

East Devon District Council Complaints Policy and Procedure

1. Policy Statement

1.1 We pride ourselves on delivering high quality, value for money services in East Devon and are committed to providing what you need, in the way you want and to the standard you expect.
We believe that dealing effectively with complaints is essential to providing good services.

2. Purpose

2.1 The purpose of this document is to:

- Define what a complaint is, and who can make a complaint.
- Explain how to make a complaint.
- Explain the process we will follow when dealing with a complaint so that everyone knows what they can expect.
- Set out how we will monitor complaints, use information to improve services and identify training needs.

2.2 Our guiding principles

- We will put the customer at the heart of the process, showing empathy and understanding for the issues they raise.
- We will treat all complaints seriously with an honest and open mind and do everything we can to deal with them efficiently and effectively
- We will be open minded and flexible in our approach while operating within our process.
- We will say sorry if we have made a mistake, or something has gone wrong, and we will put it right as soon as possible.
- We will aim to resolve complaints at the earliest opportunity.
- Our responses will be open and honest, based on the evidence available, address all elements of the complaint, and provide clear explanations for decisions made.
- We will ensure our procedure is equally accessible irrespective of age, disability, gender, sexual orientation, race, religion or belief.
- We will provide effective support, guidance and advice about advocacy, conciliation or mediation services.
- We will use complaints information in a positive way to identify training requirements, improve processes, and share learning to prevent similar occurrences in the future.

3. What is a complaint?

3.1 We define a complaint as:

An expression of dissatisfaction, however made, about the standard of service, actions or lack of actions by the authority, or those acting on our behalf, affecting an individual or a group of individuals.

3.2 A complaint could be in relation to any of the following examples:

- We have made a mistake in the way we have provided a service.
- There has been a delay in providing a service.
- We have failed to deliver a service – this could relate to quality, standard or service level.
- Our processes or policy have not been followed.
- Our legal or regulatory requirements have not been met.
- We have not delivered to a commitment or promise.
- Our staff have been rude and unhelpful or not conducted themselves correctly.

This is not an exhaustive list.

4. What is not a complaint?

4.1 Service requests:

In many cases we can resolve an issue very quickly – by putting the problem right straight away. We consider these types of cases as service requests.

An example might be where a refuse team has not picked up a customer's bin, but once the team is made aware of this the bin is picked up on the same day.

However, when a customer is unhappy about the way that a service issue or request was handled, this will be dealt with under the EDDC Complaints Procedure. A formal complaint will be triggered by resident dissatisfaction even if the handling of the service request remains ongoing,

Where we decide not to accept a complaint, we will provide an explanation setting out the reasons why this matter is not suitable for the complaints procedure and refer the complainant to the relevant ombudsman

4.2 Complaints about policies

Some complaints are expressions of dissatisfaction with government or local policies, as opposed to our failure to meet service standards.

We will do our best to explain the policy and the reasons for it. However, if the customer remains dissatisfied with the policy they may be directed to their MP and /or their local councillor for further discussions depending on whether this is national or local policy.

4.3 Survey responses:

An expression of dissatisfaction with services made through a survey is not defined as a complaint but, where possible, respondents will be made aware of how to pursue the matter through our complaints procedure.

4.4 Appeals or legal proceedings:

An appeal is where a request is submitted to change a decision that has been made.

For some services there are alternative statutory appeal or tribunal processes in place which must be used rather than the complaints procedure. These services include:

- Appeals against the refusal of planning permission or planning enforcement.
- Appeals against statutory notices.
- Parking appeals.
- Housing benefit appeals.
- Homelessness decisions.

Where legal proceedings have started (a claim form or particulars of a claim have been filed at court), this matter will not be considered through our formal complaint procedure.

Where the subject of a complaint is covered by specific regulatory procedures, it must be dealt with through those procedures. However, when a customer is unhappy about the way that an appeal or tribunal matter was handled, for example a delay in preparing the Council's submission to a tribunal or appeals panel, this should be dealt with under this complaints procedure. If the complaint is about the attitude of staff when handling an appeal or tribunal matter this falls under our East Devon District Council Complaints Procedure.

4.5 Previously considered or timed-out complaints:

A complaint will not normally be considered if the issue being complained about occurred more than twelve months ago and the council has not received contact about it during this time. We will also not consider complaints that have previously been considered under this procedure.

4.6 Anonymous complaints

Anonymous complaints will not be considered unless they relate to serious or significant matters affecting public safety. Any decision to consider an anonymous complaint will be at the discretion of the Monitoring Officer.

4.7 Complaints about Councillors

The Council is very keen to make sure elected members uphold good standards of behaviour. If you believe that a Town, Parish or District councillor has done something they shouldn't and failed to comply with the Code of Conduct for elected councillors, there is information on our website about how you can pursue a complaint with the council's Monitoring Officer.

In all cases, a complaint will be considered on merit and taking into account the specific circumstances of the case. The council will not take a blanket approach to excluding complaints.

5. Who can make a complaint?

5.1 Anyone who uses or is affected by our services can make a complaint:

5.2 A complaint can also be made by:

- A representative acting on behalf of someone who is unable to make the complaint themselves because of physical or mental incapacity.
- A representative where they have been asked to act on behalf of a customer.
- A representative acting on behalf of someone who has died.

For complaints made by a representative we have to comply with the following legal requirements:

- 1 We must have written authority from the customer (or from their executor or administrator of their estate) to deal with the representative acting on their behalf (Data Protection requirements).
- 2 We will only deal with a complaint made by a representative of someone because of physical or mental incapacity if we are satisfied that it is being pursued in the best interest of the customer.
- 3 We will use the term mental incapacity as defined by the Mental Capacity Act 2005.

5.3 Complaints received via Councillors or MPs

Where Councillors or MPs make a complaint on behalf of a constituent, we will deal with the complaint following our normal processes and keep the Councillor or MP informed of progress. Where appropriate, we will seek the complainant's consent to consider the referred complaint.

5.4 How can complaints be made?

Customers can make a complaint in a way that best suits them. We encourage any customer who has a concern about a particular service to make contact with us straight away. Early complaints give us the best opportunity to resolve an issue quickly.

Complaints can be made:

- Online [Make a complaint - East Devon](#)
- by email complaints@eastdevon.gov.uk
- in writing [EDDC, Border Road, Heathpark Industrial Estate, Honiton EX14 1EJ](#)

We encourage complaints to be made in written form as this ensures that we correctly understand the nature of the complaint and that all key areas are covered. However, where a complainant is unable to communicate with us in this form,

we will accept a complaint over the phone or in person. Where we do so, we will confirm our understanding of the complaint in writing. We will consider our duties under the Equality Act 2010 and make reasonable adjustments for complainants in order to enable them to access our complaints process.

All staff are aware of the council's complaints procedure and can take details of a complaint directly. They can then refer the matter to the council's complaints team who will progress the complaint.

5.5 Complaints received on social media

We will ask the customer whether or not they would like to make an official complaint and provide them with relevant links and information to do so.

6. Roles and Responsibilities

Cabinet	Consider annual performance monitoring report and learning identified from upheld complaints
Scrutiny	Receive a copy of annual performance monitoring report and learning identified from upheld complaints
Executive Leadership Team ELT	Twice yearly updates on complaint performance including complaint numbers, outcomes and learning
Ombudsman Link Officer	The Information Governance Manager acts as the link between the authority and the Local Government and Social Care Ombudsman and the Housing Ombudsman
Information and Complaints Team	Team assigned with responsibility for complaint handling, including ombudsman link role
Employees	All employees should be aware of the complaints procedure and how to recognise a complaint and deal with it appropriately
Housing Complaints only	
Housing Review Board HRB	Receive copy of annual performance monitoring report, specific to Housing complaints, and learning identified from upheld complaints
Member responsible for complaints MRC	The Portfolio Holder for Housing will act as the Member responsible for complaints to champion a positive complaint handling culture
Housing performance lead	Works closely with service managers to track and monitor compliance with complaint outcomes

7. Complaint procedure

7.1 The Council has a two stage complaints procedure.

Our formal complaints procedure process begins where the customer is not satisfied with our immediate resolution, or where they specifically make a formal complaint.

7.2 Stage 1

The complaint will be acknowledged within 5 working days and we will explain the procedure and timescales for responding. We will also outline any aspect of the complaint which we cannot consider.

The complaint will be investigated by an appropriate officer, usually the Assistant Director for the service or the Service Lead where there is no Assistant Director, with input from other officers as required. A response will be prepared and sent to the complainant within 10 working days of acknowledgement, where this is practical, but where this is not possible due to the complexity of the matter to which the complaint relates or other exceptional or unforeseen circumstances, we will

make this known to the complainant and provide an indicative timescale when a full response will be provided. This correspondence will include contact details for the relevant Ombudsman.

The stage 1 response will include:

- A definition and description of the complaint
- The decision on the complaint
- The reasons for any decision made
- Details or any remedy offered to put things right
- Details and timescale for any outstanding actions
- Details of how to escalate the complaint to stage 2 if the individual is not satisfied. This should be within one month

7.3 Stage 2

The complaint will be acknowledged at stage 2 by the council's complaints team within 5 working days.

The complainant will be encouraged to detail the reasons why they believe their complaint has not been resolved in order that the stage 2 investigation can be focused on the specific outstanding elements of the complaint. However, we will not unreasonably refuse to progress a complaint if this information has not been provided and will take reasonable steps to understand why a complainant remains unhappy. We will not refuse to escalate a complaint unless we have valid reasons for doing so and will clearly explain these reasons.

Complaints at this stage will be investigated by an appropriate officer, usually the Director responsible for the service area. A response will be prepared and sent to the complainant within 20 working days of acknowledgement, where this is practical, but where this is not possible due to the complexity of the matter to which the complaint relates or other exceptional or unforeseen circumstances, we will make this known to the complainant and provide an indicative timescale when a full response will be provided. This correspondence will include contact details for the relevant Ombudsman. When a response is provided, this will be the council's final response.

The stage 2 response will include:

- A definition and description of the matters considered
- The decision on the complaint
- The reasons for any decision made
- Details or any remedy offered to put things right
- Details and timescale for any outstanding actions
- Details of how to escalate the complaint to the appropriate Ombudsman if the individual is not satisfied.

8. What about when we get it wrong?

8.1 When a complaint is found to be justified the Council will set out the actions we have already taken and those we intend to take to put things right. These can include:

- Apologising
- Acknowledging where things have gone wrong
- Providing an explanation, assistance or reasons
- Taking action if there has been a delay
- Reconsidering or changing a decision
- Providing a financial remedy
- Reviewing or changing policies/procedures or practices
- Apologise to the complainant(s)
- Explain what has been/will be done to put the mistake right.
- Explain how the error occurred and what has been done to prevent it happening again.

8.2 Remedies

Any remedy offered will reflect the impact on the complainant(s) of any fault identified and will be in accordance with our published Compensation Policy, see Annex B

9. Local Government Ombudsman

If a customer is not happy with the way in which we handled their complaint or with our response, they may ask the Local Government Ombudsman to look into their complaint. The Ombudsman will not normally look into a complaint if we have not had an opportunity to resolve it through our own complaints process first.

Enquiries from the Local Government Ombudsman will in most cases be co-ordinated by the Council's Complaints Officer working with the relevant service area.

In cases where the Ombudsman has recommended redress, we are committed to following the advice and timescales of the Ombudsman to the best of our ability.

10. Housing Ombudsman

Complaints about social housing (landlord/tenant issues) may be referred to the Housing Ombudsman if a complainant remains dissatisfied with the Council's response. A complainant may also choose to refer their complaint to an EDDC Councillor, their MP or to the council's Housing Support Complaint Panel

11. Confidentiality

We will maintain the confidentiality of all personal customer information, and not disclose it outside of the Council without the prior permission of the customer, unless legally obliged to do so.

12. Reporting and learning from complaints

12.1 We are committed to learning from complaints and using complaints information to drive efficiencies and service improvements.

We will keep records on each complaint received including:

- Type of complaint
- Complaint outcome and lessons learned
- Timescales agreed
- Whether timescales were met

We will produce an annual complaints performance and service improvement report for Executive Leadership Team, Housing Review Board (Housing complaints only) and Cabinet which will include:

- Our annual self-assessment against the Ombudsmen's complaint handling codes
- An analysis of our complaint handling performance
- Any findings by the Ombudsmen
- Service improvements identified as a result of the learning from complaints

13. Equality duty

We make sure that we meet the requirements of the [Equality Act 2010](#) and the [Public Sector Equality Duty](#). This includes making sure we consider adjustments for people with protected characteristics

14. Unreasonable customer behaviour

We will process complaints in line with our Complaints procedure and will make every effort to achieve a satisfactory outcome for each customer.

Unfortunately, in a minority of cases people pursue their complaints in a way that is unreasonable. In some instances, this can have a negative impact on the handling of their complaint. It can also have a significant impact on our resources and

on our ability to provide services to our other customers. In these cases consideration will be given to taking action under our Policy for dealing with unreasonable customer behaviour, See Annex A

Procedure Review Date
April 2026

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