



Corporate Complaints and Compliments Policy and Procedure 2025 – 2029

| | |
|------------------------|----------------------------------------------------|
| <i>Approved By</i> | Corporate Leadership Team |
| <i>Date Approved</i> | 13 th May 2025 |
| <i>Version</i> | 2 |
| <i>Last Revised</i> | April 2025 |
| <i>Review Date</i> | April 2026 |
| <i>Category</i> | Information, Compliance, Equality Management |
| <i>Owner</i> | Complaints and Children's Rights Manager |
| <i>Target Audience</i> | All council employees and members of the public |

After the Review Date has expired, this document may not be up-to-date. Please contact the document owner to check the status after the Review Date shown above.

This procedure may be reviewed earlier than the Review Date in the event of significant developments requiring changes to the document.

If you would like help to understand this document, or would like it in another format or language, please contact the document owner.

Contents

| | | |
|----------|----------------------------------------------------------------|----|
| 1 | Statement of Purpose | |
| | 1.1 Our policy on complaints | 3 |
| 2 | Scope of the Corporate Complaints Policy | |
| | 2.1 What is covered by this policy and procedure | 5 |
| | 2.2 What is excluded from this policy and procedure | 6 |
| | 2.3 Who can complaint under this policy and procedure | 8 |
| 3 | Complaint handling procedure | |
| | 3.1 Complaint handling | 8 |
| | 3.2 Risk management | 9 |
| | 3.3 Accessibility and Awareness | 10 |
| | 3.4 Reasonable Adjustments | 10 |
| | 3.5 Unreasonable behaviour | 10 |
| 4 | Role and Responsibilities | |
| | 4.1 Corporate Leadership Team | 11 |
| | 4.2 Senior Managers | 11 |
| | 4.3 Complaints Team | 11 |
| | 4.4 All Staff | 11 |
| | 4.5 Contractors / Commissioned Services | 12 |
| | 4.6 Implementing and monitoring this policy and procedure | 12 |
| 5 | How it works | |
| | 5.1 Procedure for Responding to Formal Complaints at stage one | 13 |
| | 5.2 Procedure for Responding to Formal Complaints at stage two | 15 |
| | 5.3 Service Request | 16 |
| | 5.4 Compliments | 16 |
| | 5.5 Putting things right | 16 |
| | 5.6 Local Government and Social Care Ombudsman | 19 |
| 6 | Performance and Reporting | |
| | 6.1 Performance monitoring | 19 |
| | 6.2 Learning | 19 |
| | 6.3 Annual Reporting | 20 |
| 7 | Signposting | |
| | 7.1 Advocacy Services | 20 |
| | 7.2 Support Services | 20 |
| 8 | APPENDIX | |
| | Appendix 1: Learning Template | 21 |
| | Appendix 2: Reasonable Adjustments | 21 |
| | Appendix 3: Unreasonable Behaviour Policy | 23 |
| | Appendix 4: Adult Social Care Complaints Procedure | 23 |
| | Appendix 5: SEND Complaints Procedure | 26 |

1. STATEMENT OF PURPOSE

1.1 Our Policy on Complaints and Compliments

This policy covers all formal complaints. It sets out how formal complaints will be dealt with, the timescales, and who should be involved in handling the formal complaint.

This policy covers external compliments which are recorded, monitored and reported.

A complaint, for the purpose of this policy, is defined as:

An expression of dissatisfaction about the standard of service, actions or lack of action by Herefordshire Council, our staff or contractors.

A compliment, for the purpose of this report, is defined as:

A polite expression of praise.

This policy is a statement of what the council does to ensure it handles formal complaints effectively, and to inform all council staff, members and contractors of their responsibilities when receiving and responding to formal complaints. This document also informs members of the public of the process that the council has established for handling formal complaints.

This policy provides a framework within which the council will ensure formal complaints are handled effectively. Incorporating guidance from the Local Government & Social Care Ombudsman (LGSCO) it will underpin operational procedures and activities connected with its implementation.

This policy aims:

- To provide an effective means for a customer to make a formal complaint about how services could be improved in the future.
- To ensure complaints are dealt with in a courteous and efficient manner and are resolved without avoidable delay.
- To use resource to best effect when a customer is dissatisfied with a service.

Complaints give us valuable feedback in our continuing bid to develop high quality services and help to give customers confidence that they will be given a fair hearing within agreed timescales.

The policy seeks to create a positive approach to complaints. Complaints can be a means to continuously review and improve the services we offer. By listening to customers and using insight into peoples' experiences mistakes can be resolved faster, new ways to improve can be learned and the same problems can be prevented from happening in the future.

This policy has been written in conjunction with the Local Government and Social Care Ombudsman Complaint Handling Code:

[Complaint Handling Code - Local Government and Social Care Ombudsman](#) the Code is issued under the Local Government and Social Care Ombudsman's powers to provide "guidance about good administrative practice" to organisations under section 23(12A) of the Local Government Act 1974. For the Local Government and Social Care Ombudsman, this Code constitutes important advice and guidance to councils, rather than instructions.

The Code does not replace any existing statutory complaint processes such as The Children Act 1989 Representations Procedure (England) Regulations 2006

<https://www.legislation.gov.uk/ukxi/2006/1738/contents/made>

or Local Authority Social Services and National Health Service Complaints (England) Regulations 2009.

[Local Authority Social Services and National Health Service Complaints \(England\) Regulations 2009](#)

Customers of any service provided on or behalf of Herefordshire Council should have access to a simple, well-publicised procedure common to all services.

The policy is framed to:

- Provide high quality and responsive service;
- Acknowledge that all people who receive services have a right to complain if they think that something that should have been done has not been done, or that something has been done poorly or incorrectly.

We know that things can go wrong with services, and that staff and managers can make mistakes. When this happens, we believe it is important to put things right, as rapidly and as effectively as possible. Through this complaints procedure, we are committed to working with customers who use our services, their advocates, carers and relatives, listening to them and deciding with them, where possible, the most effective way of sorting out whatever has gone wrong, with a view to putting the customer back into the position they were in prior to any wrongness occurring.

Above all, the way we deal with complaints will be based on

- Customer focus – listening to what people tell us
- Responsiveness – acting on what people say to us
- Promptness – making sure people get answers in good time
- Transparency – dealing openly and honestly with problems
- Proportionality – making sure that the resolution fits the complaint
- Learning – making sure complaints result in changes and improvement, where appropriate

We are committed to:

- Dealing with complaints and comments quickly and effectively; and
- Using complaints, comments and compliments to review and improve our services

We recognise our responsibility to ensure the customer has a proportionate level of awareness of their entitlement to complain among people who use or may be eligible for services. We will therefore make sure, in a number of ways that people are well informed and reminded that the complaints procedure is available if necessary. Customers can expect assistance and support if they have cause to use it.

Among the ways in which we will meet this obligation are:

- Information about the complaints policy and process will be made available in a variety of ways;
 - On the Council website; www.
 - Complaint leaflets will be available at our front facing buildings and also made available on request.

- Our customers will be given details by staff members in the course of their work.
- Case management correspondence will routinely incorporate references to the right to make complaints.
- A dedicated email address for complaints; complaints@herefordshire.gov.uk
- A dedicated phone number for complaints; 01432 260 535

This policy and procedure will be available to members of the public on the Council's website, but hard copies can be provided on request. The complaint leaflet which summarises this information is widely distributed and is available at a range of community contact points, as well as from the Complaints Team.

For this procedure to be of benefit, we think it is crucial for all customers to be well informed about how the complaints process works, so that everyone is aware of their rights and obligations. Recognising that we serve a diverse community, we will therefore make details of the procedure available on request in a range of formats, in order to maximise its accessibility and to ensure it remains inclusive.

Whenever we deal with a comment or a complaint, we will look critically at what has happened, to see what lessons we can learn and ensure that any changes which need to be made are applied. This not only applies to the case being complained about, but across the service. If we believe that something has gone wrong, then we need to put it right and to make sure that the customer has not lost out as a result. If when the investigation concludes the complaint was not justified, we will provide a full written explanation. In all cases, we will provide clear information about how to take matters further, so that the person making the complaint can decide if that is what they want to do.

We realise that the different procedures which could be applicable when concerns are raised about services (e.g. the complaints procedures of other bodies, a provider's own in-house complaints arrangements, disciplinary processes, criminal investigations etc.) could result in confusion for customers. In cases like this, complaints staff will ensure that there is consultation and engagement with complainants, and that sound decisions are reached with them about which procedure should take precedence, and why. We regard it as crucial however that people are provided with clear information about the possible interplay between different procedures and are reassured that they are entitled to request that any remaining issues can be taken up through this complaints process, once the other process is concluded.

We recognise that many people fear that making a complaint may result in reprisals or in a deterioration of the service provided, and so we offer an assurance that we would regard this as wholly unacceptable, and that we would take very seriously any concern that this had happened. We will work to ensure that all members of our staff and management have a positive and informed view of complaints, and will give whatever help is necessary to enable people to get due benefit from the procedure.

We also believe that when people who use our services send us comments and compliments based on their experiences, they should be acknowledged, considered and acted upon. This is an important aspect of the dialogue between local people and local services.

2. Scope of the Corporate Complaints Policy

2.1 What is covered by this policy and procedure?

Formal complaints about Herefordshire Council will be handled by the Complaints Team within the Corporate Centre which will be the single point of contact for the customer. A Complaints Officer will

acknowledge the complaint, agree a timescale, assign an investigating officer, assess risk, ensure that a fair investigation takes place either by a principal officer, service manager or by the complaints manager, quality check all responses, and communicate with the customer.

This includes formal complaints about Children's Services and Children's Social Care where there is no direct impact upon the child or young person.

Complaints regarding work other organisations carry out on the council's behalf may be investigated by the organisation concerned or the council team commissioning that service in the first instance, however, final stages of the complaints process will be managed by the Complaints Team. This includes organisations such as Hoople Ltd, Balfour Beatty Living Places, FCC, Severn Waste, ACE adoption, [adult social care](#) providers and bailiffs. All commissioned services will handle complaints in line with the Complaints Handling Code.

This policy also covers second stage appeals for financial assessment for adult care and support charges.

This policy also covers complaints about Education, Health and Care (EHC) assessment for your child with SEND, see Appendix 5

2.2 What is not covered by this policy and procedure?

Complaints about Children's Social Care that evidence that there has been a direct impact on the child, or young person, and qualify under the Children's Act statutory procedure, will be processed under the Children's Representations & Complaints Procedures.

Complaints about councillors will be dealt with under a separate Standards Complaints procedure.

Any informal complaints, enquiries, service requests or comments should be recorded, monitored and resolved by the service area. The Assistant Director responsible for the service area should be informed by the service area of any informal complaints, enquiries, service requests or comments so that learning and improvement can be shared.

A service request, for the purpose of this policy, is defined as:

"A request that the organisation provides or improves a service, fixes a problem or reconsiders a decision".

Complaints that employees may have about Herefordshire Council as an employer should be made through the grievance procedure, or other internal channels. However, members of staff have the same rights to complain about the council's actions or services as other residents or members of the public.

For complaints regarding standards of spoken English, the Code of Practice on the English Language Requirements for Public Sector Workers states that for the purposes of the fluency duty, a legitimate complaint is one about the standard of spoken English of a public sector member of staff in a customer-facing role. A complaint about accent, dialect, manner or tone of communication, origin or nationality would not be considered a legitimate complaint about the fluency duty. Complaints that are without foundation and / or which are intended to result in harsh or wrongful treatment of the person who is the subject of the complaint must not be taken forward.

The following are covered by different procedures and are exemptions to the complaints policy and procedure, so we may not accept these types of complaints:

- Complaints from organisations that we commission and the complaint is about their funding or related issues.
- Complaints about Children’s Services
https://www.herefordshire.gov.uk/downloads/file/3686/childrens_representations_and_complaints_procedures
- Complaints about schools - complaints about schools will be managed by the school and they should be contacted directly to follow the school’s complaint procedure. Please use our [schools directory](#) to find the name and contact details. For more information about complaints to education providers or if you feel your complaint was not resolved visit [Gov.uk Complaints procedure](#)
- From employees about issues relating to their employment.
- From councillors, unless they are complaining as ordinary members of the public or as an ‘advocate’ (representing the interests of someone else).
- Where legal limits are in place, for example:
 - Refusing planning permission.
 - Cases where legal action has already started.
 - Court decisions, outcomes and proceedings.
 - Cases covered by our insurance procedures. ie pothole claims
 - Compensation claims.
 - Parking and traffic offences; penalty charge notices.
 - Refusing to issue disabled badges for parking exemption.
 - Where the complaint has already been dealt with in another way.

Concerns from a professional or a professional difference with another agency’s decision or action related to a child or young person; and how to respond to that challenge are managed through the Professional Differences Policy.

[Professional-Differences-Policy-September-2022.docx](#)

Herefordshire Council owns no social housing, therefore, if you have a complaint about your house, or want to raise a housing management issue, please contact your registered housing provider directly by following the link below:

[Bromford](#)

[Citizen Housing](#)

[Connexus Group](#)

[Guinness Partnership](#)

[Legal and General Affordable Homes](#)

[Platform Housing Group](#)

[Sanctuary Housing](#)

[Stonewater](#)

[Two Rivers Housing](#)

[Wrekin Housing Group](#)

2.3 Who can complain under this policy and procedure?

This procedure is open to everyone who lives, works or visits the Herefordshire area or uses Herefordshire Council services.

Where the complaint is being made on behalf of another person.

Herefordshire Council will consider representations including complaints made to us by any customer or third party who is contacting us on the customer's behalf. If someone makes representations on customer's behalf written consent will be sought, before the complaint is registered.

The Complaints Manager may decline to register a complaint if it appears that it is being brought by a representative who is not acting in the best interests of the customer. Before reaching a decision of this nature, the Complaints Manager may consult with a number of individuals/organisations.

Although this list is not exhaustive this may include:

- The complainant
- Legal advisors
- Local Government & Social Care Ombudsman
- Other council departments
- Other public bodies (health, police, GP, DWP)
- Any support or advocacy services that the complainant is receiving support from

Any such decision will be recorded and notified in writing to the complainant. This decision will be retained in accordance with retention time scales for corporate complaint records which is 6 years, however where there is a children's social services file the decision will be retained in accordance with children's file retention which is 25 years and will be destroyed at the same time that the children's file is destroyed if that is longer than 6 years.

From time to time the council receives anonymous complaints, these will be logged and passed to the relevant service for investigation, whilst a response cannot be sent in these cases it is important that we investigate and taking learning from these complaints.

Complaints will not be registered more than a year after the matter giving rise to concern arose. Nevertheless, the Complaints Manager may waive this time limit if;

- It would not be reasonable to expect the complainant to have made the complaint sooner, and
- It is still possible to deal with the complaint effectively and fairly

3. Complaint Handling Procedure

3.1 Handling Complaint

There are 7 overriding principles to good complaints handling that will be followed at all times:

1. Being customer focused.
2. Getting it right.
3. Acting fairly and proportionally.
4. Being open and accountable.
5. Putting things right.
6. Improving services as a result
7. Being efficient with the use of public funds.

Our customers may find it difficult to talk about their views or concerns, they may be worried that complaining will lead to a reduction in services or care; equally they may find it difficult to speak out because of things like how their disability affects them, their language or their level of communication skills, or how their racial, cultural or religious background, age, gender or sex are viewed. The Complaints Team will ensure that all of these issues are taken into account and will provide a service that is fair and equitable, irrespective of an individual's needs, beliefs, age, sexual orientation or race.

Customers have the right:

- To be treated with dignity and respect.
- To confidentiality (if an investigation cannot proceed without the complainant being identified, the complainant will be given the option whether or not to continue).
- To have any complaint dealt with efficiently and have it properly investigated within agreed timescales and to be updated and consulted if those timescales need to change.
- To know the outcome of any investigation into their complaint.
- To be kept informed of the progress of their complaint.
- To receive an apology if a complaint is upheld.
- To be informed of any changes to our policies or procedures arising from a complaint.
- To take their complaint to the LGSCO if they are not satisfied with the way their complaint has been dealt with.

This complaints policy does not affect the right of an individual or organisation to approach a local councillor or Member of Parliament for advice or assistance. If this results in a complaint being made by, or on behalf, of an individual, it will be dealt with using this procedure.

Council staff have the right to be treated with respect and courtesy and to be spoken to without the use of abusive language by both customers and other staff at all times. If a complaint includes abusive language e.g. swearing, threatening violence and damage, or insults about a person, the complainant will be asked to reword the complaint and the complaint will not be dealt with until done. The council can also report the complaint to the police if threatening. The Unreasonable Behaviour Policy provides further details as to what the council deems to be acceptable and unacceptable behaviour.

Where a complaint forms part of, or relates to any legal action being undertaken, we reserve the right to delay or suspend investigation of the complaint if it could have an impact on the legal process.

3.2 Risk Management

One of the key aims of this policy and procedure is to minimise risk to safety and enhance the quality of services and care provided to customers. This policy therefore is a crucial part of the overall strategy and approach to the management and minimisation of risks identified or arising from complaints.

Specific risks related to the application of this policy and procedures are:

- Delay or failure to respond appropriately to complaints in accordance with regulations, leaving the organisation open to potential action by the LGSCO.
- Not addressing concerns raised, resulting in loss of public confidence.

- Failing to identify risks or safety issues and address or reduce them.
- Failing to identify trends or recurrent themes identified from complaints and other forms of service user feedback.
- The need for confidentiality vs the requirement to refer safeguarding concerns appropriately.

In accordance with risk management procedures, all complaints will be graded according to the seriousness of the risk presenting from the issues raised.

3.3 Accessibility and awareness

The Local Authority aims to make it easy for individuals to complain by providing different channels through which they can make a complaint. The Local Authority will consider their duties under the Equality Act 2010 and anticipate the needs and reasonable adjustments of individuals who may need to access the complaints process.

Individuals should be able to raise their complaints in any way and with any member of staff. All staff should be aware of the complaints process and be able to pass details of the complaint to the appropriate person within the organisation.

High volumes of complaints should not be seen as a negative, as they can be indicative of a well-publicised and accessible complaints process. Low complaint volumes are potentially a sign that individuals are unable to complain.

The Local Authority gives individuals the opportunity to have a suitable representative deal with their complaint on their behalf, and to be represented or accompanied at any meeting with the Local Authority. It is at the Local Authority's discretion

Organisations should provide individuals with information on their right to access the Ombudsman service and how the individual can engage with the Ombudsman about their complaint.

Where an organisation asks for feedback about its services through a survey, it should provide details of how individuals can complain so they can pursue any dissatisfaction if they so wish.

3.4 Reasonable adjustments

Reasonable adjustments, the Equality Act 2010 requires us to consider making adjustments if people with disabilities have problems using our service. We are committed to making sure the way we work does not disadvantage disabled people and meets our legal obligations. If you do need any help or support in using our services, please let us know and we will consider what changes we can make to assist you. If those adjustments are reasonable, we will make them. See Appendix 2 for further information.

3.5 Unreasonable Behaviour

We operate a zero tolerance policy with regards to physical, verbal or written abuse towards employees and councillors.

Where, despite our best efforts to resolve a complaint, the complainant becomes abusive, unreasonable or vexatious, staff will follow the separate policy for dealing with unreasonable complainant behaviour.

Where a complaint is deemed vexatious, the complainant will be informed of the decision in writing and given clear information about how they should contact the council in the future.

If contact and correspondence is threatening this could be reported to the police.

Unreasonable Behaviour Policy 2025

4. Roles and Responsibilities

4.1 Corporate Leadership Team

The Corporate Leadership Team will be responsible for ensuring that the council complies with its responsibilities with regards to formal complaints handling, through monitoring of activities via annual reporting by the Complaints Manager or their representative.

4.2 Directors / Service Directors / Heads of Service / Service Managers / Team Leaders

All directors / service directors / heads of service / service managers / team leaders will be fully aware of their responsibilities with regards to complaints handling. They will ensure that:

- They carry out complaints investigations or provide information for such investigations when asked to do so by the Complaints Team, within the agreed timescales so that responses can be sent out in a timely manner.
- They complete and return the Learning Template (Appendix 1) to the Complaints Team when responding to a complaint they have investigated.
- They address any issues or learning identified with their directorates / teams / contractors with a commitment to improve performance and learn from complaints.

4.3 Complaints Team

The Complaints Team will:

- Produce and maintain up-to-date complaints policies and procedures.
- Provide training to employees on how to deal with complaints as and when required.
- Work with all council departments, and where appropriate partner organisations, to ensure that appropriate mechanisms are in place to raise staff awareness of complaints handling.
- Log and acknowledge all formal complaints.
- Appoint an investigating officer to undertake an investigation into the complaint within agreed timescales.
- Maintain regular contact with complainants.
- Review the response and outcome before providing a formal response to the complainant.
- Act as point of contact for, and co-operate with, the Local Government Social Care Ombudsman.
- Record action and learning from complaints and share these with directors and senior managers on a regular basis.

4.4 All staff / members

It is the duty of all staff and members to ensure:

- They are fully aware of this procedure and their responsibilities with regards to formal complaints handling, and they must comply with this procedure and any associated procedures.
- That any formal complaints they receive direct are dealt with in compliance with this policy and any prevailing procedures and are forwarded to the Complaints Team immediately upon receipt.

- They provide any information requested from them by the Complaints Team or the investigating officer to ensure that responses to complaints are dealt with in a timely manner.
- They maintain a good awareness of complaints handling by undertaking relevant training. All employees should have information about dealing with customer feedback and complaints at induction. It is the responsibility of all staff and members to ensure that they comply with the requirements of this procedure and any associated policies and procedures. Failure to do so may result in disciplinary action being taken against staff, or councillors may be referred to the Monitoring Officer for breach of the code of conduct.

4.5 Contractors

It is the duty of contractors to ensure:

- They are fully aware of this procedure and their responsibilities with regards to formal complaints handling, and they must comply with this procedure and any associated procedures.
- That any formal complaints they receive direct are dealt with in compliance with this procedure and any prevailing procedures and are forwarded to the Complaints Team immediately upon receipt.
- They provide any information requested from them by the Complaints Team or the investigating officer to ensure that responses to complaints are dealt with in a timely manner.
- They maintain a good awareness of complaints handling by undertaking relevant training.

4.6 Implementing and Monitoring this policy and procedure

The Complaints Manager will be responsible for compiling the annual report to the Scrutiny Management Board, this will be a complaints performance and service improvement report, which will include:

- An annual self-assessment against this Code to ensure its complaint handling policy remains in line with its requirements.
- A qualitative and quantitative analysis of the organisation's complaint handling performance. This should also include a summary of the types of complaints the organisation has refused to accept.
- Any findings of non-compliance with this Code.
- The service improvements made as a result of the learning from complaints.
- The annual letter about the organisation's performance from the Ombudsman.
- Any other relevant reports or publications produced by the Ombudsman in relation to the work of the organisation.

The Complaints Team will keep a record of all formal complaints, including dates they are received, acknowledged, responded to, category of complaint, actions taken and lessons learned. Regular reports will be sent by the Complaints Team to service areas and senior management indicating numbers of complaints received, how many are dealt with within the agreed timescale and what service improvements and changes have been made as an outcome of complaints received.

This procedure and associated procedures will be monitored by the Complaints Team. The Assistant Director Corporate Support will be kept informed of any issues and instances of non-compliance regarding this procedure.

5. How it works

5.1 Procedure for Responding to Formal Complaints at stage one

It is for the customer to decide whether to make a complaint. Any employee should remember that reporting a fault or a problem is not necessarily a complaint but may simply be a request for service. Some examples of complaints may be:

- We have not achieved the standard we say we will provide.
- We have not provided the service to the standard which the customer / service user thinks is reasonable.
- We are doing something which the customer did not want us to do.
- We are carrying out our duties in an unsatisfactory way in their view.
- Our staff or contractors are behaving in an unacceptable way (including rudeness, violence or aggression).
- We fail to do something the council is committed to.

Complaints should be made within 12 months from the date on which the matter occurred, or the matter came to the notice of the complainant.

If our customers feel or appear to be at any sort of disadvantage in being able to express themselves, we will offer them the help and support they need to have their concerns listened to and understood. This may include translation or interpreting services, or referral to sources of local independent advocacy and advice, such as Onside Advocacy who provide a free and confidential service for people in Herefordshire if support is needed to make a complaint about adult social care and health care. Advocacy for children will be made available via the Children's Rights and Advocacy Team.

Anyone who wishes to make a formal complaint may do so in writing by using a complaints form on the council website, letter, email or telephone. Formal complaints should be sent to the Complaints Team.

If someone contacts an employee, service or councillor to make a formal complaint they should be directed to the website to complete the web form. Where a formal complaint is received direct by an employee or service area other than the Complaints Team, the employee should forward the complaint to the Complaints Team immediately, ensuring that all the relevant details are recorded and forwarded to the Complaints Team.

On receipt of a written complaint that is passed on in person, the customer should be advised that it will be sent to the Complaints Team who will contact them to arrange how the complaint will be managed.

All formal complaints will be referred to the Complaints Team to ensure that they are recorded, tracked and monitored, and that any learning can be shared across the Council.

Anonymous complaints will be investigated and may be acted upon at our discretion. Should the complainant fear that we will withhold services or care, or treat them less favourably if they complain openly, we will, if required, assist in finding support outside the service.

If complaining on behalf of someone else, we will require consent and authorisation in writing before we process the complaint further.

Complaints regarding Adult Social Care please see Appendix 4.

Where a complaint is made direct to the Complaints Team about an organisation providing Adult Social Care services on behalf of the council, the Complaints Team will discuss with the complainant how the complaint will be handled. Decisions will be considered based on the complainant's views along with the best process of resolving the complaint, but no information will be shared with the provider unless consent has been given by the complainant.

Where the Complaints Team decides to manage the complaint, they will notify the complainant and the provider.

If the Complaints Team decides it is more appropriate for the complaint to be handled by the provider, with the consent of the complainant it will notify the provider and the complainant.

When the provider receives the notification:

- The provider must handle the complaint in accordance with this policy.
- The complainant is deemed to have made the complaint to the provider.
- The Complaints Team should be informed of the outcome.

Where the complainant wishes the Complaints Team to process the complaint this will be commenced in conjunction with the provider once consent has been received from the complainant to share the information. The provider must have the opportunity to respond to the complainant. Once the investigation is complete, the Complaints Team will inform the complainant of the outcomes.

Where the services are provided by Herefordshire Council, the formal complaint must be managed by the Complaints Team.

All complaints will be recorded on a single system (ecase) for tracking, monitoring and reporting purposes.

The Complaints Team will send a written acknowledgement to the complainant normally within 5 working days of receipt into the council. If the complaint has been received verbally, staff in the Complaints Team will make a written account of it which will be sent to the complainant with the acknowledgment to ensure the issues are all agreed and are correct. The Complaints Team, may also offer to discuss the complaint over the telephone or in person, to identify and agree the points for investigation and the complainant's desired outcomes if they deem it to be necessary and appropriate.

The Complaints Team will then appoint an investigating officer. The investigating officer will, in most cases, be the principal officer or manager of the service being complained about because of their specialist knowledge. The Complaints Team will liaise with the Service Director, Service Manager or Head of Service responsible for the appropriate department if it is inappropriate to use an investigating officer in the service area concerned. If the complaint is too general, the investigating officer may need to contact the complainant to agree a statement of the complaint, so that points for investigation and the complainant's desired outcomes can be agreed.

The investigating officer will undertake an investigation in line with the timescale assigned by the Complaints Team – in accordance with the Complaints Handling Code, this is normally 10 working

days but more complex complaints could take longer which will be explained to the complainant in writing by the Complaints Team. Where timescales exceed 20 working days, the complainant will be provided with the reason and this will be clearly explained and suitable intervals for updates will be agreed with the complainant. The complainant will also be provided with the details of the Ombudsman.

Where additional complaints are received after one has been recorded and the matters raised are related, it will be incorporated within the response that has been logged. However, where a response has already been sent or it is regarding new unrelated issues, or would unreasonably delay the response, the additional complaints will be logged as a new complaint.

The Complaints Team will review the response and outcome before providing a formal response to the complainant (this may involve the Complaints Team requesting further clarification or additional information from the investigating officer or the service involved).

The Complaints Team will send out the response to the complainant with a covering e-mail / letter stating that at this stage the complainant will have 20 working days to respond if they are dissatisfied with the outcome and request to escalate to stage 2.

If the complainant is dissatisfied with the response clear reasons should be given for the dissatisfaction and consideration of the complainants desired outcomes.

If there is no further communication after the specified 20 working days, the Complaints Team will close the complaint.

5.2 Procedure for Responding to Formal Complaints at stage two

Request for stage 2 will be acknowledged and logged by the Complaints Team within 5 working days of the request for escalation being received. Within the acknowledgement, we will set out our understanding of any outstanding issues and the outcome the complainant is seeking. If any aspect of the complaint is unclear, the complainant will be asked for clarification.

The Complaints Team will assign the complaint to a different investigating officer to conduct a second investigation into the complaint and give consideration to the desired outcomes.

A final response will normally be sent to the complainant within 20 working days of the complaint being acknowledged. In complex cases the response timeframe may be extended to a maximum of 40 working days. In which case an explanation will be sent to the customer detailing progress and expected timescale for response.

Where timescales exceed 40 working days, the complainant will be provided with the reason and this will be clearly explained and suitable intervals for updates will be agreed with the customer. The complainant will also be provided with the details of the Ombudsman.

A stage 2 is the organisations final response. Where the council has investigated and taken all reasonable actions and the complaint remains unresolved, the complainant will be advised that the case will be closed and the Complaints Team will provide the complainant with details of the relevant Ombudsman should they wish to refer the issue.

If a complaint regarding staff actions or behaviour is found to be valid, then the issue will be referred to the appropriate corporate human resource policy / procedure, such as the capability or disciplinary procedure, and investigated. This will be regarded as an outcome for the complaints procedure.

We will make every effort to resolve customers' complaints and ensure that they are investigated fully and fairly first time. However, the council will not accept multiple complaints by the same person on the same or similar subject in the interest of managing council resource to best effect for the wider population.

The Complaints Team will record action and learning resulting from complaints as identified by investigating officers in completed Learning Templates (see Appendix 2). These will be reported at directorate management meetings and shared with directors and senior managers on a regular basis.

The complaint may be withdrawn in writing at any time by the complainant. In these circumstances, the council will decide on whether or not it wishes to continue considering the issues that gave rise to the complaint through an internal management review. The council will then use this work to consider the need for any subsequent actions in the services it delivers.

Should the complainant then seek to reinstate the complaint the council can use the review to produce a response as necessary.

Details of the complaints handling privacy notice can be found on Herefordshire Council's website.

Complaints will be kept electronically securely by the council for 6 years after the final resolution of the complaint.

All communication will be digital unless specifically requested otherwise by the complainant.

5.3 Service Requests

Service requests will be responded to by the appropriate services, directly

5.4 Compliments

Compliments about Local Authority officers and services will be recorded by the complains team and can be sent to compliments@herefordshire.gov.uk

5.5 Putting things right

This section sets out the general principles which we follow in assessing remedies, and those parts of a remedy which are common to all complaints. There must be a clear and direct link between the injustice we are remedying, and the fault we have identified. We do not recommend a remedy where there is fault, but no injustice. We do not recommend a remedy where injustice arose from circumstances unconnected to fault. The remedy needs to be proportionate, appropriate, and reasonable. Similar remedies are appropriate for similar cases but we have to consider each case on its own merits in light of the particular circumstances.

When we identify fault has caused unremedied injustice we will consider each type of remedy sequentially. The exception to this is that we should always consider whether it is appropriate to make a service improvement where we decide that fault has potential to cause injustice to others in future.

We also consider individual circumstances when deciding on a suitable remedy. These can be:

- aggravating factors such as vulnerability or prolonged inability to carry out the agreed action that could increase injustice; and

- mitigating factors such as an complainant's actions to some extent adding to the problem that could decrease injustice.

Where injustice stems from failure to do something, taking that practical action promptly may be a straightforward remedy that goes some way to reduce injustice. We also consider whether the inevitable delay has caused additional unremedied injustice.

Sometimes we cannot decide what injustice was caused by the faults we identify before the organisation has taken further practical action. For example, where a council has failed to carry out a Care Act assessment, while we can remedy distress and uncertainty as direct consequences of that fault, we cannot remedy loss of service until we are clear what, if any, service has been missed.

Sometimes the complainant and the authority need to keep working together despite damage to the relationship because of fault. We may then recommend arranging mediation to help repair the relationship. Or we may recommend a change in officer contact arrangements (for example a new social worker). Where we do so, this does not imply any criticism of the previous staff.

Our key principle is that the remedy should, as far as possible, put the complainant back in the position he or she would have been in but for the fault we have identified. If this is not possible, financial redress may be the only available remedy. Financial redress should always be linked clearly to the identified injustice. We will always take account of the views of the complainant and the LGSCO about putting matters right. But we must arrive at our own decisions about what would be a fair remedy.

Apology

Responsibility for making the apology rests corporately with the Local Authority, as such we will not normally seek an apology from a specific officer.

Review of policy and procedure

If fault has been identified due to a policy or procedure it is expected that the relevant policy and procedure will be reviewed.

Remedial actions

Practical action may provide all or part of a suitable remedy. When the injustice stems from failure to take some specific action, taking that action as quickly as possible may be a straightforward remedy.

Quantifiable financial loss

Where the body in jurisdiction has failed to pay money due to the complainant, we may include a recommendation for that sum to be paid in the remedy

Financial redress: acknowledgment of loss of non-monetary benefit

- benefits and services which may be lost
- general range in which payments are likely to fall
- factors to consider when assessing the remedy

Financial redress: acknowledgment of avoidable distress, harm, risk, or other unfair impact

- *Distress*
 - uncertainty: if, even after taking a view on the balance of probabilities as to the likely outcome, there is still doubt about how the outcome might have been different;
 - raised expectations: if the body in jurisdiction's actions led the complainant to (wrongly) believe that certain actions or benefits would follow;

- lost opportunity: where the complainant was deprived of an opportunity to take action or influence events, and it is likely the final outcome would have been different but for this omission;
- outrage: where the complainant has been treated significantly unfairly or the body in jurisdiction showed a disregard for proper procedures; and
- undue significant stress, inconvenience and frustration.

We must be clear that it is avoidable distress arising from fault by the body in jurisdiction which we are recognising with a remedy

The same fault could lead to different remedy payments, depending on its consequences and the other circumstances of the case. Our recommendation for a remedy needs to reflect all the circumstances including:

- the severity of the distress;
- the length of time involved;
- the number of people affected (for example, members of the complainant's family as well as the complainant);
- whether the person affected is vulnerable and affected by distress more severely than most people; and
- any relevant professional opinion about the effects on any individual.

- *Harm or risk of harm*

Where the complainant claims injury or harm to health as the main injustice, this is usually a matter for the courts to decide. But sometimes it is appropriate to acknowledge the impact of the fault has included harm, or risk of harm. Such harm, or risk of harm, can arise when the complainant, because of fault by the body in jurisdiction, did not receive services intended to provide protection. In general, harm or risk of harm needs to be considered in the same way as distress:

- the severity of the harm or risk of harm;
- the length of time involved;
- the number of people affected (for example, members of the complainant's family as well as the complainant);
- whether the person affected is vulnerable and affected more severely than most people; and
- any relevant professional opinion about the effects on any individual.

- *Time and trouble*

There is inevitably time and trouble involved in bringing a complaint. But this only generally requires a remedy when there has been a fault in the way the body in jurisdiction considered the complaint, which meant the complainant incurred time and trouble above what is considered usual. For example the:

- body in jurisdiction repeatedly refused to consider the complaint;
- complainant had to ask a councillor or MP to help, before the body in jurisdiction would consider the complaint;
- body in jurisdiction spent several months considering the complaint multiple times at the first stage of its complaints process, instead of progressing the complaint to a higher level; or
- body in jurisdiction did not consider the conclusions and recommendations of an independent investigation into the complaint

Complainants' actions and circumstances

Where a complainant's actions or inactions affected the outcome of events, we will take account of this in the remedy. Examples include:

- delay in providing information requested by the body in jurisdiction;
- pursuing a complaint in unreasonable and excessive detail; and
- failing to take up an offer of provision which partly met the complainant's needs, while the body in jurisdiction considered an application for a higher level of provision.

5.7 Local Government and Social Care Ombudsman

If the complaint is unable to be resolved, or a person is not satisfied with the handling of the complaint (at any stage), they can ask for the Local Government & Social Care Ombudsman to review the matter [Home - Local Government and Social Care Ombudsman](#).

The Ombudsman has issued a Complaint Handling Code which sets out advice and guidance for councils on how to handle complaints. You can find more information about this on the Ombudsman's website ([Complaint Handling Code - Local Government and Social Care Ombudsman](#)). The Ombudsman investigates complaints in a fair and independent way - it does not take sides. It is a free service. The Ombudsman expects you to have given us chance to deal with your complaint, before you contact them.

The Local Government and Social Care Ombudsman looks at individual complaints about councils and some other organisations providing local public services. It also investigates complaints about all adult social care providers (including care homes and home care agencies) for people who self-fund their care. There are some [limits on what the Ombudsman can look at](#). For example, the Ombudsman may not consider your complaint if you have not been significantly personally affected by the issue you are raising, or if you have a right of appeal to a court or tribunal. Contact: Website: www.lgo.org.uk Telephone: 0300 061 0614.

For monitoring purposes, the Complaints Team will log the date of receipt by the Council of the LGSCO request and the date the information is returned to the LGSCO.

6. Reporting and Performance

6.1 Performance Monitoring

Monitoring should also highlight how effective communication is within the local authority and to the people receiving their services, where staff training is required and whether resources are targeted appropriately. This should be fed back to the directorates in order to facilitate and improve policy and practice.

6.2 Learning

The Local Authority should monitor the operation and effectiveness of the complaints procedure as well as how information about complaints is being used to improve services and delivery. The Local Authority should ensure that their quality assurance systems include a cycle of planning with outcomes fed back into operational delivery. All local authorities should provide a system for:

- The dissemination of learning from complaints to line managers.
- The use of the complaints procedure as a measure of performance and means of quality control.
- Information derived from complaints to contribute to practice development, commissioning and service planning.

6.3 Annual Report

Herefordshire Council will, each financial year, publish an Annual Report. This will draw upon the information already gathered for recording purposes, but is a separate requirement and will not contain personal information that is identifiable about any individual complainant.

The Annual Report will be arranged by the Complaints Manager and will provide a mechanism by which the local authority can be kept informed about the operation of its complaints procedure. The report will be presented to staff, the relevant local authority committee, and will be made available to the regulator and the general public. It will provide information about:

- Complaints made to the local authority.
- The number of complaints and any that were considered by the LGSCO.
- The types of complaints made including any identified trends or themes.
- The outcome of complaints.
- Details of any advocacy service provided under these arrangements.
- Compliance with timescales, and complaints resolved within an extended timescale as agreed.
- Learning and service improvement, including changes to services that have been implemented and details of any that have not been implemented.
- A review of the effectiveness of the complaints procedure.

7. Signposting

7.1 Advocacy Services

Hear Me, Children's Rights and Advocacy Service [Hear Me children's rights and advocacy service – Herefordshire Council](#)

To speak to the team 01432 383113

To email the team hear-me@herefordshire.gov.uk

Onside advocacy [ONside - Independent Advocacy in Worcestershire](#)

To speak to the team 01905 27525

To email the team info@onside-advocacy.org.uk

7.2 Support Services

Herefordshire Safeguarding Board, Children [Concerned About a Child? - Herefordshire Safeguarding Boards and Partnerships](#)

To speak to the team 01432 260800

To email the team ReferralsCYPD@herefordshire.gov.uk

Herefordshire Safeguarding Board, Adults [Concerned About an Adult? - Herefordshire Safeguarding Boards and Partnerships](#)

To speak to the team 01432 260101 (Monday to Friday from 9am-5pm) 01905 768020 (out of hours number for when MASH are unavailable)

To email the team Safeguarding@herefordshire.gov.uk

Children's Commissioner's Advice Service www.help.team@childrenscommissioner.gov.uk 0800 5280 731

The Children’s Society www.childrensociety.org.uk supportercare@childrenssociety.org.uk 0300 303 7000

Barnardos www.barnardos.org.uk

CORAM www.coram.org.uk

Appendix 1: Learning Template

| Learning Template | | | |
|-------------------------------------------------------------------------------------|------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|
| <i>Case reference number</i> CCMPT12023/01267 | <i>Has an advocate been involved Y/N</i> | <i>What category the complaint was about (Service failure/ Delay / Poor Communication/ Staff Attitude / Wrong Information Given)</i> | <i>Outcome of complaint (Up-held, Not up-held)</i> |
| | | | |
| <i>What were the underlying causes of the complaint? (e.g. poor record keeping)</i> | | <i>What has changed? How will we ensure that this doesn’t happen again?</i> | |
| <i>Was the complaint resolved within agreed timescales? If not, why not</i> | | | |

Appendix 2: Reasonable Adjustments

We are committed to taking action to ensure that the way we work does not place people with disabilities at a disadvantage. We want to remove the barriers some of our complainants have in accessing our service and making complaints.

Our legal duties

Anyone providing services to the public or a section of the public, or carrying out public functions, who find that there are barriers to people with disabilities in the way they do things must consider making adjustments. If those adjustments are reasonable, they must be made.

The Equality Act 2010 requires us to provide reasonable adjustments for people who are “disabled”. Under the Act this means they have a “physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day to day activities”.

The duty is to make “reasonable adjustments” if the way that we carry out our functions places a disabled person at a “substantial disadvantage” compared to someone who does not have a disability.

We will do our best accommodate requests even if you don’t have a disability as defined by the Equality Act 2010.

What are reasonable adjustments?

Reasonable adjustments are not defined by the Act. There is a [Code of Practice](#) which gives guidance as to the kind of adjustments that could be made. Making a reasonable adjustment means making a change to our usual practices to avoid or correct a disadvantage to a person who has a disability in accessing our service. Depending on your needs, this could include:

- Providing documents or correspondence in larger print, or with a specific colour contrast (which may help people with conditions such as dyslexia)
- Giving you more time than would usually be allowed to provide further information or comments on their complaint
- Using the telephone rather than written communication (e.g. if you have a visual disability)
- Translating documents or correspondence into Braille
- Communicating with you through your representative or advocate
- Arranging for a single point of contact within the Local Authority
- Providing access to an 'Easy Read' version of key documents for those with a learning disability
- Providing access to a "Reader Friendly" version of key documents for those with dyslexia or other reading difficulties
- If you use British Sign Language (BSL) we might provide you with an interpreter

Asking for reasonable adjustments

When you first contact us, we will ask you if you have a disability and whether you might need an adjustment to help you use our service. But you can also ask for a Reasonable Adjustment at any time during our consideration of your complaint.

We will also suggest new or additional adjustments if we feel it might help you continue to make the best use of our service.

Our response to requests

Before agreeing an adjustment, we will consider:

- What the disadvantage would be if the adjustment were not made
- Whether the adjustment will be effective in reducing the disadvantage
- How practical it is to make it
- Whether it would disrupt our other activities unreasonably
- The cost and availability of resources, including external help and finance

We will try to agree a reasonable adjustment with a minimum of delay. In some cases we may need to consider the request in more detail.

There may be circumstances where we decide not to meet the request. The law says that an adjustment only has to be made if it is "reasonable". We need to take account of the cost or resource implications of making the adjustment, whether the request itself is reasonable and whether there is a less expensive way of meeting the request. Where it is very difficult to provide the adjustment or meeting it would interfere with our ability to meet our legal obligations, we may decide it is not "reasonable".

We will look at each request individually and will aim to agree any adjustments with you to avoid us making incorrect assumptions about your needs. Where we do not agree an adjustment, we will explain why. When we agree a reasonable adjustment we will let you know in writing.

Other actions we take

- We publish this policy on our website.
- We make sure that our staff are aware of their responsibilities.
- We include a statement in our leaflet that invites people to contact us if they need us to adapt the way we communicate.
- We regularly review our casework to see if we are putting our commitments as set out in this policy into practice

Appendix 3: Unreasonable Behaviour Policy

[Unreasonable Behaviour Policy 2025](#)

Appendix 4: Adult Social Care Complaints Procedure

We are always looking for ways to improve the services we offer to you. You have a right to make a complaint if you are not happy with services you received from Adult Social Care.

Who can complain?

- Individuals accessing support from Adult Social Care
- Someone for whom the Council has a power or duty to provide or secure the provision of a service, and this need for a service has come to the attention of the Council;
- People whose needs have been the subject of an assessment within one or more of Adult Social Care Services.
- People whose possible need for a service has been notified to the service area.
- People who wish to dispute the service's assessment of their mental capacity.
- Someone in receipt of direct payments from the Council for services.
- Family members, friends, carers, advocates or representatives of people in any of these groups, providing that it is established as far as possible that the customer who uses our services agrees with the complaint.
- People who are or might be affected by an action or decision which is the subject of a complaint.

Where the complaint is being made on behalf of another person:

- Herefordshire Council will consider representations including complaints made to us by any customer or third party who is contacting us on the customer's behalf.
- Where the customer who uses our services has capacity (i.e. the ability to receive, understand and process information given and can make a decision) then written permission should always be obtained.
- Where the customer lacks capacity (within the meaning of the Mental Capacity Act 2005) then Power of Attorney documentation should be requested.
- We will also consider representations from Formal Authorised Representatives.
- The Council must be satisfied the person making the complaint is a suitable person and is making the complaint in the best interests of the person on whose behalf the complaint is being made.
- Responses will be proportionate based on the individual circumstances of the case.

How do I make a complaint?

The Complaints Team is there to explain to you what will happen with your complaint. You can contact them by:

- Telephone; 01432 260 535
- E-mail; complaints@herefordshire.gov.uk
- Post; Complaints Team, Herefordshire Council Offices, Plough Lane, Hereford, HR4 0LE
- Online; [Get involved – Herefordshire Council](#)

You are entitled to have the support of an advocate and we can help you get in touch with one.

Complaints made on behalf of an individual with written permission?

- A person providing care to a customer who uses our services without being employed for that purpose (private carer).
- Family member of relative of the customer
- Any other person having sufficient interest in the customers wellbeing to warrant their making representations on their behalf (staff may make a complaint on behalf of a customer who uses our services, where there is no other person able to do so and there is a duty of care).

What can I complain about?

- An unwelcome or disputed decision;
- Concern about the quality or appropriateness of 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;

What happens to my complaint?

All complaints are looked at individually.

You should make a complaint as soon as it happens, if you report it more than a year after, it may not be looked at. This doesn't mean that you shouldn't let us know about things that happened more than one year ago.

If we will not look at a complaint you will be told the reasons why and also about your right to contact the Local Government Ombudsman. Find out more at www.lgo.org.uk.

An initial assessment of the complaint is completed to determine the issues, the severity and the potential impact and to identify any other organisations that may be involved.

Either through the acknowledgement or by means of direct contact, the Complaints Team will in the first instance, if appropriate, offer the complainant the opportunity to discuss the matter or to establish your desired outcomes. We aim to acknowledge your complaint within 5 working days.

Herefordshire Councils Adult Statutory complaint process is a one stage process; however, if we can resolve your concerns within 24 hours, it does not need to follow this formal process.

Your complaint will be investigated by a manager. Following the investigation, a copy of the investigation report is submitted to the Service Manager who will respond to the complaint within a mutually agreed timescale, which will be no longer than 20 working days.

If you remain dissatisfied with the response you have received you can then contact the Local Government and Social Care Ombudsman www.lgo.org.uk

Appendix 5: SEND Complaints Procedure

If your complaint is about your Education Health and Care (EHC) Needs Assessment or Plan, you can complain to Herefordshire Council. If you disagree with a decision about your EHC Needs Assessment or Plan, you can appeal to the SEND Tribunal.

If you are unhappy about the contents of your child's EHC plan, you can ask the SEN Team to change it. You can do this if you have recently received a draft EHC plan, or at an annual review.

If there has been a sudden or unexpected change in circumstances (for example if a child's needs have changed significantly), you could ask for your child's SENCO to carry out an early annual review.

You will be sent a draft copy of your child's EHC Plan. You can request changes or amendments before it is finalised and can ask to meet with a member of the SEN Team to discuss the content of the Plan.

If you cannot find a resolution, you can also contact impartial services, for advice or support to help you resolve any disagreements.

If you are still unhappy with the final EHC plan, or if the Local Authority refuses to amend an EHC plan following an annual review or re-assessment, the next step is formal mediation (you have the option to decline this). You then have the right to appeal to the SEND Tribunal whether or not you attend a mediation meeting.

Information advice and support

The [Herefordshire and Worcestershire Special Educational Needs Disabilities \(SEND\) Information Advice and Support Service \(SENDIASS\)](#) provides impartial information, advice and support on all matters relating to children and young people with SEND.

This service is free, accessible and confidential; provided at 'arm's length' from Herefordshire Council.

They can provide information around the following areas in relation to SEND:

- rights, roles and responsibilities
- health and social care processes, regulations and guidance
- support from other agencies and organisations

They can also support to families in:

- managing mediation appeals, to the First-tier Tribunal
- exclusion from school
- liaising between you, your nursery, school or college and other professionals

Young people up to age 25 can access the service independently from their parents if they wish to do so.

They may offer one to one support by telephone, email or meetings depending on your circumstances.

[Parent Carer Voice \(PCV\)](#) work strategically with the local authority and the NHS to develop services for families of children and young people with additional needs. They can also provide peer support to families.

Local Resolution

In the first instance, it is likely that Herefordshire Council's SEN Team can answer questions and provide support when your child is going through a statutory assessment or already has an Education, Health and Care Plan (EHCP). When we receive your complaint, we will offer you a resolution meeting with the aim to resolve your query in a restorative and timely manner.

Alternatively, depending on the nature of your query, please contact either the Assessment Team, Review Team or Assistants Team in the first instance. All their contact details are below.

EHCP Assistant Team contact details

The EHCP Assistants monitor and track processes to ensure information is received and logged accurately. They also send out requests for information and process funding changes. Families can contact the EHCP Assistant Team with general enquiries about EHCP processes. Telephone: 01432 383196

SEN Assessment Team contact details

Contact this team for all enquiries before a first EHC plan is issued. Requests for assessment and finalising the first EHCP is completed by this team. If a child or young person with an EHCP moves into Herefordshire, this will also be dealt with by the assessment team.

Address: SEN Assessment Team, Herefordshire Council, Plough Lane, Hereford HR4 0LE Telephone: 01432 383679

SEN Review Team contact details

Contact this team for all enquiries relating to a child or young person with an existing EHC Plan. This includes all annual review queries, phase transfers and ceasing plans. Telephone: 01432 383331

Complaints

The council can investigate complaints that we have failed to properly support a child's special educational needs (SEN).

This includes:

- delay in assessing a child and issuing an education health and care (EHC) plan
- failing to implement an EHC plan
- failing to carry out a timely annual review
- failing to arrange and maintain the specified provision including arranging a school placement.

We follow the corporate complaints process for these complaints.

Herefordshire Council cannot investigate complaints about issues covered by the SEND Tribunal.

Please send your complaint to;

- complaints@herefordshire.gov.uk
- 01432 260 535
- Complaints Team, Herefordshire Council Offices, Plough Lane, Hereford, HR4 0LE

There are 2 stages to the SEND complaints procedure:

Stage 1

We register and acknowledge your complaint and agree and confirm your complaints with you.

We will then pass your complaint to a member of staff from the service area to investigate and respond. They may contact you to talk about your complaint in more detail and will provide a written response, aiming to resolve your problem in a maximum of 20 working days.

If you're unhappy with the result of stage 1, please contact us by email at complaints@herefordshire.gov.uk or call 01432 260 535 within 20 working days of our response, explaining why you are still unhappy and what you would like to happen.

Stage 2

We will ask the Head of Service from the service area to look at your complaint again and check that we have done everything we can to try to solve your problem.

We will aim to reply to you within 20 working days, however where a complaint is more complex to review this can be extended to 40 working days.

I'm still unhappy

If you are still unhappy you can contact the or you are not satisfied with the handling of the complaint (at any stage), you can ask for the [Local Government and Social Care Ombudsman](#) to review the matter and give you independent advice on your complaint.

Data protection

We will share information you give us with the part of the Council you name and other outside agencies. When you make a complaint we may get in touch with you to talk about it. If you would like to know more please contact the Complaints Manager by email complaints@herefordshire.gov.uk or call 01432 260 535

Appeal to the SEND Tribunal

The [Special Educational Needs and Disability \(SEND\) Tribunal](#) handles appeals against local authority decisions about special educational needs.

If you are unhappy about the content of an EHC plan you have the right of appeal within two months of the final EHC Plan being issued.

If you disagree with a decision not to make an EHC needs assessment, reassessment or changes to a plan, or to end an EHC plan you also have the right to appeal.

Before you register an appeal, you must contact an independent mediation adviser.

If you decide not to try to resolve the disagreement through mediation, the mediation adviser will provide a certificate so that you can register an appeal. Your right to appeal is not affected by the mediation process.