do this by contacting our Data Protection Officer by emailing: access.2info@derbyshire.gov.uk or by writing to:

Data Protection Officer
Legal Services
Derbyshire County Council
County Hall
Matlock
Derbyshire
DE4 3AG

If you remain dissatisfied, you can contact the Information Commissioner's Office (ICO):

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Tel: 0303 123 1113 (local rate) or Tel: 01625 545 745 if you prefer to use a national rate number.
Fax: 01625 524 510

You can [make a complaint via the ICO website](#)

[Further information on SAR](#) can be found on our website.

[Further information on your other rights under GDPR and data protection legislation](#) can be found on our website.

Complaints about freedom of information (FOI) requests or environmental information regulations (EIR) requests

If you are not satisfied with our response to a request you have made under the Freedom of Information Act 2000, or the Environmental Information Regulations 2004, please contact, in the first instance, our access to information solicitor, who will investigate your complaint.

The contact details for our access to information solicitor are:

Access to Information Solicitor
Legal Services
Derbyshire County Council
County Hall
Matlock
DE4 3AG

Email: access2info@derbyshire.gov.uk

Under legislation, we must ensure that we respond fully to you within 40 working days from receipt of your complaint about an environmental information regulation request, or 20 working days for a Freedom of Information request.

If you are not satisfied with the response from our Access to Information Solicitor, there is no further right of appeal to the council following this investigation, but you can raise your complaint with the [Information Commissioner](#) via the details above.

Further information on FOI and EIR can be found on the [ICO website](#).

Complaints about companies or traders that provide goods or services

If you require advice about a product or service that you have purchased, or should you wish to make a complaint to Trading Standards about a business, either visit the [Citizens Advice website](#) or contact the Citizens Advice consumer helpline on 0808 223 1133.