

**NEC4**

## **Term Maintenance Contract**

### **Annex 05 – Complaints policy DN581359**

**Commercial and Procurement Team**

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# Somerset County Council Complaints Policy



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## 1. Introduction

Somerset County Council values our customers and their feedback. We want you to be satisfied with the services we provide and the ways in which we provide them. We want to hear about your experiences and if you are dissatisfied, we will use this Customer Feedback Policy to address your concerns.

## 2. Our Principles

In managing your complaint we will adhere to the following principles:

- **Accessibility**  
This policy will be well publicised and easily accessed by all. We hope that this policy is straightforward and easily understood by staff and the public. We will ensure that further clarification and support is readily available if and when needed.
- **Communication**  
We will communicate with you according to your preferences and let you know what you can expect from the complaints process and when.
- **Timeliness**  
Complaints should take no longer than 12 weeks from receipt to resolution. However, in most cases, we aim to provide a response to your complaint within 20 working days. If we are not able to do this, we will contact you to explain why and discuss a new response date.
- **Fairness**  
We will manage your complaint in a proportionate, open-minded and impartial way. We will listen to your concerns and what you want done to resolve matters. We will take appropriate action to establish what has happened and will focus on finding a suitable resolution.
- **Credibility**  
Complaints, and learning from them, will be taken seriously by the Council and its leaders. Officers are encouraged and supported to robustly review complaints to ensure that service improvement measures can be identified and implemented.
- **Accountability**  
Complaints information will be properly managed. Actions arising from complaints will be monitored to ensure that they are correctly and promptly implemented. Information about complaint volumes, outcomes and performance will be regularly and appropriately reported and the complaints policy and process will be subject to periodic review.

## 3. Scope of this policy

A complaint is when a customer of a council service is unhappy with the way they have been treated and believe that the council (or somebody providing services on behalf of the council) has done something wrong. The customer will expect the council to investigate the matter and provide a response. A complaint can be about many things but typically might include:

- The standard of service or information provided
- A delay or failure to provide a service
- A failure to correctly apply policy or process
- The way the customer has been treated by a member of council staff
- A lack or absence of communication

Some issues fall outside of this policy and these include:

- An initial request for a service – for example, reporting a faulty street light or pothole.
  - We have to have had the chance to provide the service or put something right. We can only do so if we have received a request or been informed of a problem. If the matter has been reported but you are unhappy with the action the council plan to take, you can raise a complaint at that stage.
- Policy decisions made by the Council's Cabinet and committees.
- Insurance claims
- Legal matters
- Complaints about Schools or Academies
- Matters which are subject to a separate appeal or tribunal process or where legal remedy is open to you (e.g. Penalty Charge Notices, school admissions, planning, procurement/tendering etc.)
- Safeguarding concerns
- Staff disciplinary and grievance procedures
- Freedom of Information and Data Subject Access Requests
- Complaints regarding a Councillor
  - These are managed through the Standards Committee via the County Solicitor.
- Complaints about services provided by a contractor operating on the Council's behalf
  - These should be dealt with through the Contractor's complaints procedures in the first instance.
- Historic complaints
  - We will not usually investigate complaints about issues that are more than 12 months old.

## **4. How to complain**

Many concerns can be quickly resolved through informal discussion with the relevant service and we suggest you consider this before progressing to a formal complaint. Where this is not possible, you can make a complaint in a number of ways. The quickest and easiest way to do so is by using our online form. Details of how to complain are shown below:

- [Online Form](#)

- Telephone – 0300123 2224
- Email – [generalenquiries@somerset.gov.uk](mailto:generalenquiries@somerset.gov.uk)
- Mail – Customer Experience Team, Somerset County Council, County Hall (B2S), Taunton TA1 4DY

Additionally, you can raise concerns with any member of staff you have direct contact with.

All complaints, however received, will be logged on to the central complaints management computer system. Details of the complaint will be held securely and only shared as is necessary to resolve the matter.

When making your complaint please describe what you believe has happened, why you are unhappy or dissatisfied and what you would like to happen to put things right. It is helpful if you are able to provide any dates, names or other details that will help us look in to your concerns.

If you feel that you need help to make your complaint you may wish to consider asking someone to assist. This might be a family member, friend or an independent advocate. If you would like more information about advocacy, please let us know (0300 123 2224) and we will suggest suitable support. If you do ask someone to raise a complaint on your behalf, we will need you to supply your signed consent before we are able to discuss your details with them.

## **5. Our complaints process**

Most complaints received by the Council will be managed through our two-stage corporate complaints process which is detailed below.

The way we deal with complaints relating to social care is set down by Central Government and, as a result, the process and timescales for dealing with them may vary (depending on the type of complaint made). Further information about the process for social care complaints is included later in this document. The principles described in point 2 of this policy will still apply.

### The Corporate Complaints Process – Stage One

When you make a complaint, we will:

- Acknowledge receipt of your complaint within 3 working days. If anything is unclear, we will contact you to ensure that we fully understand your concerns.
- Investigate your concerns and provide a fair and full response within 20 working days. This will usually come from a suitable manager from the service you have complained about. If the investigation will take longer, we will let you know.
- Let you know if we uphold all or part of your complaint and what we will do to put things right.
- If we do not uphold your complaint, tell you so and explain the reasons why.
- Let you know what you can do if you are unhappy with the stage one response.

### The Corporate Complaints Process – Stage Two

If you are unhappy with the stage one response you can tell us why and ask for it to be looked at again. Our Customer Experience Team will:

- Independently consider the reasons you have given for being dissatisfied with the response received alongside that response and the original complaint.
- Decide whether there are grounds for further investigation into the complaint – for example, if the response failed to address some concerns raised or was inaccurate in some details.
- Inform you of the decision and explain what will happen next:
  - If there are grounds for further investigation we will explain how this will happen and when you can expect a response.
  - If we decide not to investigate further, we will tell you why and provide details of the Local Government Ombudsman.

## **6. Local Government and Social Care Ombudsman (LGSCO)**

The Local Government and Social Care Ombudsman (LGSCO, sometimes also referred to as the LGO) is the final stage for complaints about councils, adult social care providers and some other organisations providing local public services. They are a free service who investigate complaints in a fair and independent way. You can raise a complaint with the LGSCO at any time but they will usually require you to complete the Council's process before they will look in to your complaint.

Website: [www.lgo.org.uk](http://www.lgo.org.uk)

Local Government Ombudsman, PO Box 4471, Coventry CV4 0EH

Telephone: 0300 061 0614

## **7. Unreasonable Customer Behaviour**

Somerset County Council recognises and understands that people can act a little out of character when things go wrong and will take this in to account. However, we do not accept that staff should be subjected to offensive or aggressive behaviour. Additionally, some customers place unreasonable demands on our service by lodging repeated complaints or by engaging in frequent repetitive contact. In such cases, Somerset County Council reserves the right to engage their Managing Unacceptable Customer Behaviour Policy. A copy of this policy is available on our website - <https://www.somerset.gov.uk/our-information/complaints-comments-compliments/>

## 8. Additional Information for Children's Social Care Complaints

There is a statutory process, set down by central government, for complaints relating to children's social care. This means that the process and timescales for dealing with them may vary from our corporate process, depending on the type of complaint being made.

The statutory process (governed by [The Children Act 1989 Representations Procedure \(England\) Regulations 2006](#)) covers children, young people and those who are closely connected with them or representing them.

The statutory process cannot change decisions made by a court of law.

We may not be able to consider your complaint if the event happened over a year ago – please contact us for advice in these circumstances.

The statutory process has three stages:

### **Stage 1 – Local Resolution**

This is very similar to stage 1 of our corporate process. An appropriate manager within the service you are complaining about will look in to your concerns and provide a written response within 20 working days.

If you are unhappy with the response, we will discuss this with you and see if there is anything we can do immediately to resolve the matter.

### **Stage 2 – Investigation**

If your complaint cannot be resolved at stage 1, we will undertake a full investigation.

An independent investigating officer will be appointed to investigate your complaint, and an independent person will be appointed to ensure that the investigation process is open, transparent and fair. The investigating officer will write a report with their findings and recommendations. A social care senior manager will consider the report and then write to you with their decision.

The response should be sent to you within 25 working days. This can be extended to 65 working days for complex complaints which need a longer investigation.

### **Stage 3 – Panel Review**

If you remain unhappy following the stage 2 investigation you can request a panel review hearing. The request should be made within 20 working days of receiving your stage 2 response letter.

For the panel review, three independent people will look at whether your complaint was dealt with adequately at Stage 2. None of the people will have been connected with your complaint or know anything about the investigation so far.

The Review Panel Hearing will be arranged and held within 30 working days of the date when your request was received. You may attend the hearing to present your case, but you don't

have to. If you decide to attend, you can be accompanied by another person who can speak for you.

The recommendations and notes of the Review Panel will be sent to the Children's Social Care Director within five working days of the hearing, and you will be sent a copy at the same time.

The Director will consider their decision and will write to you within 15 working days of receiving the notes and recommendations of the panel.

## **9. Additional Information for Adult Social Care Complaints**

The way we deal with complaints relating to Adult Social Care is set down by central government in [The Local Authority Social Services and National Health Service Complaints \(England\) Regulations 2009](#).

These regulations can be used by:

- a person who receives or has received services from Somerset County Council;
- a person who is affected by, or likely to be affected by, the action, omission or decision of Somerset County Council
- a person acting on behalf of a person mentioned above who:
  - has died
  - is a child
- a person who 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.

The process for managing complaints about Adult Social Care will be similar to the Somerset County Council two-stage process detailed earlier in this policy. In some cases, your complaint may involve more than one organisation (for example health services and social care). Where appropriate, we will work in partnership with relevant organisations to ensure a comprehensive investigation and response to your concerns. We will discuss this with you.

## **10. Additional Information**

If you require further information about our complaints policy and process, please:

- Visit our website – <https://www.somerset.gov.uk/our-information/complaints-comments-compliments/>
- Call our contact Centre – 0300 123 2224
- Email us – [generalenquiries@somerset.gov.uk](mailto:generalenquiries@somerset.gov.uk)