

Report of Democratic Services Manager

Subject:

Unacceptable Behaviour by Complainants Policy and revised Complaints Handling Policy

Purpose of Report

Members are asked to approve the introduction of an Unacceptable Behaviour policy and a revised Complaints Policy.

Introduction/Background

The Authority's Complaints procedure is contained in its booklet "[Service Standards – comments and complaints](#)". The procedure enables members of the public to make complaints about the Authority. This is available both in hard copy at all the Authority's offices and electronically on the Authority's website. The procedure was last amended in 2014 and therefore a review is timely.

Unacceptable Behaviour by Complainants Policy

Members will be aware of the general increase in society of poor behaviour by a small number of people and the Authority is not immune to this decline in standards. It is therefore considered that a policy should be introduced to govern such incidents. A draft policy can be found at Appendix A for Members' consideration.

Revised Complaints Policy

The revised policy is based on the model policy produced by the Complaints Standards Authority. This body was created under the Public Services Ombudsman (Wales) 2019 Act and with the aim of driving improvement in public services by supporting effective complaint handling.

The current policy operates as a "two stage" process, whereby a complaint is normally dealt with by the head of service in the first instance, and if it is not resolved to the satisfaction of the complainant, they have the ability to ask the Authority's Monitoring Officer to investigate the complaint. The revised policy provides for only one formal stage for resolution of complaints by the Authority. In both cases, if the complainant remains dissatisfied, they may take their complaint to the Public Services Ombudsman for Wales. The revised policy can be found at Appendix B.

Financial considerations

Staff time in dealing with complaints would be reduced under a single stage process.

Risk considerations

It is important that complaints against the Authority are dealt with effectively and in a timely manner in order to maintain high standards of governance and customer service.

Compliance

The revised complaints policy is based on the Public Services Ombudsman for Wales' model policy. The Authority's Dignity at Work and Bullying and Harassment Policies make it clear that it does not tolerate bullying, harassment or victimisation and expects everyone who works at or with PNCPA, as well as visitors and customers, to behave respectfully towards others and never act in a way that could be regarded as bullying, harassment or victimisation.

Human Rights/Equality issues

Members of the public have a right to expect a high standard of service from the Authority, but equally it is essential to protect staff and Members from the effect that unacceptable behaviour may have on them.

Welsh Language considerations

We welcome complaints through the medium of Welsh and will respond to these in Welsh. Corresponding in Welsh will not lead to delay. Complaints in respect of the Authority's compliance with the Welsh Language Standards will be dealt with under the [Welsh Language Standards: Comments and complaints](#) procedure.

Recommendation:

That the Unacceptable Behaviour by Complainants Policy and revised Complaints Handling Policy be adopted by the Authority.

Background Documents

Existing Complaints Procedure: [Service Standards – comments and complaints](#)
[Welsh Language Standards: Comments and complaints](#)

(For further information, please contact the Democratic Services Manager)

Author: Democratic Services Manager

Consulted with: Monitoring Officer, Management Team

Pembrokeshire Coast National Park Authority

POL_0X Unacceptable behaviour by Complainants Policy

Version	Active Date	Document Owner	Internal/ External
		<i>Democratic Services Manager</i>	

Please note: Policy Control Sheet is at the end of the document.

Does this Policy relate to me:

The policy relates to any member of the public who persistently or abusively complains about the Authority or its staff

Quick Reference - Key Policy Messages:

The Authority will aim to manage unacceptable behaviour towards its staff and Members by members of the public

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1. Policy Statement

- 1.1 To manage unacceptable behaviour of complainants and to protect staff and Members from the effect such behaviour may have on them.

2. Aim of Policy

- 2.1 The objectives of the Policy are:

- To provide a means of handling necessary communications with complainants whose behaviour has been deemed to be unacceptable.
- To improve unacceptable behaviour and actions so that normal complaints management practices can apply.

3. Scope of Policy

- 3.1 All complaints about services provided by the Pembrokeshire Coast National Park Authority (NPA) (including complaints relating to compliance with the Welsh Language Measure (Wales) 2011 Service Delivery standards.)

4. What is unacceptable behaviour?

- 4.1 Officers should always consider the effect that the situation surrounding the complaint may have had on the complainant. A person who is normally very reasonable may react differently in a stressful situation.
- 4.2 Attempts should always be made to defuse the situation so that, wherever possible, normal relations and procedure can take place.
- 4.3 However, when the complainant's continued behaviour renders that impossible, guidance should be sought from the Democratic Services Manager about the possible use of this policy.
- 4.4 Unacceptable actions may include:

4.4.1 Repetition

A complainant may repeat what amounts to the same complaint over a period of time to one or more officers / Members without raising anything new or may even repeatedly make contact with different officers / Members with exactly the same complaint.

4.4.2 Unreasonable pursuit

Once a complainant has been advised of what will happen regarding their complaint and when a response can be expected, it may be considered unreasonable to continue to excessively call officers / Members before that date.

4.4.3 Refusal to accept outcome

Sometimes an investigation will not lead to the result desired by the complainant, and the complainant may continue to raise the matter after the process has been closed.

4.4.4 Abusive behaviour/Harassment

Complainants may behave aggressively or threateningly toward staff and Members both in person or in correspondence or during telephone conversations.

4.4.5 Abuse of the procedure

Many actions which could fall under the above descriptions are likely to be irrational. However, some complainants may complain repeatedly to further other ends, such as when a pressure group wishes to keep the profile of its chosen subject high, or when an attempt is being made to influence the NPA's legitimate decision-making processes.

5. Procedure under the policy

5.1 Who can start procedure?

5.1.1 Any officer or Member who feels that a complainant is behaving in a way which this policy identifies as unacceptable may raise the issue.

5.2 What should they do? The Informal Stage

5.2.1 The first action is to explain to the complainant, calmly and politely, why their behaviour is unacceptable and to try to influence that behaviour so that it becomes acceptable.

5.2.2 If that fails, the line manager should be consulted. They will review the case, based on the information provided by the officer. This information will include notes about the complaint and records of any contact deemed unreasonable.

5.2.3 The Manager will either advise the officer why the behaviour is not unreasonable, or will contact the Complainant, either by letter or e-mail, explaining why the behaviour is unreasonable and defining what would be considered reasonable. The letter would also advise the complainant of the future action to be taken by the National Park Authority if the behaviour were to continue.

5.3 What if the behaviour continues? The Formal Stage

5.3.1 The Monitoring Officer will decide when this stage of the policy is to be engaged. A Complaints Panel will then consider the case, with the assistance of officers involved up to that point and decide on how to proceed. The Complaints Panel will consist of the Democratic Services Manager, a

Head of Service and a Director.

5.3.2 The options open will include, but will not be limited to:

- Use of a single point of contact, including if appropriate a dedicated e mail address.
- Advising the complainant that only complaints unrelated to those already considered will be accepted
- Requiring all communications to be in writing only. (ie not in person or by telephone.)
- Meeting with the complainant.
- Indicating to the complainant a date by which a substantive response will be issued.
- Until that date is reached or the substantive response issued whichever is sooner, no communication will be accepted or responded to unless in a response to a request from the NPA for further specific information.
- Advising the complainant to contact the Public Services Ombudsman for Wales

5.4 Appeals

5.4.1 Appeals against the implementation of the Policy will be considered by the Chief Executive.

5.5 Future complaints

5.5.1 It is not acceptable to cut off all contact with a complainant, as it cannot be assumed that no genuine new complaints will be raised in the future.

5.6 Logging and review

5.6.1 The Democratic Services team will maintain a log of complainants for which the formal stage of this policy has been used. The management of this log will be compliant with the Data Protection Act 2018 and the General Data Protection Regulations and will include a review date.

5.6.2 When the review falls due, the Democratic Services team will bring the case to the attention of the Complaints Panel, who will decide whether the process need continue.

5.6.3 The log will be updated to reflect the decision. Expired entries should be removed a year after closure.

6. Roles and Responsibilities

6.1 Monitoring Officer

Overall responsibility for deciding when this policy is to be engaged will fall to the Monitoring Officer.

6.2 Complaints Panel

On receiving a referral the Panel will lead discussions with officers and, if appropriate, the complainant, leading to a decision on how communication with the complainant will be handled.

When the review (see para 5.6.1) falls due, the Complaints Panel will decide whether the process need to continue.

6.3 Chief Executive

Appeals against the implementation of the Policy will be considered by the Chief Executive.

6.4 Democratic Services Team

The Democratic Services team will maintain a log of complainants for which the formal stage of this policy has been used. The management of this log will be compliant with the Data Protection Act / General Data Protection Regulations and will include a review date.

6.5 Heads of Service

The relevant Head of Service will be consulted over each instance raised. He/She may nominate a single point of contact between the Complainant and the Authority and may even be the point of contact.

6.6 All Staff

Any officer who undertakes a suitably relevant role and has the requisite training or skills may be nominated as a single point of contact.

7. Monitoring and Assurance

7.1 The Democratic Services manager will provide an annual report on the use and working of the policy which will be included as an agenda item in the annual report to the Standards Committee by the Monitoring officer.

8. Related Policies and Operational Procedures.

Complaints Handling Policy [\[Link\]](#)

Policy Control Sheet

Change Level

Change Level	Tick
Minor editorial/ accuracy changes	
Change requires Management Team Approval Only	
New Policy or Change requires NPA Approval / HR Committee Approval	✓

Consultation

Group	Date
Management Team	5/9/23

Assessments

Assessment – If Applicable	Date
Integrated Assessment – Full	
Integrated Assessment – Policy/ Procedure Review	
Data Protection Impact Assessment	

Approval

Approved by	Name	Date	Signature
NPA			

Version History

Version	Active Date	Summary of Changes

Review

Version	Active Date	Document Owner	Review Date Trigger

Publication

Policies must be co-ordinated through the Performance and Compliance Team, for compliance, auditing, and control purposes. Please send all new or reviewed policies once approved to mairt@pembrokeshirecoast.org.uk for formal publication of policy to staff and where required on the Authority website.

Publication	Date
Published on Sharepoint Corporate Policy Hub	
External Policy – Published on Website: HTML	

Pembrokeshire Coast National Park Authority
POL_0X Complaints Handling Policy

Version	Active Date	Document Owner	Internal/ External
		<i>Monitoring Officer</i>	

Please note: Policy Control Sheet is at the end of the document.

Does this Policy relate to me: *We are happy to receive comments and complaints from any member of the public.*

Quick Reference - Key Policy Messages: The Pembrokeshire Coast National Park Authority is committed to providing a high standard of service – but we may sometimes get it wrong. This document sets out how we will try to put things right and how to take your complaint to the Public Services Ombudsman if you remain dissatisfied.

1. Our commitment to you

The Pembrokeshire Coast National Park Authority is committed to providing a high standard of service – but we may sometimes get it wrong. If we do, we are also committed to:

- dealing with your concern or complaint;
- clarifying any issues about which you are not sure;
- apologising if we get something wrong;
- where possible, putting right any mistake we may have made, and
- learning from our mistakes and using the information we gain to improve our services.

2. What is a complaint?

A complaint is an expression of dissatisfaction or concern about an action, or lack of action, in relation to the standard of service provided (whether by a member of staff, volunteer or contractor) – and which requires a response. The complaint can be written or spoken, and can be made by one or more members of the public.

Complaints against Members of the Authority should be made directly to the Public Services Ombudsman for Wales (see paragraph 9).

A complaint **is not** an appeal against a ‘properly made’ decision, for example against a refusal to grant you planning permission. In that instance, rather than investigate your concern we will explain to you how to appeal against the decision.

Sometimes, you might be concerned about matters that are not decided by us and we will then advise you how to make your concerns known to the appropriate body.

3. How do I complain?

You can express your concern in any of the following ways:

- you can get in touch with our Customer Service team on 01646 624800 to either:
 - make your complaint over the phone, or
 - ask for a copy of our Complaints Form;
- you can visit our website (www.pembrokeshirecoast.org.uk) and complete the Complaints Form ([link](#));
- you can visit our headquarters at Pembroke Dock, or one of our Centres at Carew, Castell Henllys or Oriel y Parc and ask for a copy of our Complaints Form;

- you can e-mail us at info@pembrokeshirecoast.org.uk, or you can write a letter to us at the following address at **(Please handwrite this address on your envelope/label only)**:

Democratic Services Manager
Freepost RTKR-GGRT-ESST
Pembrokeshire Coast National Park Authority
Llanion Park
Pembroke Dock
Pembrokeshire
SA72 6DY.

Please note that, if you're expressing a concern on behalf of somebody else, we'll need their agreement to you acting on their behalf.

4. Informal resolution

If possible, we believe it's best to deal with things straight away rather than try to sort them out later. If you have a concern, raise it with the person you're dealing with in the first instance so that he or she can try to resolve it for you there and then. If there are any lessons to learn from addressing your concern then the member of staff will draw them to our attention. If the member of staff can't help, they will explain why and you can then ask for a formal investigation.

5. Formal resolution

- We will formally acknowledge your complaint within 3 working days and let you know how we intend to deal with it.
- We will ask you to tell us how you would like us to communicate with you and establish whether you have any particular requirements – for example, if you have a disability.
- We will deal with your complaint in an open and honest way.
- We will make sure that your dealings with us in the future do not suffer just because you have expressed a concern or made a complaint.

Normally, we will only be able to look at your concerns if you tell us about them within 12 months; this is because it's better to look into the matter while the issues are still fresh in everyone's mind. We may exceptionally be able to look at concerns which are brought to our attention later than this, however you will have to give us strong reasons why you have not been able to bring it to our attention earlier. You will also need to provide sufficient information about the issue to allow us to consider

it properly. In any event, regardless of the circumstances, we will not consider any concerns about matters that took place more than three years ago.

6. Investigation

We will tell you who we have asked to look into your concern or complaint. We will aim to resolve complaints as quickly as possible, and expect to deal with the vast majority within 20 working days. If your complaint is more complex, we will let you know why we think it may take longer to investigate and give you regular updates on how the investigation is proceeding.

The person who is investigating your complaint will aim first to establish the facts and, in some instances, may ask to meet you to discuss your concerns. They will look at relevant evidence, which could include files, notes of conversations, letters, e-mails or whatever may be relevant to your particular complaint. If necessary, they'll talk to the staff or others involved and look at our policies and any legal entitlement and guidance.

7. Outcome

If we formally investigate your complaint, we will let you know what we have found and explain how and why we came to our conclusions. If we find that we got it wrong, we'll tell you what and why it happened. If we find there is a fault in our systems or the way we do things, we'll tell you what it is and how we plan to change things to stop it happening again.

If we got it wrong, we will always apologise.

8. Putting Things Right

If we didn't provide you with a service you should have had, we'll aim to provide it now, if that's possible. If we didn't do something well, we'll aim to put it right. If you have lost out as a result of a mistake on our part, we'll try to put you back in the position you would have been in if we'd done things properly.

If you had to pay for a service yourself, when we should have provided it for you, we will try to refund the cost.

9. Ombudsman

If we do not succeed in resolving your complaint, you may complain to the Public Services Ombudsman for Wales. The Ombudsman is independent of all governing

bodies and can look into your complaint if you believe that you personally, or the person on whose behalf you are complaining:

- have been treated unfairly or received a bad service through some failure on our part, or
- have been disadvantaged personally by a service failure or have been treated unfairly.

The Ombudsman expects you to bring your concerns to our attention first and to give us a chance to put things right. You can contact the Ombudsman by:

- phone: 0845 601 0987
- e-mail: ask@ombudsman-wales.org.uk
- the website: www.ombudsman-wales.org.uk
- writing to: Public Services Ombudsman for Wales
1 Ffordd yr Hen Gae
Pencoed
CF35 5LJ

10. Learning lessons

We take your concerns and complaints seriously and try to learn from any mistakes we've made. Our Audit and Corporate Services Review Committee considers a summary of all complaints quarterly. Where there is a need for change, we will develop an action plan setting out what we will do, who will do it and when we plan to do it by. We will let you know when changes we've promised have been made.

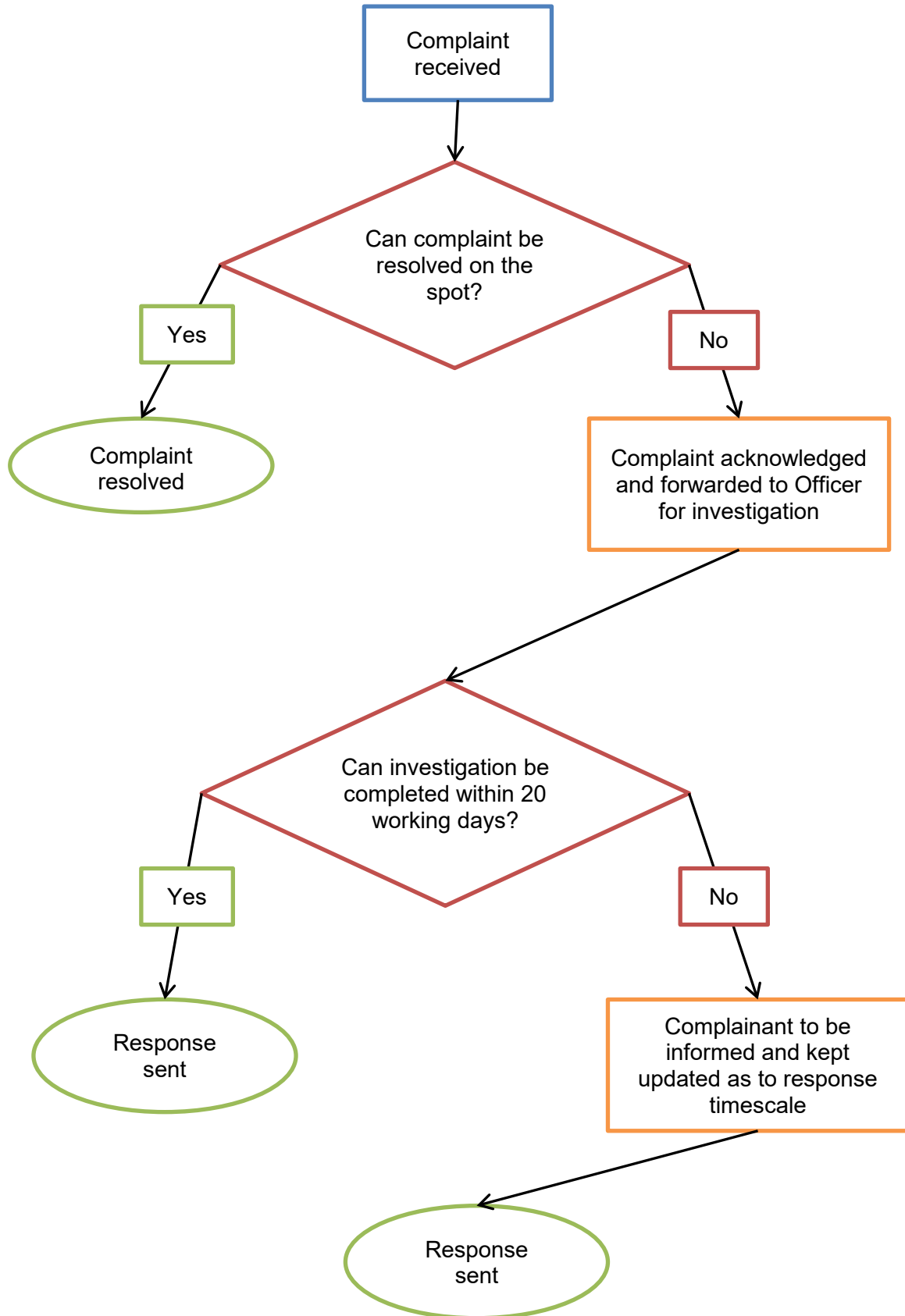
11. What we expect from you

We believe that all complainants have the right to be heard, understood and respected. However, we also consider that our staff have the same rights. We therefore expect you to be polite and courteous in your dealings with us. We will not tolerate aggressive or abusive behaviour, unreasonable demands or unreasonable persistence. We have a separate policy to manage situations when we consider that someone's actions are unacceptable [\[link to be provided\]](#).

12. Please remember our commitment

The Pembrokeshire Coast National Park Authority is committed to providing a high standard of service. If you feel we have done something wrong or badly, or that there has been a long delay in dealing with any matter, please tell us about it. Only by doing this can we put matters right and acknowledge any mistake on our part. This will also enable us to improve our services for the benefit of everyone.

COMPLAINTS HANDLING FLOWCHART



13. Appendix A

14.

Concern/Complaint form

Please Note: The person who experienced the problem should normally fill in this form. If you are filling this in on behalf of someone else, please fill in Section B.

A: Your details

Surname:	Forenames(s):	Title: Mr/Mrs/Miss/Ms/ if other please state
Address and postcode:		
Your email address:		
Daytime contact phone number:		

Please state how you would prefer us to contact you:

Your requirements: if our usual way of dealing with complaints makes it difficult for you to use our service, for example if English or Welsh is not your first language or you need to engage with us in a particular way, please tell us so that we can discuss how we might help you.

B: Making a complaint on behalf of someone else: Their details:

Please note: We have to be satisfied that you have the authority to act on behalf of the person who has experienced the problem.

Their name in full:	
Address and postcode:	
What is your relationship to them?	

Why are you making a complaint on their behalf?	
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C: About your concern/complaint (Please continue your answers to the following questions on a separate sheet(s) if necessary)

C.1 Name of the department/section/service you are complaining about:

C.2 What do you think they did wrong, or failed to do?

C.3 Describe how you personally have suffered or have been affected:

C.4 What do you think should be done to put things right?

C.5 When did you first become aware of the problem?

C.6 Have you already put your concern to the frontline staff responsible for delivering the service? If so, please give brief details of how and when you did so:

C.7 If it is more than six months since you first became aware of the problem, please say why you have not complained before now:

If you have any documents to support your concern/complaint, please attach them with this form.

Signature:

Date:

When you have completed this form, please send it to:

(Please handwrite this address on your envelope/label only):

Administration and Democratic Services Manager
Freepost RTKR-GGRT-ESST
Pembrokeshire Coast National Park
Llanion Park

Pembroke Dock
SA72 6DY

15. Policy Control Sheet

Change Level

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Group	Date
Management Team	5/9/23

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Integrated Assessment – Full	
Integrated Assessment – Policy/ Procedure Review	
Data Protection Impact Assessment	

Approval

Approved by	Name	Date	Signature
<i>[NPA/ HR Committee/ Management Team]</i>			

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Publication	Date
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External Policy – Published on Website: HTML	