

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Sustainability, Procurement and
Efficiency Portfolio Holder

AUTHOR/S: Customer Services Coordinator

24 September 2009

HANDLING UNREASONABLE OR UNREASONABLY PERSISTENT COMPLAINANTS POLICY

Purpose

1. The purpose of this report is to propose a Policy for handling unreasonable or unreasonably persistent complainants. This is not a key decision because it is an operational matter.

Background

2. The Council publishes corporate customer service standards, which clearly set out what customers can expect from the Council, including a formal complaints procedure. In the majority of cases investigating complaints is a straightforward process. However, a small minority of complainants may pursue their complaints in ways that can impede the investigation of their complaint or impose a significant and disproportionate resource requirement on the Council. These complaints may be justified but inappropriately pursued.
3. This policy outlines the procedure for identifying such complainants, suggested actions, which may be taken, and the ways in which decisions will be taken and reviewed. The policy is attached as **Appendix 1**.
4. The Council has a zero tolerance approach to abusive and aggressive behaviour and does not expect its officers or Members to tolerate such behaviour and has processes in place to protect them.

Considerations

5. Before the policy is applied the Council must ensure that the complaint is being or has been investigated properly according to the complaints procedure. The Council must also be satisfied that any decisions reached are the right ones, the complainant has been communicated with adequately and that the complainant is not just trying to bring new information to the attention of officers.
6. The Local Government Ombudsman has issued guidance notes on “unreasonably persistent” complainants and unreasonable complaint behaviour. This provides that the Ombudsman is unlikely to be critical of a council’s action if it can be shown that the council has designated a complainant as unreasonably persistent in accordance with a policy that has been operated properly and fairly.
7. Decisions under the policy will be made at Corporate Manager level in conjunction with a member of Senior Management Team. The policy provides a list of characteristics of unreasonable or unreasonably persistent complainants, the potential restrictions that could be made, a form to standardise the level of information required for action to be taken and a review process.

Options

8. The Council needs to have a policy in place. A small number of complainants, after exhausting the Council's complaints procedure, have continued to pursue their complaint in an unreasonable manner taking up much officer time. These circumstances have highlighted the need for a policy of this nature.

Implications

9. Financial	Decisions by the Local Government Ombudsman could have financial implications for the Council
Legal	None specific
Staffing	The Council must consider Health & Safety implications for staff
Risk Management	There is reputational risk if situations are not dealt with appropriately
Equal Opportunities	All complainants need to be dealt with in a fair and open manner

Consultations

10. The draft policy was discussed at the EMT meeting on 25 March 2009. The policy was supported and recommended for the Portfolio Holder to approve for adoption.

Effect on Strategic Aims

11.	Commitment to being a listening council, providing first class services accessible to all. Appropriate processes for dealing with complaints and complainants are important to providing first class services.
	Commitment to ensuring that South Cambridgeshire continues to be a safe and healthy place for all. None specific.
	Commitment to making South Cambridgeshire a place in which residents can feel proud to live. None specific.
	Commitment to assisting provision for local jobs for all. None specific.
	Commitment to providing a voice for rural life. None specific.

Recommendations

12. That the Portfolio Holder agrees the adoption and publication of the Policy detailed in **Appendix 1** to this report.

Background Papers: the following background papers were used in the preparation of this report:

Local Government Ombudsman Guidance note on "Unreasonably persistent complainants and unreasonable complainant behaviour", January 2007

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