

Unreasonable and Unreasonably Persistent Complaints Procedure

AIM

The report is to provide information to Elected Members in respect of the Unreasonable and Unreasonably Persistent Complaints Procedure Adopted by the Council in situations where a customer's complaints compromises the councils delivery of service due to the volume and frequency of the complaints.

Background papers:

Appendix 1 - Unreasonable and Unreasonably Persistent Complaints Procedure

Recommendation:

1. To note the content of the report and associated Appendices.

1.0 KNOW

- 1.1 Complaints are vital to assist the council in reviewing and improving its service provision. People making a complaint want to know that the council has learned from its mistakes – so it is important that we don't repeat those mistakes. All complaints about our services tell us something even when the council has not made a 'mistake' or 'got something wrong'. They provide information about our services, about our customers, about customer perception of our services, and about customer expectations of our services.

An effective complaints procedure is one element in a performance management framework. It can provide the council and its services with:

- Important feedback from users of our services on those services and on our policies and procedures
- A useful tool to ensure that the council responds to its customers, and a means of developing dialogue with our customers, as part of our consultation strategy
- Information that can help identify gaps in service provision
- Information to help the council to design services that meet the needs of all its customers
- Information to prepare for internal or external reviews or assessments

- 1.2 To get the best out of our complaints procedure, the Council should review our complaints alongside other comments and compliments about our services.

The council needs to record as many comments, compliments and complaints as possible – big or small, major or minor, formal or informal, and whether or not they are written on the Council's Tell Us complaints form. The more information the Council has allows us to reach more reliable conclusions drawn from that information. Lots of complaints on a particular issue may point to the need to improve or change procedures for dealing with that issue. However, a single complaint on an issue may point out a weakness in the way we deal with something.

The expectation is that modern councils must be able to demonstrate both:

- That they have arrangements in place to ensure that complaints can be made and are investigated thoroughly, and an answer made in all cases
- And that there are arrangements for learning from complaints received, and that learning has an impact in terms of the improvement of the service concerned

1.3 Services are recommended, in particular, to:

- capture as many comments, compliments and complaints as they can
- draw up responses to complaints with the direct involvement and input of the service concerned
- ensure that services' complaints coordinators report to their senior management team on a regular basis (e.g., monthly or quarterly) on complaints received, identifying particular trends or issues raised as learning points as part of their overall approach to performance management and linking effectively to their directorate and service's performance management structures.
- ensure that senior managers include feedback on these reports to colleagues as part of team briefings
- include a clear commitment to the council's complaints procedure in service plans and provide evidence that the service takes complaints seriously, and that learning from complaints is encouraged, with examples given of improvements brought about as a result of effective complaint handling
- work with other services on complaints which relate to more than one service area
- share learning points within the service, and to pass relevant information between services and across the council as a whole, via appropriate networks including the complaints coordinators group.

1.4 Normally when people have a complaint they are reasonable in the way in which they pursue their complaint. In rare circumstances there are occasions where individuals pursue their complaint in an unreasonable manner and their behaviour then has to be restricted by the council in fairness to all service users.

The council also has a duty of care to its employees to ensure that they are not caused harm by customers who pursue complaints in an unreasonable manner. In these circumstances the Council will use its Unreasonable and Unreasonably Persistent Complaints Procedure. This is set out at Appendix 1 herewith.

1.5 The council has a customer complaints team which deals with all council complaints. A member of the customer complaints team recently attended the West Midlands Complaints Officer Group which provided an opportunity to Benchmark, share knowledge, and best practice across the Region in terms of complaints management. In general the following themes emerged:

- Vexatious Policies are rarely instigated and seen very much as a tool of last resort. There have been occasions when court injunctions have been sought to moderate service user complaints but these are again used to manage extreme behaviour. Some complaints team take a very hard line with complainants and issue warning letters more frequently than Walsall Council, and then take action by utilising a no further response approach as a consequence of the complainant breaking any arrangements limiting future contact.
- It was noted that some local authorities have a “customer contact” vexatious policy rather than a “complaints” vexatious policy which is a subtle difference.
- All local authorities reported that they were seeing an increase in the number of people presenting with mental health issues and that there was a tendency when these people became complainants that they could get stuck on an issue and struggled to break a cycle of contact.
- It was also noted that there had been an increase in the number of SEND complaints which was linked to the impact of service reductions. This was consistent across the region.

1.6 Walsall Council has had to utilise its Unreasonable and Unreasonably Persistent Complaints Procedure on a Limited Number of Occasions. On occasions the complaints team have had to restrict complainants contact with the council where it has a negative impact upon wider service delivery and diverted resources to deal with the complaints. On another occasion the council has been compelled to apply for an injunction to moderate the behaviour of a complainant which arose out of wider family issues.

2.0 Resource and legal considerations:

2.1 None directly related to this report Under s27 Localism Act 2011 local authorities are required to uphold and promote standards of elected members.

3.0 Performance and Risk Management issues:

- 3.1 Performance and risk management are a feature of all council functions. It is important that council policies and procedures are reviewed and updated on a regular basis. If the council fails to do this there is an increased risk that the council will be subject to legal challenge or litigation.
- 3.2 It is important that the council has a complaints process to allow customers to complain where they feel they have not received the requisite service they expect from the council. This provides an opportunity for the council to review its services to ensure that they are fit for purpose and meet customer need.

4.0 Equality Implications:

4. The council will ensure that services are delivered fairly in an open and transparent manner. There are specific requirements in both codes that elected members and officers observe equalities. This also supports the council's Public Sector Equalities duty under the Equality Act 2010. The council's complaints procedure allows council to review its services to ensure that they are being delivered fairly and transparently.

5.0 Consultation:

- 5.1 There is no requirement to consult on this report.

Author:

Tony Cox

Head of Legal and Democratic Services

01922 654822

Anthony.cox@walsall.gov.uk