

05 April 2022

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Procedure for unreasonable, unreasonably persistent and vexatious complainants (refreshed)

Ward(s): All

Portfolios: All

Purpose: For Information

1. Aim

- 1.1 Complaints about Walsall Council and the service it provides are processed in accordance with the Council's corporate complaints procedures and, where appropriate, the statutory arrangements for Children's and Adult Social Care services. The Council seeks to follow good practice in its complaint handling, including following guidance from the Local Government and Social Care Ombudsman and implementing learning from complaints.
- 1.2 In a small minority of cases, residents or service users may pursue their complaints with the Council in a way that is unreasonable. It is important that the Council has a clear definition of what is considered to be unreasonable and a procedure in place that ensures such cases are managed in a fair, equitable and proportionate way.

2. Summary

This report is to present to Standards Committee, for information, a refreshed procedure for handling unreasonable, unreasonably persistent and vexatious complaints and complainants building on the previous procedure. The refreshed procedure builds on learning from current procedure and the direction of travel for customer engagement that has been part of the customer access management work that is ongoing and the approve of the Customer Experience Strategy by Cabinet in December 2021.

3. Recommendations

Committee is recommended to note the contents of this report and is invited to comment upon the draft procedure presented.

4. Report detail – know

- 4.1 The Council has had a procedure for the management of unreasonable, unreasonably persistent and vexatious complaints since 2012 which has been

periodically reviewed to ensure it is fit for purpose. The current version has been in place since 2018.

- 4.2 Since 2018 the Council has revised a number of processes and developed a new way of thinking. The draft procedure (Appendix 1) takes into account these changes and reflects our recently approved Customer Experience Strategy. It also:
- Remains in line with guidance from the Local Government and Social Care Ombudsman.
 - Considers staff wellbeing and the impact unreasonable behaviour, particularly abusive, offensive and threatening behaviour can have on staff.
 - Clarifies roles and responsibilities for services involved in the decision to invoke this procedure.
 - Continues to meet the needs of council services.
 - Is fair to complainants ensuring complaints are addressed and that any sanctions that are imposed are proportionate and kept under review.
 - Provides customer with clarity regarding the action they can take if they are unhappy with the council's decision to invoke this procedure
- 4.3 The Customer Experience Strategy, approved in December 2021, includes our customer promise to:
- ✓ Get things done quickly
 - ✓ Respect our customers and the communities we serve
 - ✓ Excellent customer service, first time, every time
 - ✓ Align the way we work with customers, partners and internal services
 - ✓ Tell people about our services and be clear about what we won't do.
- 4.4 Whilst small in number, complainants that behave unreasonably can be very resource intense for services, which impacts all customers. This procedure supports services to manage such complainants in a fair and consistent way.
- 4.5 As the implementation of the Customer Relationship Management (CRM) system progresses the identification and management of complainants that behave in a way that is unreasonable will be more efficient as all evidence will be held in one system, aiding the collation of information for consideration by service director and legal services.
- 4.6 As the council delivers the Customer Experience Strategy the scope and capability of the centralised Customer Experience Centre will develop. This will potentially impact on the roles and responsibilities detailed in this procedure, particularly those of the Corporate Assurance Team. Any changes to responsibilities will be agreed between the Director of Governance and the Director of Customer Engagement.

5. *Financial information*

There are no financial implications in relation to this report.

6. *Reducing Inequalities*

The council's aim that inequalities are reduced and all potential is maximised is echoed in our Customer Experience Strategy ambition to "do things right, first time, every time, and make services accessible. The procedure being presented

supports the ability of services to meet all customer needs in a fair and equitable way through managing engagement with complainants that behave in a way that is resource intense.

7. Decide

Standards Committee are asked to review the attached draft procedure and note the council's arrangements for managing unreasonable, unreasonably persistent and vexatious complainants.

8. Respond

Standards Committee's view will be considered as the procedure is finalised and implemented.

9. Review

The application of this procedure is monitored on a routine basis and reported within directorates at a service level. the

Background papers

[Standards Committee report 24.04.2018](#)

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