



YORKSHIRE DALES
National Park Authority

Complaints Policy:

A guide to the Authority's procedures for handling complaints

What is a Complaint?

A complaint is an *expression of dissatisfaction by a member of the public 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, that requires a response.*

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 a decision where the customer cannot use another procedure (for example an appeal) to resolve the matter
- the National Park Authority's failure to follow an appropriate administrative process.

[Local Government Ombudsman guidance]

Why do we have a Complaints Policy?

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.

The process by which we respond to complaints is an integral part of the Authority's business, as 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.

The complaint needs to be made within one year of you first becoming aware of the problem, unless there are good reasons for your delay.

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

Mrs Lesley Knevitt, Complaints Officer
Yorkshire Dales National Park Authority
Yoredale, Bainbridge
North Yorkshire DL8 3EL
Telephone: 01969 652326 (direct line)
0300 456 0030 (switchboard)
Email: lesley.knevitt@yorkshiredales.org.uk

HOW WILL A COMPLAINT BE HANDLED?

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 12 months ago.

The complainant can expect:-

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

Informal consideration

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 Complaints Officer who will ask the most relevant officer to respond directly and promptly.

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, he should contact the Complaints Officer within 28 days of that response, to ask for a formal investigation.

Formal investigation

The complainant should contact the Complaints Officer with details of the complaint. 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 Complaints 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.

There are two possible stages to the formal investigation process:

Stage One

An investigation into the points raised will be undertaken by the relevant Senior Manager, who will have a target framework of fifteen 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 review the matter. The complainant should request a review within 28 days from receiving the initial 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 working days, with the same provision for keeping the complainant informed of progress and any unavoidable delays.

Stage 2 concludes the Authority's complaints process. Should you be dissatisfied with the response you may wish to refer your complaint to the Local Government & Social Care Ombudsman:

Website: www.lgo.org.uk

Telephone: 0300 061 0614

Opening hours: Monday to Friday - 10am to 4pm (except public holidays)

The LG&SCO cannot question a decision that has been properly made, or which has not affected the complainant personally or caused him/her an injustice; neither can it investigate a complaint that is open to an alternative route of appeal.

Confidentiality and data security

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. We will not usually investigate anonymous complaints.

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.

The Yorkshire Dales National Park 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.

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.

Equality

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

Complaints about third parties

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 Complaints 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.

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).

Persistent or vexatious complaints

All complaints will be treated with the same consideration. However, any complaints system is open to abuse; persistent or vexatious complainants may make a number of separate complaints over a period of time, or they may have made many contacts with the Authority about one complaint. A complainant may be intent on pursuing a complaint that has already been addressed or, in the Authority's opinion, has no merit; or it may be the manner of the complainant's contacts with the Authority that causes concern.

The process therefore draws a clear line after the second stage of formal investigation, unless the complainant has something new to add to his original case. If, having exhausted our system, the complainant will not or cannot pursue one of the external avenues of complaint (for example the Local Government & Social Care Ombudsman), the matter will be closed.

What is not covered by this policy:

- 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 at the address shown below;

- 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

Please ask the Complaints Officer for details of any of these procedures.

Planning decisions

The complaints process is not an appropriate route for challenges to decisions on planning applications or enforcement investigations, but may be used in relation to failure to follow correct process, unfairness or poor service.

If a complaint is about a planning decision, rather than about how an application was handled, 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> or write to:

*The Planning Inspectorate
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN*

Only applicants can appeal to the Planning Inspectorate about planning decisions or conditions. Other objectors may, if appropriate, apply to the courts for a decision on planning or enforcement to be reviewed by the court. Judicial reviews are allowed on limited grounds, for example that law was incorrectly interpreted/applied or that the decision was unreasonable.