

For publication

Management Of Unreasonable Complaints Or Customers (C000L)

MEETING: 1. Cabinet Member For Governance

DATE: 1. 4 October, 2016

REPORT BY: Local Government And Regulatory Law Manager

For publication

1.0 Purpose of report

1.1 To seek member approval to a policy and procedure for the management of unreasonable complaints or customers, to amend and replace the Persistent and Vexatious Complaints Policy.

2.0 Recommendations

2.1 That the policy and procedure on the management of unreasonable complaints or customers (attached at **Appendix A**) is approved.

2.1 That an annual report is provided to Standards and Audit Committee with information about the application of the policy and procedure during the year with any recommendations for amendment.

3.0 **Background**

- 3.1 On 3rd December 2013 Cabinet approved a Persistent and Vexatious Complaints Policy for the Council.
- 3.2 The covering report explained that 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.
- 3.3 The report went on to explain that increasing pressure on Council services had identified the risk from complaints and unreasonable customer behaviour which take up an unwarranted amount of Council resources.
- 3.3 The purpose of the policy was 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 or unreasonable.

4.0 **Review of policy**

- 4.1 Since the adoption of the Persistent and Vexatious Complaints Policy the Council has continued to manage complaints received from the public through the Complaints, Comments and Compliments Policy. During this time there have been a very small number of complaints which may have warranted consideration of whether or not to apply the Persistent and Vexatious Complaints Policy.
- 4.2 The policy has not been applied in any case since its adoption at the end of 2013. This is because, on consideration of the policy against these specific complaints, it was considered that the policy was not sufficiently robust to effectively manage them.
- 4.3 The policy has been completely reviewed in the context of experience of how matters are raised in complaints or by customers. A substantially revised and clarified policy, taking account of the new senior management structure, has been developed with external legal advice.

Those responsible for the application of the policy would be at a senior management level within the Council.

4.4 The principal changes are to provide clearer guidelines for the application of the policy, to take account of current Ombudsman advice and relevant legal cases. The policy sets out a clear and proportionate procedure for warning the complainant and imposing restrictions, with provision for review and right of appeal. It also provides for an annual review by Standards and Audit Committee.

5.0 **Human Resources/people management implications**

5.1 The Council does not expect its staff to suffer behaviour or complaints by customers which is/are unreasonable in content, tone or persistence. In appropriate circumstances the Council should take proportionate action to protect the wellbeing of its staff, members and contractors and also the integrity of its processes and limited resources. The policy considers the potential effect of unreasonable complaints on staff.

6.0 **Financial implications**

6.1 There are no specific implications arising from the contents of this report. Effective management of the rare instances of unreasonable complaints or customers will lead to reduction of time (and cost) of dealing with these matters and enable time to be spent more effectively on other matters and customers.

5.0 **Legal and data protection implications**

5.1 The policy takes account of the latest Ombudsman guidance and relevant legal cases and refers to relevant freedom of information and data protection guidance.

6.0 **Equalities Impact Assessment (EIA)**

6.1 A full EIA has been carried out. It is intended that the policy will enable all complaints to be dealt with fairly and the policy addresses equalities considerations. This policy is not anticipated to have a disproportionate impact on any group. A copy of the EIA is attached at **Appendix B**.

7.0 Risk management

7.1 This report concerns effective handling of complaints and customers by providing a Council-wide policy on dealing with unreasonable complaints which or complainants who take up a disproportionate amount of council resources.

Description of risk	Impact	Likelihood	Mitigating Action
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 warning 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. The policy is proportionate and includes provision for review and right of appeal.

8.0 Alternative options and reasons for rejection

8.1 Keep existing policy:

The Council has had a relevant policy in place since the end of 2013 but has never applied it, notwithstanding that some complaints might have warranted consideration of it. The existing policy is not robust enough and needs to be reviewed in the light of current advice and legal cases.

8.0 Recommendations

- 8.1 That the policy and procedure on the management of unreasonable complaints or customers (attached at **Appendix 1**) is approved.
- 8.2 That an annual report is provided to Standards and Audit Committee with information about the application of the policy and procedure during the year with any recommendations for amendment.

9.0 Reason for recommendations

- 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 disproportionate time or difficulty.

Decision information

Key decision number	N/A
Wards affected	All
Links to Council Plan priorities	to improve the quality of life for local people to provide value for money services

Document information

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Background documents	
Persistent and Vexatious Complaints Policy	
Appendices to the report	
Appendix A	Policy and procedure on the management of

	unreasonable complaints or customers
Appendix B	Equalities Impact Assessment