

Report to: Cabinet



Date of Meeting 5 June 2024

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

Housing Ombudsman self-assessment and complaint procedure update

Report summary:

This report covers 2 key areas:

The Housing Service self-assessment against the Housing Ombudsman's complaint handling code, which became statutory on 1st April 2024

Updates to the corporate complaints policy and procedure to ensure compliance with the updated code and the code produced by the Local Government and Social Care Ombudsman

Is the proposed decision in accordance with:

Budget Yes No

Policy Framework Yes No

Recommendation:

It is recommended that Cabinet

1. Note and agree the procedure updates and compliance with the Housing Ombudsman code of practice in complaint handling.
2. Approve the appointment of the Portfolio Holder for Sustainable Homes and Communities to the role of Member Responsible for Complaints (MRC) for Housing complaints.

Reason for recommendation:

The council, as social housing landlord, must demonstrate compliance with the Housing Ombudsman's code by 30 June 2024 and has made amendments to the corporate complaints procedure and policy to ensure that we are fully compliant.

Officers:

Melanie Wellman – Monitoring Officer mwellman@eastdevon.gov.uk

Amy Gilbert-Jeans –Housing Performance Lead agilbertjeans@eastdevon.gov.uk

Kate Symington – Information Governance Manager ksymington@eastdevon.gov.uk

Portfolio(s) (check which apply):

- Climate Action and Emergency Response
- Coast, Country and Environment
- Council and Corporate Co-ordination
- Communications and Democracy
- Economy
- Finance and Assets

- Strategic Planning
- Sustainable Homes and Communities
- Culture, Leisure, Sport and Tourism

Equalities impact Medium Impact

It is important that the council's complaints procedure is accessible to all so that no individual is prevented from being able to complain, should they need to. An Equality Impact Assessment has been carried out.

Climate change Low Impact

Risk: Medium Risk; The Housing Ombudsman complaint handling code is now referred to as part of changes that have come in since the introduction of the Social Housing (Regulation) Act. The Council is at risk of being non-compliant with Regulation if the code is not met.

Links to background information [The Complaint Handling Code | Housing Ombudsman Service \(housing-ombudsman.org.uk\)](https://housing-ombudsman.org.uk)

Link to [Council Plan](#)

Priorities (check which apply)

- Better homes and communities for all
- A greener East Devon
- A resilient economy

Report in full

1. The annual completion of the council's self-assessment against the Housing Ombudsman's complaint handling code has been carried out by the Information Governance Manager and the Housing Performance Lead. The opportunity has also been taken to update the complaints procedure and associated documents.
2. The update to the code is a significant one with the Social Housing (Regulation) Act 2023 now placing a duty on the Housing Ombudsman to monitor compliance with the statutory complaint handling code. This means that the Housing Ombudsman is required to ensure that all landlords meet the standards set out in the code for complaint handling.
3. With some minor revisions made to the complaints procedure and associated documents, the council is able to continue to demonstrate compliance with the requirements of the code but we recognise that there are still some areas where compliance with response timescales is challenging and this is an area that we are continuing to monitor and focus on in order to drive improvement.
4. As has been done in previous years, the council is required to submit its self-assessment of the code to the Housing Ombudsman, in addition for this year we also have to publish it on our website by 30 June 2024.
5. It should be noted that complaints which do not fall within the jurisdiction of the Housing Ombudsman (any non-housing complaints and also any complaints relating to allocations and housing priority) will be considered by the Local Government and Social Care Ombudsman who has recently published a complaint handling code which is similar in most respects to the Housing code. There is however currently no statutory requirement for us to demonstrate compliance with this code. Instead, authorities are encouraged to adopt the code into working practices. It is likely that this will become a statutory requirement from

April 2026. This is why it is felt appropriate to make broader changes to our procedures at this time so that we can ensure compliance from an early stage.

6. The Housing Ombudsman code of practice requires the council to appoint an elected Member responsible for Housing complaints and further guidance produced by the Housing Ombudsman states that this person should be the Councillor with oversight in the Cabinet for Housing. It is therefore considered appropriate for this to be the Portfolio Holder for Sustainable Homes and Communities.
7. We have identified a need for better staff training around the complaints procedure and in recognising a complaint and signposting complainants. We will be investigating how we can potentially include something within the mandatory suite of training for all staff and how we can enhance that with training directly from the Housing Ombudsman for key staff.
8. Our corporate complaints procedure has been amended to ensure compliance with the complaint handling codes of the Housing and Local Government Ombudsmen and identifies the key officers/members and committees responsible for ensuring ongoing compliance and improvement.
9. Our procedure for dealing with unreasonable customer behaviour has been updated to ensure it refers to equalities legislation and that this is built into our decision-making. The process also now specifically refers to the subject's right to a review of the initial decision. This policy takes into account updated guidance recently published by the Local Government Ombudsman. The term "customer" is used in the context of this policy to ensure that we encapsulate all service users who may wish to complain to the council as these may not always be residents.

Financial implications:

There may be financial implications arising from the more detailed guidance being produced in relation to complaint compensation. As part of our commitment to developing a positive complaint culture, it is important to be realistic and consistent compensation awards are made where service failure is identified

Legal implications:

None

Appendix A: Self-assessment form

This self-assessment form should be completed by the complaints officer, and it must be reviewed and approved by the landlord's governing body at least annually.

Once approved, landlords must publish the self-assessment as part of the annual complaints performance and service improvement report on their website. The governing body's response to the report must be published alongside this.

Landlords are required to complete the self-assessment in full and support all statements with evidence, with additional commentary as necessary.

We recognise that there may be a small number of circumstances where landlords are unable to meet the requirements, for example, if they do not have a website. In these circumstances, we expect landlords to deliver the intentions of the Code in an alternative way, for example by publishing information in a public area so that it is easily accessible.

Section 1: Definition of a complaint

Code provision	Code requirement	Comply: Yes / No	Evidence	Commentary / explanation
1.2	<p>A complaint must be defined as:</p> <p><i>‘an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the landlord, its own staff, or those acting on its behalf, affecting a resident or group of residents.’</i></p>	YES	Complaints procedure para 3.1	<p>Complaints procedure definition:</p> <p><i>“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.”</i></p>
1.3	<p>A resident does not have to use the word ‘complaint’ for it to be treated as such. Whenever a resident expresses dissatisfaction landlords must give them the choice to make complaint. A complaint that is submitted via a third party or representative must be handled in line with the landlord’s complaints policy.</p>	YES	Complaints procedure para 5.2	<p>A complaint can also be made by:</p> <ul style="list-style-type: none"> • 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. <p>For complaints made by a representative we have to comply</p>

				<p>with the following legal requirements:</p> <ul style="list-style-type: none"> • 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). • 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. • We will use the term mental incapacity as defined by the Mental Capacity Act 2005
1.4	Landlords must recognise the difference between a service request and a complaint. This must be set out in their complaints policy. A service request is a request from a resident to the landlord requiring action to be taken to put something	YES	Complaints procedure para 4.1	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.

	<p>right. Service requests are not complaints, but must be recorded, monitored and reviewed regularly.</p>			<p>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.</p> <p>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.</p>
1.5	<p>A complaint must be raised when the resident expresses dissatisfaction with the response to their service request, even if the handling of the service request remains ongoing. Landlords must not stop their efforts to address the service request if the resident complains.</p>	YES	Complaints procedure para 4.1	<p>A formal complaint will be triggered by resident dissatisfaction even if the handling of the service request remains ongoing</p>
1.6	<p>An expression of dissatisfaction with services made through a survey is not defined as a complaint, though wherever possible, the person completing the survey should be made aware of how they can pursue a complaint if they wish to. Where landlords ask for wider feedback about their services, they also must provide details of how residents can complain.</p>	YES	Complaints procedure para 4.3	<p>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</p>

Section 2: Exclusions

Code provision	Code requirement	Comply: Yes / No	Evidence	Commentary / explanation
2.1	Landlords must accept a complaint unless there is a valid reason not to do so. If landlords decide not to accept a complaint, they must be able to evidence their reasoning. Each complaint must be considered on its own merits	YES	Complaints procedure para 4.1	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
2.2	<p>A complaints policy must set out the circumstances in which a matter will not be considered as a complaint or escalated, and these circumstances must be fair and reasonable to residents. Acceptable exclusions include:</p> <ul style="list-style-type: none"> • The issue giving rise to the complaint occurred over twelve months ago. • Legal proceedings have started. This is defined as details of the claim, such as the Claim Form and Particulars of Claim, having been filed at court. • Matters that have previously been considered under the complaints policy. 	YES	Complaints procedure para 4.4 – 4.7	<p>An appeal is where a request is submitted to change a decision that has been made.</p> <p>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:</p> <ul style="list-style-type: none"> ▪ Appeals against the refusal of planning permission or planning enforcement. ▪ Appeals against statutory notices. ▪ Parking appeals. ▪ Housing benefit appeals. ▪ Homelessness decisions.

				<p>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.</p> <p>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.</p> <p>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.</p>
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				<p>We will deal with anonymous complaints where they involve individual or public safety, alleged corruption, waste or other impropriety and where we have sufficient information to allow an investigation to proceed.</p> <p>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.</p> <p>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</p>
2.3	Landlords must accept complaints referred to them within 12 months of the issue occurring or the resident becoming aware of the issue, unless they are excluded on other grounds. Landlords must consider whether to apply discretion to accept complaints made outside this time limit where there	YES	Complaints procedure para 4.7	<p>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</p>

	are good reasons to do so.			
2.4	If a landlord decides not to accept a complaint, an explanation must be provided to the resident setting out the reasons why the matter is not suitable for the complaints process and the right to take that decision to the Ombudsman. If the Ombudsman does not agree that the exclusion has been fairly applied, the Ombudsman may tell the landlord to take on the complaint.	YES	Complaints procedure para 4.7	
2.5	Landlords must not take a blanket approach to excluding complaints; they must consider the individual circumstances of each complaint.	YES	Complaints procedure para 4.7	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

Section 3: Accessibility and Awareness

Code provision	Code requirement	Comply: Yes / No	Evidence	Commentary / explanation
3.1	Landlords must make it easy for residents to complain by providing different channels through which they can make a complaint. Landlords must consider their duties under the Equality Act 2010 and anticipate the needs and reasonable adjustments of residents who may need to access the complaints process.	YES	Complaints procedure para 5.4 and 5.5	<p>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.</p> <p>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.</p> <p>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.</p> <p>For complaints received via social media, we will ask the customer whether or not they would like to make an official complaint and</p>

				provide them with relevant links and information to do so.
3.2	Residents must be able to raise their complaints in any way and with any member of staff. All staff must be aware of the complaints process and be able to pass details of the complaint to the appropriate person within the landlord.	YES	Complaints procedure para 5.4	Staff will receive an email to bring their attention to the Housing Ombudsman self-assessment annually. We will also publish guidance for staff on our intranet and introduce mandatory training for frontline staff in recognising a complaint and sign-posting complainants
3.3	High volumes of complaints must 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 residents are unable to complain.	YES	Complaints monitoring report Cabinet/HRB	Our reports demonstrate that our complaint numbers have risen significantly year on year, and we have a thorough recording process to ensure that all formal complaints and service requests are logged
3.4	Landlords must make their complaint policy available in a clear and accessible format for all residents. This will detail the two-stage process, what will happen at each stage, and the timeframes for responding. The policy must also be published on the landlord's website.	YES	Complaints procedure para 7	The procedure is available on our website and our correspondence with complainants refers to this and outlines the two-stage process
3.5	The policy must explain how the landlord will publicise details of the complaints policy, including information about the Ombudsman and this Code.	YES		
3.6	Landlords must give residents the opportunity to have a representative deal with their complaint on their behalf, and to be	YES	Complaints procedure para 5.2	A complaint can also be made by: <ul style="list-style-type: none"> ▪ A representative acting on

	<p>represented or accompanied at any meeting with the landlord.</p>			<p>behalf of someone who is unable to make the complaint themselves because of physical or mental incapacity.</p> <ul style="list-style-type: none">▪ A representative where they have been asked to act on behalf of a customer.▪ A representative acting on behalf of someone who has died. <p>For complaints made by a representative we have to comply with the following legal requirements:</p> <p>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).</p> <p>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.</p> <p>We will use the term mental incapacity as defined by the Mental Capacity Act 2005</p>
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3.7	Landlords must provide residents with information on their right to access the Ombudsman service and how the individual can engage with the Ombudsman about their complaint.	YES	Complaints procedure para 10	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
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Section 4: Complaint Handling Staff

Code provision	Code requirement	Comply: Yes / No	Evidence	Commentary / explanation
4.1	Landlords must have a person or team assigned to take responsibility for complaint handling, including liaison with the Ombudsman and ensuring complaints are reported to the governing body (or equivalent). This Code will refer to that person or team as the 'complaints officer'. This role may be in addition to other duties.	YES	Information and Complaints Team Performance Lead (Housing)	Newly created Performance Team in Housing will oversee the details of complaints and will be highlighting learnings and improvements required. The Housing Performance Lead will work closely with the Housing Service Managers to ensure accountability and that learning from complaints is being implemented.
4.2	The complaints officer must have access to staff at all levels to facilitate the prompt resolution of complaints. They must also have the authority and autonomy to act to resolve disputes promptly and fairly.	YES	Information Governance Manager Performance Lead (Housing)	The Performance Lead (Housing) is directly accountable to the Director of Housing, Health and Environment and therefore has the autonomy to resolve issues promptly.
4.3	Landlords are expected to prioritise complaint handling and a culture of learning from complaints. All relevant staff must be suitably trained in the importance of complaint handling. It is important that complaints are seen as a core service and must be resourced to handle complaints effectively	YES		Guidance on complaints will form part of core training for staff

Section 5: The Complaint Handling Process

Code provision	Code requirement	Comply: Yes / No	Evidence	Commentary / explanation
5.1	Landlords must have a single policy in place for dealing with complaints	YES	Complaints procedure	Our complaints procedure applies to all complainants, and

	covered by this Code. Residents must not be treated differently if they complain.			all are treated in the same way.
5.2	The early and local resolution of issues between landlords and residents is key to effective complaint handling. It is not appropriate to have extra named stages (such as 'stage 0' or 'informal complaint') as this causes unnecessary confusion.	YES	Complaints procedure paras 4.1 and 7	We have a clearly publicised two stage procedure and do not have an informal stage. We recognise the difference between a service request and a formal complaint
5.3	A process with more than two stages is not acceptable under any circumstances as this will make the complaint process unduly long and delay access to the Ombudsman.	YES	Complaints procedure para 7	We have a clearly publicised two stage procedure
5.4	Where a landlord's complaint response is handled by a third party (e.g. a contractor or independent adjudicator) at any stage, it must form part of the two stage complaints process set out in this Code. Residents must not be expected to go through two complaints processes.	YES	Complaints procedure	We would never refer a complainant to our contractor's complaints procedure directly. As landlord, we would not expect a resident to complain to the contractor direct
5.5	Landlords are responsible for ensuring that any third parties handle complaints in line with the Code.	N/A		Third parties do not handle complaints on the council's behalf
5.6	When a complaint is logged at Stage 1 or escalated to Stage 2, landlords must set out their understanding of the complaint and the outcomes the resident is seeking. The Code will refer to this as "the complaint definition". If any aspect of the complaint is unclear, the resident must be asked for clarification.	YES	Complaints procedure para 7	We clearly set out in our correspondence with complainants our understanding of their complaint

5.7	When a complaint is acknowledged at either stage, landlords must be clear which aspects of the complaint they are, and are not, responsible for and clarify any areas where this is not clear.	YES	Complaints procedure para 7 and template complaint response	Our template complaint response outlines that we will outline to residents what is being considered
5.8	At each stage of the complaints process, complaint handlers must: <ul style="list-style-type: none"> a. deal with complaints on their merits, act independently, and have an open mind; b. give the resident a fair chance to set out their position; c. take measures to address any actual or perceived conflict of interest; and d. consider all relevant information and evidence carefully. 	YES		
5.9	Where a response to a complaint will fall outside the timescales set out in this Code, the landlord must agree with the resident suitable intervals for keeping them informed about their complaint.	YES	Complaints procedure para 7	We routinely correspond with complainants where a deadline is not going to be met and explain the reasons for this and provide a more appropriate timescale for responding
5.10	Landlords must make reasonable adjustments for residents where appropriate under the Equality Act 2010. Landlords must keep a record of any reasonable adjustments agreed, as well as a record of any disabilities a resident has disclosed. Any agreed reasonable adjustments must be kept under active review.	YES	Complaints procedure para 13	We are committed to making our complaints procedure accessible to all. We will retain detail about reasonable adjustments and disability in line with our GDPR obligations, for as long as it is necessary to do so within our lawful basis for processing
5.11	Landlords must not refuse to escalate a complaint through all stages of the complaints procedure unless it has valid reasons	YES	Complaints procedure para 7	We will not prevent a complaint from progressing through the complaints procedure

	to do so. Landlords must clearly set out these reasons, and they must comply with the provisions set out in section 2 of this Code.			
5.12	A full record must be kept of the complaint, and the outcomes at each stage. This must include the original complaint and the date received, all correspondence with the resident, correspondence with other parties, and any relevant supporting documentation such as reports or surveys.	YES	Case management system	A comprehensive record of all complaints is maintained by our corporate complaints team
5.13	Landlords must have processes in place to ensure a complaint can be remedied at any stage of its complaints process. Landlords must ensure appropriate remedies can be provided at any stage of the complaints process without the need for escalation.	YES	Complaints procedure para 7 Compensation policy Stage 1 response template	We will consider fault at the first stage of the procedure and provide appropriate remedy at that stage and then this will be considered again at stage 2, if needed
5.14	Landlords must have policies and procedures in place for managing unacceptable behaviour from residents and/or their representatives. Landlords must be able to evidence reasons for putting any restrictions in place and must keep restrictions under regular review.	YES	Complaints procedure para 14 Unreasonable customer behaviour procedure	
5.15	Any restrictions placed on contact due to unacceptable behaviour must be proportionate and demonstrate regard for the provisions of the Equality Act 2010.	YES	Unreasonable customer behaviour procedure	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.

				<p>Some people may have difficulty expressing themselves or communicating clearly and/or appropriately. We will always consider the needs and circumstances that we have been made aware of, before deciding how best to manage the situation. This will include making reasonable adjustments. However, this does not mean we will tolerate abusive language, shouting, or other unacceptable behaviour or actions.</p> <p>If an individual with a protected characteristic becomes the subject of a restriction under this policy, we will consider whether the restriction may affect them more than someone without that characteristic. If this is the case, we may make different arrangements so they can still access the service.</p>
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Section 6: Complaints Stages

Stage 1

Code provision	Code requirement	Comply: Yes / No	Evidence	Commentary / explanation
6.1	Landlords must have processes in place to consider which complaints can be responded to as early as possible, and which require further investigation. Landlords must consider factors such as the complexity of the complaint and whether the resident is vulnerable or at risk. Most stage 1 complaints can be resolved promptly, and an explanation, apology or resolution provided to the resident.	YES	Complaints procedure para 7	We will always consider the most effective way to resolve a complaint and will do so as early as possible in the procedure
6.2	Complaints must be acknowledged, defined and logged at stage 1 of the complaints procedure <u>within five working days of the complaint being received.</u>	YES	Complaints procedure para 7	
6.3	Landlords must issue a full response to stage 1 complaints <u>within 10 working days</u> of the complaint being acknowledged.	YES	Complaints procedure para 7	We recognise that a heavy caseload can mean that we cannot respond to all complaints as quickly as we would like to but always keep complainants advised and provide reasonable expectations in terms of timescales for responding
6.4	Landlords must decide whether an extension to this timescale is needed when considering the complexity of the complaint and then inform the resident of the expected timescale for response. Any extension must be no more than 10 working days without good reason, and the reason(s)	YES	Complaints procedure para 7	

	must be clearly explained to the resident.			
6.5	When an organisation informs a resident about an extension to these timescales, they must be provided with the contact details of the Ombudsman.	YES	Complaints procedure para 7	
6.6	A complaint response must be provided to the resident when the answer to the complaint is known, not when the outstanding actions required to address the issue are completed. Outstanding actions must still be tracked and actioned promptly with appropriate updates provided to the resident.	YES	Complaint response template	We will outline any outstanding actions in our complaint response, with appropriate timescales. All actions will be tracked and monitored through to completion by the Housing Performance Team
6.7	Landlords must address all points raised in the complaint definition and provide clear reasons for any decisions, referencing the relevant policy, law and good practice where appropriate.	YES	Complaint response template	
6.8	Where residents raise additional complaints during the investigation, these must be incorporated into the stage 1 response if they are related and the stage 1 response has not been issued. Where the stage 1 response has been issued, the new issues are unrelated to the issues already being investigated or it would unreasonably delay the response, the new issues must be logged as a new complaint.	YES		
6.9	Landlords must confirm the following in writing to the resident at the completion of stage 1 in clear, plain language: a. the complaint stage; b. the complaint definition;	YES	Complaints procedure para 7 Complaint response template	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

	<p>c. the decision on the complaint; d. the reasons for any decisions made; e. the details of any remedy offered to put things right; f. details of any outstanding actions; and g. details of how to escalate the matter to stage 2 if the individual is not satisfied with the response.</p>			<p>of the complaint which we cannot consider.</p> <p>The complaint will be investigated by an appropriate officer, usually the Assistant Director for the service, 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.</p> <p>The stage 1 response will include:</p> <ul style="list-style-type: none">• 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
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				<ul style="list-style-type: none"> Details of how to escalate the complaint to stage 2 if the individual is not satisfied. This should be within one month
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Stage 2

Code provision	Code requirement	Comply: Yes / No	Evidence	Commentary / explanation
6.10	If all or part of the complaint is not resolved to the resident's satisfaction at stage 1, it must be progressed to stage 2 of the landlord's procedure. Stage 2 is the landlord's final response.	YES	Complaints procedure para 7	
6.11	Requests for stage 2 must be acknowledged, defined and logged at stage 2 of the complaints procedure within five working days of the escalation request being received.	YES	Complaints procedure para 7	
6.12	Residents must not be required to explain their reasons for requesting a stage 2 consideration. Landlords are expected to make reasonable efforts to understand why a resident remains unhappy as part of its stage 2 response.	YES	Complaints procedure para 7	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.
6.13	The person considering the complaint at stage 2 must not be the same person that considered the complaint at stage 1.	YES	Complaints procedure para 7	Assistant Director – stage 1 Director – stage 2
6.14	Landlords must issue a final response to the stage 2 within 20 working days of the complaint being acknowledged.	YES	Complaints procedure para 7	
6.15	Landlords must decide whether an extension to this timescale is needed when considering the complexity of the complaint and then inform the resident of the expected timescale for response. Any extension must be no more than 20 working days without good reason, and the reason(s) must be clearly explained to the resident.	YES	Complaints procedure para 7	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
6.16	When an organisation informs a resident about an extension to these timescales, they must be provided with the contact details of the Ombudsman.	YES		The above correspondence will include contact details for the relevant ombudsman
6.17	A complaint response must be provided to the resident when the answer to the complaint is known, not when the outstanding actions required to address the issue are completed. Outstanding actions must still be tracked and actioned promptly with appropriate updates provided to the resident.	YES		

6.18	Landlords must address all points raised in the complaint definition and provide clear reasons for any decisions, referencing the relevant policy, law and good practice where appropriate.	YES		
6.19	Landlords must confirm the following in writing to the resident at the completion of stage 2 in clear, plain language: a. the complaint stage; b. the complaint definition; c. the decision on the complaint; d. the reasons for any decisions made; e. the details of any remedy offered to put things right; f. details of any outstanding actions; and g. details of how to escalate the matter to the Ombudsman Service if the individual remains dissatisfied.	YES	Stage 2 template 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.
6.20	Stage 2 is the landlord's final response and must involve all suitable staff members needed to issue such a response.	YES	Complaints procedure para 7	Response is provided by most senior housing officer (usually the Director for Housing)

Section 7: Putting things right

Code provision	Code requirement	Comply: Yes / No	Evidence	Commentary / explanation
7.1	Where something has gone wrong a landlord must acknowledge this and set out the actions it has already taken, or intends to take, to put things right. These can include: <ul style="list-style-type: none"> Apologising; Acknowledging where things have gone wrong; Providing an explanation, assistance or reasons; Taking action if there has been delay; 	YES	Complaint template stage 1 Complaints procedure para 8	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

	<ul style="list-style-type: none"> • Reconsidering or changing a decision; • Amending a record or adding a correction or addendum; • Providing a financial remedy; • Changing policies, procedures or practices. 			<p>Providing an explanation, assistance or reasons</p> <p>Taking action if there has been a delay</p> <p>Reconsidering or changing a decision</p> <p>Providing a financial remedy</p> <p>Reviewing or changing policies/procedures or practices</p> <p>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</p>
7.2	Any remedy offered must reflect the impact on the resident as a result of any fault identified.	YES	Compensation policy	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.
7.3	The remedy offer must clearly set out what will happen and by when, in agreement with the resident where appropriate. Any remedy proposed must be followed through to completion.	YES	Complaint template	
7.4	Landlords must take account of the guidance issued by the Ombudsman when deciding on appropriate remedies.	YES	Compensation policy	Our compensation policy is based on the guidance produced by the ombudsman

Section 8: Putting things right

Code provision	Code requirement	Comply: Yes / No	Evidence	Commentary / explanation
8.1	<p>Landlords must produce an annual complaints performance and service improvement report for scrutiny and challenge, which must include:</p> <ul style="list-style-type: none"> a. the annual self-assessment against this Code to ensure their complaint handling policy remains in line with its requirements. b. a qualitative and quantitative analysis of the landlord's complaint handling performance. This must also include a summary of the types of complaints the landlord has refused to accept; c. any findings of non-compliance with this Code by the Ombudsman; d. the service improvements made as a result of the learning from complaints; e. any annual report about the landlord's performance from the Ombudsman; and f. any other relevant reports or publications produced by the Ombudsman in relation to the work of the landlord. 	YES	<p>Annual complaints monitoring report for Executive Leadership Team Cabinet Scrutiny Housing Review Board</p>	
8.2	<p>The annual complaints performance and service improvement report must be reported to the landlord's governing body (or equivalent) and published on the on the section of its website relating to complaints. The governing body's response to the report must be published alongside this.</p>			
8.3	<p>Landlords must also carry out a self-assessment following a significant</p>	YES		

	restructure, merger and/or change in procedures.			
8.4	Landlords may be asked to review and update the self-assessment following an Ombudsman investigation.	YES		The authority will comply with any request to do so
8.5	If a landlord is unable to comply with the Code due to exceptional circumstances, such as a cyber incident, they must inform the Ombudsman, provide information to residents who may be affected, and publish this on their website Landlords must provide a timescale for returning to compliance with the Code.	YES		The authority will make the ombudsman aware of any security incident which results in it being unable to comply with the code

Section 9: Scrutiny & oversight: continuous learning and improvement

Code provision	Code requirement	Comply: Yes / No	Evidence	Commentary / explanation
9.1	Landlords must look beyond the circumstances of the individual complaint and consider whether service improvements can be made as a result of any learning from the complaint.	YES	Learning from complaints in performance monitoring report	Creation of the Housing Performance Team demonstrates the commitment being made to ensure we are continuously learning from complaints.
9.2	A positive complaint handling culture is integral to the effectiveness with which landlords resolve disputes. Landlords must use complaints as a source of intelligence to identify issues and introduce positive changes in service delivery.	YES	Complaints monitoring report	
9.3	Accountability and transparency are also integral to a positive complaint handling culture. Landlords must report back on wider learning and improvements from complaints to stakeholders, such as residents' panels, staff and relevant committees.	YES	Tenant panel Updates in newsletter Website	Tenant communications including 'you said, we did' type initiatives. Use of tenant Newsletter.
9.4	Landlords must appoint a suitably senior lead person as accountable for their complaint handling. This person must assess any themes or trends to identify potential systemic issues, serious risks, or policies and procedures that require revision.	YES	Performance Lead - Housing	Performance Lead (Housing) who is part of Senior Leadership Team will have the autonomy to oversee this area and ensure risks are highlighted as required. Post-holder will work closely with Service Managers but at arm's length (and not responsible to) in order to ensure appropriate distance and a role as a critical friend.

9.5	In addition to this a member of the governing body (or equivalent) must be appointed to have lead responsibility for complaints to support a positive complaint handling culture. This person is referred to as the Member Responsible for Complaints ('the MRC').	YES	Portfolio Holder Sustainable Homes and Communities	
9.6	The MRC will be responsible for ensuring the governing body receives regular information on complaints that provides insight on the landlord's complaint handling performance. This person must have access to suitable information and staff to perform this role and report on their findings.	YES		Monthly Portfolio Holder briefings will be held to ensure regular updates on progress being made and numbers of complaints. All PH briefings will be documented. PH will have opportunity to contribute to Member update reports.
9.7	As a minimum, the MRC and the governing body (or equivalent) must receive: a. regular updates on the volume, categories and outcomes of complaints, alongside complaint handling performance; b. regular reviews of issues and trends arising from complaint handling; c. regular updates on the outcomes of the Ombudsman's investigations and progress made in complying with orders related to severe maladministration findings; and d. annual complaints performance and service improvement report.	YES		All to be covered in Member briefing. The categories will be agenda items for the updates.
9.8	Landlords must have a standard objective in relation to complaint handling for all relevant employees or third parties that reflects the need to: a. have a collaborative and co-operative approach towards resolving complaints, working with	YES	Complaints procedure	Our complaints procedure is a corporate document which applies to all service areas within the authority. The central complaints team ensure that there is joined up

	<p>colleagues across teams and departments;</p> <p>b. take collective responsibility for any shortfalls identified through complaints, rather than blaming others; and</p> <p>c. act within the professional standards for engaging with complaints as set by any relevant professional body.</p>			<p>working with all service areas</p>
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Appendix B: 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.

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.

Procedure Review Date

April 2026

Appendix C: Policy for dealing with unreasonable customer behaviour

1. Purpose of policy

We 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 and customer requests for information is essential to providing good services.

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.

2. Principles

We expect our employees to treat customers in a fair and reasonable way and for those accessing our services to be courteous and to engage with us in a way that enables us to carry out our work effectively and safely.

3. What is unreasonable behaviour?

Aggressive or abusive behaviour

This is behaviour or language (written or spoken) that could cause our staff to feel afraid, threatened or abused. This includes threatening emails, telephone calls, and comments on social media or elsewhere. It may take the form, of insulting language, threats of physical violence or comments relating to any personal characteristic such as disability, gender or religion.

Any behaviour which is considered to be racist, sexist, ageist or homophobic is unacceptable.

Unreasonable demands and vexatious complaints

'Unreasonable complainants are those who, because of the nature or frequency of their contacts with the council, negatively impact our ability to deal effectively with their or other people's complaints'.

Unreasonable behaviour may include one or two isolated incidents, as well as unreasonably persistent behaviour, which is usually an accumulation of incidents or behaviour over a longer period.

We differentiate between 'persistent' customers and 'unreasonably persistent' customers.

Customers making a complaint can be 'persistent' where they feel we have not dealt with their complaint properly and are not prepared to leave the matter there. For example, it is not unreasonable for a customer to criticise how their complaint is being handled when our published procedures are not followed.

However, some customers may have justified complaints or requests but may pursue them in inappropriate ways such as lengthy phone calls, emails expecting immediate responses, detailed letters or emails every few days. Others may pursue complaints or requests which have no substance, or which have already been considered and dealt with. Their contacts with us may be amicable but still place very heavy demands on staff. This contact may be considered to be unreasonable.

Examples of what we might consider to be unreasonable behaviour includes:

- refusing to specify the grounds of a complaint, despite offers of assistance
- changing the basis of the complaint/request as the matter proceeds
- denying or changing statements made at an earlier stage
- covertly recording meetings and conversations
- submitting falsified documents from themselves or others
- making excessive demands on the time and resources of staff with lengthy phone calls, emails to numerous council staff, or detailed letters every few days, and expecting immediate responses
- refusing to accept the decision or repeatedly arguing points with no new evidence
- persistently approaching the council through different routes about the same issue
- causing distress to staff - including use of hostile, abusive or offensive language, or an unreasonable fixation on an individual member of staff
- making unjustified complaints about staff who are trying to deal with the issues, and seeking to have them replaced

4. How we will respond to incidents of unacceptable behaviour

Communication restrictions

If customers continue to behave unacceptably, the matter will be referred to the council's Monitoring Officer who can put in place a temporary or permanent communication restriction on a customer. If we decide to do this, the Monitoring Officer will tell the customer that we are doing so setting out:

- why we consider their behaviour unacceptable
- what action we are taking and if there is a time limit on the restrictions

Communication restrictions may include:

- limiting contact to written form only
- restricting contact to a specific individual
- placing future correspondence on file without a further response if the issues raised in the correspondence has previously been considered
- limited in other ways which we consider appropriate in the circumstances, in line with this policy

In addition, we reserve the right to:

- restrict telephone contact
- restrict the issues on which we will correspond
- refuse to consider a complaint or any further contact in exceptional circumstances
- restrict or deny access to our premises
- take any other action which we consider necessary or appropriate to make this policy effective.

Where circumstances are serious enough to warrant further restrictions, we may take legal action to prevent further contact/poor behaviour.

5. Right of appeal

When a decision is made by the Monitoring Officer to take action to restrict an individual's contact with the council, they will be advised of their right to appeal against the decision. If they wish to appeal against the Monitoring Officer's decision, they must do so within 10 working days to the nominated contact in their decision letter. Any appeal will only consider arguments against the restriction not the nature or detail of any complaint or issue brought to us.

The appeal will generally be considered by one of the council's Directors.

Whilst the appeal is being considered, any contact restriction will remain in place.

6. Review

We will review any decision to restrict communications on a six-monthly basis and, at that point, we will inform the individual of the outcome of the review and outline any ongoing restrictions. We may make the decision to approve a review sooner than 6 monthly if it is considered that the individual has positively changed their behaviour. Contact and behaviour during the period of the restriction will be monitored.

We will inform an individual of action taken following a review

7. Our duties under the Equality Act 2010

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.

Some people may have difficulty expressing themselves or communicating clearly and/or appropriately. We will always consider the needs and circumstances that we have been made aware of, before deciding how best to manage the situation. This will include making reasonable adjustments. However, this does not mean we will tolerate abusive language, shouting, or other unacceptable behaviour or actions.

If an individual with a protected characteristic becomes the subject of a restriction under this policy, we will consider whether the restriction may affect them more than someone without that characteristic. If this is the case, we may make different arrangements so they can still access the service.

Appendix D: Guidance on Remedies

The aim of this procedure document is to provide guidance to complaint handlers and service managers around appropriate complaint remedies. This guidance should be read in conjunction with the council's formal complaints procedure, specifically around the council's approach to redress:

Redress

In some cases, an apology is all that is necessary and appropriate by way of a remedy.

We will offer redress where we believe that this will best serve the interests of the customer and customer service. For example, practical action will be considered as part or all of a remedy where a complaint is about failure to take some specific action such as carrying out repairs to a tenant's house.

Consideration will also be given to any practical action suggested by the complainant(s).

There will be circumstances where we are unable to put the customer back into the position they would have been in because of the amount of time lapsed or due to other events which may have occurred. In such circumstances, we may consider restorative or financial compensation. When considering any redress, we will be fair, consistent and mindful of the spending of public money.

Decisions about making compensation payments as a result of a formal complaint will be made by the investigating officer and depending on which stage the complaint is at.

Key questions when considering remedies

What has gone wrong?

Can it be put right – can the complainant be put back into the position they would have been in if fault had not occurred?

What would the complainant like to happen?

How has the complainant been adversely affected?

Is there an actual quantifiable loss?

What other impact has there been? Distress, time and trouble, inconvenience

Did the complainant's actions contribute to the problem complained of?

What remedy would be proportionate and reasonable in the circumstances?

Types of remedy

It may often be the case that a combination of the different types of remedy may be appropriate – these are not exclusive.

Apology

In some circumstances an apology is all that is required. An apology can be made in writing or in person to the complainant. The responsibility for making an apology is a corporate one, and is made by the council as a body, rather than an identified member of staff. Usually, an apology will be made by an Assistant Director (or service equivalent) or Director as part of the formal complaint response.

An apology should:

- acknowledge service failure
- accept responsibility for it
- explain clearly why it happened

- provide assurances of remedial action taken

Specific Action

We always consider whether there is some practical action which would provide all or part of a suitable remedy. Action identified will include specific timescales and compliance with these timescales will be monitored by the information and complaints team, in conjunction with the relevant service area. It may also be appropriate for us to make a non-financial offer of assistance to a complainant as a goodwill gesture.

Review of policy and procedure

If relevant policy and procedure has not been followed, we will recommend appropriate reminders and training for staff.

It may be that a complaint will identify inadequacies in our policy and procedure, and this will be reviewed if this is the case

Financial Compensation

Broadly this falls into three categories

Mandatory payments

Where we are required by law to compensate, such payments will be made in line with statutory requirements such as a statutory home loss payment, disturbance allowance or payments made under the Right to Repair scheme for Housing.

Actual quantifiable financial loss

Costs which have been reasonably incurred by a complainant, which would not have been necessary if the service failure or maladministration the Ombudsman found had not occurred or when due payment has not been made.

Other financial redress

We may decide that financial compensation is appropriate to recognise avoidable inconvenience, distress or any unfair impact of service failure. A compensatory payment may also be made to remedy the time and trouble a complainant has gone to in pursuing their complaint and may recognise any delay by the council in responding.

Ombudsman decisions

The council will comply with any Ombudsman determination to pay compensation for identified maladministration or service failure

Guidance on the level of financial compensation which is appropriate:

Decisions on the awarding of financial compensation will be made by an Assistant Director (or service equivalent) or by the Director, depending at which stage the complaint is being considered.

Awards of up to £300

Remedies in the range of these amounts may be used for instances of service failure resulting in some impact on the complainant. We recognise that there has been service failure which had an impact on the complainant but was of short duration and may not have significantly affected the overall outcome for the complainant.

Examples could include, a delay in responding to correspondence or a failure to meet service standards which does not result in a significant impact

Financial recompense to recognise the time and trouble a complainant has gone to in pursuing their complaint or to recognise delays in complaint handling, will usually be in the region of £50 - £100

Awards of £300 to £500

Remedies in the range of these amounts may be for cases where considerable service failure or fault has been identified.

Examples could include giving contradictory, inadequate or incorrect information about a complainant's rights, repeated failure to meaningfully engage with the substance of the complaint, or failing to address all relevant aspects of complaint, leading to considerable delay in resolving a complaint or significant failures to follow our complaints procedure.

Awards above £500

Where fault is identified which results in significant harm to the complainant over a prolonged period, we may consider an award above £500