

INDEPENDENT COMPLAINTS ASSESSOR

c/o Department for Transport

FAO: Cllr Vanessa Glenn, Chair
Miss Sal Robinson, Clerk

By email to: chideock@dorset-aptc.gov.uk

(During the period of Covid-19 lockdown, it is regretted that postal communication is not possible, and all contact should be made by email to: ica.stephen-shaw@dft.gov.uk or by text and voicemail to: 07585 997505.)

Our reference: 193 (20/21) 24 November 2020

Dear Cllr Glenn/Miss Robinson

COMPLAINT AGAINST HIGHWAYS ENGLAND

This is formal confirmation that I have been informed by Highways England that you have asked to have for your complaint against the company to be reviewed by an independent complaints assessor (ICA). I am one of the two ICAs contracted by the Department for Transport, and your case has been referred to me. I have also received a file of documents relating to your complaint.

As ICAs we work flexibly, allocating approximately three days per week to DfT cases and operating from home. We prefer to communicate by email as it is the quickest and most efficient means of exchanging information, but please let me know if you would prefer terrestrial post.

I have attached a summary of my jurisdiction as an ICA to this acknowledgement.

I would be grateful if you could confirm safe receipt of this letter.

With good wishes.

Stephen Shaw
Independent Complaints Assessor

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Annex: ICA jurisdiction

As Independent Complaints Assessor I am appointed to act in an independent capacity to examine and report on the complaint and, if necessary, to make recommendations, although I have no power to enforce these.

In looking at the case, I am solely concerned with the manner in which it has been handled, whether the delivery body has met its obligation to be fair and whether or not anything which its staff have done or omitted to do can be said to amount to maladministration.

I do consider:

- I. the extent to which the delivery body has met its obligation to be fair, even handed and efficient in its relationship with the public; and
- II. whether, and if so to what extent, there has been any form of maladministration, for example, mistaken action or omission, unreasonable delay, withholding of information, giving wrong advice, giving wrong information or discourtesy either in dealing with the initial case or in the handling of the complaint.

I do not consider (in the sense that I do not evaluate):

- I. the policies, laws and regulations governing the activities of the delivery body; or
- II. any right of appeal a complainant might have in order to challenge any such policies, laws or regulations; or
- III. the clinical decisions of medical staff or of specialist medical advisory panels.

I cannot change:

- Matters of government, departmental or delivery body policy.
- Decisions where there is a specific right of determination by any court, tribunal or other body with specific jurisdiction over the matter, for example a decision by the DVLA to revoke a driving licence.

(The full terms of reference are reproduced in the ICA annual report:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/917998/dft-independent-complaints-assessor-report-2019-2020.pdf.)