

## REPORT TO CABINET

<b>Open/Exempt</b>		Would any decisions proposed :			
<b>Any especially affected Wards</b>	<del>Mandatory/</del>	Be entirely within Cabinet's powers to decide		<del>YES/NO</del>	
	Discretionary /	Need to be recommendations to Council		<del>YES/NO</del>	
	<del>Operational</del>	Is it a Key Decision		<del>YES/NO</del>	
Lead Member: Harry Humphrey E-mail: <a href="mailto:cllr.harry.humphrey@west-norfolk.gov.uk">cllr.harry.humphrey@west-norfolk.gov.uk</a>			Other Cabinet Members consulted:		
			Other Members consulted:		
Lead Officer: Alexa Baker, Monitoring Officer E-mail: <a href="mailto:alexa.baker@west-norfolk.gov.uk">alexa.baker@west-norfolk.gov.uk</a> Direct Dial: 01263 616270			Other Officers consulted:		
Financial Implications YES/ <del>NO</del>	Policy/ Personnel Implications YES/ <del>NO</del>	Statutory Implications YES/ <del>NO</del>	Equal Impact Assessment YES/ <del>NO</del> If YES: Pre-screening/ Full Assessment	Risk Management Implications YES/ <del>NO</del>	Environmental Considerations YES/ <del>NO</del>
If not for publication, the paragraph(s) of Schedule 12A of the 1972 Local Government Act considered to justify that is (are) paragraph(s)					

Date of meeting: 7 March 2023

### REVIEW OF THE UNREASONABLE COMPLAINANTS POLICY

<b>Summary</b>	<p>A review of the Unreasonable Complainants Policy ("the UC Policy") has been undertaken by the Corporate Performance Panel ("CPP") via an informal working group ("IWG").</p> <p>Attached are proposed changes to the UC Policy and proposed changes to the terms of reference for Standards Committee approved by CPP.</p>
<b>Recommendation</b>	<p>To consider the proposed changes to the UC Policy and Constitution as recommended by CPP, and:</p> <ol style="list-style-type: none"> <li>1. Recommend the proposed changes to the UC Policy as set out at Appendix 1 to Full Council; and</li> <li>2. Recommend the proposed changes to the Constitution as set out at Appendix 2 to Full Council.</li> </ol>
<b>Reason for Decision</b>	<p>It is a function of CPP to assist in advancing the development of effective policy for promoting or improving the economic, social and environmental wellbeing of the people and communities of King's Lynn and West Norfolk. CPP have recommended changes to the UC Policy and the Constitution which Cabinet are asked to consider these for onward recommendations to Full Council.</p>

## **1 Background**

- 1.1 On 8 November 2021 the Corporate Performance Panel resolved to set up an informal working group to the review of the Unreasonable Complainants Policy. The duly constituted informal working group (“IWG”) consisted of Cllr Ayres, Cllr Manning, Cllr Moriarty and Cllr Nash.
- 1.2 The IWG initially met as a group on 24 November 2021 and 1 December 2021. Proposed changes were taken to CPP following the work carried out by the IWG. This was considered by Cabinet on 15 March 2022. As a result of the Local Government and Social Care Ombudsman having provided comments on the proposed changes which needed to be considered in full, the matter was remitted back to CPP. The IWG met again on 19 October 2022 and recommended further additional changes to the UCPC which were approved by CPP on 4 January 2023.
- 1.3 The current UC Policy is attached at Appendix 1 with tracked changes approved by CPP. The additional changes following the comments of the Local Government and Social Care Ombudsman are shown highlighted in yellow.
- 1.4 The proposed use of the Standards Committee to determine appeals by complainants, at section 5 of Appendix 1, would require a change to the Council’s Constitution. These proposed changes were also considered by the IWG and are set out at Appendix 2.

## **2 Options Considered**

- 2.1 Cabinet may consider the following:
  - 2.1.1 Agree the attached changes to the UC Policy and Constitution and recommend to Full Council that they be adopted.
  - 2.1.2 Agree alternative changes to the UC Policy and Constitution and recommend to Full Council that they be adopted.
  - 2.1.3 Do not agree the attached changes to the UC Policy and Constitution and recommend to Full Council that no changes be made to the current UC Policy.

## **3 Policy Implications**

- 3.1 This report recommends changes to a Council Policy, and therefore Full Council will have to approve any recommended changes, along with changes to the Council’s Constitution. The Council’s Equality Policy will apply to the consideration of any complainant under the Unreasonable and Persistent Complainers Policy.

## **4 Financial Implications**

- 4.1 The proposed changes will require an additional resource requirement in terms of use of a venue for Standards Committee hearing any appeals from complainants and also officer time supporting those appeals, including preparing the reports and associated papers for the appeals and attendance at the appeals. The Independent Person’s time will also be required during an appeal process, which at present comes at no additional cost however it is possible that in future this would come at a cost.
- 4.2 Given that the UC Policy is not regularly used and the overall programme of Council Body meetings, this resource should be relatively minimal.

## **5 Personnel Implications**

- 5.1 To the extent set out at paragraph 4 above.

## **6 Environmental Considerations**

6.1 None.

## **7 Statutory Considerations**

7.1 It is not a statutory requirement to have a UC Policy. The discretion on the content of any such policy is therefore wide.

7.2 Section 54(3) of the Local Government Act 2000 states that the Council may arrange for their Standards Committee to exercise such other functions as considered appropriate. The determination of appeals under the UC Policy can be delegated to the Standards Committee.

## **8 Equality Impact Assessment (EIA)**

(Pre screening report template attached)

8.1 Pre screening report attached

## **9 Risk Management Implications**

9.1 The application of the UC Policy will form part of any relevant responses to the Local Government and Social Care Ombudsman, where complaints are progressed to them.

## **10 Declarations of Interest / Dispensations Granted**

10.1 None

## **11 Background Papers**

(Definition : Unpublished work relied on to a material extent in preparing the report that disclose facts or matters on which the report or an important part of the report is based. A copy of all background papers must be supplied to Democratic Services with the report for publishing with the agenda)

**Pre-Screening Equality Impact Assessment**

Borough Council of  
**King's Lynn & West Norfolk**



Name of policy/service/function	Unreasonable Complainants Policy				
Is this a new or existing policy/service/function?	<del>New</del> / Existing (delete as appropriate)				
<p>Brief summary/description of the main aims of the policy/service/function being screened.</p> <p>Please state if this policy/service is rigidly constrained by statutory obligations</p>	<p>In a minority of cases, complainants may behave unacceptably, or be unreasonably persistent in the pursuance of their complaints or in the manner in which they engage with and towards the Council (officers and Members). This can impede investigation of their complaint (or complaints by others) and can have significant resource issues. The Unreasonable Complainants Policy is designed to be a proportionate approach when responding to unreasonable complainant behaviour and balancing resource needs in other areas of the Council.</p> <p>This policy is not rigidly constrained by statutory obligations</p>				
<b>Question</b>	<b>Answer</b>				
<p><b>1. Is there any reason to believe that the policy/service/function could have a specific impact on people from one or more of the following groups <b>according to their different protected characteristic</b>, for example, because they have particular needs, experiences, issues or priorities or in terms of ability to access the service?</b></p> <p>Please tick the relevant box for each group.</p> <p>NB. Equality neutral means no negative impact on any group.</p>		Positive	Negative	Neutral	Unsure
Age				X	
Disability		X	X		
Gender				X	
Gender Re-assignment				X	
Marriage/civil partnership				X	
Pregnancy & maternity				X	
Race				X	
Religion or belief				X	
Sexual orientation				X	
Other (eg low income)				X	



Question	Answer	Comments
<p><b>2.</b> Is the proposed policy/service likely to affect relations between certain equality communities or to damage relations between the equality communities and the Council, for example because it is seen as favouring a particular community or denying opportunities to another?</p>	<p>Yes/ No</p>	
<p><b>3.</b> Could this policy/service be perceived as impacting on communities differently?</p>	<p>Yes/ No</p>	
<p><b>4.</b> Is the policy/service specifically designed to tackle evidence of disadvantage or potential discrimination?</p>	<p>Yes/ No</p>	
<p><b>5.</b> Are any impacts identified above minor and if so, can these be eliminated or reduced by minor actions?  If yes, please agree actions with a member of the Corporate Equalities Working Group and list agreed actions in the comments section</p>	<p>Yes /No</p>	<p><b>Actions:</b></p> <p>Actions: Negative: Complainants with disabilities (physical health and mental health) may face challenges attending Standards Committee appeals, however these ought to be captured and assessed under the Council's current Equality Policy. <u>No actions therefore necessary.</u></p> <p>Positive: In certain cases, a complainant's cognitive abilities can be a factor that explains behaviour which may be deemed to fall under this Policy. Implementing an appeals process in which a complainant may be represented, put their own case forward and the involvement of the Independent Person could be seen to increase fairness towards those whose behaviour is attributable to a disability.</p> <p><u>No actions necessary.</u></p> <hr/> <p><b>Actions agreed by EWG member:</b></p> <p>.....</p>
<p><b>If 'yes' to questions 2 - 4 a full impact assessment will be required unless comments are provided to explain why this is not felt necessary</b></p> <p><b>Decision agreed by EWG member:</b> .....</p>		
<p><b>Assessment completed by:</b></p> <p><b>Name</b></p>		
<p><b>Job title</b></p>		
<p><b>Date</b></p>		

