



**Isle of Man
Government**

Reiltys Ellan Vannin



Unhappy with our Service?

How to complain

Department of Environment, Food and Agriculture

The Department of Environment, Food and Agriculture is committed to providing its customers with a high standard of service.

If you feel that we have failed to provide the level of service you might reasonably expect, however, we would like to know in order to help us improve. The aim of this leaflet is to explain how to go about making a complaint if you feel dissatisfied.

Making a Complaint

The Department of Environment, Food & Agriculture (DEFA) is committed to providing our customers with a high standard of service, however we accept that sometimes things go wrong. This complaints process is used to help the Department do its job better, improve relationships with customers and enhance public perception of the Department. If you feel that we have failed to provide the level of service you might reasonably expect, we would like to know so we can put that right and improve our services.

Process

In the first instance it is best to speak to the person you have been dealing with and explain your complaint, or you can ask to speak to their manager who may be able to resolve your complaint straight away.

If your complaint cannot be resolved informally with the officer involved or with their manager the Departmental complaints process has two subsequent stages:

Stage 1 You need to make a formal written¹ complaint to the Complaints Officer who will nominate a senior officer (usually the Director of the relevant area) to investigate.

Please send it to: DEFA Complaints Co-ordinator, Corporate Services, Thie Slieau Whallian, Foxdale Road, St John's IM4 3AS.

Alternatively you may email complaints.DEFA@gov.im or telephone 685854.

It is important, when submitting your complaint that you provide as much information as possible to help us contact you and understand the issue. For example:

- Your full name and home address,
- Telephone number and contact information,
- A detailed description of your complaint and what you feel has gone wrong.

What will happen once your complaint has been received?

You will receive an acknowledgement of receipt of your complaint **within 5 working days**. This will check that our understanding is correct and ask you to confirm this.

Where possible we will deal with your complaint **within 20 working days** from the time that confirmation is received. If this is not possible we will contact you to let you know the expected timeframe for a response.

Stage 2

If at the end of stage 1 you are still not satisfied with the way your complaint has been dealt with please write¹ to the Chief Executive Officer (**within 10 working days** of the date of the outcome letter to Stage 1) who will review the matter.

Mr S Gallacher, Chief Officer,
Thie Slieau Whallian, Foxdale Road, St John's, IM4 3AS.

What will happen once your complaint has been received?

You will receive an acknowledgement of receipt of your complaint **within 2 working days**. This will check that our understanding of your complaint and ask you to confirm this.

Where possible we will deal with your complaint **within 20 working days** from the time

¹ If necessary the Department will make reasonable adjustments, in line with equality legislation, to the method of submission.

that confirmation is received. If this is not possible we will contact you to let you know the expected timeframe for a response.

What constitutes a “complaint” under this procedure?

You may make a complaint under this procedure if you feel that a Department officer has acted in any way outside of the level of service that should be expected from a Public Servant. For instance:

- you may feel that a Department officer has acted outside of their proper role or responsibility in a way that has led to material harm to yourself.
- you may feel that an officer has misled, misdirected or misinformed either yourself or another Government officer or official body in a way that has led to material harm to yourself.

The depth and formality of a complaint investigation will be proportionate to the severity of the alleged behaviour. For instance it may:

- consider the behaviour and recommendations of officers which led to any approval or decision.
- consider whether the officer considered all the factors they ought to have considered;
- consider whether attention was paid to any factor that ought not to have been considered;
- consider whether the officer acted in a professional and courteous manner?

This would determine whether any behaviours and/or recommendation made by the officer are within the bounds of reasonableness.

A complaint must be made as soon as possible after the event to which it relates and must set out clearly the exact nature of the matter

What is not a “complaint” under this procedure?

We cannot consider a complaint if:

- your complaint is materially the same as a complaint which you have previously made and this has been finalised;
- your complaint relates to a decision which has been made under statute which is open to its own appeals mechanism or a challenge through the Courts;
- your complaint relates to dissatisfaction with a decision that has been made as a consequence of a formal process or Departmental Policy² that has its own appeals or complaints process;
- you are unhappy with an agreed Policy that the Department operates. Any views you may have on its Policies and their effectiveness however, will be considered separately by the Department;
- you or any body in which you are involved are the subject of an ongoing investigation or prosecution by DEFA. In that case the courts will make the decision on whether or not we have acted correctly.
- the complaint is made in a manner which is vexatious or is framed in an abusive manner.

Behavioural standard

We reserve the right to protect our staff against any behaviour by customers that is unacceptable such as abusive, offensive or threatening behaviour; irrespective of whether that behaviour is in person or in written correspondence.

² “Policy” means an agreed and/or published document, approved by a Minister or political Member, setting a standard or describing a course of action which is used as a basis for decision making.

Tynwald Commissioner for Administration

Once a complaint to the Department has completed its departmental investigations you will receive a decision letter from the Chief Officer. If you remain dissatisfied with the outcome and consider that you have sustained injustice or hardship you may complain to the Tynwald Commissioner for Administration within six months of receipt of the outcome letter from the CO. The Commissioner will only consider complaints against the Department once any Departmental process has been exhausted.

Contact details are:

Email - ombudsman@parliament.org.im

Post - Legislative Buildings, Douglas, Isle of Man , IM1 3PW

Website - <http://www.tynwald.org.im/about/TCA/Pages/default.aspx>

Equality Act

Standards for managing a complaint

We will not treat you less favourably than anyone else because of your:

- Sex (male or female)
- legal marital or civil partnership status
- gender reassignment (whether proposed, commenced or completed)
- sexual orientation (LGBT+ and heterosexual)
- race (this includes colour, ethnic or national origin or nationality or caste)
- disability
- religion or belief
- age
- pregnancy and maternity.

Reasonable adjustments and alternative formats

The Department of Environment, Food & Agriculture is committed to equal opportunities and our aim is to make our complaints policy easy to use and accessible to all of our customers. We will take steps to accommodate any reasonable adjustments you may have to enable you to access this policy or receive responses to complaints in other formats, and provide such assistance as you may reasonably require. If you would like a response to a complaint in another format (such as Braille, audio CD, BSL video, large print or Easy Read) please contact 685835 or deffa@gov.im

Personal Information

- The Department of Environment, Food & Agriculture is a Controller for the purposes of the 2018 Data Protection legislation and requires the information requested above in order to investigate your complaint and will not be shared with any other organisation without your consent.
- In order to investigate your complaint fully it may be necessary to divulge your information to other Department staff. This will only be done if absolutely necessary.
- The Department's Privacy Notice may be viewed on the website here <https://www.gov.im/about-the-government/departments/environment-food-and-agriculture/privacy-notice/> or a hard copy can be provided if you wish.
- The Department's Data Protection Officer can be contacted by email DPO_DEFA@gov.im or by telephone on 685854.