

POLICY REVIEW AND DEVELOPMENT PANEL REPORT

REPORT TO:	Corporate Performance Panel		
DATE:	4 January 2023		
TITLE:	Review of the Unreasonable Complainants Policy		
TYPE OF REPORT:	Policy development		
PORTFOLIO(S):	Corporate Services		
REPORT AUTHOR:	Alexa Baker, Monitoring Officer		
OPEN/EXEMPT	Open	WILL BE SUBJECT TO A FUTURE CABINET REPORT:	Yes

REPORT SUMMARY

PURPOSE OF REPORT:
<p>To report back on the work of the Informal Working Group (“IWG”) established to consider the Unreasonable Complainants Policy (“UPC”) so that the Panel may consider whether to recommend some or all of the proposed changes to Cabinet.</p> <p>The majority of the proposed changes were agreed in meetings held by the IWG in 2021 and approved by CPP on 1 February 2022. Following the Cabinet meeting of 15 March 2022 at which the proposed changes to the UPC were considered, the matter was returned to the CPP/IWG to consider comments by the Local Government and Social Care Ombudsman.</p> <p>The sections of the tracked changed UPC attached at Appendix 1 that are shown in yellow highlighting have been added to reflect the IWG’s consideration of the Ombudsman’s comments.</p>
KEY ISSUES:
<p>The IWG agreed proposed changes to the current Unreasonable Complainants Policy which are set out as tracked changes at Appendix 1. Proposed connected changes to the Constitution are also set out at Appendix 3.</p> <p>The Panel is requested to consider Appendices 1 and 3 (in particular the sections highlighted in yellow), with a view to considering whether they wish to recommend some or all of the proposed changes onwards to Cabinet.</p>
OPTIONS CONSIDERED:
<p>The Panel may resolve that all, some or none of the proposed changes to the UPC proposed by the IWG are recommended to Cabinet for consideration.</p>
RECOMMENDATIONS:
<p>To consider the proposed changes set out at Appendices 1 and 3 and resolve whether to recommend all, some or none of the proposed changes onwards to Cabinet.</p>
REASONS FOR RECOMMENDATIONS:
<p>The IWG was constituted by the Panel to review the UPC and the Panel should consider the work carried out by the IWG as set out in this report and whether it wishes to make any recommendations to Cabinet for changes to one of the Council’s policies.</p>

REPORT DETAIL

1. Introduction

This matter was last considered by the Corporate Performance Panel on 1 February 2021. The Panel recommended that a tracked changed UPC plus draft Constitution changes be recommended to Cabinet for onwards recommendation to Full Council.

At the Cabinet meeting on 15 March 2022, the matter was referred back to this Panel/the IWG to consider further comments from the Local Government and Social Care Ombudsman.

The IWG met on 19 October 2022 to consider the Ombudsman's comments and a revised tracked changed UPC was agreed by all Members of the IWG, consisting of Cllr Ayres, Cllr Manning, Cllr Moriarty and Cllr Nash.

2. Proposal

The IWG came to an agreement on proposed additional changes that it wished to recommend to CPP following consideration of the Ombudsman's comments, which are set out within the tracked changes to the current UPC. This tracked changed document is attached as Appendix 1.

The minutes for the IWG on 19 October 2022 are set out as Appendix 2 and the proposed changes to the Constitution are attached as Appendix 3.

3. Issues for the Panel to Consider

The Panel is recommended to review the content of the draft changes to the UPC attached at Appendix 1 and consider whether some or all of those changes should be recommended onwards to Cabinet.

If the Panel is minded to recommend changes to the terms of reference of the Standards Committee, this would ultimately require a change to the Constitution. In anticipation of this, proposed changes are set out at Appendix 3 and it is suggested that any recommendation to Cabinet to amend the UPC also contain a recommendation that the Constitution be duly amended in accordance with the proposed changes at Appendix 3.

4. Corporate Priorities

The purpose behind adopting an UPC is to support good governance and fair treatment towards complainants that fall within the definition of the policy.

5. Financial Implications

None

6. Any other Implications/Risks

Having a policy in place which is applied to complainants falling under the definition of the policy will form part of any relevant responses to the Local Government and Social Care Ombudsman, where complaints are progressed to them.

7. Equal Opportunity Considerations

The Council's Equality Policy would apply to the consideration of any complainant under the Unreasonable and Persistent Complainers Policy.

8. Environmental Considerations

None

9. Consultation

None as reporting back on the work of a duly constituted informal working group.

10. Conclusion

The Panel is recommended to review the proposed changes to the UPC attached at Appendix 1 and the proposed changes to the Constitution at Appendix 3 and consider whether to recommend some or all of these changes to Cabinet.

11. Background Papers

Guidance on managing unreasonable complainant behaviour from the Local Government & Social Care Ombudsman at <https://www.lgo.org.uk/information-centre/information-for-organisations-we-investigate/guidance-notes>