

# **South Downs National Park Authority**

## **Complaints and Feedback Policy**

**Version 0.04 Draft**

### Introduction

This policy explains the South Downs National Park Authority's procedure for receiving, recording and dealing with complaints and feedback about the Authority's services. It will be reviewed periodically to ensure it meets the needs and expectations of both complainants and the Authority and is in line with good practice.

Our complaints procedure exists to enable you to make a complaint easily and to ensure your complaint is dealt with promptly, thoroughly, consistently and fairly and without discrimination against anyone.

We also want to ensure complaints are systematically recorded so that we can manage the complaint efficiently and effectively and, where appropriate, use the information to improve services to the public.

### Our commitment

We are committed to providing high quality services and believe that we succeed most of the time. However, we accept that sometimes things go wrong. If you are unhappy about a service we provide or if you feel we have acted incorrectly or improperly we want to know. The information you give us may help us to put things right for the future.

If you wish to make a complaint, we will:

- Make it easy for you to contact us;
- Deal with your complaint promptly, fully, politely and professionally;
- Aim to respond initially within 10 working days, and complete our internal complaints resolution process as soon as possible (The full process will be completed within 12 weeks);
- Tell you if we need longer to deal with your complaint;
- Keep you informed of our progress; and
- Apologise if we have made a mistake and do our best to put things right as quickly as possible.

Making a complaint can be difficult and frustrating for everyone involved. We ask you to treat our staff with courtesy and respect. We will not tolerate abusive or violent behaviour towards them.

We also welcome feedback about things we have done things right, so that we can continue to improve our services based on comments from users of the South Downs National Park (SDNPA).

### Why complain?

We aim to deliver high quality and efficient services. We are always trying to do better, and we welcome feedback. It is important because it helps us build on strengths and learn from mistakes. If things go wrong we want to rectify the problem as fairly and quickly as possible. When things go well, we also appreciate compliments and suggestions. Comments and suggestions let us know if we have gone wrong, or can improve our service. They also help us to monitor any improvements we make.

### What is a complaint?

We define a complaint as *'An expression of dissatisfaction about our services or the services of our contractors.'*

A complaint is an expression of dissatisfaction by one or more members of the public about the South Downs National Park Authority's (SDNPA's) action or lack of action or about the standard of service. This applies whether the action was taken or the service was provided by the SDNPA itself or a person or body acting on behalf of the SDNPA. Dissatisfaction may result where we have failed to provide a service, or the service was below our usual standard, or that we took too long to do something, or that the individual believes we treated them unfairly or that staff or contractors were unhelpful or discourteous.

Our complaints procedure is not a review or an appeal procedure for you to challenge the merits of decisions. Neither is it a way for you to ask for a review of a decision which goes against you.

A complaint should not be confused with a request for service. For example, a member of the public who asks for a stile to be repaired is making a request for a service, not a complaint. If the Authority fails to respond, or our contractors were late or did a poor job, or if staff or contractors were rude, then these would be grounds for a complaint.

It assists us to deal with complaints or comments if people contact us within four weeks of the relevant incident, wherever possible. A complaint about something which happened over 12 months ago is normally deemed to have lapsed and will not be dealt with under this procedure.

**Staff Tip:** If you are in any doubt about what constitutes a complaint, speak to your line manager or contact the Performance and Business Planning Manager.

### Complaints not covered in this policy

Most complaints can be dealt with in accordance with our Complaints Procedure. However, there are some complaints which fall outside of it and will need to be handled differently. For example:

- If there is a formal appeal mechanism e.g. against decisions made on planning (see later)
- If there is a separate right to compensation or involves a claim for compensation which will need to be directed to the Authority's Insurance Officer.
- If legal proceedings are already underway involving the SDNPA's legal advisors.

## How do I request an explanation rather than complain?

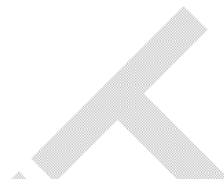
If you wish simply to request an explanation for an action that the SDNPA has taken, or to comment on the service you have received from the SDNPA, you can contact the SDNPA in the following ways:

You can call the SDNPA on 0300 303 1053 and request to be put through to the relevant service.

Alternatively write to:

Director of Corporate Services  
South Downs National Park Authority  
Rosemary's Parlour  
North Street, MIDHURST  
GU29 9SB

Email: [info@southdowns.gov.uk](mailto:info@southdowns.gov.uk)



## How do I give positive feedback on our work?

There may be times where you have found our services to provide outstanding help and assistance, or where you may wish to bring exemplary service from members of staff to the attention of the SDNPA management. In these cases you can contact the SDNPA in the following ways:

You can call the SDNPA on 0300 303 1053 and request to be put through to the relevant service.

Alternatively please complete the SDNPA customer feedback form and return it to:

Director of Corporate Services  
South Downs National Park Authority  
Rosemary's Parlour  
North Street, MIDHURST  
GU29 9SB

Email: [info@southdowns.gov.uk](mailto:info@southdowns.gov.uk)

The customer feedback form is available from our website, or you can ask for it to be sent by post via the telephone number listed above.

## How do I make a complaint?

The SDNPA operates a three stage complaints procedure to ensure complaints are dealt with impartially, objectively and professionally.

We know how important it is for complaints to be taken seriously and dealt with promptly and thoroughly.

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**Staff Tip:** Managers must ensure their staff are aware of and follow the Authority's Complaints and Feedback Procedure. Complaints provide a free source of customer feedback which can be very useful in the future planning and delivery of services.

The Director of Corporate Services should ensure that complaints data is reviewed periodically (at least once a year) to identify important issues, trends or potential improvement areas. It is good practice for managers to discuss complaints with their staff and involve them in identifying solutions and service improvements. Team meetings provide a good opportunity for this.

Managers should also ensure their staff are aware of relevant Authority's service standards and procedures such as appeals. There is an opportunity to identify further training on customer care or complaints handling as part of the annual staff appraisal.

If a complaint is referred to a senior manager, he/she will review the matter and decide on the appropriate response/action. He / she will provide a written response to the complainant within the policy's time limits. If the investigation is likely to take longer the manager must tell the complainant and keep them up to date with progress.

Senior managers should take steps to ensure complaints are being dealt with and recorded in line with this guidance.

This policy may overlap with other SDNPA policies including:

- Whistleblowing policy
- Anti-fraud and corruption policy
- Disciplinary policy

### Stage One - Informal Complaints

You may initially choose to contact us via telephone, email, fax, letter, in person or by using the printed customer feedback form. You can also ask a South Downs National Park Authority (SDNPA) member or someone else to contact us on your behalf.

You can call the SDNPA on 0300 303 1053 and request to be put through to the relevant service.

Alternatively please complete the SDNPA customer feedback form and return it to:

Director of Corporate Services  
South Downs National Park Authority  
Rosemary's Parlour  
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GU29 9SB

Email: [info@southdowns.gov.uk](mailto:info@southdowns.gov.uk)

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Many complaints are straightforward and can be dealt with 'on the spot' by the member of staff / directorate who provided the service.

We would hope to resolve the vast majority of complaints at this stage. If your complaint cannot be resolved straight away, we will let you know what we intend to do and when you can expect a response.

**Staff Tip:** Many complaints are caused, or made worse by, delays or a breakdown in communications. Dealing with problems promptly and keeping the person informed can often avoid a situation escalating.

Often all that a complainant wants is:

- A sympathetic understanding of the issue.
- An explanation of what has happened and why.
- An apology if we are at fault.
- Swift action to put things right, if appropriate.

If you feel the complaint requires a complex or multi directorate response, and cannot be dealt with 'on the spot', then the complainant should be made aware of the formal complaint process, their options on how to formally present their complaint to us, and what they can expect from us once we receive it.

### Stage Two - Formal Complaints

We will try to resolve your complaint informally but if this not possible (or you do not wish to do this) the next stage is more formal. We ask you to make your complaint in writing on our customer feedback form. This can be downloaded from our website or you can request a copy to be sent by post.

This means that we have an accurate and complete record of the issue in your own words, and ensures there is no confusion or misunderstandings over the issue during the complaints process. Please set out your complaint as fully and clearly as possible, including the name of the relevant member of staff and the date of the incident you are complaining about, if known.

Please submit your formal complaint to:

Director of Corporate Services

South Downs National Park Authority  
Rosemary's Parlour  
North Street, MIDHURST  
GU29 9SB

Email: [info@southdowns.gov.uk](mailto:info@southdowns.gov.uk)

Your complaint will be recorded and referred to the Director or a senior officer of the relevant service for investigation, or, if the complaint involves the Chief Executive, to the Monitoring Officer or another person authorised by him/her.

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We will normally acknowledge receipt of your written complaint within ten working days and let you know the name of the person who is dealing with it, who will then respond to you personally within 20 working days or send an interim response if it is likely to take longer.

**Staff Tip:** Complaints should be passed to the Director of Corporate Services who will arrange for the complaint to be recorded and passed to the appropriate senior officer to investigate and reply.

If the complaint is serious i.e. it involves allegations of theft, fraud, corruption, irregularity in Authority procedures, alleged misconduct by an Authority officer, or might involve a formal claim against the Authority, staff should pass the complaint immediately to the Director of Corporate Services. He / she will refer the complaint to the Authority's Chief Finance Officer (Section 151) Officer / Head of Internal Audit.

### Stage Three: Referral to Chief Executive

If you have gone through the formal complaints procedure described in Stage Two above and you are not satisfied with the results of the investigation, you may ask for your complaint to be forwarded to the Chief Executive of the SDNPA for review, or, if the complaint involves the Chief Executive, to the Monitoring Officer or another person authorised by him/her. You will receive a response within 20 working days of your request.

All comments and complaints are treated in confidence and will not disadvantage you in any future dealings you might have with the SDNPA.

However, it may not always be possible to keep your details confidential, such as where allegations are made concerning the conduct of third parties, or where particular legislation applies to your complaint.

If your complaint is upheld:

- you will receive a written apology; and
- an explanation of any redress and any steps taken to prevent a similar problem recurring.

**This step concludes our internal complaints procedure.**

### What if I'm still not satisfied?

We hope your complaint will be resolved to your satisfaction. If that is not the case, you may refer your complaint to the Local Government Ombudsman.

The Ombudsman investigates complaints of maladministration. Maladministration means that we have done something we should not have done, done something the wrong way or failed to do something we should have done. The Ombudsman will not investigate the SDNPA's actions solely because you do not agree with a decision the SDNPA has made.

You may contact the Ombudsman at any time, but they recommend that you use the SDNPA's own complaints procedure first.

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In some cases, relations between you and the SDNPA may deteriorate while complaints are under investigation and there is little prospect of achieving a satisfactory outcome. In such circumstances there is often little purpose in following through all stages of the complaints procedure, and where this occurs the Ombudsman may be prepared to consider complaints before the SDNPA's complaints procedures have been exhausted.

You can contact the Ombudsman at:

### **Local Government Ombudsman**

Commission for Local Administration in England  
The Oaks No 2, Westwood Way  
Westwood Business Park  
Coventry, CV4 8JB

Tel: 024 7682 0000

Fax: 024 7682 0001

Website: [www.lgo.org.uk](http://www.lgo.org.uk)

Other organisations you may wish to contact are set out in Appendix A.

### **Complaining about a planning related matter**

The SDNPA has put in place arrangements with each of the local councils to handle planning applications and other planning related matters. Complaints relating to planning matters should be addressed in the first instance to the local council which is handling the planning matter. You will find a list of these on [www.southdowns.gov.uk](http://www.southdowns.gov.uk). This council will investigate your complaint in accordance with its complaints procedures. If your complaint cannot be resolved by the formal process it will be referred to the SDNPA and we will investigate it in accordance with Stage 3 of our process.

Where a Council receives a complaint about the SDNPA in relation to a planning matter it will be passed to the SDNPA to investigate.

The SDNPA will be deciding a limited number of applications itself. If your complaint relates to an application which the SDNPA is dealing with then it will normally investigate your complaint for you.

### **Complaining about a Member's Conduct**

If you wish to make a complaint that a Member has failed to comply with the Code of Conduct, you must submit your complaint in writing to:

#### **The Independent Chairman of the Standards Committee**

South Downs National Park Authority  
Rosemary's Parlour  
North Street, MIDHURST  
GU29 9SB

Email: [info@southdowns.gov.uk](mailto:info@southdowns.gov.uk)

Please complete the SDNPA's customer feedback form and mark it 'Member Complaint'.



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The Standards Committee can only deal with complaints about the behaviour of a Member. It will not deal with complaints about things that are not covered by the Members' Code of Conduct. A complaint to the Standards Committee must be about why the complainant thinks a Member has not followed the Code of Conduct. South Downs National Park Authority's Code of Conduct can be found on the Authority's website.

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## **Appendix A - Useful Contact Information**

### **Equality and Human Rights Commission**

3 More London,  
Riverside,  
Tooley Street,  
London, SE1 2RR

Tel: 020 3117 0235

Fax: 0207 407 7557

Email: [info@equalityhumanrights.com](mailto:info@equalityhumanrights.com)

[www.equalityhumanrights.com](http://www.equalityhumanrights.com)

### **Equality and Human Rights Commission**

#### **Race, age, gender, sexual orientation, religion and belief Helpline**

FREEPOST RRLG-GHUX-CTR

Arndale House,  
Arndale Centre  
Manchester

Tel: 0845 604 6610

Textphone: 0845 604 6620

Fax: 0845 604 6630 M4 3EQ

### **The Local Government Ombudsman**

Commission for Local Administration in England

The Oaks No 2, Westwood Way

Westwood Business Park

Coventry, CV4 8JB

Tel: 024 7682 0000

Fax: 024 7682 0001

Website: [www.lgo.org.uk](http://www.lgo.org.uk)

## **Appendix B - The SDNPA's policy on vexatious or unreasonably persistent complaints**

The SDNPA aims to deal fairly, honestly and properly with complainants whilst ensuring that other service users and officers of the SDNPA do not suffer any detriment from a person making repeated and persistent unreasonable complaints or behaving in a threatening or difficult way, whilst recognising the rights of complainants under the Human Rights Act 1998.

Unreasonable behaviour may sometimes arise when complainants hinder the consideration of their own or other people's complaints, because of the frequency of their contact with the SDNPA. Sometimes the situation between the SDNPA and a complainant can escalate and the complainant's behaviour moves from being unreasonably persistent to behaviour which is unacceptable, for example, abusive, offensive or threatening.

In general, a complaint may be seen as vexatious where the complainant:

- repeatedly and / or obsessively pursues a complaint that appears to have no substance or that has been investigated and determined; or
- behaves in an unacceptable or inappropriate way - for example, becoming abusive, offensive or threatening;

Specific examples of vexatious behaviour include where the complainant:

- refuses to specify the grounds of a complaint, despite offers of assistance;
- refuses to co-operate with the complaints investigation process;
- refuses to accept a decision that issues are not within the remit of the complaints procedure;
- makes repeated complaints about the staff dealing with the complaints, and seeks repeatedly to have them replaced;
- changes the basis of a complaint as the investigation proceeds and/or denies statements made at an earlier stage;
- introduces trivial or irrelevant new information, or raises large numbers of detailed but unimportant questions;
- electronically records meetings or conversations without the prior knowledge and consent of the other persons involved;
- adopts a 'scattergun' approach; pursuing a complaint(s) with the SDNPA and at the same time with other parties, or pursues complaints with a number of different officers within the SDNPA;
- makes excessive demands on resources during investigation of a complaint; for example, excessive telephoning or emailing or frequent lengthy letters;
- submits further complaints after the complaints process has been completed, essentially about the same issues, with additions/variations which the complainant insists make these 'new' complaints; or
- refuses to accept the decision – repeatedly arguing the point and complaining about the decision rather than referring to the Local Government Ombudsman.

In these circumstances the officer dealing with the complaint (the complaint handler) will discuss the matter with the Director of Corporate Services. These officers will decide, in consultation with the Chief Executive and/or Monitoring Officer, whether to designate the complainant as unreasonably persistent. This decision will not be taken lightly and the SDNPA must be satisfied that the proposed action is proportionate and necessary.

In reaching this decision, officers will consider all relevant factors including whether there is another path the complainant could follow, such as an appeal process, whether procedural

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time frames have been followed, whether the complainant has been kept advised of any internal delays and communication with the complainant has generally been adequate, whether a meeting with the complainant would be appropriate and might assist in resolving the matter, and whether the complainant is now providing any significant new information that might affect the SDNPA's view on the complaint.

If officers determine that a complainant or a particular ongoing complaint is vexatious, they may decide to warn the complainant that if their actions continue they will be deemed vexatious. Under these circumstances officers will explain the reasons for the decision, but will not enter into further correspondence about these reasons unless considered appropriate.

If the vexatious behaviour continues the Complaints Officer and the complaint handler may decide to take some or all of the following actions:

- direct that contact should be directed to and will only be accepted by a named individual;
- direct that the means or manner of contact should be restricted (e.g. letter only);
- place time and frequency limits on telephone conversations and personal contacts;
- require any personal contacts to take place in the presence of a witness; and/or
- refuse to register and process further complaints about the same matter.

Once a decision on the complaint has been made, officers may, with the agreement of the Chief Executive or Monitoring Officer, write to inform the complainant that further letters on the same subject will be read and placed on file, but will receive no acknowledgement or response.

Where a complainant has been designated as vexatious the officer will endeavour to keep this information as confidential as possible; but it may become necessary to disclose this information to others both internally and/or to third parties including the Local Government Ombudsman, the Information Commissioner or the Police.

If the complainant makes a complaint about a new issue this should be treated on its merits, and decisions will need to be taken on whether any restrictions which have been applied before are still appropriate and necessary.

### **Complaints involving racism, discrimination or harassment**

We take complaints about discrimination or harassment on any grounds very seriously indeed. Such complaints must be referred promptly to the Head of Service who will investigate the matter

The Authority has signed up to the East Sussex Hate Incident Reporting Scheme.

Any incident, which may or may not constitute a criminal offence, which is perceived by the victim or any other person to be motivated by prejudice or hate, should be reported.

However, in the majority of cases, it will be the victim's decision whether further action is taken and what form that action should take. If someone makes a complaint concerning a hate incident, you should tell them about the Scheme and help them to complete a Hate Incident Reporting Form.

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The completed form should be sent to Victim Support Sussex. Their contact details and more information about the Hate Incident Reporting Scheme is available on the Authority's website at

<http://www.southdowns.gov.uk/Authority>

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