



North Eastern Inshore Fisheries & Conservation Authority

Complaint and Feedback Policy

Effective Date:	April 2011
Date Reviewed:	February 2022
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Contact Officer:	David McCandless
Contact Number:	01482 393690
Approved By:	NEIFCA Executive Committee East Riding of Yorkshire Council

1. Background

North Eastern Inshore Fisheries and Conservation Authority (NEIFCA or the Authority) is one of ten authorities surrounding the coastline of England. Each Authority has the same principal statutory function, to manage the exploitation of sea fisheries resources within pre-defined areas or districts.

North Eastern Inshore Fisheries and Conservation Authority comprises of 13 representatives from the 11 coastal Local Authorities within its area together with 14 members appointed by the Marine Management Organisation and one member nominated by each of the Marine Management Organisation, the Environment Agency and Natural England.

The Authority's operational activities are underpinned by a comprehensive suite of policies and guidance documents to ensure that operational delivery is managed and run in a transparent, consistent and professional manner.

The Authority has various Service Level Agreements (SLAs) in place with East Riding of Yorkshire Council, one of which is with Legal and Democratic Services and it supports them in complaint handling best practice. The Chief Executive of East Riding of Yorkshire Council is also the Authority's Clerk.

2. Purpose of the Policy

This policy was developed as part of the Authority's commitment to providing high quality customer service. The purpose of the Complaint and Feedback Policy is to ensure that:

- Customers can easily provide feedback on the Authority's services
- Customers receive a response to their feedback

- Customers are dealt with in an open, fair and proportionate way
- Requests are dealt with through the appropriate channels

3. Definitions for the Purpose of the Policy

Feedback: This is information given by customers about the Authority's service or member(s) of staff, whether logged formally or informally. There are, however, certain types of feedback that are not covered by this policy, all of which are outlined within it.

Complaint: An expression of dissatisfaction, however made, about the standard of service, actions, or lack of action by the organisation, its own staff, or those acting on its behalf, affecting an individual resident or group of residents. Including if someone feels like they have been discriminated against because of a protected characteristic. A customer does not have to use the word complaint for it to be treated as such.

Compliment: We are always pleased to receive positive feedback. We define this as a positive statement concerning a high level of service delivered for example when delivery exceeds customer expectations by or on behalf of the Authority, and/or could inform further service improvement.

Chief Officer: The Chief Officer will investigate and respond to feedback received from customers. They are also responsible for passing on any feedback to the relevant officers. Once the Chief Officer has completed their investigation and responded to the customer, they are responsible for ensuring that details of their response are recorded.

Unreasonable or Unreasonably Persistent Complainants: Those complainants who, because of the nature or frequency of their contacts with an organisation, hinder the organisation's consideration of their, or other people's, complaints and or requests for service. See Appendix I for further details.

Ombudsman: The Local Government and Social Care Ombudsman (LGSCO) acts independently of the Authority. The LGSCO will normally only investigate complaints once they have been through the Authority's complaints procedure.

4. Principles of the Policy

A Complaint and Feedback Policy is a key element of the Authority's overall approach to customer care and customer service. By following the policy, we can help maintain and improve the level and quality of service the Authority provides to its customers and to the fishing industry.

- (a) Feedback will be dealt with promptly, efficiently and courteously.
- (b) The originator of the feedback and/or those acting on their behalf will be kept informed of the progress and outcome of the feedback comment.
- (c) Feedback will be recorded when received.

It is fully recognised that the achievement of quality in service provision requires a genuine partnership between the Authority as an employer, the Authority's employees, its direct stakeholders and members of the wider public. Where mistakes are made which give rise to a complaint, the Authority will work with individual

employees to ensure that systems and procedures are reviewed and if necessary improved and that appropriate training is provided to achieve the necessary standards of service.

Providing feedback, including complaints and compliments on the Authority's services is one way the public can hold the Authority to account and contribute to service improvements and efficiencies.

5. Dealing with Feedback

A certain amount of judgement and discretion must be used in deciding whether to follow the formal feedback process. If in doubt the customer should be asked if they wish to make a formal complaint and this will be logged at Stage 1, this will be investigated by the Chief Officer of the IFCA.

If a complainant is unhappy with their response at Stage 1, they can escalate it to a Stage 2 complaint, which will be investigated by the sponsoring body at East Riding of Yorkshire Council, which is the Clerk of the Authority. Following this process if the complainant remains unhappy, they can take their complaint to the Ombudsman.

All feedback must be recorded and follow a clearly defined course of action. It is important that officers dealing with feedback are aware of the procedure and keep confidentiality at all times.

The complaint originally submitted should be clear. If the complaint raises a number of issues, it should be established with the complainant from the outset what the substantive complaint is and whether other issues raised are so clearly related that it can be regarded as one complaint and dealt with as such. This is to prevent the introduction of new complaints part way through the investigation of the original complaint.

If the issues raised in the complaint can be separated out into unrelated issues, they should be dealt with separately and each complaint taken through the Complaint and Feedback Policy.

A formal complaint must be dealt with in the following manner:

- (a) Details of the complaint and how the complaint has been made (i.e. in writing, electronically or verbally) must be passed in writing to the Chief Officer who will investigate and deal with the complaint.
- (b) Details of the complaint will be passed to the relevant officer¹ by the Chief Officer, who will record the receipts of the feedback.
- (c) A full response must be sent within 10 working days and a copy of the response recorded for eventual report to Authority. If a complaint is particularly complicated, then the complainant must be updated every 15 days.
- (d) Customers who remain dissatisfied will be advised that they may contact the Clerk of the Authority within 6 weeks from the date of the letter giving them a full reply to their initial complaint.

¹ The Information Governance and Feedback Team at East Riding of Yorkshire Council carry out this role as part of an SLA.

- (e) Complaints can also be referred to the Ombudsman. The Ombudsman will usually ask a customer to take their complaint through the Authority's feedback procedure before they will investigate it.

6. Types of Feedback not dealt with by the Policy

The following types of complaints will be excluded from this procedure.

- (a) A decision of the Authority where regulatory powers are being exercised unless the complainant relates specifically to the way the matter has been administered.
- (b) A matter which is or could reasonably be expected to be the subject of Court or tribunal proceedings or which is in the hands of the Authority's insurers.
- (c) Complaints which constitute a disagreement with or refusal to accept a rule of law which the Authority is applying.
- (d) Any incident which may give rise to a potentially disciplinary action against any employee.
- (e) Unreasonable or Unreasonably Persistent Complainants (see Appendix 1).

7. Roles and Responsibilities

The role of the **Chief Officer** of the IFCA is to:

- Investigate feedback received from customers
- Ensure that all feedback is logged and advice is sought
- Send acknowledgements to customers
- Respond to feedback within the required timescale
- Ensure that the details of feedback responses are recorded
- Take a lead on unreasonable complainant cases

The role of the **Clerk** is to:

- This stage will come into operation when the customer clearly indicates that they remain dissatisfied with the Authority's response at Stage 1.
- All formal complaints at this stage will be either addressed to or passed to the Clerk for investigation and response.
- The Clerk will ensure that such complaints are then processed in accordance with the Complaint and Feedback Policy and within the prescribed time scale.
- The Clerk will ensure that a response is prepared, and a reply made in writing to the complainant within 10 working days. If a full reply is not possible within that specified period, then the complainant will be informed when they can expect a response.

8. Responding to Customers

When investigating complaints, all contact with the customer should be recorded, to ensure that the Authority has an audit trail to support the investigation.

The Authority's preferred method of communication is email; however, customers should receive a response in the format that they have requested. Adjustments for disabilities will be logged to ensure customers receive consistent communications in a format which is accessible to them. Telephone calls should either be followed up by an email or letter summarising the conversation or a log of the call made. Responses should be in plain English and avoid the use of generic wording.

Responses must include what steps can be taken next by the customer, such as escalating to Stage 2 or to the Ombudsman.

9. Outcomes and Impacts

The Complaint and Feedback Policy aims to achieve the following outcomes:

- a) Customers find it easy to give their feedback to the Authority
- b) Customers receive a timely response to their complaint
- c) Customers are happy with the Authority's handling of their complaint, even if the outcome of the complaint is not what they hoped for
- d) Feedback is used to contribute to service improvements

10. References

During the review of this Policy, the following documents were used for background information, benchmarking, guidance and reference purposes:

<https://www.gov.uk/government/organisations/marine-management-organisation/about/complaints-procedure>

For Further information and or advice please contact:

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Complaint and Feedback Policy Appendix I - Procedures for Dealing with Unreasonable and Persistently Unreasonable Complainants

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1. Introduction

Generally, dealing with a complaint is a straightforward process, but in a minority of cases customers pursue their complaints in a way which can either impede the investigation of their complaint, can have significant resource issues for the Authority or impact inappropriately on its employees. This can occur whilst complaints are being investigated, or once the Authority has concluded the complaint investigation. When this happens, it may result in the complainant being identified as 'unreasonable'.

The procedures outlined below are intended to ensure that the Authority deals with these complainants in a fair and proportionate way. It helps complainants and staff understand clearly what is expected of them and what action may be taken. These procedures can also be shared with complainants if they start to behave unreasonably, which will help to manage their expectations and behaviour.

2. Definitions

The Authority uses the following definitions to refer to unreasonable complainants:

Unreasonable and Unreasonably Persistent Complainants: are those complainants who, because of the nature or frequency of their contacts with an organisation, hinder the organisation's consideration of their, or other people's, complaints and or requests for service.

Examples of actions and behaviours of unreasonable and persistently unreasonable complainants include:

- Refusing to specify the grounds of a complaint, despite offers of help.
- Refusing to cooperate with the complaint's investigation process.

- Refusing to accept that certain issues are not within the scope of a complaint's procedure.
- Insisting on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.
- Making unjustified complaints about staff who are trying to deal with the issues, and issues and seeking to have them replaced.
- Changing the basis of the complaint as the investigation proceeds.
- Denying or changing statements he or she made at an earlier stage.
- Introducing trivial or irrelevant new information at a later stage.
- Raising many detailed but unimportant questions, and insisting they are all answered.
- Submitting falsified documents from themselves or others.
- Adopting a 'scatter gun' approach: pursuing parallel complaints on the same issue with various organisations.
- Making excessive demands on the time and resources of staff with lengthy phone calls, emails to numerous Authority staff, or detailed letters every few days, and expecting immediate responses.
- Submitting repeat complaints with minor additions/variations the complainant insists make these 'new' complaints.
- Refusing to accept the decision; repeatedly arguing points with no new evidence.
- Covertly recording meetings and conversations
- Behaviour which is unacceptable, for example abusive, offensive or threatening. This may include one or two isolated incidents or behaviour over a longer period
- Combinations of some or all of the actions above

It also important to note that raising legitimate queries or criticisms of a complaints procedure as it progresses, for example if agreed timescales are not met, should not in itself lead to someone being regarded as an unreasonable complainant. Similarly, the fact that a complainant is unhappy with the outcome of a complaint and seeks to challenge it once, or more than once, should not necessarily cause him or her to be labelled unreasonable.

3. Considerations Prior to Taking Action under the Procedure

If a complainant is demonstrating at least one of the actions or behaviours outlined in section 2 above, the Authority can consider using the unreasonable complainant procedure.

However, before using the procedure, the following should be considered:

- (a) If the investigation of the complaint has concluded, the Authority has the option of ending all communication with the complainant on the issue, and, where appropriate, referring the complainant to the Ombudsman.
- (b) If the complaint is still under investigation, the procedure may need to be used in order to manage the complainant's behaviour. At this point, the Chief Officer should be consulted before a decision is made. However, the decision to designate someone's behaviour as unreasonable or persistently unreasonable, and restrict their access, could have serious consequences for the individual, therefore before this decision is made, the Authority should be satisfied that:
 - The complaint is being or has been investigated properly

- Any decision reached on it is the right one
 - Communications with the complainant have been adequate
 - The complainant is not now providing any significant new information that might affect the Authority's view on the complainant
- (c) If the Authority is satisfied that the above conditions are met, it should consider whether further action is necessary prior to taking the decision to designate the complainant as unreasonable. The following steps should be considered:
- Offering the complainant, a meeting with the Chief Officer to explore scope for resolution of the complaint and explain why their current behaviour is seen as unreasonable.
 - Sharing the Authority's Policy with the complainant and warning them that restrictions may need to be applied if their behaviour continues.
 - Setting up a strategy meeting to agree an approach.
 - Designating a key Investigating Officer to co-ordinate the organisation's response/s.
 - Helping the complainant to find a suitable independent advocate if necessary.

4. Operating the Procedure

If the above steps have been considered/carried out, and the Authority deems it necessary that the unreasonable complainant procedure be used, authorisation must be sought from the Chief Officer and Clerk. The actions then taken should be proportionate to the nature and frequency of the complainant's contacts with the Authority at that time. The objective is to manage the complainant's unreasonable behaviour in such a way that their complaint can be brought to a conclusion quickly, without further distractions. Taking the complainant's behaviour and circumstances into account, the following options can be considered:

- (a) Placing limits on the number and duration of contacts with staff per week or month
- (b) Offering a restricted time slot for necessary calls
- (c) Limiting the complainant to one medium of contact (telephone, letter, email, etc)
- (d) Requiring the complainant to communicate with only one named member of staff
- (e) Requiring any personal contacts to take place in the presence of a witness and in a suitable location
- (f) Refusing to register and process further complaints about the same matter
- (g) Restrict access to Authority premises

If the decision is taken to operate the procedure and restrict access, the Chief Officer should write to the complainant with a copy of the procedure to explain:

- Why the decision has been taken
- What it means for his or her contacts with the Authority
- How long any restrictions will last
- What the complainant can do to have the decision reviewed

The Authority should also ensure that both parties are clear from the outset what the substantive complaint is about. They should also clarify with the complainant what remedy/action they are seeking from the Authority so that the investigation can be clearly focused. A date when the complainant can expect to receive a response or update should also be defined at the start.

The investigation should be thorough. All relevant correspondence and evidence should be looked at. Interviews with all parties should take place and should be documented. Where necessary, site visits should also be carried out.

5. Record Keeping

When dealing with complainants that the unreasonable complainant procedure has been considered for or applied to, adequate records of the following should be kept:

- When a decision is taken not to apply the procedure when a member of staff asks for this to be done
- When a decision is taken to make an exception to the procedure once it has been applied
- When a decision is taken not to put a further complaint from a complainant through the Authority's complaints procedure for any reason
- When a decision is taken not to respond to further correspondence, any further letters, faxes or emails from the complainant should be checked to pick up any significant new information.

A copy of all records needs to be recorded with the relevant officer.

6. Action Following the Completion of the Complaint Investigation

Once the complaint has been investigated and a decision has been made, the Chief Officer should inform the complainant of the decision. If the Authority is at fault, they should consider what remedy is appropriate. If it is not, the Authority should clearly state the reasons, in writing. They should also inform the complainant that future correspondence will be read and placed on file but not acknowledged, unless it contains relevant new information. A designated officer should be identified who will read future correspondence.

When complaints about new issues are made, these should be treated on their merits. The Authority should consider whether any restrictions previously applied are still appropriate and necessary. If a new complaint is accepted from an 'unreasonable' complainant it must be dealt with by following the standard two-phase complaints procedure, allowing escalation where necessary.

7. Reviewing Decisions to Restrict Access

When imposing a restriction on access, the Authority should have a specified review date. Restrictions will usually last for one year from the date that they are applied. On this date, restrictions should be lifted unless there are good grounds to extend the restrictions. Once restrictions have been reviewed, the Chief Officer should inform the complainant of the outcome. If the restrictions are to continue, the reasons for this should be explained and a date given when the restrictions will be next reviewed. Previous bans and/or restrictions will be considered.

If the complainant is contacting the Authority about the same issue, then it would be advised to permanently enforce the restrictions in relation to that issue with no review date. However, the complainant should still be able to contact the Authority to raise any new issues they may have.

8. Referring Unreasonable or Persistently Unreasonable Complainants to the Local Government and Social Care Ombudsman (LGSCO)

If relations between the complainant and the Authority break down during a complaint investigation and there is little prospect of achieving a satisfactory outcome, the LGSCO may be prepared to consider complaints before the procedure has been exhausted, if the request is made by both sides to the dispute.

A complainant can also be referred by the Authority to the LGSCO prior to and instead of being classed as unreasonable, or by the complainant contacting the Ombudsman themselves prior to or after going through the unreasonable complainant procedure.

9. Dealing with Abusive, Offensive, Threatening, Violent or Otherwise Unacceptable Behaviour

Situations can escalate and, in a few cases, complainants can become abusive, offensive, threatening, violent or display otherwise unacceptable behaviour. Any behaviour of this nature directed towards our employees will not be tolerated. In such circumstances the Authority will take whatever action is necessary to protect its employees. All Authority employees should be able to come to work without being subjected to this type of behaviour.

In a situation where it has been identified that a complainant is causing harassment, alarm or distress to Authority employees through their behaviour, actions should be identified that will be taken to tackle such behaviour. If appropriate, an action plan should be created, this does not need to be limited to reporting any potential criminal acts, for example causing harassment, alarm or distress, public order offences or applying for an injunction to prevent a person from contacting or approaching individuals. Determining that future contact should only be in writing, nominating single points of contact, or confirming that the Authority will only respond to communications if it chooses to do so are examples of potential management actions.