YORKSHIRE DALES
National Park Authority

Complaints Policy

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Principles of Effective Complaint Handling

Getting it right:

We aim to do things well, complying with our own standards and policies. Our complaints process is simple, clear, and easy to access.

Being Customer Focused:

Our complaints process is easy to find and use, with access to a listening ear. We can make reasonable adjustments where help is needed.

Being Open and Accountable:

People should know they can complain and how to do it. Our processes should be transparent; and we are honest if things go wrong.

Acting Fairly and Proportionately:

Our complaints process is proportionate and will not discriminate.
We base our decisions on sound evidence and explain clearly why they were made.

Putting Things Right:

If we have done something wrong, we will take steps to put it right and will explain our actions.

Seeking Continuous Improvement:

We will ensure any lessons learned are captured to help improve services



1. What is a complaint?

1.1 A complaint is an expression of dissatisfaction by a member of the public, that requires a response, about the standard of service provided by, or on behalf of, the Yorkshire Dales National Park Authority; or the actions, or lack of action, of the Authority or its staff. Examples might include:

- failure to provide a service or an inadequate standard of service
- dissatisfaction with the way in which a national or local (National Park Authority) policy has been applied or implemented
- treatment by, or attitude of, a member of staff
- disagreement with the reasoning behind a decision where the individual cannot use another procedure (for example an appeal) to resolve the matter
- the Authority's failure to follow an appropriate administrative process.

2. Why do we have a Complaints Policy?

2.1 Our policy provides a mechanism for receiving, investigating and – where possible - resolving complaints. We will respond to each complaint in a professional, respectful and courteous manner. We will ensure the complaints process is:

- easily accessible and well-publicised;
- simple to understand and use with clear responsibilities;
- prompt and efficient, with established target timescales for action and for keeping people informed.

2.2 The process by which we respond to complaints is an integral part of the Authority's business. It is part of our commitment to continuous improvement. Information and lessons learned from upheld complaints will be used to improve service provision and to help prevent recurrence of any mistakes we may have made.

2.3 Our complaints procedure (see Appendix A) takes an individual and flexible approach; it enables us to investigate and determine each complaint on its own merits. We will investigate each complaint robustly and consider our findings thoroughly.

2.4 This policy follows the guidance detailed in the Local Government and Social Care Ombudsman's Complaint Handling Code.

3. Who can complain?

3.1 Any member of the public or service-user who is unhappy with the standard of service they have received from us can make a complaint. We are committed to ensuring that everyone can access out complaints procedure in a way that meets their individual needs. The procedure is flexible enough to enable us to make

reasonable adjustments for any individual who might need help with making a complaint

3.2 Complaints can be made by email, in writing to the Governance and Compliance Officer, in person, or by phone; please see details in **Appendix A**.

3.3 We will consider complaints made via social media, but in order to maintain confidentiality and privacy, we will not progress these using social media and will ask for an alternative means of communication.

3.4 The Authority will consider complaints made anonymously but may choose not to investigate where we have insufficient information. We will not provide a response to anonymous complaints where there is no identifying means of contact.

3.5 We ask that complaints are made no later than 6 months after the date you became aware of the problem, unless there is good reason why the complaint could not be raised with us before then.

4. Identifying and addressing a complaint

4.1 The best way to define and understand a complaint is to explore what has gone wrong from the complainant's point of view and the impact it has had on them. We will ensure we fully understand what the complainant feels has gone wrong.

4.2 Where a member of the public is unhappy we will always try to help. In some cases, the complaints process may not be appropriate and a different approach or procedure may present a more constructive and productive way to respond to a situation. For example, providing clarity or information, or an explanation of a policy or practice, may resolve an issue; or the individual might be directed to a third party organisation for help. If we cannot deal with a complaint under this procedure, we will give an explanation with the acknowledgement of the complaint.

4.3 Complaints that may give rise to a claim for damages for personal injury or for financial loss will be passed to our Insurance Officer and no further correspondence on the complaint will be carried out, to avoid any prejudice to the Authority's position. The Governance and Compliance Officer will work closely with the Insurance Officer to address any issues needing consideration other than under the insurance claim.

5. What is not covered by this Policy

5.1 The following matters are not dealt with under this policy because there are alternative mechanisms to deal with these complaints. Please ask the Governance and Compliance Officer for details of any of these procedures.

- complaints about Authority Members' conduct, which will be referred to the Monitoring Officer for consideration under a separate procedure;
- complaints about the conduct of individual Officers, which will be referred to the Chief Executive and handled under the Authority's disciplinary procedure;

- objections to planning applications under consideration, which should be made to the Authority's planning team; and appeals or challenges by the applicant to planning decisions, which should be referred to the Planning Inspectorate (see 5.3);

- internal concerns about process or probity, which are dealt with under the Authority's Confidential Reporting Policy;

- complaints about the Chief Executive which will be passed to the Chair as part of a separate procedure.

Town and Country Planning decisions

5.2 The complaints process is not the appropriate route for challenges to decisions made on planning applications or enforcement investigations unless the complaint relates to a failure to follow correct process, unfairness or poor service.

5.3 If a complaint is about a planning decision that has been made, , there is a national process by which an applicant may appeal. The applicant will find information about his or her rights of appeal on the reverse side of the decision notice that will have been sent to them. They should apply online at https://www.gov.uk/appeal-planning-decision.

Complaints about third parties

5.4 Occasionally, someone may complain to the Authority about something that is the responsibility of a third party, for example another local authority or public body. In these cases, the Governance and Compliance Officer will forward the complaint to the appropriate body having first contacted the complainant to explain and gain consent for his details to be shared in this way.

Allegations or reports of financial misconduct.

5.5 All allegations of financial misconduct will be investigated and resolved in accordance with the Authority's Anti-Fraud, Bribery & Corruption Policy and will, in the first instance, be referred to the Director of Corporate Services. The conclusions of the investigation will be reported to the person making the allegation/complaint in line with the Complaints Policy, unless there are particular circumstances where that would be inappropriate (e.g. where a decision had been taken to pass the matter to the Police).

6. Confidentiality and data security

6.1 A complainant can expect confidentiality in the handling of their complaint. Details will only be shared with those officers who are involved in the investigation.

6.2 All personal information will be treated in the strictest confidence and will not be used for anything other than investigating the complaint. A summary of complaints is published as part of the Authority's annual governance reporting process, but this will not contain any identifying or personal information.

6.3 The Authority is committed to ensuring the responsible collection and use of personal data in the course of its business, under the requirements of the Data Protection Act 2018 (DPA) and the UKGDPR. We will ensure that personal data is processed fairly and lawfully, and that the rights of data subjects are properly respected.

6.4 If you would like further information on how we process personal information or your rights as a data subject, please contact the Data Protection Officer on accesstoinfo@yorkshiredales.org.uk or ask to see our Privacy Notice which sets out our responsibilities as data controller.

7. Equality

7.1 The Authority will handle all complaints fairly and honestly regardless of who makes the complaint. We treat all members of the public equitably.

8. Unreasonable behaviour

8.1 All complaints will be treated with the same consideration. However, the Authority reserves the right not to respond to persistent or vexatious complaints ('unreasonable behaviour').

8.2 Please see our policy on unreasonable/unacceptable behaviour policy at **Appendix B**.

9. Feedback, Monitoring and Oversight

9.1 Complainants are asked to provide us with feedback on how they felt their complaint was listened to and handled, notwithstanding the outcome. Please see our complaints process feedback form at **Appendix C**. Officers are routinely asked how easy they find the process to use and how it might benefit their service delivery.

9.2 We maintain a robust oversight of our complaints handling. The lead officer for complains handling is the Chief Executive, and we report regularly to Senior Management and annually to Audit and Review Committee. Complaints statistics are included in our Annual Governance Report, and the complaints process is regularly audited as part of our monitoring of Customer Services.

10. Further information

10.1 For further information about the complaints policy, or if you wish to make a complaint, please contact the Governance and Compliance Officer:

Address: YDNPA, Yoredale, Bainbridge, North Yorkshire DL8 3EL
Email: Complaints@yorkshiredales.org.uk
Telephone: 01969 652326
Switchboard: 0300 456 0030

Appendix A

A guide to the Authority's procedures for handling complaints

1. How a complaint will be handled

1.1 To ensure we can deal with complaints efficiently, we ask that the problem is brought to our attention as quickly as possible after the issue arises. We will not normally consider investigating a complaint about something that happened more than 6 months ago.

1.2 The complainant can expect:-

- a full, fair and unbiased investigation;
- respect for confidentiality; and
- a comprehensive response to the points made, and redress given where appropriate

2. Informal consideration

2.1 If the complaint is an issue or disagreement that can be handled at the point of initial contact or service delivery, we hope a member of staff can resolve the complaint there and then. If this is not possible, details may be sent to the Governance and Compliance Officer who will ask the most relevant officer to respond directly and promptly.

2.2 If the complaint is one that requires a greater level of consideration, or the complainant is dissatisfied with the initial response given, a more "formal" investigation at senior level may be appropriate. If a complainant is dissatisfied with the initial response, they should contact the Governance and Compliance Officer within twenty-eight (28) days of that response, to ask for a formal investigation.

3. Formal investigation

3.1 The complainant should contact the Governance and Compliance Officer with details of the complaint. This should set out what the complainant feels has gone wrong, and the impact this has had on them. To ensure we have a correct understanding of the issues involved and to avoid any risk of misinterpretation, we ask that details are in writing/email (we are happy to offer support in this respect where appropriate). These details will be acknowledged and recorded and passed to the relevant senior officer to investigate and respond. The Governance and Compliance Officer may wish to contact the complainant to clarify the information given; we therefore ask that a telephone number or email address is provided at the outset.

3.2 There are two possible stages to the formal investigation process:

Stage One
An investigation into the points raised will normally be undertaken by the relevant Senior Manager, who will have a target framework of fifteen (15) working days for a response. The complainant will be notified of this and kept updated on progress.

Stage Two
If the complainant feels this response has not dealt correctly with the points raised in the complaint, the Authority's Chief Executive or Deputy Chief Executive can be asked to review the matter. The complainant should request a review within twenty-eight (28) days from receiving the Stage One response. When requesting a review, the complainant must set out clearly which parts of the response are felt to be unsatisfactory, and the reasons for this dissatisfaction. We will try to provide a full response within twenty-five (25) working days, with the same provision for keeping the complainant informed of progress and any unavoidable delays.

3.3 Stage 2 concludes the Authority's complaints process. If you are still dissatisfied with the response you can refer your complaint to the Local Government & Social Care Ombudsman:

Use their online form on the website www.lgo.org.uk
Telephone: 0300 061 0614
Text the words 'call back' to 0762 481 159
Opening hours: Monday to Friday - 10am to 4pm (except public holidays)

3.4 Please bear in mind that the Ombudsman cannot question a decision that has been properly made, or which has not affected the complainant personally or caused them an injustice; neither can it investigate a complaint that is open to an alternative route.

Appendix B

Unreasonable or unacceptable behaviour: restricting contact

1. We are committed to dealing with all requests from the public fairly and impartially and to providing a high quality of service when responding.

2. Occasionally, the behaviour of an individual can make it very difficult for us to deal with their concerns or requests. That person may, either through physical presence or verbal/written correspondence, either immediately or over a period of time, behave in a way that is considered unreasonable/unacceptable and inappropriate in terms of their contact with the National Park Authority.

3. Examples of behaviour that we might consider unreasonable/unacceptable include:
    - Aggressive, abusive or offensive language;
    - Inappropriate references to gender, culture, race or religion;
    - Unreasonable demands, or requests designed to cause disruption or annoyance;
    - Excessive or obsessive phone calls, emails or letters;
    - Refusing to accept that an issue is outside the responsibility of the Authority;
    - Persistent refusal to accept explanations.

4. In these circumstances, which will always be considered on an individual basis, it may be appropriate for us to limit our contact with an individual, for example by:
    - limiting contact to a particular form and/or frequency e.g. postal letters only;
    - limiting contact to one named officer only;
    - indicating that no further responses (to emails or letters) will be provided;
    - preventing physical access to specified or all Authority premises;

5. If, having considered the individual circumstances, we make a decision to restrict contact, the individual will be informed:
    - why we have taken the decision;
    - what action we are taking;
    - the duration of that action;
    - any right of appeal to the decision and their right to contact the Local Government & Social Care Ombudsman or Information Commissioner about the fact that their behaviour has been treated as unreasonable.

6. Each restriction will be reviewed on a regular basis.

7. We recognise that some individuals may find it difficult to express themselves or to communicate clearly or appropriately. Where unacceptable behaviour is in evidence,

we will always consider the needs and circumstances of the individual before deciding how best to manage the situation.

Appendix C

Complaints procedure feedback form

1. How did you find out how to make a complaint?

National Park Authority officer
National Park Visitor Centre
National Park Authority website
Other (please state)

……

2. How easy was it to make the comment or complaint?

Very easy
Fairly easy
Neither easy nor difficult
Fairly difficult
Very difficult

Please can you give more details to clarify your answer to Q2

……

……

3. Was your complaint answered within the timescale you were given?

Yes/No

4. If there were delays to receiving a response, were you happy with the way you were kept up to date with what was happening?

If you have any further comments, please add these below. Thank you for taking the time to complete this questionnaire.

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Please return by email to Complaints@yorkshiredales.org.uk or post to YDNPA, Yoredale, Bainbridge, North Yorkshire DL8 3EL