

# Corporate Policy and Resources Committee



15 April 2024

<b>Title</b>	Unreasonably persistent, vexatious or abusive Complaints Policy
<b>Purpose of the report</b>	To make a decision.
<b>Report Author</b>	Farida Hussain, Monitoring Officer
<b>Ward(s) Affected</b>	All Wards
<b>Exempt</b>	No
<b>Exemption Reason</b>	Not applicable
<b>Corporate Priority</b>	Service delivery
<b>Recommendations</b>	<p><b>Committee is asked:</b></p> <ol style="list-style-type: none"> <li>1. To adopt the Council's Unreasonably persistent, vexatious or abusive Complaints Policy, as attached at Appendix B.</li> <li>2. Agree to delegate to the Monitoring Officer to make any consequential changes to the Council's Complaints Policy arising from the adoption of the Unreasonably persistent, vexatious or abusive Complaints Policy.</li> <li>3. Agree to delegate to the Monitoring Officer in consultation with the Chief Executive, to implement any future changes and updates to the Council's Complaints Policy and Procedure, including the Unreasonably persistent, vexatious or abusive Complaints Policy.</li> </ol>
<b>Reason for Recommendation</b>	We do not currently have a detailed policy for dealing with vexatious and unreasonably persistent complainants. A policy that can be shared with complainants if they start to behave unreasonably can help in managing their expectations and their behaviour, as far as possible, while the substance of their complaint is addressed.

## 1. Summary of the report

2. What is the situation	3. Why we want to do something
<ul style="list-style-type: none"> <li>We do not currently have a detailed policy for dealing with vexatious and unreasonably persistent complainants.</li> </ul>	<ul style="list-style-type: none"> <li>To help staff understand clearly what options for action are available if they are dealing with a vexatious or unreasonably persistent</li> </ul>

	<p>complainant, and who can authorise these actions.</p> <ul style="list-style-type: none"> <li>To help in managing the expectations and behaviour of complainants, as far as possible, if they start to behave unreasonably, while the substance of their complaint is addressed.</li> </ul>
<b>4.</b> This is what we want to do about it	<b>5.</b> These are the next steps
<ul style="list-style-type: none"> <li>Adopt a Policy based on guidance issued to local authorities by the Local Government and Social Care Ombudsman.</li> </ul>	<ul style="list-style-type: none"> <li>Subject to Committee approval, the Policy will be published with the Complaints Policy on the Council's website.</li> <li>The Complaints Policy will be updated to refer to the new vexatious and unreasonably persistent complaints Policy.</li> <li>Notify relevant staff of the adoption of the Policy.</li> </ul>

5.1 This report seeks the adoption of a policy for dealing with unreasonably persistent and vexatious complainants.

5.2 We do not currently have a policy for dealing with vexatious persistent complainants although we have traditionally used the Local Government and Social Care Ombudsman (LGSCO) guidance when such situations have arisen.

5.3 Although incidents of individuals behaving vexatiously e.g. using various methods of contacting the Council including emailing numerous people in one go (scatter-gunning) are infrequent, such occurrences take up a lot of officer time and so require careful management.

5.4 The policy has been written to help support officers in the management of these situations and it is consistent with LGSCO guidance. The draft Policy is shown at Appendix B.

## 6. Key issues

6.1 Spelthorne Borough Council wants to deal with complainants in ways that are open, fair and proportionate.

6.2 The Council has a Complaints Policy (**Appendix A**) which makes reference to how we will deal with customers who make a complaint in an unreasonable way: for example: repeatedly, obsessively, or aggressively. However, it does not provide any procedural guidance to staff on what actions can be taken or who should authorise those actions. Nor does it explain to customers the types of behaviour which are considered unreasonable or the range of actions the Council may take to manage unreasonable behaviour.

6.3 The Local Government and Social Care Ombudsman (LGSCO) has issued guidance for local authorities on developing a proportionate policy-led approach which can help staff to understand clearly what is expected of them, what options for action are available, and who can authorise these actions.

6.4 Also, having a policy that can be shared with complainants if they start to behave unreasonably can help in managing their expectations and their behaviour, as far as possible, while the substance of their complaint is addressed.

## **7. Options analysis and proposal**

7.1 It is recommended that the draft Policy as attached at **Appendix B** be adopted. This Policy has been drafted to be consistent with LGSCO guidance on dealing with unreasonably persistent or vexatious behaviour.

7.2 Group Heads have been consulted on the procedures outlined in the Policy and are supportive of the approach proposed.

7.3 A minor change to the Complaints Policy will be required if the draft Policy on dealing with unreasonably persistent or vexatious behaviour is adopted, to reference this new Policy and procedure. This report seeks a delegation to the Monitoring Officer to make those consequential changes.

7.4 This report also seeks a delegation to the Monitoring Officer in consultation with the Chief Executive to agree and implement any future changes and updates to both the Council's Complaints Policy and Procedure and the Unreasonably persistent, vexatious or abusive Complaints Policy. This proposal is intended to accommodate any changes in guidance from the LGSCO or to address any improvements/clarification required in the procedure which become apparent once it is in operation.

## **8. Financial implications**

8.1 There are no financial implications arising from this proposal.

## **9. Risk considerations**

9.1 The adoption of a Policy will mitigate the risk of disproportionate treatment of unreasonably persistent, vexatious or abusive complaints across service areas in the Council.

## **10. Procurement considerations**

11. There are no procurement considerations arising from this proposal.

## **12. Legal considerations**

12.1 There are no legal considerations arising from this proposal.

## **13. Other considerations**

13.1 There are none.

## **14. Equality and Diversity**

14.1 The Policy states that we will provide reasonable adjustments in applying the Policy to ensure no-one is disadvantaged.

## **15. Sustainability/Climate Change Implications**

15.1 There are no sustainability or climate change implications arising from this proposal.

**16. Timetable for implementation**

16.1 The Policy will be published on the Council's website and be in force, following adoption by Committee.

**17. Contact**

17.1 Gillian Scott, g.scott@spelthorne.gov.uk.

**Background papers:** There are none.

**Appendices:**

**Appendix A** – The Council's Complaints Policy

**Appendix B** – Draft Unreasonably persistent, vexatious or abusive Complaints Policy