



Comments and complaints

1. Why complain?

- 1.1 We aim to deliver high quality and efficient services. We are always trying to do better, and we welcome your 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 appreciate compliments and suggestions.
- 1.2 A complaint is an expression of dissatisfaction by any one or more members of the public about the NPA'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 NPA itself or a person or body acting on behalf of the NPA.
- 1.3 Our complaints process is not a review or an appeal procedure for you to challenge the merits of decisions. Neither is it a way to ask for a review of a decision which goes against you.

2. How do I request an explanation?

- 2.1 If you wish simply to request an explanation for an action that the NPA has taken, or to comment on the service you have received from the NPA, you can contact the NPA in the ways set out below.
- 2.2 You can call the NPA on 01590 646600 and request to be put through to the relevant service, or alternatively write to:

New Forest National Park Authority

Lymington Town Hall
Avenue Road
Lymington
SO41 9ZG

Email: membersservices@newforestnpa.gov.uk

Fax: 01590 646666

3. How do I make a complaint?

- 3.1 The NPA operates a three stage complaints process to ensure complaints are dealt with impartially, objectively and professionally.
- 3.2 We would normally expect you to raise your complaint within one calendar month of the event or matter that has caused you concern, although in exceptional circumstances we will consider your complaint after that time has elapsed. Please note that we will not normally consider complaints that are raised more than six months after the date of the relevant event or matter.

Stage One: Informal complaints

- 3.3 If your complaint is about a member of staff, why not talk to him or her directly? You may find that the matter can easily be resolved. Alternatively, you may prefer to talk to his or her manager.

Stage Two: Formal complaints

- 3.4 If it is not possible to settle the complaint informally, or you do not wish to do so, please submit your complaint in writing to the address provided. 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. You can ask someone to help you.

- 3.5 All formal complaints should be made to:

The Information and Data Protection Officer

New Forest National Park Authority
Lymington Town Hall
Avenue Road
Lymington
SO41 9ZG

or by email to:

membersservices@newforestnpa.gov.uk

- 3.6 Your complaint will be recorded and referred to 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.
- 3.7 We will normally acknowledge receipt of your written complaint within five 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.
- 3.8 Please note that anonymous complaints will only be referred for investigation or other action if they include documentary or photographic evidence indicating an exceptionally serious or significant matter.

Stage Three: Referral to Chief Executive

- 3.9 If you have gone through the formal complaints process 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 Officer of the NPA for review, or, if the complaint involves the Chief Executive, to the Monitoring Officer or another person authorised by him/her. We would normally expect you to request the referral of your complaint to Stage Three within 40 days of the NPA's Stage Two response, although in exceptional circumstances we may agree to investigate after that time has elapsed. Subject to paragraph 3.10 below, you will receive a response within 20 working days of your request.
- 3.10 In some cases, relations between the NPA and a complainant may deteriorate whilst a complaint is under investigation, or it may become apparent that there is another reason why there is little prospect of achieving a satisfactory outcome

through the investigation. In such circumstances there is often little purpose in following through all stages of the complaints process and the NPA may decide not to offer a Stage Three review in its investigation. When this occurs the NPA will inform the complainant, who may then choose to refer this matter to the Ombudsman. If the complainant so requests, the NPA will confirm to the Ombudsman that it does not intend to take the investigation through Stage Three of its complaints process and will indicate its willingness that the Ombudsman open an investigation at this stage. For the avoidance of doubt, the decision not to proceed with Stage Three of the NPA's complaints process may be taken even when the NPA has not, or has not yet, invoked the provisions on unacceptable, unreasonably persistent or vexatious complaints set out in paragraph 9 below.

4. Who will see my complaint?

- 4.1 All comments and complaints are treated in confidence and will not disadvantage you in any future dealings you might have with the NPA.
- 4.2 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.

5. What happens next?

- 5.1 The NPA wants to improve its service and resolve problems as quickly as possible.
- 5.2 If your complaint is upheld:
 - 5.2.1 you will receive a written apology; and
 - 5.2.2 an explanation of any redress and any steps taken to prevent a similar problem recurring.
- 5.3 If your complaint is not upheld, the officer who conducted the investigation will write to you explaining the reasoning behind the decision.

This step concludes our complaints process.

6. What if I'm still not satisfied?

- 6.1 Most of the time, 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.
- 6.2 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 NPA's actions solely because you do not agree with a decision the NPA has made.
- 6.3 You may contact the Ombudsman at any time, but the Ombudsman will not normally consider your complaint until it has been through the NPA's complaints process first.
- 6.4 You can contact the Ombudsman at:

Local Government Ombudsman
PO Box 4771
Coventry, CV4 0EH

Tel: 0300 061 0614

Fax: 024 7682 0001

Website: www.lgo.org.uk

7. What if I have an objection to a decision made by the NPA?

- 7.1 Objections to the merits of decisions that the NPA has made, including those on planning matters, will not be dealt with under the complaints process described in this document. However, if you feel that the procedure or process followed in reaching a decision was incorrect or unfair, you may wish to lodge a complaint on this basis.

8. What if I wish to complain about a Member's conduct?

Complaint that a Member has breached the NPA's Code of Conduct

- 8.1 The responsibility for considering complaints that a Member of the NPA may have breached the Authority's Code of Conduct has transferred from the Standards Board for England to the NPA's own Standards Committee.
- 8.2 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:

Monitoring Officer

c/o Corporate Services
New Forest National Park Authority
Lymington Town Hall
Avenue Road
Lymington SO41 9ZG

or by email to: memberservices@newforestnpa.gov.uk.

Complaint that a Member has breached one of the NPA's Local Protocols

- 8.3 The NPA has adopted a number of local protocols which regulate various aspects such as the working relationship between Members and officers of the NPA and the protocol for Members of the Planning Development Control Committee when dealing with planning matters. Complaints that a member has not acted in accordance with a local protocol must be in writing and may be directed to a Member or an officer of the NPA. The recipient will immediately refer the complaint to the NPA's Monitoring Officer who is responsible for monitoring the conduct of Members of the NPA. The Monitoring Officer will contact you in due course.
- 8.4 A full description of the procedure the NPA will follow on an alleged breach of a protocol by a member is set out in the NPA's guidance on this subject, which is available through the Publication Scheme.

9. The NPA's process for unacceptable, unreasonably persistent, or vexatious complaints

- 9.1 The NPA aims to deal fairly, honestly and properly with complainants and to recognise their rights under the Human Rights Act 1998. We are committed to dealing with all complaints equitably, consistently, comprehensively, and in a timely manner.
- 9.2 However, the NPA also needs to ensure that other service users and officers of the NPA do not suffer any detriment from a person making unacceptable, unreasonably persistent or vexatious complaints or behaving in a threatening or demanding way.

What is an unacceptable, unreasonably persistent or vexatious complaint?

- 9.3 Complaints may be designated as unacceptable, unreasonably persistent or vexatious when complainants hinder the consideration of their own or other people's complaints, because of the frequency or nature of their contact with the NPA. Sometimes the situation between the NPA 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.
- 9.4 In general, a complaint may be seen as unacceptable, unreasonably persistent or vexatious where the complainant:
- 9.4.1 repeatedly pursues a complaint that appears to have no substance or that has been investigated and determined; or
 - 9.4.2 behaves in an unacceptable or inappropriate way – for example, becoming abusive, offensive or threatening.
- 9.5 Specific examples of unacceptable, unreasonably persistent or vexatious behaviour are listed below. This list is not exhaustive, nor does one feature on its own necessarily imply that the complaint will be considered as being in this category. Behaviour that comes within the scope of this paragraph 9 includes where the complainant:
- 9.5.1 refuses to specify the grounds of a complaint, despite offers of assistance;
 - 9.5.2 refuses to co-operate with the complaints investigation process;
 - 9.5.3 refuses to accept a decision that issues are not within the remit of the complaints process;
 - 9.5.4 makes repeated complaints about the staff dealing with the complaints, and/or seeks to have them replaced without specifying good reason;
 - 9.5.5 changes the basis of a complaint as the investigation proceeds, or denies statements made at an earlier stage;
 - 9.5.6 continually introduces new information, or raises large numbers of detailed questions of a trivial or irrelevant nature;
 - 9.5.7 electronically records meetings or conversations without the prior knowledge and consent of the other persons involved;
 - 9.5.8 adopts a 'scattergun' approach, pursuing a complaint with the NPA and at the same time with other parties, or pursuing complaints with a number of different officers and/or Members within the NPA;
 - 9.5.9 makes excessive demands on resources; for example, excessive telephoning or emailing or frequent lengthy letters, or demanding a response within an unrealistic timetable;
 - 9.5.10 submits further complaints after the complaints process has been completed, essentially about the same issues but with additions/variations that the complainant asserts make these 'new' complaints;
 - 9.5.11 makes it clear that the purpose of the complaint is frivolous or intended to annoy staff or disrupt the NPA's discharge of its functions;

- 9.5.12 refuses to accept that issues are not within the NPA's power to investigate, change or influence;
 - 9.5.13 refuses to accept documented evidence as factual, or repeatedly makes inflammatory remarks or unsubstantiated allegations;
 - 9.5.14 refuses to accept a decision or advice given by officers, repeatedly arguing the point and complaining about the decision; or
 - 9.5.15 repeatedly refuses to refer a matter to another body or process as advised by officers (for example, the Local Government Ombudsman, the Planning Inspectorate or the Information Commissioner's Office), and instead seeks to use the NPA's complaints process to resolve the matter even though he or she has been informed that this is not the correct forum for the resolution of the issue.
- 9.6 For the avoidance of doubt, raising legitimate queries or criticisms of the complaints process as it progresses, for example if agreed timescales are not met, should not by itself lead to someone being regarded as an unreasonably persistent or vexatious complainant.
- 9.7 Similarly, the fact that a complainant is unhappy with the outcome of a complaint and seeks to challenge it should not necessarily cause his or her complaint to be labelled unreasonably persistent or vexatious.

Action to be taken

- 9.8 If the Information and Data Protection Officer determines that a complaint is becoming unacceptable, unreasonably persistent or vexatious, he or she may decide to warn the complainant that if their actions continue their complaint may fall under the scope of this process. However, there is no requirement to warn the complainant before designating his or her complaint as vexatious if the Information and Data Protection Officer decides that it would not be appropriate to do so in all the circumstances of the particular case.
- 9.9 Where a complaint has been identified by the officer dealing with the complaint (the complaint handler) as being or becoming unacceptable, unreasonably persistent or vexatious, he or she will discuss the matter with the Information and Data Protection Officer. These officers will decide, in consultation with the Chief Executive in the first instance, or the Monitoring Officer, if the Chief Executive is either not available or it is not considered appropriate because of his / her previous involvement in the matter, whether to designate the complaint as unacceptable, unreasonably persistent or vexatious and to apply the provisions of this process. This decision will not be taken lightly and the NPA must be satisfied that the proposed action is proportionate and necessary.
- 9.10 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 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 NPA's view on the complaint.
- 9.11 The Information and Data Protection Officer, the Chief Executive Officer or Monitoring Officer (whichever was involved in the decision in accordance with

paragraph 9.9 above), and the complaint handler may also decide to take some or all of the following actions:

- 9.11.1 direct that contact should be directed to and will only be accepted by a named individual;
 - 9.11.2 direct that the means or manner of contact should be restricted (e.g. letter only);
 - 9.11.3 place time and frequency limits on telephone conversations and personal contacts;
 - 9.11.4 require any personal contacts to take place in the presence of a witness; and/or
 - 9.11.5 refuse to register and process further complaints about the same matter.
- 9.12 Any restriction that is imposed on the complainant's contact with the NPA will be appropriate and proportionate and the complainant will be advised of the period of time that the restriction will be in place for. In most cases restrictions will apply for six months but in exceptional cases this period may be extended.
- 9.13 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. Officers will also explain to the complainant what action has been taken and why, how long any restrictions will last and at what intervals they will be reviewed, and the complainant's right to refer the matter to the Local Government Ombudsman.
- 9.14 Where a complaint has been designated as unacceptable, unreasonably persistent or vexatious, officers 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's Office or the Police.
- 9.15 If the complainant makes a complaint about a new issue this should be treated on its merits, and a decision will need to be taken on whether any restrictions that have been applied before are still appropriate and necessary.
- 9.16 Where a decision has been taken to restrict a complainant's contact with the NPA, he or she may request a review of this decision. A panel consisting of either the Chief Executive or Monitoring Officer (whoever was not involved in the initial decision), together with a member of staff at Senior Management level who has not previously been involved with the complaint, will consider the matter and determine whether or not to uphold the original decision.
- 9.17 There is no absolute right to a review of a decision to restrict contact with a complainant or other invocation of the provisions of this process. For example, in circumstances in which the panel consider that it would not be appropriate for a review to take place, or where no suitable members of staff are available to conduct it, or where the relationship between the complainant and the NPA has broken down to the extent that there is no possible resolution to the complaint that will satisfy both parties, it will be inappropriate to conduct a review. In these circumstances the complainant will be advised of his or her right to refer the matter to the Local Government Ombudsman.

Threatening and difficult behaviour by the complainant

- 9.18 Aggression can be other than physical assault. There are times when staff feel threatened, intimidated or bullied by the language or behaviour of a complainant. This may include written language in the form of letters or e-mails. The NPA expects staff to be treated courteously and with respect.
- 9.19 If staff feel threatened or distressed by a complainant they will report their concerns, and the reason for those concerns, to their manager. The manager will report the incident using the appropriate departmental process and will consider:
- 9.19.1 writing to the complainant requiring no repetition of the behaviour and if necessary setting conditions and restrictions for further contact with staff; and
 - 9.19.2 whether to report the incident to the Police.

Telephone

- 9.20 If staff consider during a telephone conversation that a caller is becoming aggressive and/or offensive they will inform the caller that they will terminate the conversation unless such behaviour ceases. If the behaviour continues the member of staff will put down the receiver, terminating the call. A note will be placed on file of the reason for terminating the call. Staff will respond to repeated calls, and to any calls that do not comply with any restrictions placed on a complainant in accordance with paragraph 9.11 above, in the same way. Repeated calls can be harassment which should, after consultation with a senior officer, be reported to the Police.

Face to face

- 9.21 Examples of threatening or difficult behaviour may include:
- 9.21.1 the person shouts very loudly and makes demands to see the officer they hold responsible (consideration should be given to any possible hearing impairment);
 - 9.21.2 threats are made to members of staff trying to be helpful;
 - 9.21.3 the language used to staff is abusive and upsetting;
 - 9.21.4 the person refuses to leave until their problem is resolved; and/or
 - 9.21.5 their continued presence causes disruption/distress to other visitors in the reception/general office area.
- 9.22 Such difficult situations can sometimes be resolved by being patient, remaining calm, listening and identifying exactly what the problem is. If it is not possible to resolve the situation staff may:
- 9.22.1 ensure another member of staff is present (telephone another office to request assistance if only one member of staff is on duty);
 - 9.22.2 remain behind the desk or counter;
 - 9.22.3 explain clearly that they are unable to help any further but will pass on details of their complaint to the relevant person, and ask the complainant to leave the premises;
 - 9.22.4 telephone a senior manager to ask for further assistance if necessary;

- 9.22.5 if the complainant refuses to calm down or to leave, press the alarm button for assistance, where appropriate;
- 9.22.6 write up a clear account of exactly what has happened as quickly as possible after the incident has occurred, listing those present at the time, signing and dating the document and passing copies to their manager, the Information and Data Protection Officer, and a member of the Human Resources team; and/or
- 9.22.7 contact the Police.

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