

## REPORT TO CABINET

<b>Open/Exempt</b>		Would any decisions proposed :			
<b>Any especially affected Wards</b> No	Mandatory/	Be entirely within Cabinet's powers to decide		<b>NO</b>	
	Discretionary /	Need to be recommendations to Council		<b>YES</b>	
	<b><u>Operational</u></b>	Is it a Key Decision		<b>NO</b>	
Lead Member: Cllr Brian Long (Leader) E-mail: cllr.brian.long@west-norfolk.gov.uk			Other Cabinet Members consulted:		
			Other Members consulted: <b>Corporate Performance Panel</b>		
Lead Officer: Honor Howell E-mail: honor.howell@west-norfolk.gov.uk Direct Dial: 01553 616550			Other Officers consulted: Chief Executive, Management Team, Democratic Services Manager		
Financial Implications YES/ <b>NO</b>	Policy/ Personnel Implications YES/ <b>NO</b>	Statutory Implications YES/ <b>NO</b>	Equal Impact Assessment <b>YES/NO</b> If YES: <b>Pre-screening/</b> Full Assessment	Risk Management Implications <b>YES/NO</b>	Environmental Considerations YES/ <b>NO</b>

Date of meeting: 12<sup>th</sup> November 2019

### MANAGING UNREASONABLE COMPLAINANT BEHAVIOUR

#### Summary

A recent review of corporate complaints and the Unreasonably Persistent Complainants Policy has highlighted a review of the policies was required to reflect best practice and to provide clarification on key points. This report relates to the policy on persistent complainants and has been renamed the Unreasonable Complainants Policy.

#### Recommendation

**Cabinet are requested to approve the revised policy on managing the behaviour of unreasonable complainants.**

**Delegate authority to make amendments to the policy to the Chief Executive in consultation with the Leader of the Council.**

#### Reason for Decision

To ensure a clearly defined process is in place for the management of unreasonably persistent complainants, to provide fairness, transparency and accountability within the process and to safeguard the health and wellbeing of officers handling such complainants.

## 1 Background

1.1 In a very small minority of cases, people pursue their complaints in a way that is unreasonable. They may behave unacceptably, or be unreasonably persistent in their contacts, language and submission of information. This can impede investigating their complaint (or complaints by others) and can have significant resource issues for the authority. The council has a policy on managing unreasonably

persistent complainants and a review of this policy has been conducted. Consultation has taken place with the Corporate Performance Panel and their comments and recommendations have been incorporated into the revised policy.

## **2 Existing Policy**

- 2.1 The existing policy was last review in August 2018. Following the development of the corporate complaints policy, it was considered an appropriate time to review the existing policy and to provide further clarification of particular areas.
- 2.2 The Local Government and Social Care Ombudsman offer guidance on managing unreasonable complainant behaviour. A review of best practice has been completed during the review of this policy, together with desktop research on the practices of other local authorities.

## **3 Policy Implications**

- 3.1 The policy has been updated to reflect changes in:
  - The decision making process of declaring a customer unreasonably persistent, reflecting the changes to the councils senior management structure
  - Rights of appeal and whom that appeal should be made to
  - The right to fairness, transparency and confidentiality
  - Links to other council policies

## **4 Financial Implications**

- 4.1 There are no financial implications.

## **5 Personnel Implications**

- 5.1 There are no personnel implications.

## **6 Environmental Considerations**

- 6.1 There are no environmental considerations.

## **7 Statutory Considerations**

- 7.1 The revised policy is consistent with the council's statutory obligations under the Data Protection Act 2018 and the General Data Protection Regulations.

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

- 8.1 A pre-screening form is attached. A full Equality Impact Assessment (EIA) is not required.

## **9 Risk Management Implications**

- 9.1 The enforcement of the policy in exceptional circumstances is considered appropriate to effectively manage the potential risk to the health and wellbeing of members of staff dealing with unreasonably persistent complainants.
- 9.2 A rigorous policy, consistently enforced will mitigate against the risk of the Local Government and Social Care Ombudsman finding against the council on the application of such a policy. It also mitigates the risk of legal action against the council.

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

- 10.1 None

## **11 Background Papers**

- 11.1 Local Government and Social Care Ombudsman advice

<https://www.lgo.org.uk/information-centre/reports/guidance-notes/guidance-on-managing-unreasonable-complainant-behaviour>

**Pre-Screening Equality Impact Assessment**

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



Name of policy/service/function	Policy on Unreasonable Complainants				
Is this a new or existing policy/service/function?	Existing				
<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>How the council manages complainants whose behaviour is considered unreasonable following the outcome of a complaint.</p> <p>No</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 according to their different protected characteristic, 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	
	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	

