

WIRRAL COUNCIL

STANDARDS COMMITTEE – 30 JUNE 2008

REPORT OF THE DEPUTY CHIEF EXECUTIVE/DIRECTOR OF CORPORATE SERVICES

UNREASONABLY PERSISTENT COMPLAINANTS AND UNREASONABLE COMPLAINANT BEHAVIOUR

1. Executive Summary

This report seeks endorsement of minor amendments to the Council's policies on unreasonably persistent complainants and unreasonable complainant behaviour and seeks the approval of the Standards Committee to forward the documents to the Cabinet and the Council for formal approval.

2. Background

2.1 This committee, at its meeting on 7 May 2007, endorsed policies on unreasonably persistent complainants and unreasonable complainant behaviour for referral to Cabinet.

2.2 The Committee resolved (minute 31 refers):-

(1) That the draft policies on unreasonably persistent complainants and unreasonable complainant behaviour be accepted as far as this Committee is concerned, subject to the addition of the word 'may' before 'discontinue any investigation ...' in the penultimate paragraph of the latter policy.

(2) That the policies, with that amendment, be forwarded to the Cabinet and the Council for formal approval.

2.3 The policies were subsequently endorsed by Cabinet and approved by Council and incorporated in to the Constitution. Copies of the existing policies are attached as Appendices 1 and 2 to this report. Officers have recently considered the first potential use of the policies to restrict the ability of a persistent and unreasonable complainant to restrict their ability to contact the Council. In that case officers were also considering whether legal action should be taken. In discussing that particular case a lack of clarity within the policies. This relates to reference to restriction to access to offices. Whilst some unreasonable complainant behaviour relates to physical access to premises much does not, relating instead to correspondence or telephone contact. Therefore, it is proposed that the policies are amended to refer to access to officers as well as offices. Copies of the proposed new policies are attached as Appendices 3 and 4 of this report.

3. Financial and Staffing Implications

There are none arising directly from this report.

4. **Local Member Support**

There are no implications for individual wards arising directly from this report.

5. **Equal Opportunity Implications**

There are none arising directly from this report.

6. **Human Right Implications**

There are none arising directly from this report.

7. **Local Agenda 21 Implications**

There are none arising directly from this report.

8. **Community Safety Implications**

There are none arising directly from this report.

9. **Planning Implications**

There are none arising directly from this report.

10. **Background Papers**

There are no background papers

12. **Recommendations**

- (1) That members consider the draft policies on unreasonably persistent complainants and unreasonable complainant behaviour and endorse them with any amendments.
- (2) The policies as endorsed be then forwarded to the Cabinet and the Council for formal approval.

J. WILKIE

Deputy Chief Executive/Director of Corporate Services

SG/LW. PR/S10/1
19June 2008

APPENDIX 1

POLICY ON UNREASONABLY PERSISTENT COMPLAINANTS

The Council is committed to dealing with all complaints fairly and impartially and to providing a high quality service to those who make them. As part of this service it does not normally limit the contact complainants have with its offices.

However, there are a small number of complainants who because of the frequency of their contact with the Council's offices, hinder our consideration of their, or other people's complaints. We refer to such complainants as 'unreasonably persistent complainants' and, exceptionally, we will take action to limit their contact with our offices.

The decision to restrict access to our offices will be taken at Chief Officer level and will normally follow a prior warning to the complainant. Any restrictions imposed will be appropriate and proportionate. The options we are most likely to consider are:-

- requesting contact in a particular form (example, letters only);
- requiring contact to take place with a named officer;
- restricting telephone calls to specified days and times; and/or
- asking the complainant to enter into an agreement about their future contacts with us.

In all cases where we decide to treat someone as an unreasonably persistent complainant we will write to tell the complainant why we believe his or her behaviour falls into that category, what action we are taking and the duration of that action. We will also tell them how they can challenge the decision if they disagree with it.

Where a complainant whose case is closed persists in communicating with us about it, we may decide to terminate contact with that complainant. In such cases, we will read all correspondence from that complainant but unless there is fresh evidence which affects our decision on the complaint we will simply acknowledge it or place it on the file with no acknowledgment.

New complaints from people who have come under the unreasonably persistent complaints policy will be treated on their merits.

APPENDIX 2

POLICY ON UNREASONABLE COMPLAINANT BEHAVIOUR

The Council is committed to dealing with all complaints fairly and impartially and to providing a high quality service to those who make them. As part of this service it does not normally limit the contact complainants have with its offices. However, the Council does not expect its staff to tolerate behaviour by complainants which is unacceptable, for example, which is abusive, offensive or threatening, and it will take action to protect staff from that behaviour.

When we consider, at an appropriate level, that a complainant's behaviour is unreasonable we will tell them why we find their behaviour unreasonable and we will ask them to change it. If the unacceptable behaviour continues, we will take action to restrict the complainant's contact with our offices.

The decision to restrict access to our offices will be taken at an appropriate level, usually Head of Service. Any restrictions imposed will be appropriate and proportionate. The options we are most likely to consider are:-

- requesting contact in a particular form (for example, letter only);
- requiring contact to take place with a named officer;
- restricting telephone calls to specified days and times; and/or
- asking the complainant to enter into an agreement about their conduct.

In all cases the Chief Officer will write to tell the complainant why we believe his or her behaviour is unacceptable, what action we are taking and duration of that action. We will also tell them how they can challenge the decision if they disagree with it.

Where a complainant continues to behave in a way which is unacceptable we may decide to terminate contact with that complainant and may discontinue any investigation into their complaint.

Where the behaviour is so extreme that it threatens the immediate safety and welfare of Council staff, we will consider other options, for example reporting the matter to the Police or taking legal action. In such cases, we may not give the complainant prior warning of that action.

APPENDIX 3

POLICY ON UNREASONABLY PERSISTENT COMPLAINANTS

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APPENDIX 4

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