

Broads Authority

13 May 2022

Agenda item number 14

Annual summary of formal complaints – 2021/22

Report by Senior Governance Officer

Purpose

This report summarises the formal complaints received by the Broads Authority in 2021/22, together with the outcome of those complaints.

Recommended decision

To note the report.

1. Introduction

- 1.1. It is considered good practice for public bodies such as the Broads Authority to have effective, transparent and accessible arrangements in place to deal with complaints, to adequately publicise their complaints procedures, to monitor responses and to make sure lessons are learnt from the outcome of complaints.
- 1.2. The formal complaints summarised in this report are those made by members of the public and service users during the period 1 April 2021 to 31 March 2022, together with a summary of the Authority's responses.

2. Broads Authority complaints procedure

- 2.1. The Authority's formal complaints procedure is published on its website at [How to complain \(broads-authority.gov.uk\)](https://www.broads-authority.gov.uk/how-to-complain). The procedure has a number of stages:
 - In the first instance, complainants are advised to contact the manager responsible for the area of work where they have a complaint or comment, so that the matter can be dealt with informally and as near as possible to the point of contact.
 - If it is not possible to resolve the complaint informally, the complainant may submit a formal complaint in writing. This complaint is investigated by the appropriate Director, who has a responsibility to reconsider the matter objectively and professionally. The complainant will receive a detailed reply in writing identifying whether their complaint is upheld or not. The reply will also explain how to take the matter forward should the complainant remain dissatisfied.
 - Finally, if the complainant is still dissatisfied as a result of the Director's response, they may ask for the matter to be reviewed by the Chief Executive. The Chief

Executive is required to review the complaint in an impartial manner and may, if he/she sees fit, seek advice from other officers such as the Monitoring Officer, and also seek direction from the appropriate committee, or from independent consultants or advisers if he/she believes that an external view would be helpful. If the formal complaint concerns action that the Chief Executive has taken, it will be reviewed by the Chairman of the Authority. This is the final stage of the Authority's formal complaints procedure.

- 2.2. The Authority seeks to provide a remedy to complaints when it is found at fault.
- 2.3. The Authority has a separate [Members Code of Conduct and complaints procedure](#), which clarifies the conduct expected by members and summarises how the Authority deals with such complaints.

3. Local Government Ombudsman

- 3.1. The Local Government Ombudsman (LGO) investigates complaints by members of the public who consider that they have been caused injustice by the administrative actions (maladministration) of local authorities and other bodies within their jurisdiction, which includes the Broads Authority.
- 3.2. The LGO provides a free, independent and impartial service, and will normally only agree to investigate a complaint if the internal complaints procedures of the appropriate body have been exhausted.

4. Formal complaints 2021/22

- 4.1. Seven formal complaints were made to the Authority in 2021/22 (one of which proceeded to a complaint to the LGO and one to the Information Commissioner's Office). The subject matter and outcome of those complaints is set out in Appendix 1. Other complaints and issues resolved on an informal basis are not recorded.

5. Comparison with previous years

- 5.1. The summary of formal complaints reports to the Authority recorded five complaints in 2020/21; four in 2019/20, six in 2018/19 and 15 in 2017/18. In terms of complaints to the LGO, two complaints were made in 2020/21; one in 2019/20, one complaint in 2018/19 and none in 2017/18.

6. Conclusion

- 6.1. Given the breadth and volume of the Authority's work, the number of formal complaints received in 2021/22 is considered to be small. Officers will continue to record and monitor formal complaints and seek to learn lessons from them, especially if the Authority's actions have fallen below expected standards.

Author: Sara Utting

Date of report: 26 April 2021

Appendix 1 – Formal complaints 2021/2022

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Summary of complaint	Final response provided by	Stage reached and summary of response
The complainant had issues with the water levels and the bridge at Potter Heigham, and the impact they had on his business.	Chief Executive	Stage 1 – A detailed response was provided explaining that these issues were not the responsibility of the Broads Authority; it was only responsible for maintaining the waterways for navigation. The complainant was offered to outline what works he considered were required regarding the bridge and water levels and these would be forwarded to the relevant body(ies).
<p>This complaint was linked to a FoI request (dating back to 2020) and covered:</p> <ul style="list-style-type: none"> • The information supplied under the FoI • The information disclosed under a Data Subject Access Request • The incorrect exemption being applied. <p>A complaint was lodged with the ICO.</p>	Information Commissioner's Office (ICO)	<p>As required by the ICO, a complete review of the case was carried out and all relevant documentation was provided, together with the correct exemption relating to those documents which were not provided.</p> <p>The Authority also apologised to the complainant for the delay and inconvenience that its handling of the request had caused, and reassured them that it had taken steps to address the errors in the handling of the request and to minimise the risk of any similar errors occurring in the future.</p>
Compliance with various parts of the GDPR relating to a Subject Access Request	Chief Executive	Stage 3 – A detailed response was provided. It was concluded that the Authority had supplied the relevant data which it held. In terms of the other matters raised, relating to the payment of a toll, the

Summary of complaint	Final response provided by	Stage reached and summary of response
		complainant was advised to liaise with the Collector of Tolls.
Maladministration concerning the handling of two planning applications	Director of Operations	Stage 2 – A detailed response was provided to all of the points raised, together with an explanation that the Authority had received third party assessment via the Monitoring Officer about the handling of the planning applications and the conclusion was that there was no maladministration; the correct processes and procedures were observed and the applications and their determinations were correctly made. Accordingly, the complaint was not upheld.
The Authority's handling of two planning applications at Haddiscoe	Monitoring Officer (once completed)	Stage 3 – in progress. Independent review being carried out (as the complainant considered that both the Chief Executive and Chair were predetermined to the matters he had raised).
Classification of private area of water adjacent to Berney Arms Inn and liability for payment of mooring tolls	Local Government Ombudsman (LGO)	<p>Stage 3 – A full response was provided confirming that the site was in the navigation area and an exemption did not apply in terms of payment of tolls. Complainant also advised to contact relevant officers to discuss matters re. planning permission and payment of tolls.</p> <p>LGO - Responded that they are not investigating the complaint about liability for tolls for mooring and</p>

Summary of complaint	Final response provided by	Stage reached and summary of response
		navigation as it is for the complainant to seek a remedy in the Courts.
Lack of response to an FoI request relating to moorings on the River Ant at How Hill	Data Protection Officer	Stage 1 – The initial stage one investigation showed the original complaint had been denied access to our systems by the Broads Authority spam filter, once cleared by our anti-virus protection protocol a partial response was provided. Further information was limited as the issue is the subject of an ongoing legal process.