

## **For publication**

### **Management Of Unreasonable Complaints Or Customers Annual Review of Policy**

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MEETING: 1. Standards and Audit committee

DATE: 1. 23<sup>rd</sup> May 2018

REPORT BY: Local Government And Regulatory Law Manager

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#### **1.0 Purpose of report**

1.1 To report to members on use and application of the Council's Policy And Procedure On The Management Of Unreasonable Complaints Or Customers ("the Policy").

#### **2.0 Recommendations**

2.1 That the report is noted.

#### **3.0 Background**

3.1 On 4<sup>th</sup> October 2016 the Cabinet Member for Governance approved the Council's policy for dealing with unreasonable complainants or complaints. This replaced an earlier policy.

3.2 A copy of the Policy is attached at Appendix A. The Policy provides guidelines for application, taking 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.

- 3.3 It is a requirement of the Policy that it be reviewed annually by this Committee. This report is the first review of the Policy, following consideration of its first application.

#### **4.0 Application of the Policy**

- 4.1 Since the adoption of the 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 been applied only once since adoption, in March 2017, as a result of persistent and unreasonable complaints to the Housing Service by a complainant. The application of the policy can be taken as a thorough test of the Policy as the matter was ultimately taken by the complainant to the Ombudsman (as anticipated by the Policy).
- 4.3 In this case the Policy's 'warning' stage was taken as being complied with by previous contact with the complainant during the course of the Council's various responses to complaints. There was also a review of the application of the Policy by one of the Executive Directors, who upheld the decision to apply the policy.
- 4.4 In this case, financial assistance was given to the complainant by the Council to engage an advocate to represent him in his appeals to the Executive Director and to the Ombudsman, in view of the nature of the complainant's disability. This was consistent with Ombudsman advice, for equalities reasons.
- 4.4 The Ombudsman upheld the Council's application of the policy in a decision issued in January 2018. The decision also considered other aspects of the complaint, over which the Council's response was also upheld.

4.5 A copy of a summary of the Ombudsman's decision was subsequently published on the Local Government and Social Care Ombudsman website (where all decisions on complaints are published) at <https://www.lgo.org.uk/decisions/other-categories/other/17-003-494> . A copy is attached at Appendix B.

## 5.0 **Review of the Policy**

5.1 The Policy has proved to be an effective way of managing a persistent/unreasonable complaint. Important lessons have been learned which will help in future cases where application of the policy is considered.

5.2 While use of the policy is fairly slow to apply and cumbersome in view of the various appeal stages, these stages help ensure that the complainants' rights are protected. It is important to ensure that any application of the Policy follows these procedures in order to help ensure a complaint to the Ombudsman will not succeed.

5.2 It is not considered that the one application of the Policy should lead to any recommendations for modification of the Policy.

## 8.0 **Recommendations**

8.1 That the report is noted.

## 9.0 **Reason for recommendations**

9.1 To enable completion of the review of the Policy by the Committee.