

WIRRAL COUNCIL

STANDARDS COMMITTEE

3 JULY 2012

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

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.

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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)

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