



Complaints Policy & Procedure for Managing Vexatious Customers

Report to the Audit & Risk Committee

Date of Meeting: 19 December 2018

Lead director: Alison Greenhill

Useful Information

- Ward(s) affected: All
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1. **Purpose of Report**

- 1.1 The Audit & Risk Committee is asked to note the Revenue & Customer Support Service's implementation of a written Corporate Complaints Policy and Procedure to Manage Vexatious Customers that will ensure a clear and standardised approach for dealing with corporate complaints and customer who exhibit inappropriate behaviour.

2. **Background**

- 2.1 Since April 2016 we have been operating a single stage non-statutory complaints regime, streamlining the process and providing a flexible approach to handling a complaint dependent upon its nature and complexity. The "triage" process successfully determines the route of the complaint and who will need to be involved. The purpose of this report is to put in place a written policy to support this standardised regime.
- 2.2 The Council currently receives complaints in relation to a variety of services. Complaints are separated into categories based on the subject of their complaint and/or the service responsible. This policy is concerned with corporate complaints only. Complaints around Councillors, Children Services and Adult Social Care have their own complaints policy and procedure and so are not affected by the proposed policy.
- 2.3 Currently the process for managing corporate complaints and vexatious customers is written across various documents available to staff but no official written policy exists either internally or externally.

3. **Recommendations**

- 3.1 The Audit & Risk Committee is asked to note and comment where appropriate on the proposed complaints policy and procedure for handling vexatious customers.

4. **Report /Supporting information:**

- 4.1 The purpose of this report is to address this lack of a written policy thereby mitigating the risk that customers are not receiving a standardised level of service. The lack of a written policy also increases the risk of confusion between the Council and members of the public as no explicit definition of what counts as a complaint has been adopted.
- 4.2 The aim of the policy is to ensure that corporate complaints are identified in a standardised manner.
- 4.3 The policy will also inform customers how the Council will deal with their complaints and what the complaints process is including an outlining of the Council definition of what a corporate complaint is, the reporting process and how the Council will investigate the complaint.
- 4.4 We have drafted guidance for managing vexatious customers to be used on occasions when a complainant's expectations are inappropriate or they make inappropriate persistent complaints, or a combination of the two, in such a way that they impede the complaint investigation or other council work. The guidance outlines the necessity to give the complainant fair warning that they are acting inappropriately and could be reprimanded as a result. If the complainant is persistent in their inappropriate behaviour the guidance sets out the restrictions that can be imposed on the complainant and dictates that a vexatious customer can only contact the council through a single point of contact, currently the Complaints Manager.
- 4.5 The Local Government Ombudsman (LGO) and Housing Ombudsman (HO) are independent bodies that investigate complaints from the public about councils and other public service providing bodies. The LGO and HO begin investigations once a local authority or public body has exhausted its own complaints procedure with no resolution reached. The LGO produce various reports on best practice around complaints to avoid such a situation which have been utilised in the creation of these policies.
- 4.6 The new complaints policy and guidance embodies the good practice approaches set out by the LGO to ensure services are of the required standard. In its creation it was ensured that the complaints policy focused on the key features set out by the LGO in their "Guidance on Running a Complaints System". These key features are accessibility, timeliness, communication, fairness, credibility and accountability.
- 4.7 Below is a table demonstrating how the proposed corporate complaints policy includes these key features listed above:

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| Accessibility | The proposed written complaints policy is intended to be external facing and readable by any members of the public. The policy will be made easily accessible through publication on the council site. |
| Communication | The proposed policy makes it clear to individuals when the |

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|-----------------------|---|
| | council will look to communicate with them throughout the complaints process. Individuals will be contacted at an early stage if an initial review of their complaint deems it necessary. The policy itself also represents a key element of communication between the council's strategy, its staff and the public. |
| Timeliness | The proposed written policy will inform individuals when to expect a response from the council based on the complexity of the complaint they made. The policy contains no guarantee of when a complaint will be resolved however; the council will try to resolve a complaint within a 10 week period. This is within the 12 week guideline recommended by the LGO. |
| Fairness | The complaints policy sets out that the council "welcomes complaints from all sections of the community" and that all individuals will be engaged with on an equal basis. The policy clearly sets out the process and the role of staff in handling individual complaints. The resolution process has been kept vague in order to ensure that the council can respond in a manner appropriate to each individual complaint. |
| Credibility | The written policy specifies a complaints manager who can take an overview of the system and make changes where necessary. The Complaints Manager will provide leadership over the process and have the authority and independence to ask questions and alter the process. |
| Accountability | The proposed corporate complaints policy has been written in a clear style and will be promoted in an open manner. The policy contains a section on the regular reviewing and monitoring of the process ensuring the system is subject to periodic reviews where changes can be made if necessary. |

4.8 It is proposed that the Policy and Procedure will take effect from 1 January 2019.

5. Financial, Legal and other Implications

5.1 Financial Implications

There are no significant financial implications arising directly from this report, although the proposed policies should promote the more effective and efficient use of officer time.

Colin Sharpe, Head of Finance, ext. 37 4081

5.2 Legal Implications

There are no direct legal implications arising from this report as it is just for noting.

As background, the Local Government Ombudsman will usually want to see that a complaint has been through the Council's complaint process prior to

considering it. Having a robust process and policy in place for complaints will assist the Council in ensuring that complaints can be dealt with prior to reaching the LGO and reduce the likelihood of an LGO complaint being necessary, allowing for resolution at an earlier stage. The policy ensures we are complying with the standards the LGO expects of local authorities.

Emma Horton, Head of Law (Commercial, Property & Planning)

5.3 Climate Change and Carbon Reduction Implications

There are no significant climate change implications associated with this report.

Aidan Davis, Sustainability Officer, Ext 37 2284

5.4 Equalities Implications

There are no direct equalities implications arising from the report as it is just for noting.

However, it is worth noting that under the Equality Act 2010, public authorities have a Public Sector Equality Duty (PSED) which means that, in carrying out their activities (including the development of or changes to policies and procedures), they have a statutory duty to pay due regard to the need to eliminate unlawful discrimination, harassment and victimisation, to advance equality of opportunity between people who share a protected characteristic and those who don't and to foster good relations between people who share a protected characteristic and those who don't.

Protected Characteristics under the Equality Act 2010 are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation.

A clear corporate complaints policy which is easy to read and understand will benefit people from across all protected characteristics as the service that they receive will be standardised as a result and customers will be clear on what they can expect from the Council when raising a complaint. The draft Corporate Complaints Policy supports the general aims of eliminating unlawful discrimination and advancing equality of opportunity by explicitly stating that complaints are welcomed from all sections of the community, that complaints will be dealt with fairly and impartially and that steps will be taken to meet customers' specific needs

In terms of the procedure for managing vexatious customers, it is recommended that a screening equality impact assessment is undertaken to explore whether a full Equality Impact Assessment is required.

Hannah Watkins, Equalities Manager ext. 375811

5.5 **Other Implications**

N/A.

6. **Background Information and other papers**

Guidance on Running a Complaints System – LGO

<https://www.lgo.org.uk/information-centre/reports/advice-and-guidance/guidance-notes/guidance-on-running-a-complaints-system>

Good Administrative practice: Guidance on Good practice – LGO

<https://www.lgo.org.uk/information-centre/reports/advice-and-guidance/guidance-notes/good-administrative-practice>

Corporate Compensation Policy -

<http://www.cabinet.leicester.gov.uk:8071/documents/s62783/CorporateCompensationPolicy.pdf>

7. **Summary of Appendices**

Appendix 1: Corporate Complaints Policy 2018

Appendix 2: Procedure on Management of Vexatious Customers

8. **Is this a private report (If so, please indicate the reasons and state why it is not in the public interest to be dealt with publicly)**

No.

9. **Is this a “key decision”?**

No.

10. **If a key decision please explain reason**