

EXMOOR NATIONAL PARK AUTHORITY**3 SEPTEMBER 2002****THE MANAGEMENT OF COMPLAINTS****Report of the Head of Business Management****Purpose of Report:**

To review the Authority's Complaints Procedure and report on formal complaints in 2001/02.

Legal and Human Rights Act 1998 Implications:

The Authority has to ensure it has acted within its powers and its obligations under Environment Act, Town and Country Planning, Human Rights and Equal Opportunities. The Authority is committed to giving an equal service to all members of the public.

Financial Implications:

None.

RECOMMENDATION:

The Authority is recommended to:-
ADOPT the Complaints Procedure set out in Appendix 1 and note the complaints received in 2001/02.

1. COMPLAINTS PROCEDURE

1.1 The Local Government Ombudsman has published a revision of the guidance first issued in 1992 on running a Complaints System and lists the main benefits as :-

- A system is better for the public : everyone knows how to complain and the way their complaint will be handled.
- A system is better for staff : they can be confident about what to do when they get a complaint.
- A system is fair : everyone is treated equally.
- A system helps to improve services : complaints that have gone through the system can be analysed to see how to make services better and more responsive.

1.2 In the light of the revised guidance the Authority's procedure which was introduced in 1997 has been reviewed and an updated procedure is set out in Appendix 1 for consideration.

2. **FORMAL COMPLAINTS IN 2001/02**

- 2.1 Most complaints are settled on an informal basis and this data is not currently captured. During 2001/02 nine formal complaints were received.
- 2.2 None of the complaints were referred to the Ombudsman although Members will recall that a complaint originally made in 1999 was determined by the Ombudsman in April 2001 and has been the subject of a separate report to the Authority.
- 2.3 The nine complaints received in 2001/02 and settled locally can be analysed as follows:

	No	
Development Control Issues	3	All were seeking clarification/objecting to decisions of the Planning Committee.
Rights of Way Issues	4	Concerned with signposting, proposed diversion and state of footpath.
Interpretation Issues	1	Related to information in "Park Life"
General Issues	1	Concerned over time taken to reply to an item of correspondence.

- 2.4 A lesson learnt during the past year is the need to understand and be fully aware of the complaint being made and that every contact with the complainant is beneficial. It is for this reason that a Complaint Form has been included in the revised procedure.

Charles Burrows
Head of Business Management
16 August 2002

Background papers on which this report, or an important part of it are based, constitute the list of background papers required by Section 100 D (1) of the Local Government Act 1972 to be open to members of the public comprise:-

Booklet "Running a complaints system" published by the Commission for Local Administration in England in June 2002

COMPLAINTS PROCEDURE

A GUIDE FOR MEMBERS OF THE PUBLIC

1. INTRODUCTION

1.1 Exmoor National Park Authority pledges to provide services of high quality and to listen to your views and clearly explain its decisions and the reasons for them. This leaflet explains how you can:

- **request an explanation** either for an action taken by or on behalf of the Authority or why the Authority has not taken action on a matter
- **complain** about such an action or lack of action

1.2 This procedure does not apply to explanations or complaints about actions for which the Authority is not responsible.

1.3 The Authority will:

- listen to your views
- clearly explain its policies, decisions and reasons for them
- write letters in clear English
- answer requests and complaints within ten working days of their receipt
- notify you within ten working days of an investigation into a complaint that is going to take longer than ten working days and give a date when a reply may be expected

2. HOW TO REQUEST AN EXPLANATION

2.1 It is recognised that sometimes members of the public may simply want to register a comment or obtain information and do not wish to pursue a formal complaint. The Authority will ensure that, if necessary, appropriate action is taken on comments received.

2.2 The simplest method to request an explanation is to telephone Exmoor House on (01398) 323 665, ascertain the appropriate officer and discuss the matter with him or her. Alternatively you can:

- write: Exmoor National Park Authority,
Exmoor House,
DULVERTON, Somerset TA22 9HL
- email: Info@exmoor-nationalpark.gov.uk
- fax: 01398 323 150
- website: www.exmoor-nationalpark.gov.uk

Your request will be forwarded to the appropriate officer and a response will be sent within 10 working days. If you are not satisfied with the explanation you may wish to make a formal complaint as outlined below.

3. HOW TO COMPLAIN

- 3.1 A complaint is an expression of dissatisfaction by any one or more members of the public about the Authority'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 Authority itself or a person or body acting on behalf of the Authority.
- 3.2 Please check that you are complaining to the correct organisation. Many complaints to the Authority are about matters for which it is not responsible. A booklet outlining how the Authority works and what services it provides is available from Exmoor House and Visitor Centres.
- 3.3 Complaints about the conduct of Members of the Authority are not handled through this procedure. Such complaints must be reported (the attached complaints form can be used) to the Authority's Solicitor and Monitoring Officer at Exmoor House and the matter will be dealt with either by the Authority's Standards Committee or by the Standards Board.
- 3.4 To enable the Authority to consider a complaint information is required to provide a clear record of what it is felt went wrong and what the Authority should do to put this right. A complaint form is attached and this can be returned by post or completed and returned by email from the Authority's website. The complaint form requests information to monitor equal opportunities but completion is optional.
- 3.5 The identity of a person making a complaint will be made known only to those who need to consider the complaint and will not be revealed to any other person or made public by the Authority. However it may not be possible to preserve confidentiality in some circumstances for example where relevant legislation applies or allegations are made which involve the conduct of third parties.
- 3.6 The Authority operates a three stage complaints procedure to ensure complaints are dealt with impartially, objectively and professionally:
- **Stage 1:** many complaints can be dealt with quickly and satisfactorily by the "front line" staff who provide the service. This is an opportunity for an informal and quick solution to a complaint. An answer will be given within 10 working days and at the end of this stage complainants will be told what they may do if they remain dissatisfied.
 - **Stage 2:** complex and serious complaints and those where the complainant remains dissatisfied after Stage 1, will be considered by the Authority's Complaints Officer, the Head of Business Management. An answer will be given within 10 working days and at the end of this stage complainants will be told what they may do if they remain dissatisfied.
 - **Stage 3:** if a complainant is still dissatisfied after Stages 1 and 2 the National Park Officer can be asked to consider the complaint. A response will be given by the National Park Officer within 10 working days.

Some complaints may be complex and take longer than 10 days to deal with properly. In such cases the complainant will be notified within 10 days and given a date when a reply may be expected.

4. THE OMBUDSMAN

- 4.1 If you are still dissatisfied after going through Authority's procedures outlined above, you may complain to the Local Government Ombudsman at the Commission for Local Administration in England. The Ombudsman will not question what the Authority has done simply because you do

not agree with its decision. The complaint must be about maladministration, ie that something went wrong procedurally. You may also claim to have suffered injustice as a consequence.

4.2 The Ombudsman will expect claimants to have first raised their complaint with the Authority and given the Authority a chance to respond. The Ombudsman would normally allow about 12 weeks for a response but may get involved earlier if there are extenuating circumstances.

4.3 An explanatory booklet and a form to make a complaint to the Ombudsman is available from Exmoor House and information is available on our website.

5. **LEARNING FROM COMPLAINTS**

5.1 The Authority wants to resolve problems as soon as possible and, ideally, prevent them from happening again. Your reporting of problems gives the Authority chance to put matters right. If your complaint is upheld:

- you will receive a written apology and an undertaking to prevent recurrence of the problem
- efforts will be made to remedy the problem and compensation may be offered in appropriate cases

6. **NOTES**

1. The National Park Officer, and the Head of the Authority's paid staff is Dr Nigel Stone.
2. The Authority's Complaints Officer is Mr. Charles Burrows, Head of Business Management.
3. The Authority's Monitoring Officer is Mr John Whitcutt, who also acts as the Authority's Solicitor.

ANYONE WITH IMPAIRED VISION UNABLE TO
READ THIS GUIDE SHOULD CONTACT THE
HEAD OF BUSINESS MANAGEMENT AT
EXMOOR HOUSE, DULVERTON TA22 9HL
OR TELEPHONE: 01398 323665



Complaint form

Please continue your answers on a separate sheet if there is not enough space on this form.

1 COMPLAINANT (BLOCK CAPITALS PLEASE)

TITLE: _____ **FORENAMES:** _____

SURNAME: _____

ADDRESS: _____

_____ **Postcode:** _____

Daytime phone number: _____ **Evening** phone number: _____

E.mail address (if you want to be contacted via email) _____

2 DETAILS OF COMPLAINT

What Service do you wish to complain about? _____

What is your complaint? _____

How have you been affected by the Authority's actions and what injustice have you suffered? _____

What do you think the Authority should do to put things right? _____

Your signature: _____ **Date:** _____

Please see attached sheet on Equal Opportunities:

Monitoring Equal Opportunities

It is a Government request for us to ask these questions but answering them is optional.
 Please tick the appropriate box.

1 Ethnic Group:

White

 British

 Irish

 Any other white background

Mixed

 White and Black Caribbean

 White and Black African

 White and Asian

 Any other mixed background

Asian or Asian British

 Indian

 Pakistani

 Bangladeshi

 Any other Asian background

Black or Black British

 Caribbean

 African

 Any other Black background

Chinese

 Chinese

Other Ethnic Group

 Any other group

2 Sex: Male Female

3 Age: under 16 16-19 20-24 25-29 60-64 65 & above

4 Do you have a disability? Yes No

What is the nature of your disability?

 Difficulty getting around

 Hearing difficulty

 Difficulty seeing

 Learning difficulty

 Mental health problems

 Other