

MIDDLESBROUGH COUNCIL	
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Report of:	Director of Legal and Governance Services
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Relevant Executive Member:	Executive Member for Finance and Governance
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Submitted to:	Executive Member for Finance and Governance
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Date:	21 December 2023
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Title:	Abusive, Persistent or Vexatious Complaints Policy
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Report for:	Decision
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Status:	Public
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Strategic priority:	Quality of service
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Key decision:	No
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Why:	Decision does not reach the threshold to be a key decision
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Subject to call in?:	Yes
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Why:	Not applicable
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Proposed decision(s)
That the Executive Member approves the Abusive, Persistent or Vexatious Complaints Policy 2023 – 2026.

Executive summary
<p>This report sets out the Council Abusive, Persistent or Vexatious Complaints Policy for the next 3 years.</p> <p>The policy is required by law set out under the Health and Safety at Work Act 1974 etc. This Act places a legal duty on employers to ensure, so far as reasonably practicable, the health, safety, and welfare of workers. This includes protecting them from work-related violence, the policy sets out how the council will manage its responsibilities to council members and officers in relation to Abusive, Persistent or Vexatious Complaints.</p>

To ensure compliance with law and relevant supporting legislation it is recommended that Executive Member approve the policy

Purpose

1. The purpose of this report is to seek Executive Member approval for the Abusive, Persistent or Vexatious Complaints Policy 2023 – 2026.

Recommendations

2. That the Executive Member approves the Abusive, Persistent or Vexatious Complaints Policy.

Rationale for the recommended decision(s)

3. It is important that the Council has oversight of the Local Authority's commitment to protecting both officers and members from Abusive, Persistent or Vexatious complaints.
4. Implementation of the policy will ensure that a standard approach is used across the local authority with appropriate oversight as to potential violence at work.
5. Implementation of the policy ensure we are protecting both officers and members from Abusive, Persistent or Vexatious complaints.

Background and relevant information

Abusive, Persistent or Vexatious Complaints Policy

6. The Abusive, Persistent or Vexatious Complaints Policy sets out the Council's approach to protect the health, safety and wellbeing of all employees. As this is a new policy approval is required by Executive.
7. The Council is required to ensure that a policy is in place to govern health and safety as part of steps to ensure it meets its legal obligations. Adherence to the policy will ensure compliance with the following legislation:
 - Health and Safety at Work Act 1974 etc.
 - Management of Health and Safety at Work Regulations 1999.
 - Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR).
 - Safety Representatives and Safety Committees Regulations 1977.
 - Health and Safety (Consultation with Employees) Regulations 1996.
 - all other required legislation and guidance as issued.
 - members code of conduct.
 - officers code of conduct.
 - the Grievance Policy.

8. Post COVID the council has noted an increase in abusive, persistent or vexatious complaints aimed at both officers and members.
9. The policy applies to all staff or residents who may contact them. It also applies to Councillors in their activity in relation to staff and also the protections that can be put in place for Councillors who are experiencing abusive, persistent and /or vexatious levels of contact from residents.
10. The policy utilises the definitions set out by the Local Government Ombudsman to ensure best practice is implemented throughout the Council.
11. The policy is structured to ensure the following:
 - **Managing unreasonable complaint behaviour** - process that officers and members must go through to determine that a complainant / correspondent has behaved in a manner which is deemed unreasonable, lists potential actions and outcomes and the time frame as to which the actions can be implemented.
 - **Matters to take into account before taking action** – Consideration around the individual
 - **Imposing restrictions** - Where there is a proposal to implement restrictions, the Complaints Team in consultation with the relevant Head of Service will communicate to the complainant either by phone or in writing
 - **Standardisation of notification** - The policy also ensures that standardised formats for letters of notification, formal warning and removal are utilised.

Monitoring and review

12. Compliance with the policy is monitored by the Council's Risk and Health and Safety team and the Complaints Team. Performance is to be reported to the Health and Safety Steering Group.

Other potential alternative(s) and why these have not been recommended

13. The Council could choose not to have a policy in place that standardises the approach to managing abusive, persistent or vexatious complaints, however if it did so there is a risk that staff and members would not be consistently protected when raising concerns about issues within the remit of this policy. Therefore, no other alternative decisions are recommended.

Impact(s) of the recommended decision(s)

Financial (including procurement and Social Value)

14. No additional funding is being requested. It is anticipated that the policy will be administered within existing resources.

Legal

15. No foreseeable legal impact to adopting Abusive, Persistent or Vexatious Complaints Policy.

16. Relative legislation applicable is listed below:

- The Health and Safety at Work Act 1974 etc.
- The Management of Health and Safety at Work Regulations 1999.
- Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR).
- Safety Representatives and Safety Committees Regulations 1977.
- Health and Safety (Consultation with Employees) Regulations 1996.

Risk

17. The proposed decision will have impacts on the following risks within the Council’s Strategic Risk Register:

- SR-05 - Serious accident or death occurred as a result of failure to comply with Health and safety legislation and regulations – Will be added in as an additional control measure for the protection of officers and members.
- HS21 – Violence at Work, action set out to produce an Abusive, Persistent or Vexatious Complaints Policy which will enable officers and members to control the risk of violence towards them from such approaches.

Human Rights, Public Sector Equality Duty and Community Cohesion

18. Not applicable.

Climate Change / Environmental

19. Not applicable.

Children and Young People Cared for by the Authority and Care Leavers

20. Not applicable.

Data Protection / GDPR

21. DPIA not required.

Actions to be taken to implement the recommended decision(s)

Action	Responsible Officer	Deadline
Executive approves implementation of Policy	Executive Member for Finance and Governance	December 2023
Implement policy throughout Council	Strategic Risk and H&S Manager	January 2024

Appendices

1	Abusive, Persistent or Vexatious Complaints Policy
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Background papers

Body	Report title	Date

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