

BROMSGROVE DISTRICT COUNCIL

CABINET

3 DECEMBER 2008.

UNREASONABLE AND PERSISTENT COMPLAINANTS' POLICY

Responsible Portfolio Holder	Cllr Mike Webb
Responsible Head of Service	Hugh Bennett
Non-key Decision	

1. SUMMARY

- 1.1 This report sets out a policy and process to enable the Council effectively deal with unreasonable and persistent complainants'. It will also help staff Understand what is expected of them, what options for action is available and who can authorise these actions

2. RECOMMENDATION

- 2.1 That the Unreasonable and Persistent Complainants policy at Appendix 1 be approved.

3. BACKGROUND

- 3.1 Generally, dealing with a complaint is a straight-forward process, but in a minority of cases customers pursue their complaints in an inappropriate way which can have significant resource issues for the Council. The Local Government Ombudsman terms such customers as 'unreasonably persistent complainants'. Their definition of an unreasonable persistent complainant is a complainant who, because of the frequency or nature of their contact with an authority, hinders the authority's consideration of their or other peoples, complaints.
- 3.2 Unreasonable and unreasonably persistent complainants may have justified complaints or grievances, but pursue them in an unacceptable manner or they may be intent on pursuing complaints which appear to have no substance or which have already been investigated and determined. Their contacts with authorities may be amicable but still place very heavy demands on staff time, or they may be very emotionally charged and distressing for all involved.
- 3.3 The Council has recently had contact with two 'unreasonable and persistent complainants who have taken up many hours of officer's time investigating spurious complaints. For example one customer wrote in to say he wanted an assisted bin collection and a refund of ten years of

council tax as compensation for the Council not giving him the services he wanted and went on to list his requirements on eight sides of A4 paper. An officer telephoned him to deal with the assisted bin issue and after 40 very demanding and difficult minutes on the phone found that the customer had also contacted many other officers and members by telephone and letter. He had also written 38,000 complaint letters to central and local government.

- 3.4 It is clear that the Council requires a policy on unreasonably persistent complainants and unreasonable complainant behaviour and corresponding guidance for staff. This will help the Council deal with complainants in ways which are demonstrably consistent and fair. It will also help staff to understand what is expected of them, what options for action are available, and who can authorise these actions. In the absence of such guidance staff are likely to have greater problems with unreasonable and unreasonably persistent complainants
- 3.5 The attached proposed policy and procedure has been produced in line with guidance from the Ombudsman on what they regard to be good practise in dealing with these complainants

4. FINANCIAL IMPLICATIONS

None

5. LEGAL IMPLICATIONS

None

6. COUNCIL OBJECTIVES

- 6.1 CO2 Improvement

7. RISK MANAGEMENT

- 7.1 The main risks associated with the details included in this report are:

- That without a policy and guidance, officer's time could be wasted on spurious complaints.
- That genuine complaints could be overlooked

- 7.2 These risks are being managed as follows:

Risk Register: *CCPP*

Key Objective Ref No: 2

Key Objective: Regular monitoring of Customer Feedback System through Customer First Board

8. CUSTOMER IMPLICATIONS

- 8.1 The policy will provide a fair and consistent procedure for dealing with persistent complainants allowing the Council to focus on genuine cases.
- 8.2 Staff will understand what is expected of them and what they can do in such situations.

9. EQUALITIES AND DIVERSITY IMPLICATIONS

- 9.1 Careful consideration needs to be given in each case of any equalities issues, for example, the complainant being a vulnerable member of the community.

10. VALUE FOR MONEY IMPLICATIONS

None

11. OTHER IMPLICATIONS

Procurement Issues None
Personnel Implications None
Governance/Performance Management None
Community Safety including Section 17 of Crime and Disorder Act 1998 - None
Policy None
Environmental None

12. OTHERS CONSULTED ON THE REPORT

Portfolio Holder	Yes
Chief Executive	Yes
Executive Director - Partnerships and Projects	No
Executive Director - Services	Yes
Assistant Chief Executive	Yes
Head of Financial Services	No
Head of Legal, Equalities & Democratic Services	No
Head of Organisational Development & HR	No
Corporate Procurement Team	No

13. WARDS AFFECTED

All wards

14. APPENDICES

Appendix 1 Unreasonable and persistent complainants' policy.

15. BACKGROUND PAPERS

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