



## Our Complaints Procedures

### **Complaints**

We try hard to ensure that everyone involved in the rights of way process is satisfied with the service they receive from us.

Opposed rights of way orders can raise strong feelings and it is inevitable that someone will be disappointed with the decision. This often leads to a complaint, either about the decision itself or the way in which the case was handled.

Sometimes complaints arise due to misunderstandings about how the system for deciding orders works. When this happens, we will try to explain things as clearly as possible.

Sometimes the objectors, the order making authority or another interested party may have difficulty accepting a decision simply because they disagree with it. Although we cannot re-open a case to re-consider its merits or add to what the Inspector has said, we will answer any queries about the decision as fully as we can.

Sometimes a complaint is not one we can deal with (for example, complaints about

how long the order making authority took to submit the order to the Welsh Ministers), in which case we will explain why and suggest who may be able to deal with the complaint instead.

### **How we investigate complaints**

Inspectors have no further direct involvement in the case once their decision is issued and it is the job of our Complaints Officer to investigate complaints about decisions or an Inspector's conduct. We appreciate that many of our customers will not be experts on the system for deciding rights of way orders and for some, it will be their one and only experience of it. We also realise that your opinions are important and may be strongly held.

We therefore ensure that all complaints are investigated thoroughly and impartially, and that we reply in clear, straightforward language, avoiding jargon and complicated legal terms. We aim to give you a reply within four weeks wherever possible.

When investigating a complaint, we may need to ask the Inspector or other staff for comments. This helps us to gain as full a picture as possible so that we are better able to decide whether an error has been made. If this is likely to delay our full reply, we will quickly let you know.

### **What we will do if we have made a mistake**

Although we aim to give the best service possible, we know that there will unfortunately be times when things go wrong. If a mistake has been made we will write to you explaining what has happened and offer our apologies. The Inspector concerned will be told that the complaint has been upheld.

We also look to see if lessons can be learned from the mistake, such as whether our procedures can be improved upon. Training may also be given so that similar errors can be avoided in future. However, the law does not allow us to amend or change the decision.



## **Taking it further**

If you are not satisfied with the way we have dealt with your complaint, you can contact the Public Services Ombudsman for Wales, who can investigate complaints of maladministration against Welsh public bodies. However, the Public Services Ombudsman for Wales cannot change the decision.

If your complaint is against a government department or national public body the Parliamentary Commissioner for Administration may be able to help you (often referred to as the 'Ombudsman'). If you decide to go to this Ombudsman, you must do so through an MP. Again, the Ombudsman cannot change the decision.

## **Frequently asked questions**

*"Can the decision be reviewed if a mistake has happened?"* – The law does not allow us to do this because an order decision is a legal document that can only be reviewed following a successful High Court challenge. The enclosed High Court leaflet explains more about this.

*"If you cannot change a decision, what is the point of complaining?"* – We are keen to learn from our mistakes and try to make sure they do not happen again. Complaints are therefore one way of helping us improve the system.

*"How can Inspectors know about local feeling or issues if they don't live in the area?"* – Using Inspectors who do not live locally ensures that they have no personal interest in any local issues or any ties with the council or its policies. However, Inspectors will be aware of local views from the representations people have submitted.

*"I wrote to you with my views, why didn't the Inspector mention this?"* – Inspectors must give reasons for their decision and take into account all views submitted, but it is not necessary to list every bit of evidence.

## **Further information**

Every year, we publish a Business and Corporate Plan which sets out our plans for the following years, how much work we expect to deal with, and how we plan to meet the targets which Ministers set for us. At the end of each financial year, we publish our Annual Report and Accounts, which reports on our performance against these targets and how we have spent the funds the Government gives us for our work. You can view these and obtain further information by visiting our website (see 'Contacting us'). You can also get booklets which give details about the procedures for determining public path orders and definitive map orders by phoning our enquiries number.

## **Contacting us**

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## **Public Services Ombudsman for Wales**

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(General enquiries only)