

Tay District Salmon Fisheries Board

Complaints Policy and Procedure

December 2022

Introduction

Section 24 of the Aquaculture and Fisheries (Scotland) Act 2013 amends the Salmon and Freshwater Fisheries (Consolidation) (Scotland) Act 2003 to place a number of new duties on DSFBs relating to openness and accountability. The new section 46D requires a DSFB to:

‘maintain, and keep under review, proper arrangements for dealing with complaints made to the board about the way in which the board have carried out, or propose to carry out, their functions under this Act or any other enactment’

General statement on complaints

- All complaints will be treated seriously, whether they are made by telephone, by letter, or by email.
- Complainants will be treated with courtesy and fairness at all times.
- All complaints will be treated in confidence within the Board*.
- Complaints will be dealt with promptly. Written complaints will be acknowledged within five working days and a full reply within 15 working days of receipt. If a full reply cannot be provided within 15 working days of receipt, the reason will be explained and notification provided as to when a reply will be forthcoming.
- The number of complaints received, a statement as to the nature of each complaint and how it was disposed of will be published in our annual report.

*All complaints received will be dealt with confidentially and in accordance with the requirements of the Data Protection Act 1998.

Complaints Procedure

Any complaint should be addressed to the Clerk to the Board. Complaints can be made by:

- Telephone: 01738 583733
- Email: admin@tdsfb.org
- By letter: The Clerk, Tay District Salmon Fisheries Board, Site 6, Cromwellpark, Almondbank, Perth, PH1 3LW.

A complaint about the Clerk should be addressed to the Director at the above address.

A three stage complaints procedure is in place. At each stage it will help us to resolve your complaint quickly if you can give us as much clear detail as possible, including any documents and correspondence and stating that you are making a complaint in line with our procedure.

Stage 1

This is the first opportunity for the Board to resolve a complainant's dissatisfaction, and most complaints should be resolved at this stage. In the first instance, the clerk will investigate the nature of the complaint in conjunction with the convener of the board. This gives the Board the opportunity to resolve and correct any resulting disadvantage (upholding the complaint); or establish that the action of the Board was correct thereby enabling the Board to explain this to the complainant (not upholding the complaint). The Board's complaints committee will be notified of the complaint at the outset and of the decision, although it will not be involved at this stage.

Stage 2

If the complainant is dissatisfied with the stage 1 response, the complaint will be considered by the Board's complaints committee which is composed of two Board members, not including the convener.

Stage 3

If the complainant is dissatisfied with the stage 2 response, they may request a review by the full Board and it would be expected that this would be discussed at the next scheduled meeting of the Board. Given the confidential nature of complaints, the Board might elect to hold this meeting, or part thereof, in private. In this instance the complainant will be given the right to attend the meeting. To ensure the review is conducted in a fair and unbiased environment board members will not have access to Stage 1 or Stage 2 documentation prior to the Stage 3 hearing. After the hearing has taken place and during the period of deliberation board members can request sight of Stage 1 and Stage 2 documents. In the event of the complainant not attending the scheduled meeting an alternative date will be offered. Thereafter the full board will conduct the review in the absence of the complainant.

Indicative timescales for handling a complaint

Stage 1 -maximum 15 working days

- Acknowledgement within 5 working days
- Full response within 15 working days

Stage 2 –maximum 10 working days

- Acknowledgement within 5 working days
- Full response within 10 working days.

Stage 3—timing will depend on the scheduling of the next Board meeting

- Acknowledgement within 5 working days, with notification of the date and location of the meeting at which the complaint will be discussed.

Extending time limits

We aim to complete all complaints within the timescales above; however, if a complaint is very complex it may occasionally be necessary to extend the time limit. If this is the case, we will keep the complainant informed of progress with the investigation, the reasons for the delay, and inform them of the new deadline.

Further information on Complaints

- A copy of the Board's complaints procedure should be submitted to Scottish Ministers.
- The Board's Complaints procedure is reviewed on an annual basis.
- The Board may, at its discretion, make different provision for dealing with complaints made by different potential Complainants.

Record keeping

A record is maintained which sets out the number of complaints received; the nature of the complaints and the outcome of the complaints.

Reporting

DSFBs are required to report the number of complaints and a statement as to the nature of each complaint and how it was disposed of as part of the annual report.

Behaviour deemed to be unreasonable, persistent and/or vexatious

TDSFB recognises that on occasion, a complaint may be made unreasonably and/or for vexatious reasons.

Annex to TDSFB Complaints procedure

Circumstances where the complaints procedure may be varied or terminated

This annex sets out the grounds under which TDSFB may deviate from the Complaint Procedure where it deems a complainant's behaviour to be vexatious and/or unreasonable.

If a complainant utilising the Complaints Procedure behaves in a way which the TDSFB deems, in its absolute discretion to be unreasonable and/or vexatious then TDSFB may vary or terminate the Complaints Procedure and/or take such further actions as it deems necessary in the circumstances. The types of action it may take include, but shall not be limited to:

- Dismissing the complaint without further hearing
- Varying the procedure including removal of the right to oral hearing
- Requiring the presence of a witness
- Recording of interviews

Vexatious or unreasonable behaviour

TDSFB shall have absolute discretion in deciding what constitutes vexatious or unreasonable behaviour. In all such cases TDSFB will take legal advice. Examples of such behaviour includes but shall not be limited to: -

- Refusal to follow the rules or procedures set out in the Complaints Procedure or as advised by members of the Board
- Acts of dishonesty
- Making unreasonable demands of TDSFB or its staff
- Refusal to follow reasonable requests
- Deliberately wasting TDSFB time
- Repeated complaints
- Offensive conduct or behaviour including use of threatening language

Procedures

Where TDSFB has concerns about the behaviour of a complainant then this will be communicated in writing to the complainant together with a copy of this policy. It will be made clear in the communication to the complainant that if his or her conduct persists then TDSFB may take action under this policy.

If this policy is invoked then TDSFB shall send a letter to the complainant setting out the action taken, the reasons for that action and the duration of the action. A copy of this letter and any further actions taken will be reported to Marine Scotland as part of TDSFB's annual report.

TDSFB shall review any actions taken under this policy 3 months after the date of the original action taken. The complainant will be advised of any change of status under this policy as appropriate.