

# Oxfordshire County Council Comments and Complaints Policy



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## 1. Introduction

Oxfordshire County Council values all our customers' feedback - positive and negative. 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 want to ensure that you are heard. We will be guided how to deal with your complaint using this Complaints Policy to address your concerns in a clear, consistent, fair and timely way.

## 2. Context

Oxfordshire County Council is committed to delivering quality services, so it is essential that the people who access services feel able to give feedback whether this is positive or negative.

## 3. 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. The Customer Feedback team 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**

We aim to provide a response to your initial complaint within the set timescales. If we are not able to do this due to any exceptional circumstances, 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 the subsequent learning from them will be taken seriously by the council and its leadership. 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.

#### **4. 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 the Council or somebody providing services on the behalf of the council has done something wrong. The Customer will expect the Council to investigate the matter and provide a response.

Whilst everyone who asks to make a complaint has the right to information about the complaints process, there is no automatic right to use the complaints process. However, the Ombudsman does expect the Council to be transparent about the right to complain.

A complaint can be many things, and some possible situations are listed below. For example, you could be dissatisfied about

- The standard of service you have received from us
- Our response to a request for service
- Our actions
- The behaviour of a member of staff
- Harassment, bias or unfair discrimination

Some issues that fall outside this policy and would not be considered a complaint

- An initial request for a service, such as reporting a faulty streetlight or a pothole. We have to have had the chance to provide the service or put something right, which we can only do if we have received a request or been told about the problem
- Where a separate appeals procedure exists or a legal remedy is open to you, for example planning applications, or school's admissions policy
- Complaints about schools, maintained schools or academies: [www.oxfordshire.gov.uk/schoolcomplaints](http://www.oxfordshire.gov.uk/schoolcomplaints)
- Complaints about councillors. If you want to complain about the conduct of a member (councillor) there is a separate process for this and you must contact the Monitoring Officer [standards.monitoringofficer@oxfordshire.gov.uk](mailto:standards.monitoringofficer@oxfordshire.gov.uk)
- When you are unhappy about policies set by Oxfordshire County Councillors, for example a budget decision which changes the services available or how they are delivered
- Insurance claims relating to alleged damage or injury – these will be dealt with by the Council's insurance section
- Safeguarding concerns
- Staff disciplinary and grievance procedures: When your complaint is about alleged serious misconduct by an employee of the Council. This will be dealt with through our internal HR procedures, as it would not be appropriate to

deal with the issue through the complaint's procedure – we will not provide details or the outcome of those internal procedures, but we will let you know once internal processes are complete

- If your complaint is about policies set by other organisations
- Historic complaints: We will not usually investigate complaints about issues that are more than 12 months old.
- Complaints that have previously exhausted our complaints process,
- Repeat attempts of the process may be dealt with under our unreasonable behaviour customer policy

## **5. How to complain**

Many concerns can be quickly resolved through informal discussion with the relevant service, and we would suggest you consider this before progressing to a formal complaint. The Customer Feedback Team may deem your concern suitable to resolve informally and may try this approach in the first instance. Where this is not possible, you can make a complaint in a number of ways. You can raise a concern with any member of staff that you have direct contact with.

The quickest and easiest way to raise a complaint with us is using our online form: [Comments, compliments and complaints about Oxfordshire County Council | Oxfordshire County Council](#)

You can also contact us by telephone: 01865 323589

Or by email: [commentsandcomplaints@oxfordshire.gov.uk](mailto:commentsandcomplaints@oxfordshire.gov.uk)

All complaints received to the Oxfordshire County Councils Customer Feedback team will be logged on to the complaints recording system. Details of your complaint will be held securely and will be shared with the relevant team managers in order to investigate and respond to your complaint.

### **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 a major part of the complaint. We will aim to provide you with a single response whenever possible.

## 6. Our Complaints Processes

Upon receipt of the complaint, our Customer Feedback Team will look at the issues contained within the complaint. We will look at whether we need to start a full investigation or if we could resolve the issue for you quickly. If we think we can resolve your issue quickly, we may contact you directly to discuss. If we are unable to resolve the issue with you directly your complaint 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 out 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 section 3 of this policy will still apply.

### 6.1 The Corporate Complaints Process

A complaint made regarding the below services, will be treated as a corporate complaint:

- Children's Education, including Special Educational Needs, School admissions, School Transport
- Roads and Transport: Including Highway maintenance
- Public Health and Community Safety

#### Stage One (Initial Review)

When you make a complaint, we will:

- Acknowledge receipt of your complaint in writing 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 10 working days after the date of our acknowledgement. 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.
- In terms of a resolution, we will let you know the outcome of the complaint, including whether we uphold the complaint and we will let you know what we will do to put things right.
- If we do not uphold your complaint, we will tell you so and explain the reasons why.
- We will let you know what you can do if you are unhappy with the stage one response.

## Stage Two (Further Review)

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 Feedback Team will:

- Will consider with the service, the reasons you have given for being dissatisfied with the resolution received alongside the 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. This will be normally within 20 working days after the date of our acknowledgement

If we decide not to investigate further, we will tell you why and provide details of the Local Government Ombudsman.

There is no further right of appeal to the council following completion of a review at stage two of this policy.

If the council receives multiple complaints about the same issue, then in the interests of efficiency, we might consider them as if they are a single complaint. Also, in the interests of public efficiency, the council reserves the right not to pursue a complaint if it is deliberately repetitious under our [Management of unreasonable customer behaviour policy](#). It is anticipated most complaints will be satisfactorily resolved through this two-stage process.

However, should you remain dissatisfied with the council's final response to your complaint you have the right to refer your complaint and our response to the Local Government Ombudsman:

P O Box 4771, Coventry, CV4 0EH;  
[www.lgo.org.uk/making-a-complaint](http://www.lgo.org.uk/making-a-complaint);  
telephone: 0300 061 0614/0845 602 1983.

## 6.2 Children's Social Care Complaints

First, we may try to deal with any issues and deal with concerns as quickly as possible. Most will be resolved within 2 days by your allocated worker. If it's not possible to resolve do this, or if you want someone else to deal with it, we will follow these stages.

There is a statutory process, set out 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 is 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, to include:

- any child or young person (or a parent of, or someone who has parental responsibility for) who is being looked after by the local authority or is not looked after by them but is in need.
- any local authority foster carer (including those caring for children placed through independent fostering agencies).
- children leaving care.
- Special Guardians.
- a child or young person (or parent of) to whom a Special Guardian order is in force.
- any person who has applied for an assessment under section 14F (3) or (4);
- any child or young person who may be adopted, their parents and guardians.
- persons wishing to adopt a child.
- any other person whom arrangements for the provision of adoption services extend.
- adopted persons, their parents, natural parents, and former guardians.
- and
- such other person as the local authority consider has sufficient interest in the child or young person's welfare to warrant his representations being considered by them.

For example, a complaint may arise as a result of many things relating to statutory social services functions such as:

- an unwelcome or disputed decision.
- concern about the quality or appropriateness of a service.
- delay in decision making or provision of services.
- delivery or non-delivery of services including complaints procedures.
- quantity, frequency, change or cost of a service,
- attitude or behaviour of staff.
- application of eligibility and assessment criteria.
- the impact on a child or young person of the application of a local authority policy; and
- assessment, care management and review.

[Getting the Best from Complaints](#) provides guidance for local authorities from the government on implementing the [Children Act 1989](#) complaints procedures for children and young people with an emphasis on resolving problems quickly and effectively and learning from them.

The statutory process cannot change decisions made by a court of law. Complaints that have been in, or are in, legal proceedings will not be taken through the

complaints' procedure. Once legal proceedings are completed, we can then consider your complaint.

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 formal 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 investigate your concerns and provide a written response within 10 working days.

If you are not happy with the response, you can contact the Customer Feedback team, you should do this within 20 working days from the date you received your Stage 1 response. You will need to explain why you are still unhappy and what you would like to happen to put things right.

You can request to escalate your complaint to stage 2 however we will aim to resolve your complaint in the first stage of the process wherever possible.

### **Stage 2 – Investigation**

If your complaint cannot be resolved at stage 1, we will undertake a full investigation. The stage 2 statutory complaints process starts when this is requested in writing.

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 interview involved colleagues and write a report with their findings and recommendations. A social care senior manager independent from the investigation known as an Adjudicating Officer 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, and we will contact you to let you know if this is the case.

### **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 panel members will be related to 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. The meeting will bring together everyone involved.

The recommendations and report 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 report and recommendations of the panel. This will include whether the Council agree with the outcomes and the learning put in place to mitigate further issues.

### **6.3 Adult Social Care Complaints**

Complaints received in writing are not immediately viewed as "formal". Many customers prefer to try and resolve their disputes without resorting to a formal process. The Manager receiving the written complaint will review the content and assess whether the matter can be resolved quickly but also how complex and serious the complaint is. A decision will then be made as to whether the complaint needs to be dealt with under the formal procedure. However, we aim to resolve most complaints within 15 working days.

It is always positive if issues can be resolved without recourse to a formal complaint. However, it is important to remember that if you are still dissatisfied you have the right to complain formally.

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

This policy is aligned with the [Care Act 2014](#), associated regulations and statutory guidance

These regulations can be used by:

- a person who receives or has received services from Oxfordshire County Council.
- a person who is affected by, or likely to be affected by, the action, omission or decision of Oxfordshire 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](#).

The process for managing complaints about Adult Social Care will be similar to the Oxfordshire County Council corporate two-stage process detailed in section 6.1. The Local Authority have up to six months to deal with a complaint under the Adults Statutory Complaints process, however we aim to resolve complaints within 15 working days.

The statutory complaints procedure can be thought of as four stages: the informal stage, understanding the complaint, planning a resolution and the resolution/feedback loop.

The Customer Feedback Team will contact you following receipt of your complaint. If it is felt that this can be resolved informally, they will discuss this with you and advise you of the next steps they will take. If the team are unable to resolve this informally, the Customer Feedback Team will create a resolution plan with you, detailing your complaint issues and desired outcomes for you to agree. At the conclusion of the escalated investigation the complainant will be updated on the outcomes, recommendations, and the reasons behind them. This final aspect is important, particularly if the investigation finds evidence which indicates that other quality improvement action is necessary e.g., further training on procedures, review of policy or process.

If after the Informal Complaints Process and **Stage 1** process is completed, the complainant is unhappy with the response, the Senior Manager responsible will review the complaint documentation and decide if additional investigation is required. This will be done within 20 days and a response will be sent advising the outcome of their review and if appropriate, further investigation and the reasons for this.

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.

Anonymous complaints can be acted upon at the discretion of the council

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

## 7. Support with making your complaint

The **Equality Act 2010** applies to the way Oxfordshire County Council complaints procedures are organised. If somebody has difficulty using our complaints procedure, then we have a duty to make reasonable adjustments to the procedures to assist that person access our complaints procedures.

If you would like additional support, you have the right to be helped. You just need to get permission from whoever it is going to be. This can be a family member, friend or someone you would like to support you.

An independent advocacy service can help you get what you want to say across and support you through the complaints process. We can find you an advocate should you need one.

### What is an advocate?

Advocates are independent people who do not work for the Local Authority. Advocates listen to what you want, inform you of your rights and empower you to get your voice heard.

#### **Children and young people: Community Connex**

Telephone: 01865 597316

Email: [advocacy@communityconnex.co.uk](mailto:advocacy@communityconnex.co.uk)

#### **Adults: Voiceability**

Telephone: 0300 303 1660

Email: [helpline@voiceability.org](mailto:helpline@voiceability.org)

## 8. 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 into your complaint.

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

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

## 9. Managing Unreasonable Customer Behaviour

When making a complaint, the council is committed to treating you with respect and courtesy at all times. We will deal with complaints fairly and impartially. The council expects its staff to be treated with similar respect.

Oxfordshire County Council wants to hear from you if you have a complaint about our services. The council values all feedback whether good or bad as an opportunity to improve the way we serve the people of Oxfordshire.

Unfortunately, in a minority of cases people pursue their complaints or requests for information in a way that is unreasonable. Sometimes this can have a negative impact on the handling of their complaint or request. It can also have a significant impact on our resources and on our ability to provide services to our other customers.

In certain circumstances these contacts or complaints may be considered by the council to be vexatious, prolific, or persistent. The [Management of unreasonable customer behaviour policy](#) outlines the way in which such issues should be managed as a matter of good practice.

Where a customer's behaviour is so extreme that it threatens the immediate health, safety or welfare of council employees, or employees working on the council's behalf, the council will consider its options, which may include reporting the matter to the police or taking legal action. In such cases, the council may not give the customer prior warning of that action.

The council takes a zero-tolerance approach to discrimination on the grounds of age, race, disability, sex, sexual orientation, gender identity, gender expression, religion or belief, marriage or civil partnership or pregnancy and maternity. If the council believes this has occurred, then the following steps will be taken:

- If an informal resolution cannot be reached, the council will take formal action if appropriate
- Officer concerns will be assessed independently and determined by the Customer Feedback team along-side the service involved and Health and Safety.
- Inform an individual that a right of appeal process is in place

[Management of unreasonable customer behaviour policy](#)

## **10. Comments, Compliments and Learning from complaints**

### **10.1 Comments**

A comment is any feedback sent to the council following contact with a council department or service. This could include a suggestion for service improvement or information regarding how well a service was performed.

### **10.2 Compliments**

A compliment is an expression of praise to the council or any member of council staff. It could include an occasion where assistance given by a staff member was above and beyond the standard expected, or a service provided exceeded expectations. Once we receive a compliment the Council records it on a central system so that it can be shared with the relevant manager and member of staff. Compliments are also shared widely with our Senior Leadership team so that we can ensure there is recognition but also share best practice.

The policy includes the collation of comments and compliments about services which form part of the reporting alongside statutory complaints.

### **10.3 Learning from complaints**

Complaints are viewed as a strategic resource to help inform continuous improvement. The Council is committed to a learning culture and learning from complaints provides opportunities for services to be shaped by both customers and colleagues providing rich and diverse perspectives.

Our customers' views are really important to us. We are open to learning from complaints and using them to improve our services. We record compliments, complaints, and informal complaints. We provide information about complaints to senior managers across the council. We also track the learning and changes made as a result of complaints and ensure key issues are fed into service delivery plans. Actions are regularly discussed as part of Senior Leadership team meetings.

Annual reports will be drafted at the end of each financial year summarising customer feedback received throughout the year. The report will identify trends and highlight any action taken as a result of feedback given. The annual report will be signed off by senior officers and will be published on our complaint web pages.