

WAVERLEY BOROUGH COUNCIL

EXECUTIVE – 9 JUNE 2015

Title:

POLICY FOR DEALING WITH ‘UNREASONABLY PERSISTENT’ AND ‘UNREASONABLE’ COMPLAINANTS

**[Portfolio Holder: Councillor Robert Knowles]
[Wards Affected: All]**

Summary and purpose:

This report proposes the introduction of a ‘stand-alone’ policy for dealing with unreasonably persistent and unreasonable complainants, in accordance with guidance published recently by the Local Government Ombudsman to help local authorities to develop a proportionate approach when responding to unreasonable complainant behaviour.

How this report relates to the Council’s Corporate Priorities:

Waverley aims to provide excellent customer service to all its customers and to deal with customers’ complaints in an open and fair way. In most cases, dealing with a customer’s complaint is a straightforward process. However, there are a small number of customers who pursue their complaints in a way that can both impede the investigation of their complaint and create significant resource issues for the Council.

The introduction of a policy on unreasonably persistent complainants will help to manage the behaviour and expectations of such complainants, while at the same time ensuring that the substance of their complaint is addressed.

Financial Implications:

There are no direct financial implications and it is very difficult to quantify any savings in staff time that may arise from the implementation of this policy.

Legal Implications:

There are no direct legal implications arising from this report.

Introduction

1. Waverley’s current complaints policy has a section on how the Council will deal with unreasonably persistent complainants. However, following the Ombudsman’s recent advice, officers believe that it would be preferable to have a ‘stand-alone’ policy on dealing with such complainants, which can be shared with complainants if they start to behave unreasonably, and ensure that they understand how the Council will deal with their complaint. The policy will also help staff and Members understand what actions are available to manage unreasonable behaviour, and to ensure that staff are protected from potential harassment and harm.

Proposed policy

2. The draft policy, attached as Annexe 1, sets out the overarching principles on which the policy is based and gives examples of unreasonable actions and behaviours that could result in a complainant being regarded as being unreasonably persistent. The draft policy also identifies the issues to be considered before taking action, and options for taking action to manage the behaviour of unreasonable or unreasonably persistent complainants.

How will the policy be operated?

3. It is proposed that a decision to regard a complainant as being unreasonable or unreasonably persistent will be the responsibility of the Executive Director who will write to the complainant, enclosing a copy of the policy, and will explain:
 - Why the decision has been taken
 - What this means for his or her contacts with the Council
 - How long any restrictions on access will last; and
 - What the complainant can do to have the decision reviewed.
4. Any complaints received from the complainant that are about new issues, will be treated on their merits, and consideration will be given to whether any restrictions previously applied are still appropriate, proportionate and/or necessary.
5. The draft policy was considered at the Corporate Overview and Scrutiny Committee on 24 March 2015. The Committee noted the policy and asked the Corporate Complaints Officer to review the draft in the light of the issues raised by Members. In particular, it was considered that it would be helpful if the annual report on complaints handling included information on the number of 'unreasonable' complainants. The Committee also questioned whether including examples of unreasonable behaviour was helpful.
6. The draft policy has since been amended to reflect some of the issues raised by the Corporate Overview and Scrutiny Committee.
7. The draft now contains clear advice on the options for reviewing of a decision by the Council to regard a complainant as unreasonable or unreasonably persistent, ie the complainant can raise their complaint with the relevant Ombudsman service. The draft also makes clear that the annual report to Members on complaint handling will in future include the number of complainants designated as being unreasonable or unreasonably persistent in the previous year.
8. However, the section of the draft policy that gives examples of unreasonable behaviour (para 4) has been retained. This paragraph reflects the recent guidance published by the Local Government Ombudsman referred to above, and officers believe that it will help complainants understand what aspects of their behaviour has led to the Council deciding that they are either being unreasonable or unreasonably persistent.

Recommendation

It is recommended that the Executive considers the observations of the Corporate Overview and Scrutiny Committee, and recommends to the Council that the draft policy for dealing with unreasonably persistent and unreasonable complainants be approved to come into effect at the earliest opportunity.

Background Papers

There are no background papers (as defined by Section 100D(5) of the Local Government Act 1972) relating to this report.

CONTACT OFFICER:

Name: Sue Petzold

Telephone: 01483 523202

E-mail: sue.petzold@waverley.gov.uk

Robin Pellow

Telephone: 01483 523222

Email: robin.pellow@waverley.gov.uk