

North York Moors National Park Authority

19 March 2018

Review of the Authority's Complaints Policy

1. Purpose of the Report

- 1.1 To update Members' on the review undertaken of the Authority's current Complaints Policy and public procedure.

2. Background

- 2.1 The current Complaints Policy and Procedure was identified in the Annual Governance Statement presented to FRASC on 5 June 2017 as one of the areas to be reviewed this year;

Review the complaints process to ensure that complaints coming into the Authority from a wide variety of sources (including social media and emails) are being properly captured to give certainty that they are dealt with effectively and any opportunities for improving the way in which we work are taken.

- 2.2 The current Policy is attached as **Appendix 1**. The public procedure www.northyorkmoors.org.uk/complaintsprocedure is distilled from this overall policy.
- 2.3 The Policy and Procedure was last updated in 2011 and while there have been no particular issues with the process, Local Government Ombudsman (LGO) guidance states that complaints procures should be reviewed periodically.
- 2.4 Officers are aware of the increased range of channels of communication available to complainants to contact the Authority and wanted to ensure that the policy properly reflected this.
- 2.5 LGO guidance on running an effective complaints system which lists the following 6 key principles for effective complaint handling;
- **Accessibility** – well publicised, easily accessed and understood by both staff and by the public
 - **Communication** – early direct contact with the complainant and continued contact throughout the complaints process, plus effective recording of the complaint and feedback so improvements can be made.
 - **Timeliness** – Process should take no longer than 12 weeks from receipt to resolution
 - **Fairness** – being clear about roles/responsibilities, dealing openly/impartially with complaints, responses sent are proportionate.
 - **Credibility** – the process is managed by someone who can take an overview and implement any changes, by robust review.
 - **Accountability** – information is provided in a clear and open way, with good follow-up to ensure any decisions are properly implemented. Regular monitoring takes place to ensure timescales and satisfaction levels are met, plus the process is reviewed periodically to keep it up to date and keep the public informed.

3. Issues Considered

- 3.1 Officers have looked at the current Policy alongside the LGO Guidance and are content that the current policy fully complies with this.
- 3.2 The complaints processes currently operating across the other NPAs were investigated and found to be broadly similar to our own. Several NPAs had specific processes for identifying and managing vexatious complainants while others had a separate process for complaints regarding planning matters. Officers have taken the view that the LGO offers sufficient guidance on how to deal with vexatious complaints and provides specific examples to help in making a judgement regarding whether an individual's complaint or behaviour is vexatious. Officers do not feel that it would be advantageous to have a different complaints process to deal with planning matters and are clear that complaints about the planning process are different from an individual expressing dissatisfaction about a planning decision.
- 3.3 While a small number of complaints relate to matters dealt with some time ago, the current process does encourage complainants to highlight their issue quickly to enable a speedy resolution. Officers do not consider that it would be helpful to have a 'cut-off' date as there may genuinely be issues that only come to light at a later date and the LGO would also expect complaints to be properly considered regardless of the point in time at which the alleged poor service occurred.
- 3.4 The three-yearly survey referred to in the Policy has not been carried out for some time, but will be undertaken shortly and the results reported back to FRASC in September.
- 3.5 Officers are mindful of the number of new staff who have joined the Authority over the last 12 months and propose organising and delivering training for this group and refresher training for more experienced staff. Again, the outcomes of this training will be reported back to FRASC in September.

4. Financial and Staffing Implications

- 4.1 There are no financial or staffing implications to the contents of this report.

5. Legal Implications

- 5.1 There are no legal implications arising from this report.

6. Recommendation

- 6.1 That: Members note the Complaints process review work undertaken by the Committees Officer and the actions highlighted in Paragraphs 3.4 and 3.5.

Contact Officer
 Vanessa Burgess
 Committees Officer
 Tel No 01439 772700

Background papers to this Report

File ref

- 1. Annual Governance Statement, FRASC 5 June 2017

The Complaints Procedure

Updated March 2018

1. Definitions

- 1.1 The Authority uses the following definition, which is based on that suggested by the Ombudsman,

"Any expression of dissatisfaction, whether made in writing, by telephone or by personal contact, about the standard of service, action, lack of action or a policy of the National Park Authority or its staff affecting an individual customer or group of customers".

- 1.2 Matters for which there is a right of appeal to an independent tribunal or for which there is a legal remedy should **not** be covered by this procedure.

- 1.3 Complaints that a Member of the Authority has breached the Code of Conduct will be dealt with through a separate members complaints procedure.

2. Use of the Procedure

- 2.1 It is important that complaints are resolved quickly and as close to the source of the problem as possible.

- 2.2 Complaints can be made in several ways, verbally on the telephone or face-to-face, in writing, by e-mail, via social media, or referred by an Authority Member or Member of Parliament.

- 2.3 It may not always be obvious if a complaint is being made. Staff should clarify with the service user whether or not they are seeking to make a complaint and what their expectations are.

3. Stages of the Procedure

- 3.1 **Stage 1** - An appropriate Director will determine the complaint and a written reply will be sent to the complainant detailing the outcome. If the complaint is about the Director, or of a sufficiently serious nature, the complaint will pass directly to Stage 2 of this procedure.

- 3.2 **Stage 2** - If the complainant is dissatisfied with the response or action taken at Stage 1, or if the complaint is about a Director, or of a sufficiently serious nature, the Chief Executive will decide the complaint, with the assistance of any investigations he may institute.
- 3.3 The Chief Executive shall have the option of referring particularly significant or serious cases to the Finance, Risk, Audit and Standards Committee for confirmation of his findings. This may be done prior to a Stage 2 finding or after it has been determined.
- 3.4 If the complaint is about the Chief Executive, it will be referred to the Chair of the NPA, who will organise an appropriate investigation that will be considered by the Finance, Risk, Audit and Standards Committee.
- 3.5 **Ombudsman Complaints**
- 3.6 Complainants are expected to exhaust the Authority's Complaints Procedure before referring the matter to the Ombudsman.
- 3.7 Complainants may be directed straight to the Ombudsman by the Authority at any stage of the procedure especially where an "independent" review is demanded. This will be done at the discretion of the Chief Executive where he considers that nothing further will be achieved by dealing with the matter internally.
- 3.8 If all stages of the internal procedure have been exhausted without a satisfactory resolution, they should be referred to the Local Government Ombudsman.

4. **Administration of the Scheme**

- 4.1 The Committees Officer will be responsible for administering the scheme.

Copies of all complaints, verbal or written, resolved or unresolved, will be held by the Committees Officer. A monitoring sheet will be attached to all complaints recording the following information:

- a) Summary of the complaint.
- b) The name and address of the complainant.
- c) A reference number.
- d) The officer dealing with the complaint.
- e) The date by which the reply should be sent.

This information will be passed to the appropriate member of staff.

4.2 **Acknowledgement**

- 4.3 Within 2 working days a written acknowledgement will be sent to the complainant. This will include the reference number, the name of the officer dealing with the complaint and the date by which a response should be received. The complainant will also be sent information from the Authority's website regarding the complaints process.

4.4 **Replies**

4.5 The complainant will be sent a written reply of the findings of the investigating officer or where appropriate the Committee's decision. The reply will include an apology if a mistake has been made and details of action proposed to provide a remedy if the complaint was justified.

4.6 **Follow-up**

4.7 Every three years a survey will be undertaken of a sample of complainants to assess their satisfaction with the procedure and Officers will propose amendments if necessary.

4.8 **Filing**

4.9 A copy of all complaints and the reply given will be held on a secure lever arch file together with the monitoring sheet for that complaint.

4.10 **Special Cases**

4.11 Where the complaint is of a serious nature, e.g. it involves senior members of staff or allegations of financial impropriety or criminal activity, the complaint should pass straight to Stage 2 and be investigated by the Chief Executive. Allegations which concern financial impropriety should be dealt with in accordance with Financial Regulations by internal audit and criminal activities should be reported to the police.

4.12 Large numbers of complaints relating to policy decisions made by Members may be handled generically and reported separately to Finance, Risk, Audit and Standards Committee.

4.13 **Anonymous complaints**

4.14 These will not be included in the statistics, but will be investigated and noted.

5. **Timetable**

5.1 An acknowledgement of the complaint received will be sent within 2 working days.
Stage 1 - A full reply will be made within 10 working days of receipt of the complaint.
Stage 2 – A full reply will be made within 20 working days of receipt of the complaint; this is to enable a more comprehensive investigation to take place if necessary.

5.2 If a reply cannot be sent within the timescale set out above then an explanation of the reasons for the delay will be given in writing or via e-mail.

6. **Remedies**

6.1 Where a complaint is substantiated the aim, where possible, is to put the complainant in the position he or she would have been in if the event had not happened.

6.2 Where complaints have been found to be substantiated and injustice has occurred an appropriate remedy will be identified using the following criteria:

- 1) The complainant's views will be requested - i.e. what do they feel would put things right?
- 2) Identification of specific practical actions which the Authority can implement to put things right
- 3) Sometimes an apology is all that is necessary
- 4) A change to policy and procedures may be necessary to ensure that the mistake does not happen again

6.3 Where the actions in 1-4 above cannot provide a full and appropriate remedy, the complainant or injured party cannot be put in the position they were in if the event had not occurred, or they have sustained loss or suffering, some financial compensation may be appropriate. The amount of compensation will be assessed using the following criteria:-

- 1) The effect of the complainants own action, or lack of action i.e. was there fault on both sides
- 2) Money not paid to the complainant - where the complainant is owed money by the Authority
- 3) Quantifiable loss - extra expenditure incurred by the complainant which would have been unnecessary if no maladministration had occurred
- 4) Loss of value - where something owned by the complainant has lost value
- 5) Lost opportunity - if the complainant was not informed of a right to appeal for example
- 6) Distress - including stress, anxiety, frustration, uncertainty, worry, inconvenience, relating to the time period and severity of distress
- 7) Professional fees in pursuing dispute - which must be proportional to the type of complaint and injustice suffered
- 8) Time and trouble directly relating to pursuing the complaint
- 9) Interest - where money was owed by the Authority.

6.4 Where the loss is a direct identifiable loss up to the value of £500 the Chief Executive has delegated powers to make a decision. In all other cases the decision will be made by the Finance, Risk and Standards Committee.

7. Reporting and Monitoring procedures

- 7.1 The specific details of each complaint will be considered by the Finance, Risk, Audit and Standards Committee on a quarterly basis. These details will normally be considered in private (i.e. the public will be excluded from the meeting and reports will be circulated to Members only) but a public summary will be prepared and a full explanation of the findings sent to the complainant. The reports will usually be considered in private because employees, customers/complainants and other individual's names and other personal details may be mentioned in the report.
- 7.2 The statistics relating to complaints and compliments will be reported to the Authority annually.
- 7.3 The Chief Executive will review the need for changes to policies or procedures where any complaint is substantiated.