

FAREHAM

BOROUGH COUNCIL

2021/22
Decision No.
2286

Record of Decision by Executive

Monday, 5 July 2021

Portfolio	Policy & Resources
Subject:	Complaints Policy and Unreasonable Complaint Behaviour Policy Updates
Report of:	Director of Leisure and Community
Corporate Priority:	Dynamic, prudent and progressive Council

Purpose:

This report provides details of a proposed updating of the Complaints Policy and the Unreasonable Complaint Behaviour Policy.

The Council receives a large number of customer enquiries, with most being dealt with quickly and effectively with a positive outcome for the customer. Occasionally, a customer may be dissatisfied with our response or the outcome to their enquiry, at which point they can escalate their complaint using the Council's corporate complaints procedure.

The Council's complaints procedure explains how customer can make a complaint and the procedure that will be followed. At stage one of the complaint procedure, the Head of Service responsible for the department will investigate the complaint. If the customer is unhappy with the response, the complaint can be escalated to stage two of the process, where the Director of the department responsible for the service will review the complaint.

A redrafted Complaints Policy has been produced for approval which has been updated to increase the clarity around the role of the Director at stage two. The Director's role is to review the procedures and processes which were followed at stage one and confirm that they comply with the policy, not to carry out another complaint investigation as the Head of Service would have done at Stage one.

The redrafted Complaint's Policy also sets out the steps which need to be taken should an Elected Member receive a formal complaint.

If the customer remains unhappy with the stage two response, they can ask the Local Government and Social Care Ombudsman (LGSCO) for an independent review.

Whilst the Council is committed to dealing with all complaints fairly, on occasion, our

employees may have to deal with unreasonable, persistent or vexatious behaviour from our customers.

The LGSCO provides guidance notes to help Local Authorities and other bodies within their jurisdiction to develop a proportionate approach when responding to unreasonable complaint behaviour, based on their view of good practice in dealing with these customers.

As well as taking up a lot of officer time, on occasion, the behaviour of the customer may be rude, derogatory, sarcastic or threatening.

The Unreasonable Complaint Behaviour Policy was introduced approximately 2 years ago. The underlying aim of this policy was to ensure resources are used fairly, and to protect officers.

When the effectiveness of the current policy was reviewed, it was identified that it may not always be able to achieve its aims.

A re-drafted policy has been produced for approval. The main changes allow the Director of the service area to review existing limitations applied under this policy, if it is deemed that they are effectively minimising the impact on officer time and resources. It also introduces the ability to terminate contact and end the investigation if the customer fails to adhere to the limitations within it. Additionally, the proposed changes allow the Director to reduce the imposed limitations if they are subsequently believed to be too harsh. This flexibility will help protect the council, whilst also ensuring proportionate action is taken.

Options Considered:

At the invitation of the Executive leader, Councillor R H Price, JP addressed the Executive on this item.

During the discussion on this item it was noted at paragraph 20 of the report that, in addition to the Housing Ombudsman providing a free service, the Local Government & Social Care Ombudsman (LGSCO) also provides a free service.

It was agreed during the discussion of this item that:

- (i) at paragraph 10 of the Complaints Policy, as detailed at Appendix A to the report, the contact details for the Housing Ombudsman be added alongside the contact details for the Local Government and Social Care Ombudsman;
- (ii) bullet point 6 of paragraph 15 of the Unreasonable Complaints Policy, as detailed at Appendix B to the report, be amended to allow more than one witness to be present when personal contact takes place in dealing with unreasonable complaint behaviour;
- (iii) paragraph 3 of the Unreasonable Complaints Policy, as detailed at Appendix B to the report, be amended to reflect that in the event of a complaint being escalated to Stage 2, the Director of the department will review the complaint process, not the complaint; and
- (iv) a further report be brought for consideration regarding safeguarding for Members when they are subject to persistent, vexatious or abusive people.

As recommendation.

Decision:

RESOLVED that, subject to (i) to (iv) above, the Executive adopts:

- (a) the updated Complaints Policy as set out in Appendix A to this report; and
- (b) the updated Unreasonable Complaint Behaviour Policy, as set out in Appendix B to this report.

Reason:

The Council identified that the role of the Director was not clear in the existing Complaints Policy.

The Council identified that the existing Unreasonable Complaints Behaviour policy may not always prevent the impact of repeated complaints, even if the customer adhered to the imposed restrictions.

The adoption of these policies will help deal with complaints of this nature, protect the wellbeing of the Council's employees, ensure resources are directed where they are needed and reduce the risk of disproportionate restrictions being imposed upon customers.

Confirmed as a true record:

Councillor SDT Woodward (Executive Leader)

Monday, 5 July 2021