



COMPLAINTS AND REPRESENTATIONS POLICY

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CONTENTS

1. Introduction
2. Legislative background
3. Our objectives
4. Our commitment
5. Stages of Complaints
6. Monitoring
7. Unreasonably persistent complainants
8. Unacceptable behaviour
9. Complaints by Councillors and Members of Parliament
10. Contacts

1. Introduction

All the people we serve have a right to be treated with respect and dignity. We believe that service users, their carers and their families, have the right to express their views, make complaints, suggestions or representations about the services Children's Services purchases and provides and that, by doing so, they can improve their quality and effectiveness.

We view positively suggestions and complaints as a means of assuring the quality of services, both at a local level and through the formal complaints procedure. All complaints will be taken seriously, looked into by the appropriate member of staff and responded to as quickly as possible. The outcomes of complaints will be considered as part of our programme of continuous improvement.

While helpful criticism from the Local Government Ombudsman is welcome, our objective is to identify our own failures and resolve them reasonably and quickly.

Representations, which include complaints, will include enquiries and statements about such matters as the availability, delivery and nature of services and will not necessarily be critical.

A complaint is an oral or written expression of dissatisfaction or disquiet whether justified or not.

It may be about the organisation, the implementation decisions, the quality or appropriateness of services, or their delivery or non-delivery. The procedure excludes situations where staff at the point of service delivery resolve a representation from a customer immediately, that is within 24 hours, and the customer is satisfied with the response.

A representation may be withdrawn orally or in writing at any time by the complainant or, where one has been appointed, their advocate.

2. Legislative background

The legislative basis for our complaints and representations procedure is the Children Act 1989, the Adoption and Children Act 2002, the National Health Service and Community Care Act 1990 and The Children Act 1989 Representations Procedure (England) Regulations 2006.

The procedure, in full and summary form is available from the Information Governance Officer.

3. Our objectives

A fair, consistent and structured procedure which enables a service user to get a remedy for failures in service delivery.

A positive process which uses the outcome of complaints and any remedial action as a positive method of monitoring performance and improving services.

A quality process which seeks to:

- breakdown any barriers so that everyone can use the complaints procedure
- improve the quality of the services we provide
- improve our relations with service users
- encourage our staff to use best practice
- operate within the statutory, regulatory and legal framework

A customer focused procedure which ensures users:

- have their views heard
- receive a good-quality service
- receive support if they are experiencing difficulty in making a complaint
- receive, within available resources, prompt action when our performance is below standard

4. Our commitment

We will deal with all complaints:

- promptly
- efficiently
- courteously
- systematically

All complaints will be acknowledged in writing. This acknowledgement will state what will be done, how long before a reply will be given and who to contact about the complaint.

We will keep the complainant

- informed about the progress of their complaint
- informed as to the conclusion of the complaint by providing a clear and concise written reply to the complaint
- informed as to any right of appeal

Our staff will be:

- efficient and sensitive to the needs of service users
- accessible and clearly identified
- aware of the day-to-day concerns of our service users.

Our procedure will:

- be easy to access and widely advertised
- advise service users of the standard of service they should expect, the time limit for replying to their complaint and any right of appeal
- provide a code of practice for handling complaints
- ensure we monitor complaints
- ensure we meet our standards

In return we expect complainants to:

- co-operate in seeking a solution to the complaint
- express their complaint in full as early as possible
- respond promptly to requests for information or meetings or in agreeing the details of the complaint
- ask the complaints manager for assistance as needed
- treat all those involved in the complaint with respect

5. Stages of complaints

Our procedure is based on a three-stage process.

Stage 1 (Local resolution)

This stage seeks the resolution of problems by the staff immediately concerned in service delivery.

Stage 2 (Investigation and adjudication)

Where a complaint has not been resolved under local resolution, this stage provides for the complaint to be investigated and the report of the investigating officer adjudicated by an Executive Head.

Stage 3 (Review Panel)

This stage provides for the independent review of the outcome at stage 2. The review panel comprises of three people who are independent of Torbay Council. The panel will make

recommendations which will be considered by the Director for Children who will notify the complainant in writing what action, if any, will be taken.

6. Monitoring

After the complaint has been dealt with, we will ask the complainant, through the completion of a satisfaction form, to comment on how well we handled the complaint. When the complainant is appealing against a previous decision, we will ask them to state their dissatisfaction with how we handled the complaint. We will also ask them to tell us what they consider to be the nature of service failure.

We record all complaints and representations and monitor the operation and effectiveness of the complaints procedure through a bi-monthly monitoring report to Children's Services Management Team and service managers.

An annual report is also published.

7. Unreasonably Persistent Complainants

We are committed to dealing with all complaints fairly and impartially and to providing a high quality service to those who make them. As part of this service we do not normally limit the contact complainants have with the Directorate.

However there are a small number of complainants who, because of the frequency of their contact hinder consideration of, their, or other people's, complaints. We will take action to limit the contact 'unreasonably persistent complainants' have with our offices.

8. Unacceptable Behaviour

We do not expect our staff to tolerate behaviour by complainants which is abusive, offensive or threatening and will take action to protect staff from such behaviour.

When a complainant's behaviour is considered unacceptable he/she will be told why their behaviour is unreasonable and asked to change it. If the unacceptable behaviour continues, action will be taken to restrict the complainant's contact with the Council.

9. Complaints by Councillors and Members of Parliament

The complaints procedure is intended for individual citizens seeking redress. When acting as their constituent's advocate, Councillors and MPs may make a formal complaint.

10. Contacts

Mrs Joanne Lardner
Children's Services Complaints Manager
Information Compliance
Town Hall
Torquay
TQ1 3DR

Email complaints@torbay.gov.uk
Tel: 01803 207971

Local Government Ombudsman
PO Box 4771
Coventry CV4 0EH
Text 0762 4804323
E-mail advice@lgo.org.uk
Website <http://www.lgo.org.uk/>

An Advice line, is open between 8.30am and 5.00pm Monday to Friday, on 0845 602 1983