

# FOR PUBLICATION

AGENDA ITEM

## PERSISTENT AND VEXATIOUS COMPLAINTS POLICY (B000)

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MEETING:                   1.    CABINET  
                                  2.    EXECUTIVE MEMBER FOR GOVERNANCE  
                                  AND ORGANISATIONAL DEVELOPMENT

DATE:                       1.    3<sup>Rd</sup> December 2013  
                                  3.    25<sup>th</sup> November 2013

REPORT BY:                HEAD OF GOVERNANCE

WARD:                      ALL

KEY DECISION             NO  
REFERENCE  
(IF APPLICABLE):

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FOR PUBLICATION

BACKGROUND PAPERS FOR PUBLIC REPORTS:  NONE

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### 1.0 PURPOSE OF REPORT

1.1 To seek Cabinet approval to a proposed Persistent and Vexatious Complaints Policy.

### 2.0 RECOMMENDATION

2.1 That Cabinet approve the Persistent and Vexatious Complaints Policy (attached at **Appendix 1**), and agree its corporate implementation.

### 3.0 **BACKGROUND**

- 3.1 If a person wishes to make a complaint against the Council, the Council has guidelines available to the public in the Complaints, Comments and Compliments Policy. This provides clear information about what a complaint is, how it can be made, and the process by which it will be considered, reviewed if requested by the customer, finally explaining the role of the Local Government Ombudsman if the customer is still not satisfied.
- 3.2 Increasing pressure on Council services has identified the risk from complaints which take up an unwarranted amount of Council resources, and from unreasonable customer behaviour. These are complaints or behaviour which may be classed as persistent or vexatious. Such matters can take an excessive amount of officer time and be (possibly intentionally) annoying or disruptive. This can get in the way of delivering mainstream services or dealing with justifiable complaints. The Complaints, Comments and Compliments Policy is silent as to the issue of persistent and/or vexatious complainants.
- 3.3 The purpose of the proposed policy is to provide clarification for Council staff on the difference between justifiable complaints (which may be several in number) from a person, and people who are simply being difficult. There will also be guidance on what staff should recognise as difficult behaviour by people with stress or anxiety, whilst being allowed to draw a line against toleration of abusive, offensive or threatening behaviour.
- 3.4 The policy has been drafted with reference to the Local Government Ombudsman's Guidance note on "unreasonably persistent complainants" and "unreasonable complainant behaviour". Staff should also consider other contact with the authority, such as through the Freedom of Information Act requests, when considering whether to treat a complaint under the Persistent and Vexatious Complaints Policy.
- 3.5 Any complaint or request received must be properly considered in a fair and consistent way, but the proposed policy sets out a process for a warning being issued to the customer during investigation of a complaint which is persistent or vexatious. If the disruptive behaviour continues an appropriate restriction will be imposed. Such restriction(s) would be reviewed at specific intervals.
- 3.6 The proposed policy sets out a long (but not exhaustive) list of customer behaviour which may, singly or combined, lead to classification of the person as a persistent or vexatious customer or complainant. The list of the behaviour has been drafted with reference to the Information Commissioner's Guidance note on "vexatious requests".

3.7 Having such a policy will assist staff in dealing consistently across the Council with difficult customers/complainants whose approaches may be to various departments, thereby minimising the unnecessary time spent that a small number of such complainants can cause. This will be balanced by ensuring that complaints are still handled in a consistent transparent manner. Having a policy in place will demonstrate that steps taken under the policy are ones which would apply in any similar situation and not ones directed at any specific individual.

4.0 **FINANCIAL IMPLICATIONS**

4.1 There are no specific implications arising from the contents of this report. However, it is hoped adoption of the policy will produce efficiency savings in the saving of time and other HR and thereby costs.

5.0 **LEGAL IMPLICATIONS**

5.1 There are none arising from the contents of the report.

6.0 **EQUALITIES IMPLICATIONS**

6.1 There is no requirement for a full EIA because this policy is not anticipated to have a disproportionate impact on any group. It is intended that the policy will enable all complaints to be dealt with in an equal manner.

7.0 **RISKS AND UNCERTAINTIES**

7.1 This report concerns effective handling of complaints and customers by providing a Council-wide policy on dealing with persistent and vexatious complaints which take up a disproportionate amount of council resources. All policies adopted by the Council have to be published and made available for public scrutiny.

<b>Description of risk</b>	<b>Impact</b>	<b>Likelihood</b>	<b>Mitigating Action</b>
Excessive time taken up by customers and their complaints which are unmerited to the potential detriment of other work or valid complaints.	H	M	Ensure conformity across all departments and provide a framework for dealing with difficult cases or customers. A programme of warnings followed by appropriate restrictions could reduce the length of time of

			problematic behaviour and indicate a uniform objective approach which an individual would have to accept.
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8.0 **RECOMMENDATION**

8.1 That Cabinet approve the Persistent and Vexatious Complaints Policy (attached at Appendix 1) and agree its corporate implementation.

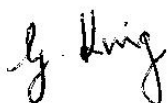
9.0 **REASON FOR RECOMMENDATION**

9.1 To provide clear guidance and assistance to staff when faced with individuals or complaints which are classed as vexatious or persistent, whilst ensuring that the complaint is handled or individual's needs met in a manner which does not involve excessive time or difficulty.

SARA T. GOODWIN  
HEAD OF GOVERNANCE

You can get more information about this report from Sara Goodwin (345309)

Officer recommendation supported/not supported/modified as below or Executive Members' recommendation/comments if no Officer recommendation.



Signed 25.11.13  
Member

Executive

Date

Consultee Executive Member/Support Member comments (if applicable)

