



**Bannau Brycheiniog (Brecon Beacons)
National Park Authority
Concerns and Complaints Policy**

August 2024

Bannau
Brycheiniog



Concerns and Complaints Policy

1. Our commitment to you

Bannau Brycheiniog (Brecon Beacons) 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:

- receiving and listening to your views
- 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;
- 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 details at section 9 below).

Alternatively, there is a Local Resolution Protocol ([BBNPA Governance](#)) operated by the Authority where less serious complaints against members can be considered.

When the process cannot be used

A complaint **is not** an appeal against a ‘properly made’ decision by the Authority. A ‘properly made’ decision is one where the relevant laws, policies and procedures have been correctly followed in arriving at a decision. The complaints process is not an appeal or review of procedure or intended for use to challenge the merits of a decision nor is it a process to request a review of a decision. The complaints process cannot be used where you have an alternative means of redress, there is a statutory appeals or complaints process, or where proceedings are in court/ with some other judicial process.

In some circumstances you may have a right to appeal against a decision which the Authority has made. If, for example, your planning application is refused you

have the right to appeal to Planning & Environment Decisions Wales ([Planning and Environment Decisions Wales | GOV.WALES](#)). If an application or investigation is current and live, your complaint will not be handled as a formal complaint at this stage.

In addition, this policy does not apply to 'Freedom of Information', 'Environmental Information', or data access requests where appeal processes exist. In these instances, please contact the Data Protection Officer at dpo@beacons-mpa.gov.uk.

This process cannot be used in addition to or to duplicate processes available to employees under our standard terms and conditions.

This process cannot be used by our suppliers or partners as resolution of issues are determined by the contract or other terms of engagement.

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.

When any complaint is not accepted, we will provide a written explanation and offer advice on how to challenge the decision with the Ombudsman.

3. How do I complain?

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

- Complete the Complaint form available at www.Bannau.wales - [Complaint Form](#)
- Email us at Complaints@beacons-mpa.gov.uk
- Write to us at: *Complaints, Bannau Brycheiniog, Plas-y-Ffynnon, Cambrian Way, Brecon LD3 7HP*

We also aim to have complaint forms available at all of our service outlets and public areas.

Copies of this policy and the complaint form are available in Welsh and English and large print.

All complaints are treated confidentially. If you wish to submit a complaint anonymously then you will need to say why. We will confirm to you whether we are able to accept the complaint.

We cannot accept a complaint submitted on behalf of a third party unless you have the authority to do so (parental responsibility or power of attorney for example).

Only officers and managers dealing with complaints will be aware that a complaint has been received and is being investigated. If a complaint is about an officer, they will be made aware of that complaint except in exceptional circumstances. All data will be held in accordance with the requirements of the UK General Data Protection Regulation (GDPR) and the Data Protection Act 2018.

4. Informal resolution

If possible, we believe it's best to deal with things straight away. If you have a concern, please raise it with the person you're dealing with. They will try to resolve it for you there and then. If there are any lessons to learn from addressing your concern, 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 complain formally.

5. Formal resolution and how we deal with your concern

We will register your complaint and send you a formal acknowledgement within **5 working days**. Where we make a decision not to investigate a complaint, we will let you know formally within **20 working days** of receipt of the complaint.

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 require communication to be sent or received in a particular format or method.

We will deal with your complaint in an open and honest way.

We will ensure that your dealings with us in the future do not suffer 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 **6 months** of the complainant becoming aware of the problem; this is because it is 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

Stage 1 complaint

We will allocate your complaint to the Director who is relevant to the subject of your complaint. Your complaint will then be investigated by the Director or, where relevant, by another officer allocated by that Director or the Chief Executive.

In some circumstances, the investigating officer will request a meeting with you or contact you to obtain necessary information required to investigate the complaint sufficiently. It may also be necessary for the investigating officer to meet with other officers involved to establish the full facts and extent of the matter under investigation.

Where we request further information from you to enable the investigation to be progressed, the 20 working day time limit for the Authority to respond to the complaint will 'stop' until this further information has been received from you. If we do not receive the information from you within 20 working days of requesting it, we will close your complaint.

We aim to complete the Stage 1 complaint investigation and send you a substantive response within 20 working days from receipt of your complaint. However, in some circumstances, due to the complexity of the complaint, we may require additional time to investigate and respond fully to you. In these circumstances we will inform you within the 20 working day time period that additional time is required. We will then provide a full and substantive response within 40 working days from receipt of the complaint.

If you are not satisfied with the outcome of the Stage 1 complaint investigation and response, you have the right to request a review of the complaint under Stage 2 of this policy.

Stage 2 complaint

To request a Stage 2 complaint you must contact us in writing within 20 working days of the date we communicated the outcome of the Stage 1 complaint investigation to you. You may contact us to raise a complaint under Stage 2 of this policy as set out in section 3 above.

You may request consideration of your complaint under Stage 2 of this policy in the following circumstances:

- Where we have had adequate opportunity to address the complaint, but we have not provided a response in accordance with the Stage 1 procedure above.

- If you consider that the complaint has not received adequate or proper consideration.

If you request a Stage 2 complaint investigation, you are required to provide a detailed explanation of all the issues which you consider to be unresolved and giving your reasons why the Stage 1 complaint should be progressed to Stage 2. You must also give details of the outcome you are seeking from the complaint investigations.

We will acknowledge your Stage 2 request within 5 working days of receipt, and it will be brought to the attention of the Chief Executive who will then consider the Stage 1 complaint and the outcome of the Stage 1 complaint investigation and decide whether the complaint is sufficient to be progressed to a Stage 2 complaint investigation.

If the Chief Executive decides not to progress the complaint to a Stage 2 complaint, you will be advised of this decision, and the reasons for the decision in writing within 20 working days from receipt of your request for a Stage 2 complaint investigation.

Where the Chief Executive does consider that your Stage 1 complaint should be progressed to a Stage 2 complaint investigation the Stage 2 complaint will then be logged by the Authority and allocated to a senior officer to investigate.

How your Stage 2 complaint is investigated will depend on the circumstances and complexity of the issues raised. In most cases, the complaint will be investigated by a Director from the Authority who did not investigate the initial Stage 1 complaint.

In some cases, it may be appropriate for the Authority to appoint an independent investigator from outside the Authority to investigate the Stage 2 complaint.

Where necessary, the investigating officer will request a meeting with you, or may enter into further correspondence with you to obtain the information required to investigate the complaint sufficiently. It may also be necessary for the investigating officer to meet with any other officers involved to establish the full extent of the complaint.

Where we request further information from you to enable the complaint to be progressed, the 20 working daytime limit for the Authority to respond to the complaint will 'stop' until this further information has been received. If we do not receive this information within 20 working days from requesting it, the complaint will be closed.

We aim to complete the Stage 2 complaint investigation and send you a substantive response within 20 working days from receipt of the Stage 2

complaint request. However, in some circumstances due to the complexity of certain complaints we may require more time to investigate and respond to you fully. In these cases, we will write to you within the 20 working day period to let you know that we require more time. We will then provide a full and substantive response within 40 working days from receipt of the Stage 2 complaint request.

7. Outcome

If we formally investigate your complaint, we will let you know what we find. If necessary, we will produce a report. We'll explain how and why we came to our conclusions.

If we find that we made a mistake, we'll tell you what happened and why.

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 make a mistake, we will always apologise for it.

8. Putting things right

If we didn't do something well, we will aim to put it right.

If we didn't provide a service that should have been provided, we will aim to provide an acceptable service as soon as possible, if it is possible to do so.

9. The 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 government 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 the part of the service provider.
- Have been disadvantaged personally by a service failure or have been treated unfairly.

The Ombudsman normally 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: 0300 790 0203
- Email: ask@ombudsman.wales
- The website: [Complaint Checker - Public Services Ombudsman for Wales](#)

- Writing to: Public Services Ombudsman for Wales
1 Ffordd yr Hen Gae, Pencoed CF35 5LJ

There are also other organisations that consider complaints. For example, the Welsh Language Commissioner's Office deals with complaints about services in Welsh.

[Make a complaint \(welshlanguagecommissioner.wales\)](http://welshlanguagecommissioner.wales)

10. Learning lessons

We take your concerns and complaints seriously and try to learn from any mistakes we've made. Our senior management team considers a summary of all complaints quarterly and is made aware of all serious complaints. Our *Audit and Risk Committee* also considers our response to complaints at least twice a year. We share summary (anonymised) information on complaints received and complaints outcomes with the Ombudsman as part of our commitment to accountability and learning from complaints.

Where there is a need for significant change, we will develop an action plan setting out what we will do, who will do it and when we plan to do it. We will let you know when changes we've promised have been made.

11. What if you need help?

Our staff will aim to help you make your concerns known to us. If you need extra assistance, we will try to put you in touch with someone who can help.

12. 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 ([Unacceptable-Actions-by-Complainants-Policy.pdf \(beacons-npa.gov.uk\)](#)) to manage situations when we consider that someone's actions are unacceptable.