

Procedure for managing complaints about a Board Member

Complaints Handling Policy

1. The Cairngorms National Park Authority (CNPA) has a comprehensive Complaints Handling Policy which reflects CNPA's commitment to valuing complaints. It seeks to resolve customer dissatisfaction as close as possible to the point of service delivery; and to conduct thorough, impartial and fair investigations of customer complaints so that, where appropriate, we can make evidence-based decisions on the facts of the case.
2. Guidance supporting development of the Complaints Policy was first developed by the Scottish Public Services Ombudsman (SPSO) in consultation with relevant stakeholders. The Model Complaints Handling Procedures (MCHPs) were revised in 2019 by the SPSO in consultation with all sectors, and CNPA's Complaints Handling Policy is in the process of being updated in line with these revisions.
3. The Authority's Complaints Handling Policy consists of 5 separate documents all of which, with the exception of the customer facing section, are contained in the overarching Complaints Handling Policy document, which is designed to be an internal document. The document is lengthy, and for ease of reference the key sections of the overarching document will be extracted into separate documents. These separate documents will cover:
 - a) Introduction and Overview, including confidentiality and data protection
 - b) When to use the Procedure;
 - c) The Complaints Handling Process, including Front Line Resolution and Investigation Stages;
 - d) Governance, including staff roles and responsibilities, and guidance on reporting, recording and publishing complaints.
 - e) Customer Facing document which will provide information for customers on how we handle complaints.
4. The Complaints Handling Policy contains comprehensive information on the Authority's handling of, resolving and learning from complaints as part of our process of delivering Best Value and seeking continuous improvement, including the definition of a complaint; how complaints can be made; who can make a complaint; the various stages of handling complaints and associated timelines; how complainants can be supported; signposting to the SPSO etc.
5. The Complaints Handling Policy sets out guidance at paragraph 122 for Board Members on what to do if they receive a complaint. In brief, if a complaint goes directly to a Member, they should immediately contact the appropriate Head of Service to advise them of the complaint, unless the complaint is about the Head of Service, in which case they should contact the Corporate Services Director. Ideally the complaint should be dealt with and signed off at Head of Service level, but we would still require Members to acknowledge the complaint, advising that it will be

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dealt with by the named Head of Service. The Policy contains a template acknowledgement letter. The Head of Service is at this point responsible for dealing with the complaint.

Complaints about Board Members

6. While the previous policy set out that complaints about board members were covered by the Authority's complaints handling processes, the policy did not set out specific arrangements by which a complaint about a Board Member should be handled. In March 2021, a procedure was agreed by the Audit and Risk Committee following the lessons learned review of the complaints handling process. The procedure has been considered by Board members and subsequently ratified by the Board's Governance Committee. This procedure has been set out in the overarching Complaints Handling Policy, at paras 126 – 131.
7. For ease of reference, this procedure has been copied from the Complaints Handling Policy, as below.
8. A complaint about a Board Member should be referred to the Corporate Services Director, who is the Standards Officer.
9. The Corporate Services Director, in considering the complaint may take the following actions: -
 - a) If the complaint is deemed invalid (e.g. it is clearly a criticism rather than a complaint or is otherwise not substantiated as correspondence or feedback properly considered as a complaint under the Authority's Complaints Policy), it will be dismissed, and the complainant will be advised accordingly by letter, which will include information about the Ethical Standards Commission (ESC) should the complainant wish to take the matter further.
 - b) If the complaint is deemed valid, but there are insufficient grounds to support further action (for example the complaint lacks corroboration or the initial review of the material suggests that the wider public interest is not served by investing time and other resources in investigation), it will be "not upheld", and the complainant will be advised accordingly by letter, as at 9 (a)) above.
 - c) If the complaint is valid and there is evidence of substantiation for the complaint, it will be investigated.
10. The procedure following investigation of the complaint is as follows: -
 - a) If the Corporate Services Director finds there are no grounds for complaint, the complainant will be advised accordingly by letter, which will include information about the Ethical Standards Commission (ESC) should the complainant wish to take the matter further.
 - b) If the Corporate Services Director finds some grounds to support the complaint around expected standards of behaviour and the CNPA's values, the complaint will be reported to the Convener of the Board, recommending internal communication to the Member highlighting the grounds for the complaint and expected improvements.
 - c) If the Corporate Services Director finds significant grounds to support a potential breach of the Code of Conduct, the complaint will be referred to the Convener of the Board in their capacity as Chair of the Governance Committee,

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with a recommendation that the significance of the complaint may merit onward referral to the ESC and as such may require an appropriate sub group of the Board Governance Committee to advise the Convener on recommended outcomes of the complaint within the terms of reference of that Committee.

11. With regards para 10 (ii), the Convener, in considering the Director of Corporate Services report recommendation, may:-
 - a) Not agree with the report recommendation and take no action, in which case the complaint will be closed, with the complainant notified by letter of the outcome to close the complaint, which will include information about the Ethical Standards Commission (ESC) should the complainant wish to take the matter further.
 - b) Agree with the report recommendation, and write to the Member with improvement actions. The complainant in these circumstances will be notified in general terms and the complaint will be closed.
 - c) Consider the matter to be more serious than the report recommendation suggested, and invoke para 10 (iii) – complaint remains open.

12. With regards to para 10 (iii), the Convener will consider the matter of the complaint and investigation and establish an appropriate sub group of the Board Governance Committee to provide wider opinion on the case prior to the Convener’s final decision. The presumption in this regard is to minimise the number of members aware of a confidential matter, while enhancing as far as practical the impartiality of decision making. The Governance Committee sub-group will advise the Convener on the final decision on any complaint escalated to it. Following consideration of advice and any recommendation of the sub-group, the Convener shall:-
 - a) Dismiss the complaint giving reasons for doing so, with the complainant notified by letter of the outcome to close the complaint, which will include information about the Ethical Standards Commission (ESC) should the complainant wish to take the matter further.
 - b) Decide that internal notification of improvement actions by the Member in question would be adequate, with this communication to be taken forward by the Convener. The complainant in these circumstances will be notified in general terms and the complaint will be closed.
 - c) Decide the complaint may have more significant implications as regards the Code of Conduct, and request the Director of Corporate Services to refer the matter to the ESC. The complainant will be notified accordingly.

13. Where a complaint is made about the Convener, the Deputy Convener will assume all the duties above that were assigned to the Convener. Should both Convener and Deputy Convener be the joint subjects of a complaint, the Board’s agreed business continuity succession plan shall be used to determine the board member responsible for undertaking the duties assigned to the Convener.

14. Should the Director of Corporate Services be involved in any element of the complaint, the Authority’s complaints procedure will be used to determine the appropriate handling of the complaint process.

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15. Where the complaint is about a Board member, we will notify the member involved (including where the Board member is not named, but can be identified from the complaint). We will:
- a) share the complaint information with the Board member (unless there are compelling reasons not to).
 - b) advise them how the complaint will be handled, how they will be kept updated and how we will share the complaint response with them.
 - c) provide appropriate opportunities to the Board member to state their case or response to the complaint, in writing and / or in person to those handling the complaint.
 - d) discuss their willingness to engage with alternative complaint resolution approaches (where applicable); and
 - e) nominate an appropriate a contact person who can provide the Board Member with support and information on what to expect from the complaint process (this must not be the person investigating or signing off the complaint response). This contact will be for purposes of explanation of process and helping route any questions to appropriate people only. They are not providing secretarial or advocacy support.
16. Whilst complaints against Board Members will be dealt with in the strictest of confidence in accordance with the process set out above, the organisation recognises that the complaint may, due to no fault of its own, get into the public domain. The organisation will have a pre-prepared press comment in this event, which will acknowledge a complaint is being investigated, and advise that it is being managed according to organisational policy, which includes protecting confidentiality of all concerned, and that no further comment will be made until a final decision has been reached on the matter.