

AGENDA ITEM 5

STANDARDS COMMITTEE

5<sup>th</sup> DECEMBER 2006

**UNREASONABLY PERSISTENT COMPLAINANTS AND VEXATIOUS COMPLAINTS POLICY**  
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**Purpose of the Report**

- 1 To seek the views of Standards Committee in respect of the draft Policy relating to Unreasonably Persistent Complainants and Vexatious Complaints.

**Background**

- 2 In response to a number of persistent and vexatious complaints that had been received by the Council, the Council's Corporate Management Team (CMT) agreed that a Policy be developed in respect of dealing with such complaints. The Corporate Complaints Manager was asked to produce a draft policy for approval by CMT.
- 3 The attached draft policy distinguishes between unreasonably persistent complainants and vexatious complaints. This is a distinction that has been drawn having had consideration of policies and guidance produced by a number of bodies, including:
  - ⇒ the Local Government Ombudsman (from whom the term Unreasonably Persistent Complainant has been taken);
  - ⇒ the Information Commissioner (whose Guidance distinguishes between complainants and complaints: he advises that complainants cannot be vexatious, but certain complaints might be deemed vexatious)
  - ⇒ the DoH and the DfES (Guidance issued in relation to the recent Regulations regarding Children's and Adults' services complaints).
- 4 Whilst the Council will always endeavour to respond with patience and sympathy to the needs of all complainants, there are times when there is nothing further that can reasonably be done to assist or to rectify a problem.

## **Policy proposals**

- 5 It is important that the policy distinguishes between reasonably persistent complainants (where matters have not been properly addressed or new matters have arisen) and unreasonably persistent complainants and recognizes that there will be instances where it is not unreasonable that a complainant is persistent.
- 6 In very exceptional circumstances it will be necessary to take action in order to try and control the disruption to staff and to services that can be caused by the actions of unreasonably persistent complainants. The policy:
  - ⇒ identifies the features of “unreasonably persistent complainants”
  - ⇒ sets out what constitutes a vexatious complaint
  - ⇒ offers a definition of unreasonably persistent complainants and vexatious complaints
  - ⇒ lists the criteria for determining unreasonably persistent complainants or vexatious complaints
  - ⇒ advises on actions that might be taken in response to unreasonably persistent complainants or vexatious complaints
  - ⇒ establishes procedures for implementing the policy, along with safeguards for complainants
- 7 The policy recognises that complainants may sometimes act out of character in times of stress, anxiety or distress, and that some complainants may have a mental health problem. It is important that the Council can demonstrate in all cases that it is applying the policy in a fair and objective manner, and that any actions taken are properly recorded. Unreasonably persistent complainants should receive the same standards of response (in terms of being timely, accurate and courteous) as any other person.

## **Conclusions**

- 14 A very small number of complainants take up a disproportionate amount of staff time. The attached policy is intended to ensure that the Council takes appropriate and properly considered actions when faced with unreasonably persistent complainants and/or vexatious complaints: that it protects its staff: and that it ensures the best use is made of its resources.
- 15 It is anticipated that only a very small number of complainants will need to be considered under this policy.

## **Consultation**

- 16 The draft policy document has been through the internal (Council) consultation process and has been agreed by CMT. Following Standards Committee consideration of the policy, an equality impact assessment will be undertaken, the Policy will go to the Council’s Corporate Affairs Committee for final approval.

## **Recommendations**

17 That the attached policy document is agreed by Standards Committee.

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(Corporate Complaints Manager)