



## AUDIT COMMITTEE - 6TH NOVEMBER 2013

**SUBJECT: PROPOSALS TO INTRODUCE A POLICY AND PROCEDURE TO DEAL WITH UNACCEPTABLE PERSISTENT OR UNREASONABLE ACTIONS BY COMPLAINANTS**

**REPORT BY: INTERIM MONITORING OFFICER**

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### 1. PURPOSE OF REPORT

- 1.1 To inform and seek comments from the Audit Committee on the proposal to introduce a policy and procedure (the Policy) set out as a draft at Appendix 1 to this report, which will assist officers when dealing with unacceptable, persistent or unreasonable actions by complainants before presentation of the Policy to Cabinet for approval.

### 2. SUMMARY

- 2.1 The majority of complainants pursue their complaints with the Authority in an appropriate manner. However a small number of complainants pursue their cases in a way that can impede the investigation of their complaint or have significant resource implications in dealing with the case, for example, the sheer number or nature of their enquiries may lead them to be considered as persistent. The Policy set out in Appendix 1 is designed to assist staff when dealing with such complainants.

### 3. LINKS TO STRATEGY

- 3.1 To ensure that complaints are dealt with consistently and fairly across all service areas whilst ensuring staff are aware of the process of identifying unreasonably persistent complainants.

### 4. THE REPORT

- 4.1 The Audit Committee at its meeting on 17th September 2013 received and considered a report on the implementation of the Council's new Corporate Complaints Policy (referred to as a background paper in this report). The report also included an update on the proposals to implement a persistent (vexatious) complainants policy. The committee was advised that the Learning from Complaints Group (the Group) were considering the most effective way of dealing with persistent (vexatious) complainants and that a Report would be presented at a later date on this issue.
- 4.2 The Group initially discussed the detail to be included in the Policy and also received comments from the Council's Health and Safety Manager. As a result, the Group recognised that the Council's current Health and Safety Policies provides officers with a process that must be followed when dealing with certain types of unreasonable behaviour and/or conduct which includes acts of violence or behaviour which can be verbal or non-verbal that results in an

officer feeling threatened or where that individual feels that other officers may have their safety or well being threatened by such behaviour. As such the Policy proposed under this report will not duplicate the policies already available.

- 4.3 The Policy will instead compliment the Health and Safety Policies and is intended to deal with specific unreasonable conduct of complainants, which can be outlined as follows:-
  - 4.3.1 Hindering objective consideration of any enquiry or operation of a service by the nature or frequency of contact with the Authority.
  - 4.3.2 Continuing to attempt to pursue any matter, having exhausted all stages of the corporate or other statutory complaints procedure. This includes complaints repeated in their original form or where the substance of a complaint is the same as that originally made. This will also apply in cases where the Public Services Ombudsman for Wales has completed his investigation and closed the case.
  - 4.3.3 Seeking an unrealistic outcome and persisting in doing so despite being clearly advised of the justification for the decision.
- 4.4 More detailed information is set out in the Policy.
- 4.5 It is however also important to inform members that officers acknowledge unreasonable people may make reasonable complaints. This will also be managed on a case-by-case basis and in accordance with the terms of the Policy.
- 4.6 Members are therefore asked to consider the terms of the Policy and to provide comments accordingly.

## **5. EQUALITIES IMPLICATIONS**

- 5.1 No impact assessment has been undertaken on this report however comments from the Equalities Officer have been incorporated into the Policy.

## **6. FINANCIAL IMPLICATIONS**

- 6.1 There are no direct financial implications associated with this report.

## **7. PERSONNEL IMPLICATIONS**

- 7.1 There are no direct financial implications associated with this report.

## **8. CONSULTATIONS**

- 8.1 The views of the consultees have been incorporated into this report.

## **9. RECOMMENDATIONS**

- 9.1 It is recommended that Members note the report and provide appropriate comments on the proposed policy at Appendix 1. A report will be presented to Cabinet on 27th November 2013 incorporating Member's comments.

## **10. REASONS FOR THE RECOMMENDATIONS**

10.1 To introduce a policy to enable staff to deal with persistent/vexatious complainants.

## **11. STATUTORY POWER**

11.1 Local Government Act 1972-2003.  
Public Services Ombudsman (Wales) Act 2005.

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Karen Williams, Support Officer  
Judith Morgans, Customer Services Manager  
Meirion Day, Team Manager  
Ros Roberts, Performance Manager  
Andrea Jones, Corporate Complaints Officer

Background Papers:  
Report to Audit Committee 17th September 2013 – Update on the Implementation of the Council's  
New Corporate Complaints Policy

Appendices:  
Appendix 1 Draft Policy for dealing with Unacceptable, Persistent or Unreasonable Actions by  
Complainants