



## Standards Committee

**Date:** Tuesday, 3 July 2012

**Time:** 6.00 pm

**Venue:** Committee Room 1 - Wallasey Town Hall

**Contact Officer:** Shirley Hudspeth

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## AGENDA

**1. ELECTION OF CHAIR**

To elect a Chair of the Committee for the rest of the Municipal Year

**2. MINUTES (Pages 1 - 4)**

To confirm the Minutes of the meeting of the Committee held on 16 April 2012 as a correct record.

**3. MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST**

Members are asked to consider whether they have personal or prejudicial interests in connection with any item(s) on this agenda and, if so, to declare them and state what they are.

**4. ADDITIONAL REIMBURSEMENTS PAYMENT (Pages 5 - 6)**

**5. CUSTOMER FEEDBACK ANNUAL REPORT 2011/2012 (Pages 7 - 24)**

**6. REVIEW ON THE COUNCIL'S POLICY ON UNREASONABLY PERSISTENT COMPLAINANTS AND UNREASONABLE COMPLAINANT BEHAVIOUR (Pages 25 - 42)**

**7. STANDARDS COMPLAINTS - MONITORING (UNDER THE OLD STANDARDS REGIME) (Pages 43 - 54)**

**8. NEW STANDARDS REGIME - UPDATE**

Report to follow.

**9. MEMBERS' ICT POLICY (USE OF COUNCIL FACILITIES) (Pages 55 - 58)**

**10. EXEMPT INFORMATION - EXCLUSION OF MEMBERS OF THE PUBLIC**

The public may be excluded from the meeting during consideration of the following items of business on the grounds that they involve the likely disclosure of exempt information.

**11. URGENT BUSINESS APPROVED BY THE CHAIR**

## STANDARDS COMMITTEE

Monday, 16 April 2012

<u>Present:</u>	Councillors	WJ Davies D Roberts J Salter L Rowlands C Blakeley	G Ellis P Williams A Bridson R Wilkins
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<u>Independent Members</u>	Mr	Ken Harrison (Chair)
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<u>Apologies for Absence</u>	Mrs	Stella Elliott
	Mr	Alex Nuttall

### 22 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

No declarations of interest were received.

### 23 MINUTES

#### RESOLVED:

**That the Minutes of the meeting of the Committee held on 26 January 2012 be confirmed as a correct record.**

### 24 STANDARDS COMPLAINTS - MONITORING

The Committee considered an updated summary of complaints made against Wirral Councillors where it had been alleged that the Council Members' Code of Conduct had been breached. Members noted the detail of these complaints. A total of five complaints were still in the process of being dealt with and Members received a progress report on each of them.

#### RESOLVED:

**That the updated summary of standards complaints and progress being made be noted.**

## **REPORT OF THE STANDARDS WORKING GROUP - PROPOSED NEW STANDARDS REGIME**

The Committee, at its meeting on 26 January 2012, had received a report that had updated it on the implications of the Localism Act on the current Standards Regime. Consequently, it had established a Working Group to explore, examine and develop a draft framework and such options, procedures, arrangements it considered necessary to enable the Council to discharge its duties and obligations under the Localism Act 2011 in relation to the Standards Regime from 1 July 2012.

The Director of Law, HR and Asset Management had been requested to update the Members' Code of Conduct as a starting point for the development of a new framework for the Standards Regime and to include the use and review of the existing Members' Code of Conduct and written arrangements as the basis of any proposed changes (if required). (Minute No. 18 refers.)

It was reported that the Working Group had met twice, on 1 and 28 March 2012, and had discussed the Council's requirements for a new Standards Regime and a Councillor Complaints procedure in great detail. This had then culminated in a report presented to the Committee by the Director of Law, HR and Asset Management which sought its approval and onward recommendation to the Council in relation to:

- (a) changes to the Article 9 (Terms of Reference of the Standards Committee (and its Panels)) of the Council's Constitution set out at Appendix 1 to the report;
- (b) the draft Members' Code of Conduct set out at Appendix 2 to the report;
- (c) the draft Protocol: Arrangements for Investigating and Making Decisions in relation to allegations made under the Members' Code of Conduct set out in Appendix 3 to the report;
- (d) the draft Complaint Form to be used in relation to complaints relating to the Members' Code of Conduct set out at Appendix 4 to the report; and
- (e) authorising the Monitoring Officer to make arrangement to enable the Council to appoint 'Independent Persons' to support the effective administration of standards complaints and decisions, in accordance with the requirements of the Localism Act 2011.

The Committee noted that if it was minded to agree the proposed changes to the Terms of Reference of the Standards Committee (and its Panels) and the

draft Members' Code of Conduct, included with the report, then the Council's approval would be required, in accordance with the Constitution.

Mr Ken Harrison acknowledged the hard work that had been undertaken by Members of the Working Group they had worked very well together on this important piece of work. He made reference to the thoroughness of the Director's report and congratulated the Members of the Working Party on all that they had been able to achieve in such a short period of time. Mr Harrison also acknowledged that the Head of Legal and Member Services also deserved credit for the work he had put into this important initiative.

It was noted that there would be a recruitment process to select the Independent Person(s) required under the Localism Act to assist the new Standards Regime and it was hoped that the necessary appointments would be made at the May Council meeting.

The Committee paid tribute to its Independent Members, Ken Harrison, Alex Nuttall and Stella Elliott. They would unfortunately be unable to sit on the Standards Committee after 30 June 2012 when the new Standards Regime came into force because of the definition of Independent Person introduced by the Localism Act 2011. Members informed that they appreciated their help and support and were very sorry to lose them. Particular reference was made to Brian Cummings, whose term of office had expired last year but who had diligently chaired the Committee for a number of years previous to that. Members requested that Mr Cummings be sent a letter thanking him for his excellent service to the Committee over the years. Members also thanked Mr Harrison, who had taken over the chairing of the Committee from Mr Cummings, and who had also chaired the meetings of the Working Group

The Committee noted that all Members of the Council would require training on the new Code of Conduct and on the new Standards Regime and that it was planned to roll this out during June 2012.

**RESOLVED:**

**That the Council be recommended to approve:**

- (1) the changes to Article 9 (Terms of Reference of the Standards Committee (and its Panels)) (as set out at Appendix 1 to the report) to take effect from 1 July 2012; and that the Council's Constitution be amended accordingly;**
- (2) the draft Members' Code of Conduct (as set out at Appendix 2 to the report) to take effect from 1 July 2012; and that the Council's Constitution be amended accordingly;**

- (3) the draft “Protocol: Arrangements for Investigating and Making Decisions in relation to allegations made under the Members’ Code of Conduct” (set out Appendix 3 to the report) to take effect from 1 July 2012;**
- (4) the draft Complaint Form (set out at Appendix 4 to the report) and its use as from 1 July 2012;**
- (5) the Monitoring Officer be authorised to undertake, in consultation with the three political party spokespersons, such steps necessary to enable the Council to appoint ‘Independent Persons’ to support the effective administration of standards complaints and decisions, in accordance with the requirements of the Localism Act 2011; and**
- (6) the Monitoring Officer be authorised to undertake, in consultation with the three Political Group spokespersons, a consultation exercise with all Members of the Council (and any other persons/bodies considered appropriate) with regards (1), (2) and (3) above.**

## WIRRAL COUNCIL

### STANDARDS COMMITTEE

3 JULY 2012

<b>SUBJECT:</b>	<b>ADDITIONAL REIMBURSEMENTS PAYMENT</b>
<b>WARD/S AFFECTED:</b>	<b>NOT APPLICABLE</b>
<b>REPORT OF:</b>	<b>GRAHAM HODKINSON</b>
<b>RESPONSIBLE PORTFOLIO HOLDER:</b>	<b>COUNCILLOR PHIL DAVIES</b>
<b>KEY DECISION?</b>	NO

#### 1.0 EXECUTIVE SUMMARY

1.1 To notify the Standards Committee of an ex gratia payment to a service user to address an outstanding issue with regard to the personal finances. The sum paid is £2,693.00.

#### 2.0 BACKGROUND AND KEY ISSUES

2.1 The matter relates to a service user 'A'; who resided in a supported living placement. Service user 'A' has complex needs and does not have capacity. His case relates to a number of historical issues in relation to charging for services which the Council undertook to reimburse. An application was made to the Court of Protection and service user 'A's sister was appointed as his guardian. In the course of further reviewing his needs another issue arose about the accrual of his benefits and the need to make a further payment to him and address this matter. This was agreed by relevant Senior Officers in the Council under delegated powers. The payment relates to dealing with this matter.

#### 3.0 RELEVANT RISKS

3.1 None. One off ex gratia payment.

#### 4.0 OTHER OPTIONS CONSIDERED

4.1 None. Not applicable.

#### 5.0 CONSULTATION

5.1 Not required. Service user 'A's appointed guardian was fully involved in the decision making process.

#### 6.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS

6.1 None.

**7.0 RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS**

7.1 One off ex gratia payment of £2,693.00.

**8.0 LEGAL IMPLICATIONS**

8.1 None; advice given prior to making this payment.

**9.0 EQUALITIES IMPLICATIONS**

9.1 Has the potential impact of your proposal(s) been reviewed with regard to equality?

No because there is no relevance to equality.

**10.0 CARBON REDUCTION IMPLICATIONS**

10.1 None.

**11.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS**

11.1 None.

**12.0 RECOMMENDATION/S**

12.1 The Standards Committee confirmed the making of an ex gratia payment to Service User 'A'.

**13.0 REASON/S FOR RECOMMENDATION/S**

13.1 None.

**REPORT AUTHOR:** *Graham Hodkinson*  
*Director Adult Social Services*  
Telephone: (0151 666 3650)  
Email: grahamhodkinson@wirral.gov.uk

**APPENDICES**

None.

**REFERENCE MATERIAL**

N/A

**SUBJECT HISTORY (last 3 years)**

Council Meeting	Date



## WIRRAL COUNCIL

### STANDARDS COMMITTEE

3 JULY 2012

<b>SUBJECT:</b>	<b>CUSTOMER FEEDBACK ANNUAL REPORT 2011/2012</b>
<b>WARD/S AFFECTED:</b>	<b>ALL</b>
<b>REPORT OF:</b>	<b>ACTING CHIEF FINANCE OFFICER</b>
<b>RESPONSIBLE PORTFOLIO HOLDER</b>	<b>COUNCILLOR CHRISTINE MEADEN</b>
<b>KEY DECISION?</b>	<b>NO</b>

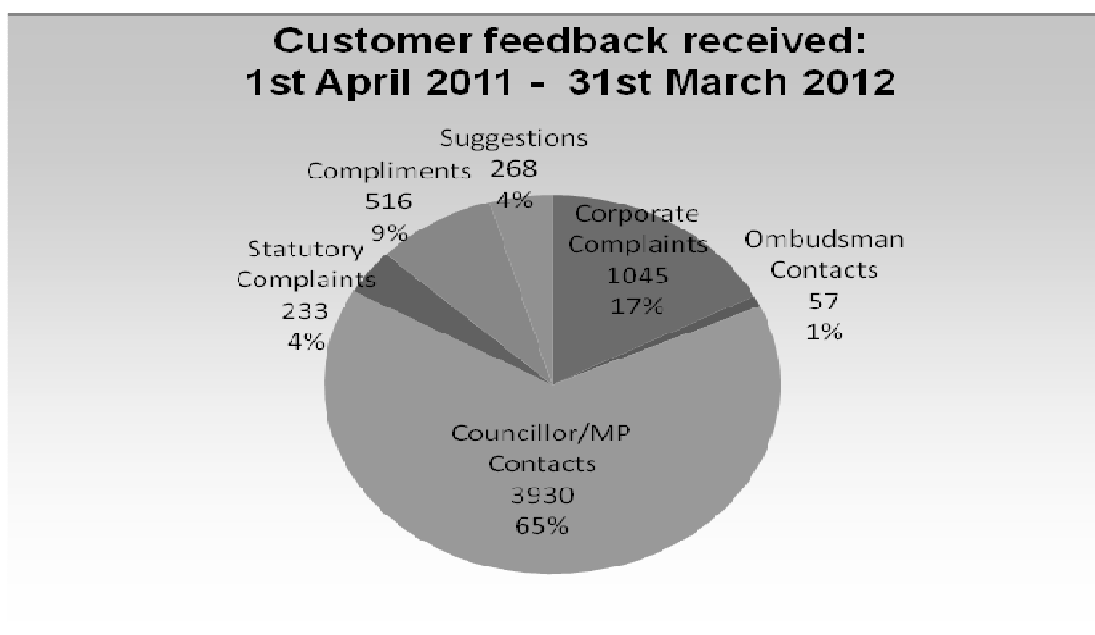
#### 1.0 EXECUTIVE SUMMARY

1.1 This is the annual update on the Council's performance in dealing with customer feedback. It provides analysis of contacts received over the period 1 April 2011 to 31 March 2012, highlights issues and describes some of the challenges faced in ensuring all feedback is recorded and responded to consistently. A scrutiny of corporate complaint trends over the period 1 April 2007 – 31 March 2012 is offered for review.

#### 2.0 BACKGROUND AND KEY ISSUES

2.1 Aligning with the corporate plan aim of being responsive, open and transparent, delivering first class services which are affordable, sustainable and meet the needs of local people, the focus for customer feedback is to *'put things right and learn from it'*. This recognises that complaints specifically should not be dealt with in isolation and, instead, should be used to inform future improved service delivery.

2.2. Customer feedback includes the following types of contact (volume received and percentage of total customer feedback in 2011/12):



- 2.3 Feedback is reported quarterly via the corporate performance report, and is primarily recorded through the council's Customer Relationship Management (CRM) system. A separate application (Respond) used to support the distinct statutory complaint process.
- 2.4 Each department has a designated coordinator to record; assign; progress chase and update contacts with resolution details. Coordinators meet regularly to raise issues, share best practice and communicate departmental changes. Where feedback is received outside of the generic customer access channels (one stop shops; libraries; call centre; generic email and web), the effectiveness of these coordinators is dependent on clear and consistent communication within departments.
- 2.5 To support best practice and promote a consistent approach on how customer feedback is dealt with across the council, the Customer Care Standards were created and promoted corporately. These guidelines focus on commitments made to ensure the expected standards of customer service are met across the council. They allow customers clearly to identify the minimum level of service expected and measure how their contact experience compares. Intranet guidance supports this and stresses customer service is a responsibility for all staff members, not just staff dealing directly with customers.
- 2.6 The Council's approach to customer feedback has seen a marked improvement since the corporate process was implemented and the customer care guidelines adopted. Departments recognise a standard definition of 'what is a complaint' and commit to a standard process for dealing with customer feedback contacts. Comparison between service areas and departments can be undertaken, providing vital information on the issues customers are contacting the council about and identifying best practice. The challenge is to maintain this consistency and drive service improvements.

## **PERFORMANCE 2011/12**

### **2.7 Corporate customer feedback volumes**

- 2.7.1. There were a total of 6,049 customer feedback contacts recorded in 2011/12, which an overall 7% decrease from 2010/11 (6,485).
- 2.7.2. This overall figure included 14% fewer corporate complaints. The lack of adverse weather conditions affecting services over the winter months, as seen in previous years, was a key factor for Technical Services, as shown by a recorded 31% annual reduction in their complaints. Similarly, statutory complaints showed a comparative reduction of 28%. Recorded councillor and MP contacts also displayed an annual reduction (5%), along with Local Government Ombudsman (LGO) contacts (9.5%).

### **2.8. Corporate customer feedback response rates**

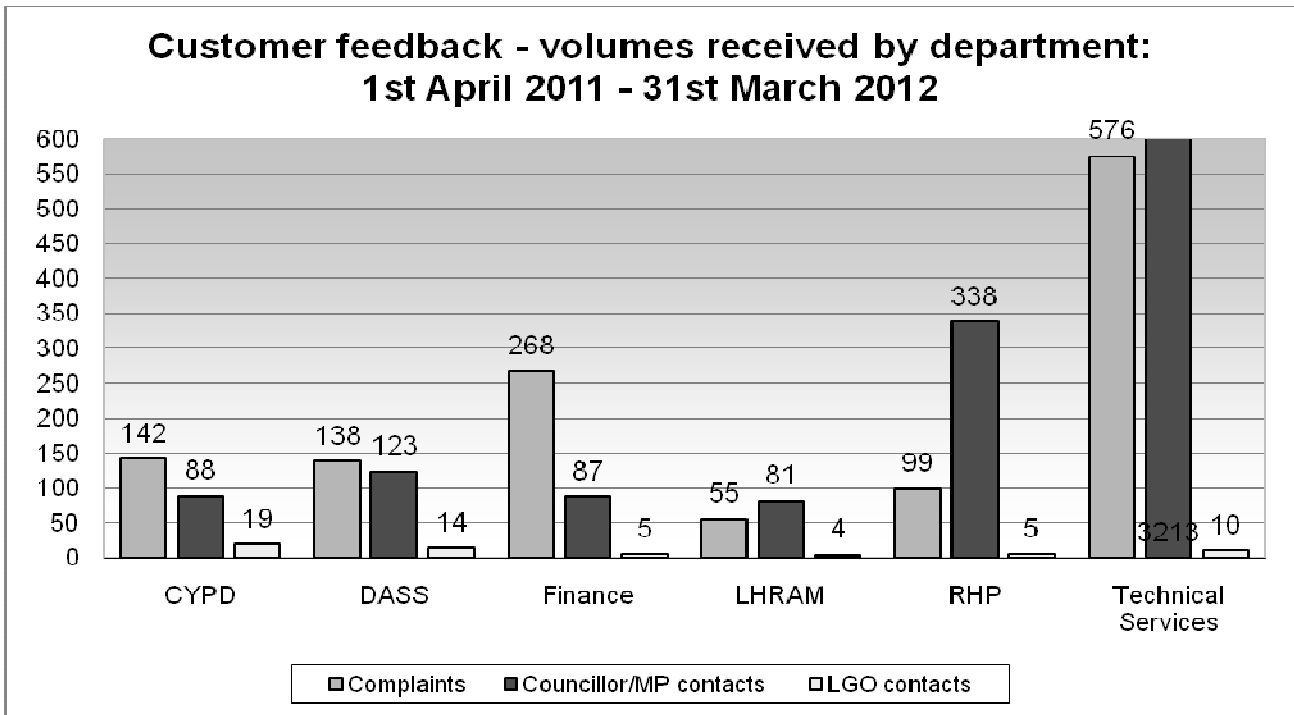
- 2.8.1 There was an increase in the average response rate for complaints with 15 working days taken to respond to all complaints in 2011/12 compared to 14 working days in 2010/11. Corporate complaints, which are measured against a target of responding within 15 working days, recorded an average of 10 working days, maintaining

performance from 2010/11. As a proportion of the total corporate complaints received, 9% of complainants expressed dissatisfaction with stage 1 resolution and raised either a stage 2 or stage 3 complaint. Statutory complaints (DASS and CYPD Children's Social Care) recorded an average of 34.5 working days to respond, compared to 24 working days in 2010/11.

- 2.8.2 Responses to recorded councillor/MP enquiries took on average 7 working days in 2011/12 compared to 6 working days in 2010/11. This is still within the corporate target of 10 working days.
- 2.8.3 LGO contacts took slightly longer to respond to in 2011/12 with an average of 16 calendar days taken compared to 14 calendar days in 2010/11. This compares to the standard response target of 28 calendar days.
- 2.8.4 The LGO has provided a provisional calculation of Wirral's performance for 2011/12 (focusing on what are classed internally by the LGO as 'first enquiry letters') with an average of 15.5 calendar days taken to respond. This represents an improvement of 11.3 calendar days from 2009/10 (average 26.8 calendar days reported) when Finance first took responsibility for supporting liaison with the LGO.
- 2.8.5. Full analysis will be provided the Standards Committee's response to the LGO annual letter, once confirmed figures are released by the LGO.
- 2.8.6. Although the increases in response times for non-statutory complaints are within the required timescales it is recognised that the reduced resources in all departments are the key factor for the slippage. Each department remains responsible for ensuring that their response rates stay within the set timescales.

## 2.9 Departmental customer feedback volumes

2.9.1 The following volumes of key customer feedback contacts, split by department, were received in 2011/12:



2.9.2 By department, DASS experienced the largest drop in complaints received (45%) compared to 2010/11, followed by Technical Services (31%). The absence of service issues caused by adverse weather was a key factor in Technical Services decrease with the refuse collection service reporting a 59% drop in complaints received. Finance reported a 5% reduction in complaints received.

2.9.3 Both LHRAM and RHP reported increased numbers of complaints received but this can largely be attributed to the re-alignment of services across departments undertaken during 2010/11 and 2011/12. CYPD reported an 88% increase in corporate complaints received (actual volumes were 25 complaints in 2010/11 to 47 in 2011/12) and a 38% increase in statutory complaints handled by the Childrens Social Care Service. Improved access and facilities for providing feedback across CYPD services has been a factor in these increased figures, with for example the introduction of a designated complaint phonenumber for schools.

2.9.4 Finance and Technical Services departments accounted for the largest proportion of corporate complaints (combined departmental total representing 81% of all *corporate* complaints received). Service areas within these departments attracting complaint feedback included (2010/11 in brackets for comparison):

- Sports and Recreation service (Technical Services) received 203 (190) complaints with dissatisfaction expressed over lack of or quality of facilities accounting for 31% of these complaints.

- Refuse collection service (Technical Services) received 132 (325) complaints with the continuity of service throughout the winter period a key factor in the reduced number of complaints received in 2011/12.
- Revenues (Finance) received 106 (108) complaints with disagreement with a decision made; delay or dissatisfaction expressed with the effects of a decision accounting for 48% of these complaints.
- Benefits (Finance) received 62 (76) complaints with disagreement with a decision made; delay or dissatisfaction expressed with the effects of a decision accounting for 74% of these complaints.

2.9.5 Most departments reported minimal changes in Councillor and MP contact between 2010/11 and 2011/12 though CYPD reported a 53% reduction (mainly attributed to improved public access for providing feedback thereby reducing the amount of Councillor / MP involvement). RHP reported a 31.5% increase in contacts (mainly affected by service re-alignment).

2.9.6 Within the departmental totals 2011/12 key areas of Councillor / MP enquiry are listed below. Figures in brackets indicated placement in 2010/11, if applicable. All areas listed are Technical Services apart from Re-Housing services which is in RHP:

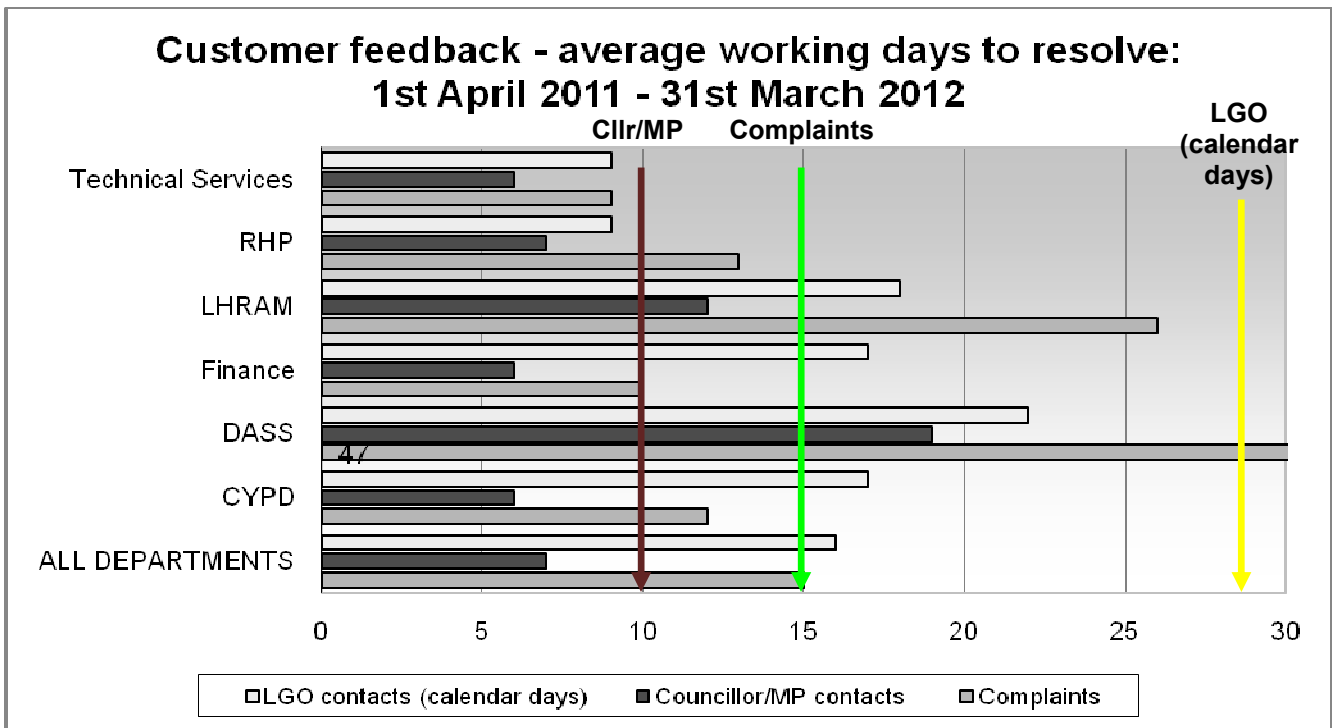
1.	Pavement defect	455	(2 <sup>nd</sup> )
2.	Road defect	447	(1 <sup>st</sup> )
3.	Street lighting	275	(4 <sup>th</sup> )
4.	Traffic conditions	269	(3 <sup>rd</sup> )
5.	Parks and countryside	250	(not recorded 2010/11)
6.	Street cleansing	178	(5 <sup>th</sup> )
7.	Re-housing services	165	(6 <sup>th</sup> )
8.	Fly-tipping	156	(8 <sup>th</sup> )
9.	Trees	147	
10.	Road safety	112	

2.9.7 LGO contacts remained fairly constant with no single department reporting significant changes across the 57 contacts recorded. Schools (CYPD) and Care Services (DASS) again recorded the highest proportion of contacts received with a combined 39% of total LGO contacts (46% in 2010/11).

2.9.8 By channel of contact, internet and email was used for two thirds of all contacts, continuing a trend that has seen usage of these channels increase by 6% from 2010/11.

## 2.9 Departmental customer feedback response rates

2.9.1 The following response rates for key customer feedback contacts, split by department, were reported in 2011/12:

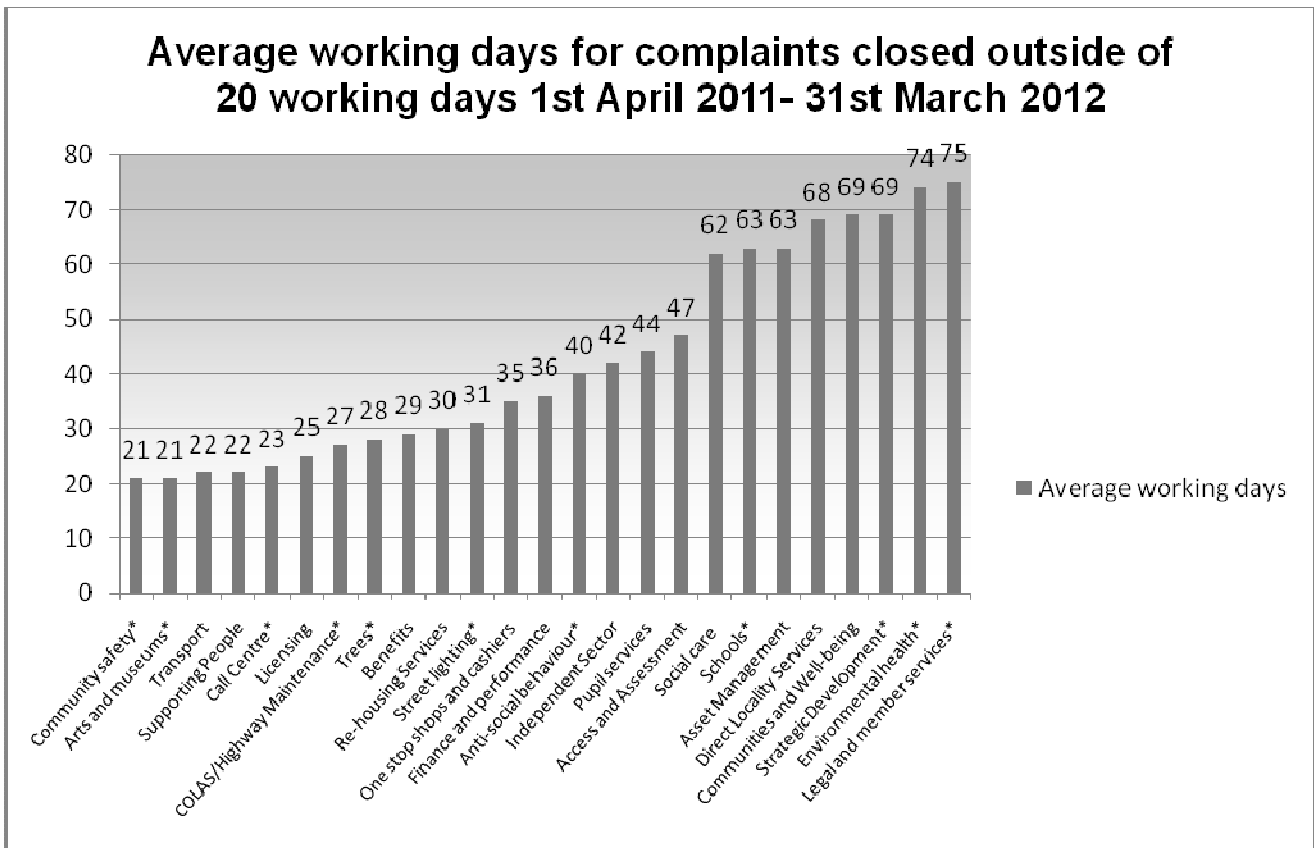


2.9.2 The majority of departments recorded maintained or improved complaint response rates, with 2010/11 figures in brackets: CYPD 12 working days (15); Finance 10 working days (13); RHP 13 working days (17, recorded previously against Corporate Services) and Technical Services 9 working days (9).

2.9.3 DASS report an on-going resource issue to effectively consider and respond to (frequently complex) complaints which require significant investigation and tailored responses. The department's average working days to respond increased from 31 days in 2010/11 to 47 days in 2011/12. As highlighted in the chart overleaf Communities and Well Being services and Direct Locality services recorded averages of 69 and 68 working days respectively.

2.9.4 LHRAM recorded an average of 26 working days to respond to corporate complaints, against 17 working days in 2010/11. The asset management service (32% of this department's total complaints) recorded an overall average of 51 working days to respond to complaints. A limited number of vexatious complaints, requiring significant resource to investigate and respond to, influenced this service's performance. Overall the department responded to 61% of all complaints closed in 2011/12 within the corporate target.

2.9.5 Services that responded to complaints significantly outside of the corporate target of 15 working days were as follows:



\*indicates response rate based on a single contact only

2.9.6 By department DASS reported the most improved response rate for councillor/MP contacts, from 25 working days in 2010/11 to 19 working days in 2011/12 though this is still outside the corporate target of 10 working days. LHRAM reported an increased response rate from 10 working days in 2010/11 to 12 working days in 2011/12.

2.9.7 All other departments reported response rates within the corporate target of 10 working days, as detailed in the chart at 2.9.1.

2.9.8 Response rates to LGO contacts remained fairly static and all within the standard target of 28 calendar days set by the LGO.

## 2.10 Customer feedback resulting in changes

2.10.1 The focus for complaints and wider customer feedback is '*putting things right and learning from it*'. An average of 9% of all complaints received across the council resulted in some organisational learning.

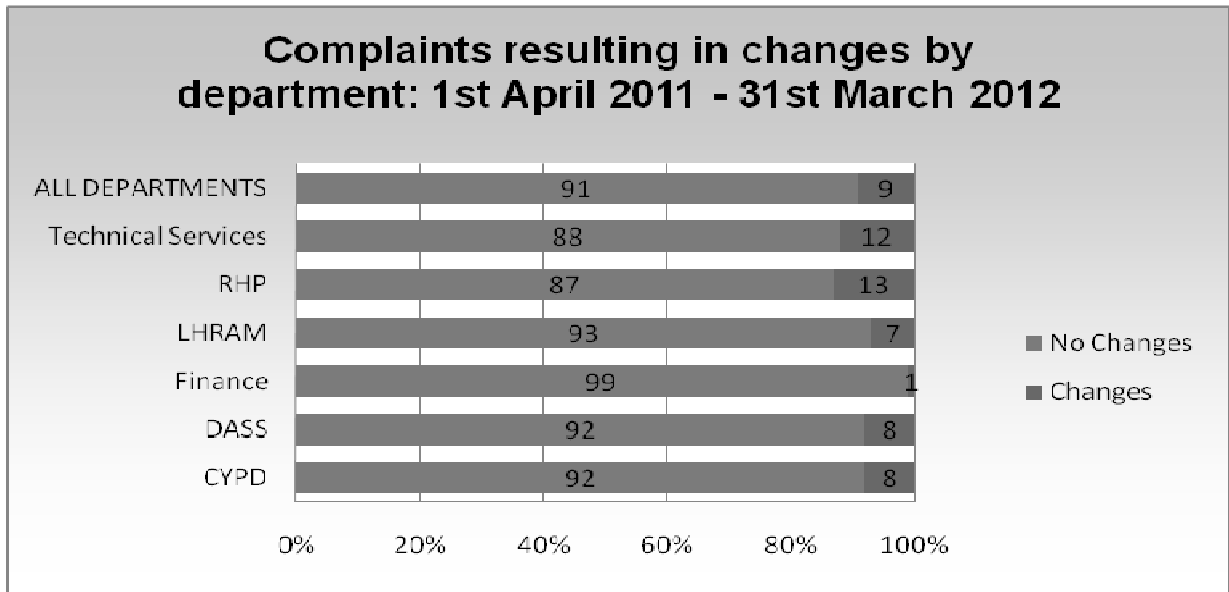
2.10.2 Examples of changes implemented during 2011/12 are provided below:

- New allotment application process and database introduced to improve management of waiting list (asset management)
- Staff training provided to improve customer care offered (environmental health)

- Enhanced information available on website to ensure displayed information for activities is accurate and up to date (marketing)
- Improvements to coverage provided by external contractor in response to feedback received (bridleways and public rights of way)
- Requirement placed on external contractor to improve notice given and signage used on site when undertaking future works (COLAS/Highway maintenance)
- Revised bin collection times to avoid school traffic and minimise missed collections (refuse collection service)
- Charges to be introduced for 'no show' bookings to maximise take up of leisure classes, in response to complaints received (sports and recreation service)
- Improved instructor to child ratio to be introduced for swimming classes, in response to feedback received (sports and recreation service)
- Review of CCTV coverage and provision of safe-guarding training for staff as a result of anti-social behaviour reported in a leisure centre (sports and recreation service)
- Erection of dog fouling signs to deter local issue reported (community safety)
- Website information reviewed and improved, in response to feedback received (marketing)
- Improved landlord accreditation process introduced in response to feedback provided (housing standards service)
- Improved training implemented for SEN school escorts (transport)
- Improved disabled access at a local leisure centre (sports and recreation)
- New arrangements introduced to improve liaison between schools and admission team for 11+ exams (schools)
- Customer questionnaire introduced in response to customer comments asking for a review of fitness suite opening hours (sports and recreation)
- Increased frequency of street cleansing rota introduced to minimise future complaints (street cleansing)



2.10.3 Departmental performance is detailed below:



## 2.11 Other feedback received

2.11.1 The 'Wirral's Future – your road and neighbourhood' survey was sent to all Wirral households in March 2011. There was a focus on Streetscene-related services (93% of all responses received) but the opportunity was also offered for wider comments on council service provision. The majority of responses (99%) were collated in the council's CRM system between March and June 2011.

2.11.2 A total of 3,438 service requests were raised, across 55 distinct service areas with the most popular services contacted about being:

- Road defects 18%
- Pavement defects 13%
- Dog fouling 12%
- Customer feedback 7%
- Tree issues 6%

2.11.3 In addition, a total of 516 compliments were officially recorded across all departments, though this is considered only a proportion of the positive feedback received during 2011/12.

### **CORPORATE COMPLAINT PERFORMANCE 2007 - 2012**

2.12 Data has been collated for recorded *corporate* complaints over the previous 5 years (01 April 2007 – 31 March 2012) to identify trends and provide a longer term analysis of council performance. Performance tables, from which the analysis below has been drawn, are shown in Appendix 2.

- 2.13 Excluding complaints generated by 'single issue' factors (Strategic Asset Review in 2008/09; adverse weather conditions affecting service delivery in 2009/10 and 2010/11), complaint volumes have been fairly static over the 5 year period with 2007/08 and 2011/12 representing the 'norm' of approximately 1,000 complaints received across all departments (not including statutory complaints).
- 2.14 Since 2008/09 there has been a proportionate increase in the number of complaints escalated to Stage 2 or Stage 3 (as part of the 3 stage corporate process) with 9% of all complaints in 2011/12 being escalations from stage 1 complaints.
- 2.15 Average response rates, measured against the corporate target of 15 working days, have been maintained at 10 working days, from a high of 13 working days reported in 2007/08. For complaints responded to outside of the corporate target, the overall trend is of an improving performance from an average of 37 working days reported in 2007/08 to 30 working days in 2011/12.
- 2.16 Over this period, the most frequently complained about services are the refuse collection service (31%); sports and recreation service (18%); revenues (13%); libraries and halls (11%) and benefits (9%). As mentioned previously single issue factors (such as the strategic asset review and adverse weather conditions) have influenced some service totals.
- 2.17 By generic category of complaint (assigned by departmental coordinators) the most common causes of complaint are standard of service provided (25%); delay or errors in service provided (18%) and disagreement with decision made/effects of decision (15%).
- 2.18 By ward, the most represented wards calculated from the proportion of total complaints received in comparison with proportion of electorate (percentage over-represented in brackets) are Birkenhead and Tranmere (6.3%); Wallasey (4.9%) and Bebington (3%). Conversely, the most under-represented wards are Claughton and Seacombe (both 2%) and Bidston and St James (1.9%).
- 2.19 By channel of contact, traditional methods of providing feedback to the council (e.g. by letter) display a downward trend whilst customer preference for email/web usage increases year on year.

## **FUTURE DEVELOPMENTS FOR 2012/13**

### **2.20 Freedom of information requests**

- 2.20.1 This service, incorporating Freedom of Information requests, data protection issues and contacts from the Information Commissioner's Office is now supported by the Council's CRM system, from 01 April 2012, and will be reported quarterly in alignment with customer feedback.

## **2.21 Online forms**

- 2.21.1 In recognition of an increasing customer preference for email or web channels, improvements were made to the online customer feedback form available on the Council's website.
- 2.21.2 The new form follows a scripted process, prompting customers for the required information, providing an instant acknowledgement to manage customer expectations of when a response can be expected and then produces a tailored output for the relevant departmental coordinator to enter on the CRM system. Since going live 01 April 2012, 125 online forms have been completed as at 1<sup>st</sup> June 2012.

## **2.22 Rate this page**

- 2.22.1 In recognition that unsolicited comments were being provided via the Council website's "rate this page" function, a new process was implemented to ensure any customer feedback received via this route is recorded and managed through the CRM system.

## **2.23 Equalities Act 2010**

- 2.23.1 Significant support was provided during early 2012 to ensure that the Council complied with the Equality Act 2010, including the ability to record equality data against (online) customer feedback and the introduction of quarterly snapshot surveys in the call centre, libraries and one stop shops.

## **2.24 Satisfaction surveys**

- 2.24.1 Originally planned for 2011/12 but now in place to go live during 2012/13, a proportion of complainants will be asked for their opinions on the complaint process itself, focusing on timeliness; quality of response and confidence in an impartial review undertaken of the issue. Results will be reported quarterly alongside wider customer feedback analysis.

## **2.25 Customer Care Standards**

- 2.25.1 Launched in 2008, these standards set out the council's commitment to delivering high quality service across all departments in a consistent and measurable manner, clearly defined for both staff and customers.
- 2.25.2 In 2010 an independent review took place using dedicated resources to benchmark customer service across alternate departments to ensure the standards are being consistently applied in all service areas. Supplementing this is a rolling exercise of mystery shopping across departments which focuses on the customer care standards.
- 2.25.3 Given the changing customer preferences towards how the council is contacted and the consequent increased customer expectation in how quickly the organisation should respond, there is a need to review corporate targets e.g. standard 15 working days to respond to any contact. Subject to available resources, this review will be undertaken during 2012/13.

## **2.26 Unreasonable Complainant Behaviour**

2.26.1 The Council policy in how unreasonable complaint behaviour (previously termed vexatious or unreasonably persistent behaviour) is recognised and responded to has been reviewed to ensure resources are effectively utilised for complaint investigation. The revised policy is set out for consideration in a separate report to this committee.

## **2.27 Standard and consistency of complaint responses**

2.27.1 There has been a trend of an increasing number of complainants being dissatisfied with the response at Stage 1. The satisfaction surveys planned to be introduced during 2012/13 will provide some indication of what the council can do to improve complaint processes. Officers attended an LGO course detailing best practice in complaint handling, focusing on the quality and consistency of responding to complaints; this has led to a new complaint handling course being created by the authority's Organisational Development team, which will be rolled out to all officers who have responsibility for complaint handling.

## **3.0 RELEVANT RISKS**

3.1 There is an identified risk of not recording all customer comments received across disparate contact channels and thereby missing vital feedback on how council services are perceived. Ensuring effective communication is supported within departments, so that all recognised customer feedback is picked up by the relevant coordinator and wherever possible encouraging the use of corporate generic channels will alleviate this risk.

## **4.0 OTHER OPTIONS CONSIDERED**

4.1 The corporate customer feedback system has been developed and improved over a period of time, benchmarked against other authorities and best practice guidance offered by the LGO.

## **5.0 CONSULTATION**

5.1 Consultation takes place as part of the wider customer focus work as well as the linkages with the customer access strategy.

## **6.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS**

6.1 These groups are consulted as part of the overarching customer access strategy which informs the corporate approach to how customer feedback is dealt with.

## **7.0 RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS**

7.1 There are none arising directly from this report.

## **8.0 LEGAL IMPLICATIONS**

8.1 There are none arising directly from this report.

## 9.0 EQUALITIES IMPLICATIONS

9.1 An Equality Impact Assessment (EIA) is not required specifically as part of this report though one has been developed for the updated Customer Access Strategy (CAS) which informs the approach taken for customer feedback. The EIA for the CAS can be found here: [Customer Access Strategy EIA](#)

## 10.0 CARBON REDUCTION IMPLICATIONS

10.1 There are none arising directly from this report.

## 11.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS

11.1 There are none arising directly from this report.

## 12.0 RECOMMENDATIONS

12.1 Members note the report.

## 13.0 REASON FOR RECOMMENDATIONS

13.1 Complaints and wider customer feedback should be seen as an opportunity for 'free' market research with customers who are actively engaged with services provided by the council. Monitoring the effectiveness of our procedures in dealing with these contacts and most importantly what is learnt from the interaction provides a key indicator of how successfully the council is meeting the needs of local people.

### REPORT AUTHOR: Malcolm Flanagan

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## APPENDICES

Appendix 1: Corporate complaint performance 2007 – 2012 tables

## REFERENCE MATERIAL

None.

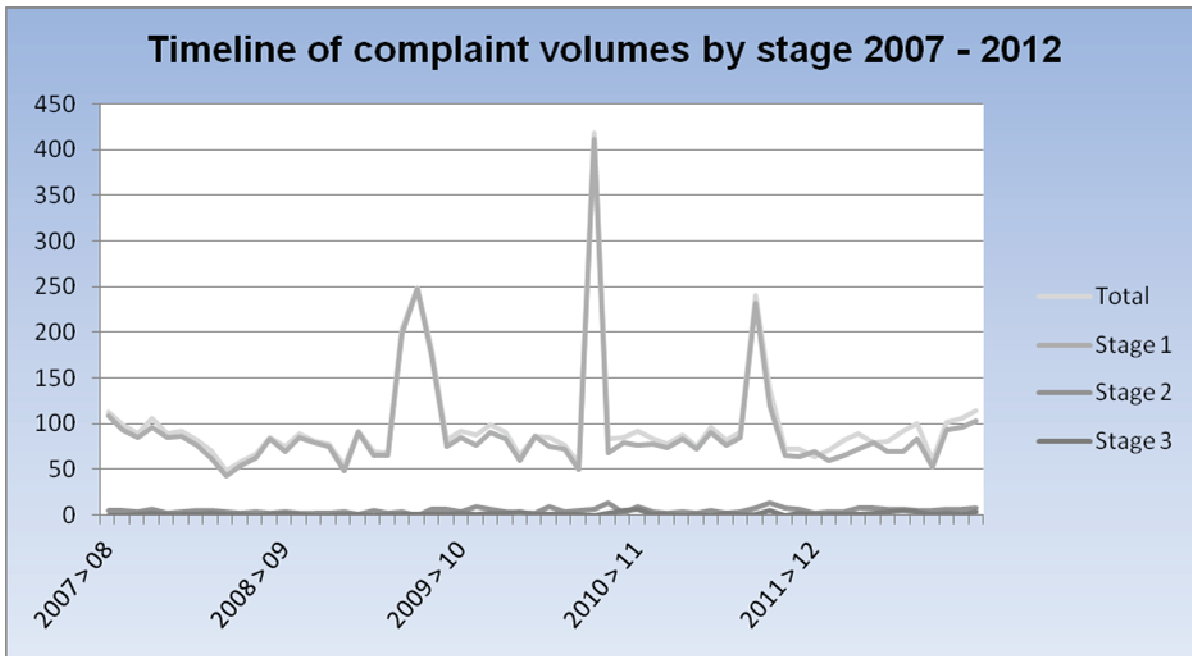
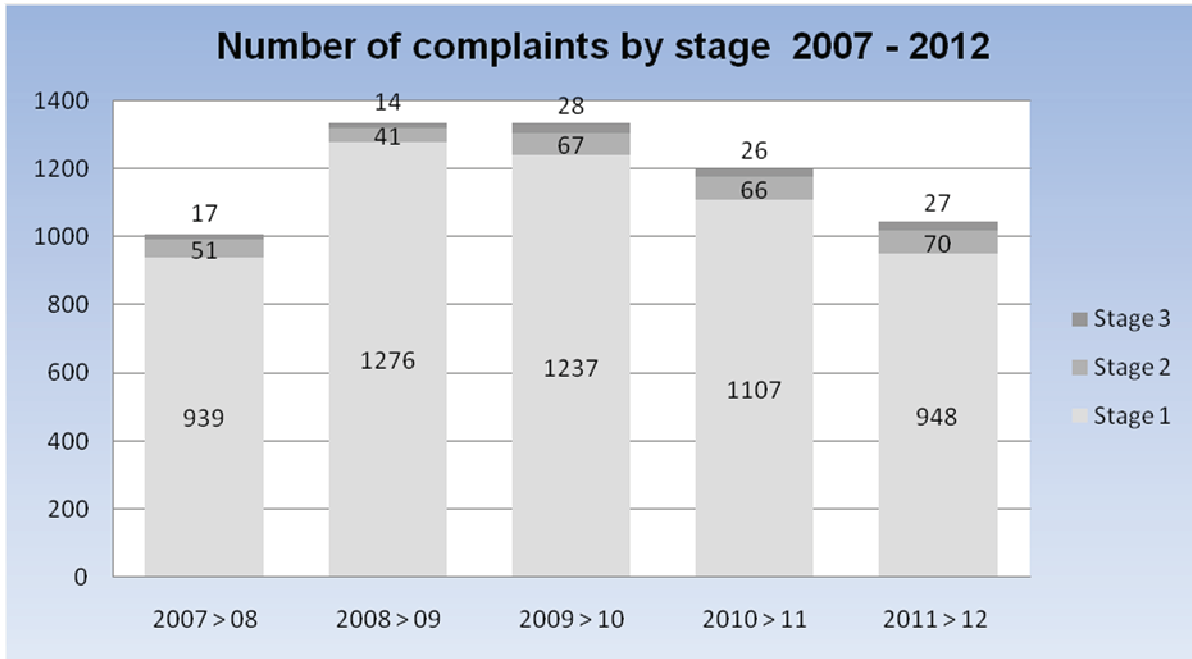
## SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Standards Committee	21 Jun 2010
Standards Committee	4 Jul 2011

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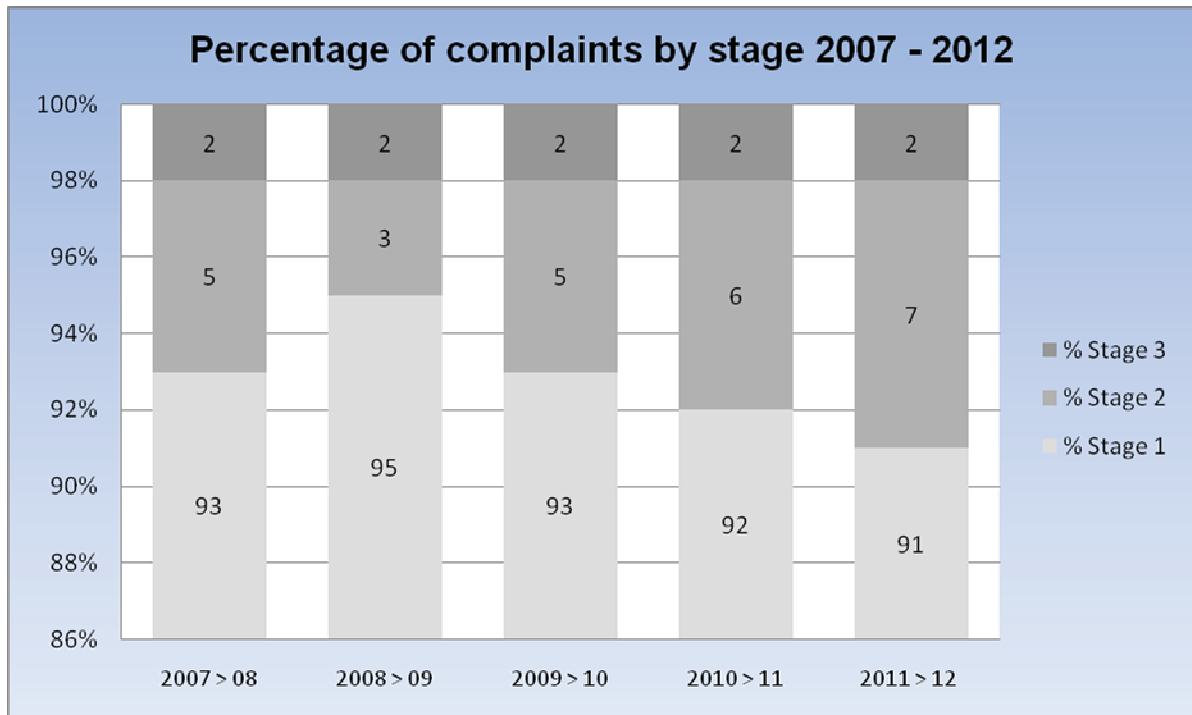
**CORPORATE COMPLAINT PERFORMANCE 2007 - 2012**

**Corporate complaint volumes**

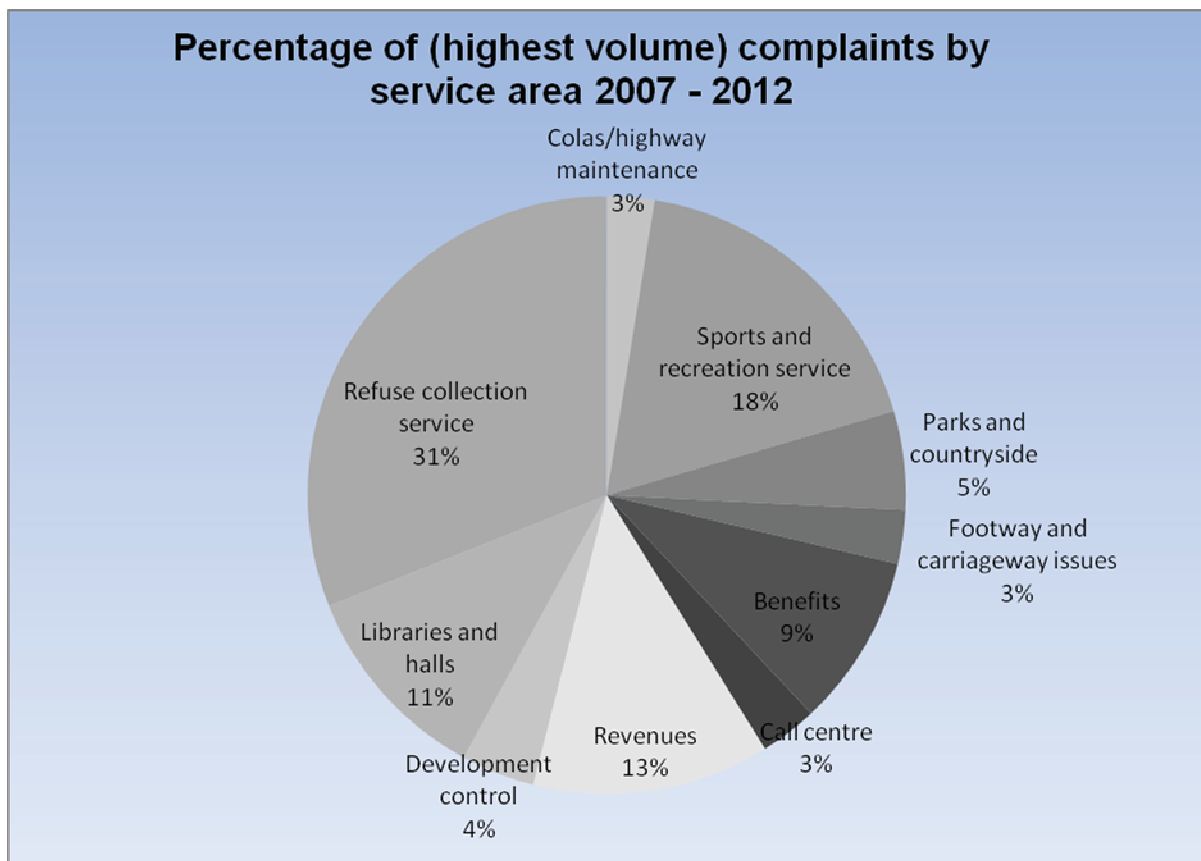


\*Spikes represent Strategic Asset Review (2008/09) and service disruptions caused by adverse weather (2009/10 and 2010/11)

## Proportion of escalated complaints

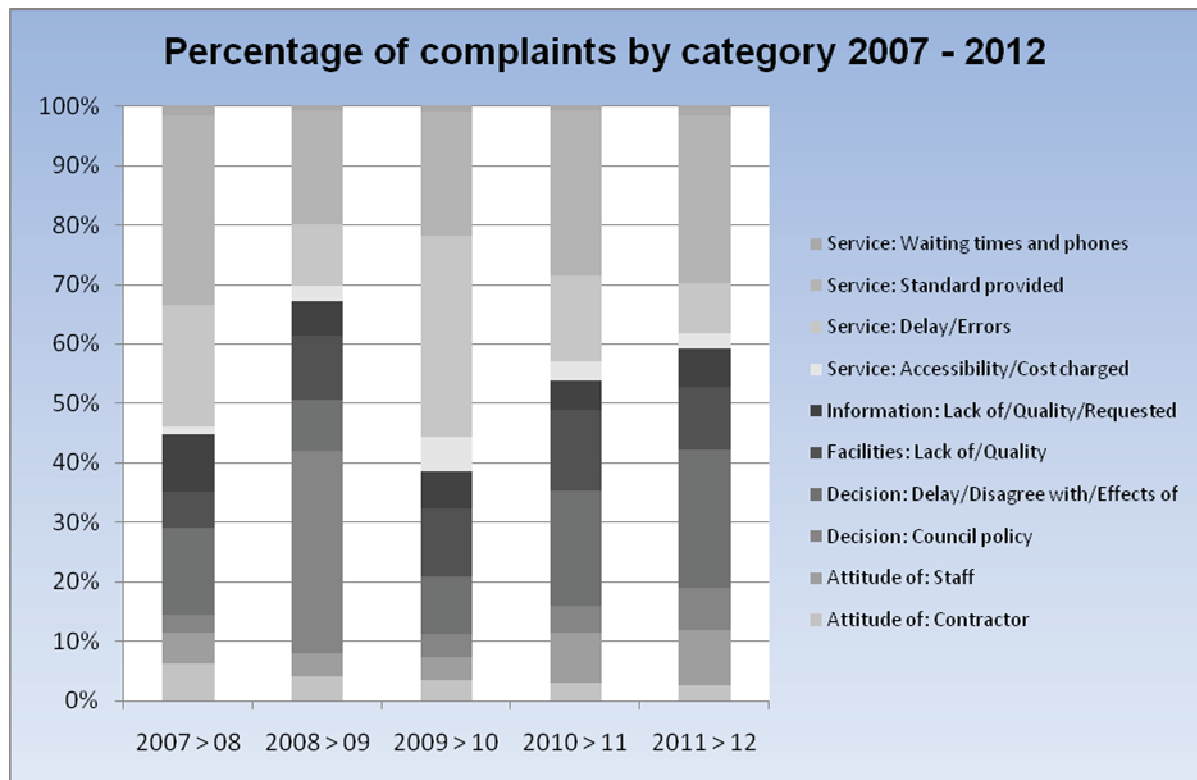


## Complaints by service area

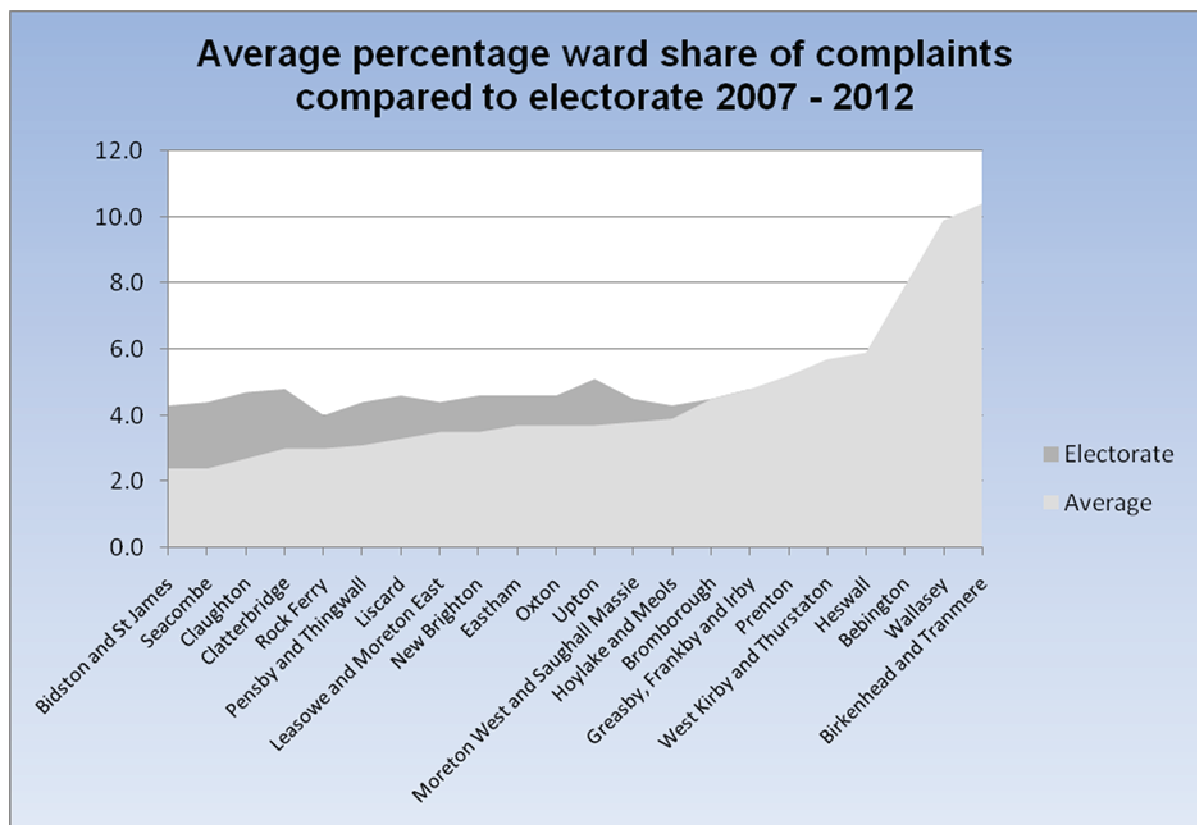




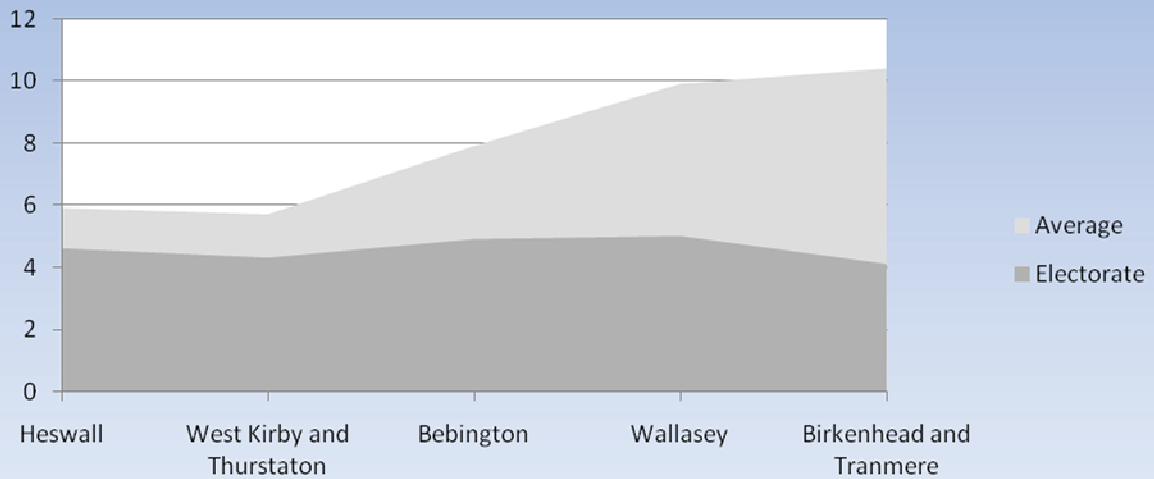
## Complaints by category



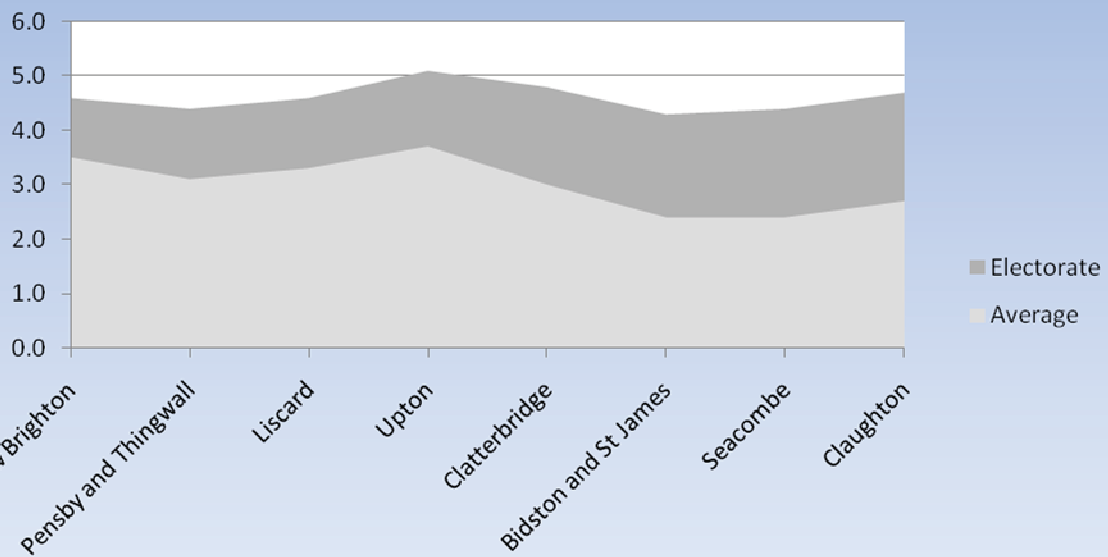
## Complaints by ward



### Average percentage ward share of complaints compared to electorate - over-represented wards 2007 - 2012



### Average percentage ward share of complaints compared to electorate - under-represented wards 2007 - 2012



## WIRRAL COUNCIL

### STANDARDS COMMITTEE

3 JULY 2012

<b>SUBJECT:</b>	<b>REVIEW OF THE COUNCIL'S POLICY ON UNREASONABLY PERSISTENT COMPLAINANTS AND UNREASONABLE COMPLAINANT BEHAVIOUR</b>
<b>WARD/S AFFECTED:</b>	<b>ALL</b>
<b>REPORT OF:</b>	<b>ACTING CHIEF FINANCE OFFICER</b>
<b>RESPONSIBLE PORTFOLIO HOLDER:</b>	<b>COUNCILLOR CHRISTINE MEADEN</b>
<b>KEY DECISION?</b>	<b>NO</b>

#### **1.0 EXECUTIVE SUMMARY**

- 1.1 This report seeks approval to the proposed changes to the Council's policy on unreasonably persistent complainants and unreasonable complainant behaviour.

#### **2.0 BACKGROUND AND KEY ISSUES**

- 2.1 This committee, at its meeting on 8 May 2007, endorsed policies on unreasonably persistent complainants and unreasonable complaint behaviour for referral and subsequent endorsement by Cabinet.
- 2.2 A minor amendment to these policies was further approved by this committee at its meeting on 30 June 2008. Attached at Appendix 1 are the current policies being applied to unreasonably persistent complainants and unreasonable complainant behaviour.
- 2.3 The Council's wider approach to complaints is one of *'putting things right and learning from it'* which can be described as not treating complaints in isolation of the potential for wider organisational learning and improved service delivery. Complaints should be viewed as an opportunity for 'free' market research with customers who are actively engaged with services provided by the council. Monitoring the effectiveness of how these contacts are dealt with and most importantly what is learnt from the interaction, provides a key indicator of how successfully the Council is meeting the needs of local people. This monitoring is undertaken via the annual Customer Feedback report. The most recent was approved by this Committee on 4 July 2011. The 2011/12 report is elsewhere on this Agenda.

- 2.4 Within this context there are a small minority of complainants who pursue their complaints in an unreasonable way through unacceptable behaviour or unreasonably persistent contacts / submissions of information. This can impede the investigation of their complaint and also has resource implications for the proper consideration of complaints made by others. The purpose of the policy applied to such complainants is to ensure a proportionate approach is taken when responding to unreasonable complainant behaviour.
- 2.5 A review of the current policy and its practical application across the Council has resulted in a number of recommendations:
- 2.5.1 Amalgamation of the two currently separate policies (unreasonably persistent complainants and unreasonable complainant behaviour) to aid clarity of purpose and implementation as a single policy on unreasonable and unreasonably persistent complainants
- 2.5.2 Inclusion within the policy of a new single definition of what the Council means by 'unreasonable complaint behaviour' and 'unreasonably persistent behaviour'
- 2.5.3 Provision of specific examples of what the Council classifies as unreasonable actions and behaviours in the context of the new definition
- 2.5.4 Clarification of what the policy entails in practical terms for the Council and the specific process to be followed in deciding whether the policy should be invoked
- 2.5.5 Updated actions available under the policy with the operational processes underpinning these actions specified
- 2.5.6 Confirmation of the appeal process available to complainants who have been dealt with under this policy
- 2.5.7 Confirmation of the review process to consider whether restrictions applied to an individual complainant under the policy are still relevant

### **3.0 RELEVANT RISKS**

- 3.1 None identified.

### **4.0 OTHER OPTIONS CONSIDERED**

- 4.1 The policy review was drawn up in line with recommended best practice, with particular reference to guidance from the Local Government Ombudsman.

### **5.0 CONSULTATION**

- 5.1 As detailed above, the review was informed by recommended best practice and the guidance offered by the LGO to assist local authorities and other public bodies under its jurisdiction to formulate a policy on unreasonable complaint behaviour.

## **6.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS**

6.1 There are none arising directly from this report.

## **7.0 RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS**

7.1 There are none arising directly from this report.

## **8.0 LEGAL IMPLICATIONS**

8.1 There are none arising directly from this report.

## **9.0 EQUALITIES IMPLICATIONS**

9.1 Equality impacts in relation to the complaint process accessed through corporate access channels have already been identified, reviewed and relevant actions proposed as part of the supporting Customer Access Strategy and its accompanying Equality Impact Assessment.

## **10.0 CARBON REDUCTION IMPLICATIONS**

10.1 There are none arising directly from this report.

## **11.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS**

11.1 There are none arising directly from this report.

## **12.0 RECOMMENDATION**

12.1 That the reviewed policy on unreasonable complainant behaviour as set out in Appendix 2 of this report is approved to be the Council policy.

## **13.0 REASON FOR RECOMMENDATION**

13.1 The recommendations made on the revised policy are proposed in order to be in line with best practice and guidance offered by the Local Government Ombudsman.

### **REPORT AUTHOR:**

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### **APPENDICES**

Appendix 1 - Current policies on unreasonably persistent complainants and unreasonable complainant behaviour

Appendix 2 – Proposed policy on unreasonable complaint behaviour

## REFERENCE MATERIAL

Local Government Ombudsman - Guidance on management of unreasonable behaviour

## SUBJECT HISTORY (last 3 years)

<b>Council Meeting</b>	<b>Date</b>
Standards Committee	8 May 2007
Standards Committee	30 June 2008
Cabinet (Customer Access Strategy)	22 September 2011

WIRRAL COUNCIL

STANDARDS COMMITTEE – 30 JUNE 2008

REPORT OF THE DEPUTY CHIEF EXECUTIVE/DIRECTOR OF CORPORATE SERVICES

## **UNREASONABLY PERSISTENT COMPLAINANTS AND UNREASONABLE COMPLAINANT BEHAVIOUR**

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### **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  
19 June 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**

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 and/or officers.

However, there are a small number of complainants who because of the frequency of their contact with the Council's offices and/or officers, 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 and/or officers.

The decision to restrict access to our offices and/or officers 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 4**

### **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 and/or officers. 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 and/or officers.

The decision to restrict access to our offices and/or officers 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 2**

### **POLICY ON UNREASONABLE AND UNREASONABLY PERSISTENT COMPLAINANTS**

The council is committed to dealing with all complaints in an open, fair and proportionate manner.

Key corporate policies such as the Customer Access Strategy and the Customer Care Standards confirm this commitment and define what our customers can expect of the council when making a complaint about council services.

For the minority of complainants who behave in an unreasonable manner when pursuing a complaint this policy is designed as a guide to staff to confirm what is expected of them, what options are available and who can authorise such actions. Similarly the policy can be used to assist unreasonable complainants in managing their expectations and behaviour with the intention of allowing the council to focus efforts on addressing the substance of the complaint.

#### **Definition of unreasonable complainant behaviour**

The council defines unreasonable and unreasonably persistent complainants as:

**Those complainants who, because of the nature and/or frequency of their contacts with the council, hinder the council's consideration of their, or other customers, complaints.**

The key consideration is the reasonableness of the complainants' behaviour and/or frequency of contacts made with the council.

#### **Examples of unreasonable complaint behaviour:**

- Refusal to accept assistance in specifying the grounds of complaint
- Refusal to cooperate with the council's corporate or statutory complaint processes

- Refusal to accept that certain issues are not within the scope of the council's complaint procedure
- Insisting on the complaint being dealt with in a manner which is incompatible with the approved procedure or recommended best practice
- Making unjustified complaints about the particular officer dealing with the issues raised and/or seeking to have them replaced
- Changing the basis of the complaint as the investigation proceeds
- Denying or changing statements made earlier in the investigation
- Introducing irrelevant or trivial information at a later stage of the complaint
- Raising numerous, detailed and unimportant questions, insisting an response is provided for each
- Covertly recording meetings and recordings
- Submitting falsified documents

- Adopting a ‘scatter gun’ approach by pursuing parallel complaints on the same issue with a variety of council officers across different contact channels
- Making excessive demands on staff time / resource with frequent lengthy contacts via phone / email / in person or letter and expecting immediate responses
- Submitting repeat complaints with minor additions/variations to the original complaint already responded to
- Refusal to accept complaint decisions, outside of the corporate or statutory escalation process/arguing points with no new evidence

### **Responding to unreasonable complaint behaviour**

The following process should be followed when considering an application of this policy, with particular reference to on-going complaints:

1. A review of the complaint investigation so far to confirm it has been dealt with in accordance with the relevant corporate or statutory process (staff guidance is available on the intranet and for the public on the council website). Specifically has the complaint been dealt with in an open, fair and proportionate manner?
2. Careful consideration should then be given as to whether the complainant has clearly acted in an unreasonable or unreasonably persistent manner, using the definition and examples provided above as a guide.

3. The head of the relevant service concerned should be informed and concur with the assessment of unreasonable behaviour in line with the policy.
  
4. As a first course of action, once the unreasonable behaviour has been identified and this view supported by the relevant head of service, the complainant should be informed of this decision. This should include the following:
  - Why the council has decided their behaviour is unreasonable
  
  - What the council considers reasonable behaviour when submitting a complaint
  
  - The opportunity for the complainant to desist from the identified unreasonable behaviour and pursue the complaint in a reasonable manner, in line with the standard corporate or statutory process
  
  - What potential actions may be taken and the duration of any proposed action (see below) if the unreasonable behaviour continues
  
  - The rights to appeal to such action being taken (see below)
  
5. Before invoking any potential actions the following should also be considered / offered to the complainant if relevant:



- A meeting with an appropriate officer to explore scope for resolution and explain why their behaviour has been deemed unreasonable
  - Where more than one service has been complained about the option to agree a cross-service/departmental approach
  - Assigning a key officer to coordinate the council's response
  - Assisting the complainant in finding a suitable independent advocate if required
6. If the unreasonable behaviour persists then the suggested actions may be implemented immediately and the complainant informed of such:
- Why the decision has been taken
  - Actions to be implemented
  - Duration of any restrictions
  - Rights of appeal
7. For complaints that have already been considered through all of the relevant corporate or statutory processes the most appropriate option will be to recommend referral to the Local Government

Ombudsman (LGO) for which details can be found on the council's website.

### **Options for action**

Any actions proposed should be proportionate to the nature and frequency of the complainant's current contacts. The focus of any action taken is to manage the identified unreasonable behaviour in order to respond to the complaint more effectively.

Suggested actions include the following:

- Requesting any future contacts regarding the complaint to be in a specific format (e.g. by letter)
- Requesting any future contact regarding the complaint be made with any identified officer only
- Placing limits on the number and / or duration of contacts made
- Offering a restricted time slot for necessary contacts
- Requiring the complainant to meet in the presence of a witness if personal contact appropriate
- Asking for the complainant to enter into an agreement about the acceptable behaviour for future contacts
- For complaints that have already been fully considered, the refusal to register and process further complaints about the same matter unless significant new information is provided

### **Rights of appeal**

Under this policy the complainant has the right of appeal to a Chief Officer of an alternative department, similar to the system operated for 3rd stage corporate complaints (see relevant intranet / internet guidance).

### **Duration of restrictions imposed**

As detailed above, any restriction imposed on future contacts made by the complainant in relation to the on-going complaint should be for a specified duration, either for the time taken to investigate the complaint in question or after an identified period for review.

If reviewed, restrictions should be lifted and standard complaint handling processes re-adopted unless there are good grounds to extend the restrictions.

Any new complaints submitted from customers whose behaviour has previously been identified as unreasonable should be considered entirely on their individual merits.

### **Subsequent unreasonable behaviour**

Where a complainant continues to behave in an unreasonable manner the option remains to terminate all active contact and discontinue investigation into the complaint.

In these circumstances it should be noted that the LGO will consider complaints that have not exhausted the council's corporate or statutory process if both the council and the complainant agree that this is the best course of action.

Where the behaviour is viewed as so extreme that it threatens the immediate safety and welfare of council staff, other options should be considered such as reporting the matter to the police or for the council taking legal action. In such cases the council may not give the complainant prior warning of that course of action.

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## Summary of Complaints made under Council Members' Code of Conduct

Ref	Date of Complaint	Nature of Complaint	IAP Date	Outcome of IAP	Final Report Completed	Consideration Hearing of Final Report (Outcome)	Final Hearing	Current Position
<b>SfE 2008/01</b>	May 2008	Failed to treat others with respect  Bringing office into disrepute	10 July 2008	Referred for Investigation	20 March 2009	30 March 2009	16 July 2009	Completed
<b>SfE 2008/02</b>	15 August 2008	Failed to treat others with respect  Bringing office into disrepute  Used position improperly to confer on or secure an advantage or disadvantage	10 September 2008	Referred for Investigation (Weightmans)	30 April 2009	7 August 2009 No Further Action		Completed

Ref	Date of Complaint	Nature of Complaint	IAP Date	Outcome of IAP	Final Report Completed	Consideration Hearing of Final Report (Outcome)	Final Hearing	Current Position
<b>SfE 2009/01</b>	3 February 2009	Conflict of interest Failure to declare Personal and Prejudicial interest	25 February 2009	No Further Action				Completed
<b>SfE 2009/02/03</b>	7 April 2009	Failure to declare Personal and Prejudicial interest	29 April 2009	Referred for Investigation  Complainant failed to co-operate, so investigation was delayed	16 February 2010	24 February 2010  IAP decided Steps Other than an Investigation (Training Required)		Completed

Ref	Date of Complaint	Nature of Complaint	IAP Date	Outcome of IAP	Final Report Completed	Consideration Hearing of Final Report (Outcome)	Final Hearing	Current Position
<b>SfE 2009/04</b>	14 July 2009	Failed to treat others with respect  Bringing office into disrepute	28 August 2009	Referred for Investigation	10 February 2010	25 March 2009 Referred for a Final Hearing	2 and 22 November 2010	Completed
<b>SfE 2009/05</b>	4 November 2009	Conflict of interest  Failure to declare Personal and Prejudicial interests  Failed to treat others with respect	25 January 2010	Referred for Investigation  Draft report prepared.		28 June 2012		

Ref	Date of Complaint	Nature of Complaint	IAP Date	Outcome of IAP	Final Report Completed	Consideration Hearing of Final Report (Outcome)	Final Hearing	Current Position
<b>SfE 2009/06</b>	21 December 2009	Failed to treat others with respect	25 January 2010	Referred for investigation – 25 January 2010  External investigator appointed		Scheduled for 3 October 2011. Rescheduled to 10 October 2011 (Member stuck in traffic)  No Further Action		Completed
<b>SfE 2010/01</b>	5 January 2010	Breached a confidence  Failed to treat others with respect	25 January 2010  8 April 2010	Deferred for further information  No Further Action		29 July 2010 Standards Review Panel No Further Action		Completed



<b>Ref</b>	<b>Date of Complaint</b>	<b>Nature of Complaint</b>	<b>IAP Date</b>	<b>Outcome of IAP</b>	<b>Final Report Completed</b>	<b>Consideration Hearing of Final Report (Outcome)</b>	<b>Final Hearing</b>	<b>Current Position</b>
<b>SfE 2010/02</b>	6 January 2010	Failed to treat others with respect  Bringing office into disrepute  Used position improperly to confer on or secure an advantage or disadvantage	25 January 2010	Referral for Investigation	17 September 2010		20 December 2010 – No Further Action	Completed
<b>SfE 2010/03</b>	6 January 2010	Failure to declare Personal and Prejudicial interest	25 January 2010	No Further Action				Completed

Ref	Date of Complaint	Nature of Complaint	IAP Date	Outcome of IAP	Final Report Completed	Consideration Hearing of Final Report (Outcome)	Final Hearing	Current Position
<b>SfE 2010/04</b>	9 February 2010  26 February 2010 – superseded previous complaint form	Conflict of Interest  Bringing office into disrepute  Used position improperly to confer on or secure an advantage or disadvantage	8 April 2010  3 March 2011  8 June 2011	Deferred for further information  Initial Referral to Standards for England for consideration  Referred back to Standards for England for consideration				Standards for England determined No Further Action

Ref	Date of Complaint	Nature of Complaint	IAP Date	Outcome of IAP	Final Report Completed	Consideration Hearing of Final Report (Outcome)	Final Hearing	Current Position
<b>SfE 2010/05</b>	30 March 2010	Failed to treat others with respect  Bringing office into disrepute	29 July 2010	Referred for Investigation	11 February 2011	3 March 2011  Arrangements are in the process of being made for a hearing.  21 November 2011	21 November 2011-adjourned  24 January 2012 - No Further Action	Completed
<b>SfE 2010/06</b>	6 January 2010	Bringing office into disrepute  Used position improperly to confer on or secure an advantage or disadvantage	8 October 2010  31 January 2011	Decision deferred  No Further Action			Review Panel 23 March 2011 – No Further Action	Completed

Ref	Date of Complaint	Nature of Complaint	IAP Date	Outcome of IAP	Final Report Completed	Consideration Hearing of Final Report (Outcome)	Final Hearing	Current Position
<b>SfE 2010/07</b>	30 September 2010	Failed to treat others with respect  Bringing office into disrepute	20 January 2011	No Further Action				Completed
<b>SfE 2011/01</b>	10 February 2011		3 March 2011	Referred for Investigation – Investigator Appointed	3 April 2012	)28 June 2012		
<b>SfE 2011/02</b> linked to 2011/01 above	11 February 2011		3 March 2011	Referred for Investigation – Investigator Appointed	3 April 2012	)28 June 2012		

Ref	Date of Complaint	Nature of Complaint	IAP Date	Outcome of IAP	Final Report Completed	Consideration Hearing of Final Report (Outcome)	Final Hearing	Current Position
<b>SfE 2011/03</b>	4 May 2011	Failed to treat others with respect  Bringing office into disrepute  Used position improperly to confer on or secure an advantage or disadvantage	25 August 2011	Referred for investigation on 26 August 2011.		28 June 2012		
<b>SfE 2011/04</b>	5 August 2011	Failed to treat others with respect  Bringing office into disrepute	22 August 2011	No Further Action				Completed

<b>Ref</b>	<b>Date of Complaint</b>	<b>Nature of Complaint</b>	<b>IAP Date</b>	<b>Outcome of IAP</b>	<b>Final Report Completed</b>	<b>Consideration Hearing of Final Report (Outcome)</b>	<b>Final Hearing</b>	<b>Current Position</b>
<b>SfE 2011/05</b>	5 September 2011	Used the Council's resources to communicate with Lib/Dem Councillors in matters of a party political nature	10 October 2011	Write to the complainant to inform that guidance on the use of the Council's resources was circulated to Members post 18 May 2011 so no further action is required.		24 January 2012 No Further Action.		Completed.
<b>SfE 2012/01</b>	24 January 2012	Conflict of interests	28 February 2012  21 March 2012  28 March 2012	Postponed  Postponed  Referred to Monitoring Officer for alternative action.				

Ref	Date of Complaint	Nature of Complaint	IAP Date	Outcome of IAP	Final Report Completed	Consideration Hearing of Final Report (Outcome)	Final Hearing	Current Position
<b>SfE 2012/02</b>	18 February 2012	Failed to treat others with respect  Bullied another person  Intimidated or attempted to intimidated another person	28 February 2012	Referred to Monitoring Officer for alternative action.				

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## **USE OF COUNCIL IT FACILITIES**

### **CODE OF PRACTICE - MEMBERS**

1. In order to assist Members carry out and discharge their role effectively, the Council provides personal computers with necessary software, peripheral hardware, telecommunications services and consumables ("IT Facilities") to all Members. When using the IT Facilities provided, Members are required to adhere to this policy.
2. This policy outlines the manner in which IT Facilities, should be used by Council Members and should be considered in conjunction with any guidance issued in relation to the use of IT Facilities, in particular in relation to email and internet use.
3. This policy must be signed by all newly elected and re-elected Members.
4. All IT Facilities provided by the Council shall remain the property of the Council and must be surrendered to the Council in the event that a Member ceases to be a Wirral Councillor. In this event access to Council electronic systems will be suspended and terminated within ten working days.
5. IT Facilities are provided for the sole use and benefit of Council Members and must be used primarily for Council business. Use by family / friends and the like is not permitted.
6. Members are expected to demonstrate a responsible approach to the use of the IT Facilities provided and are expected to behave in a legal, moral and ethical fashion that is consistent with Council policies and standards.
7. All access to the Internet using computer systems (including portable computers) provided by the Council should be via the Council's network and established filtering system. This means that inappropriate sites will be blocked and a log of visited sites will be kept. These logs will be routinely monitored and will be used to assist in the investigation of inappropriate use.
8. It must be recognised that any view communicated over the Internet will be deemed to be the view of the Council, and will in most cases be treated as equivalent to correspondence sent by traditional formal routes. Any personal view expressed via a Council e-mail address should be endorsed "The contents of this e-mail are the personal view of the author and should in no way be considered the official view of Wirral Metropolitan Borough Council".
9. Members must use a password to log on to the computer provided as part of the IT Facilities. Members must not disclose their password to another person. In the event that the password becomes known by anyone (or a Member suspects it has become known) then the password must be changed immediately.
10. Members IT Facilities are configured to comply with the Council's ICT Security Policy and to meet the requirements of the Governments Code of Connection to Public Services Networks. Any unauthorised changes may contravene these policies therefore configurations must not be changed and Members must not attempt to add additional hardware, load software or connect personal devices to the Council's computers or networks. Use of a personal e-mail account is permitted and will be configured on request by the Council's corporate IT section.

11. All software provided by the Council with the computer, or subsequently, remains the property of the Council, or the licensing organisation as appropriate, and may not be shared or copied to another computer/device without written authorisation from the Head of Legal Services.
12. The security of any personal data held on a Council provided computer is the responsibility of the Member and recovery of such data cannot be guaranteed should the computer need repair. Members are responsible for the backing up of data held on the computer in accordance with any guidelines issued.
13. Members should print only essential material, and should check the length of a document before printing. Consumables, e.g. printing ink and paper provided by the Council should only be used for Council business.
14. In accordance with the Local Government Act 1986 and the Local Authority Code of Practice on Publicity, Members should not utilise IT Facilities for any party political purpose or to publish any material which in whole or part appears to be designed to effect public support for a political party. Members should have due regard to any guidance issued by the Council concerning the use of IT Facilities.
15. In the interest of national security, Members using Government Connect Secure Extranet (GCSx) or Government Secure Intranet (GSI) e-mail addresses may have their communications monitored by Government agencies. The contents of a Member's e-mail folders may be accessed by officers of the Council, or Police Officers, as part of any investigation into inappropriate use of e-mail, or complaint against the conduct of a Member.
16. Members must not automatically or manually forward electronic mail from a Wirral Council email account to another email account in a lower classification domain (ie - an internet email account such as Hotmail or personal email account).
17. The Information Commissioner has the power to fine public sector organisations up to £500,000 in the event that unencrypted personal or sensitive data is lost or stolen. Members should therefore avoid downloading or storing such data on their computer's internal disk. In the event that a computer is lost or stolen then this must be reported to the Council's corporate IT unit within four working hours of the loss or theft being discovered.

#### **18. Unacceptable Deliberate Use**

The following activities, whilst not an exhaustive list, are considered unacceptable:

- a. The access to or creation, transmission or publication of any illegal or indecent images, sounds, data or other material.
- b. The access to or creation, transmission or publication of any data capable of being displayed or converted to such illegal or indecent sounds, data or other material
- c. The creation, transmission or publication of any material which is designed or likely to cause offence, inconvenience, discrimination or needless anxiety, or which may intimidate or create an atmosphere of harassment.
- d. The creation, transmission or publication of defamatory material.
- e. The receipt or transmission of material that infringes the copyright of another person.

- f. The creation, transmission or publication of any material in violation of Data Protection legislation or of any UK or International laws or regulations. Such activity may constitute a criminal offence.
- g. The transmission of unsolicited commercial or advertising material to other users of the Council's network or users of the Internet.
- h. The deliberate unauthorised access to facilities, services, data or resources within the Council or any other network or service accessible via the Internet, or attempts to gain such access.
- i. Unauthorised access to the electronic mail of another individual.
- j. Deliberate activities with any of the following characteristics or that by their nature could result in:
  - i. wasting staff or other users' efforts or network resources;
  - ii. corrupting or destroying other users' data;
  - iii. violating the privacy of other users;
  - iv. disrupting the work of other users;
  - v. using the Internet in a way that denies service to other users (for example by overloading the connection to the network by unnecessarily, excessively and thoughtlessly downloading large files);
  - vi. continuing to use any item of software or to access any material after being requested to cease its use because of disruption caused to the functioning of the Council's network or the Internet (for example utilities designed to broadcast network-wide messages); and/or
  - vii. the introduction or propagation of viruses.
- k. Where the Internet is being used to access another network, any abuse of the acceptable use policy of that network.
- l. Any use of the Internet or other facilities that could damage the reputation of the Council.

19. Any breach of this policy could result in the withdrawal of IT Facilities from the relevant Member or in some cases result in further action being taken. (See below).

20. Any alleged breach of this policy will be subject to an investigation by the Council's Monitoring Officer in consultation with the Council's Internal Audit Section. Upon conclusion of any investigation undertaken where in the opinion of the Monitoring Officer a breach(es) has been found, the Monitoring Officer may take one or more of the following actions,:

- a. Notify the Member's Party Group Leader of the breach;
- b. By complaint refer the breach(es) to the Council's Standards Committee Initial Assessment Panel;
- c. By complaint refer the breach(es) to Standards for England;
- d. Notify the breach(es) to the Police.

Issued to: Councillor ..... Date

I agree to abide by terms defined above

Signed \_\_\_\_\_ Date

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A signed copy of this document should be returned to the Monitoring Officer with a copy held by the individual Member.

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