

# **POLICY AND PERFORMANCE SCRUTINY PANEL**

**Thursday, 10 March 2022**

## **CABINET**

**Thursday, 24 March 2022**

### **CORPORATE COMPLIMENT, COMMENTS AND COMPLAINTS POLICY & POLICY FOR DEALING WITH UNREASONABLY PERSISTENT COMPLAINANTS AND UNREASONABLE COMPLAINANT BEHAVIOUR**

#### **Report of the Executive Head of Customer Care**

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#### **Recommendation(s)**

**It is recommended that the Policy and Performance Scrutiny Panel:**

- (1) review and comment upon the revised and updated Compliment, Comment and Complaints Policy and Procedure ahead of Cabinet approval; and**
- (2) review and Comment on the Unreasonably Persistent Complainants & Unreasonable Complainant Behaviour Policy ahead of Cabinet approval**

**For Cabinet:**

**It is recommended that Cabinet:**

- (3) approve the revised and updated Corporate Compliment, Comment and Complaints Policy; and**
- (4) approve the Unreasonably Persistent Complainants and Unreasonable Complainant Behaviour Policy**

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#### **Summary**

The Council has a Corporate Compliment, Comments and Complaints Policy which outlines how we will deal with customer complaints and a separate policy for dealing with Unreasonably Persistent Complainants & Unreasonable Complainant Behaviour. Both policies have been reviewed and updated to include all methods of contact, clearer guidance on how the Council aims to deal with complainants in ways which are consistent and fair, the timescales for responding to complaints and clearer links to other sources of information.

## **Focus for Scrutiny**

To consider the Corporate Compliment, Comments and Complaints policy and the Policy for dealing with Unreasonably Persistent Complaints & Unreasonable Complainant Behaviour ahead of Cabinet approval.

### **Statutory Powers**

Local Government Act 1972,  
Local Government and Housing Act 1989  
Human Rights Act 1998  
Equality Act 2010  
Freedom of Information Act 2000, Environmental Information Regulations 2004 and Data Protection Act 2018

## **Strategic Implications**

1. The way the Council serves and responds to Customers, including how they are treated when giving compliments or making comments or complaints is a key determinant of reputation and trust.
2. Eastleigh Borough Council's complaints policies set out the way in which customer complaints and other feedback will be treated and information used. The policies reflect our aim to engage with customers to continually improve our services, dealing with complaints consistently and fairly.
3. The management of complaints should never be simply a back-office function but one that puts customer concerns and feedback at the heart of what we do and ensures that this is used to learn and improve.
4. Monitoring significant changes in levels of complaints for a service is one important indicator of service satisfaction levels and is something the Council monitors to ensure high levels of customer service. Monitoring complaints enables the Council to investigate possible areas of poor performance and take appropriate remedial action.

## **Introduction**

5. Effective complaints handling should be used to seek continuous improvement, be open and accountable and to enable Council services to make amends when things go wrong.
6. It is important that the Council's policy for dealing with complaints and customer feedback is straightforward, accessible and clear and that it assists customers when choosing the best way to do this. Supporting procedures should effectively identify and process a complaint, no matter how it is raised.

## **Corporate Complaints Policy (Appendix 1)**

7. The current procedure for dealing with complaints is published on the Council's website and was updated in February 2019. However, whilst this outlines the process and provides some information relating to matters considered or not considered under the procedure, no overarching policy providing a framework currently exists. Therefore, this has been reviewed by the Executive Head of Customer Care in conjunction with the Executive Head of Governance. Revisions include:
- A clear policy which sets out the aims and objectives
  - Clearer information on which matters fall under the policy and what the policy does not cover. (The website will have clear links to more appropriate procedures for customers to follow)
  - Information regarding anonymous complaints
  - Clearer information regarding timescales for responding to complaints
  - Inclusion of a time limit of 6 months of the disputed occurrence or incident within which complaints should be made
  - Clarification of referral to the Local Government and Social Care Ombudsman upon completion of an investigation into a complaint, once a final decision has been reached, which could be at either Level 1 or 2 of this policy.
  - Clearer link to our Equalities Policy, inclusion under this policy of equality issues causing unfairness, choice to have a representative act on a customer's behalf
  - Examples of how the Council may look to put things right
  - Clearer link to the Unreasonably Persistent Complainants & Unreasonable Complainant Behaviour Policy
  - Clearer information regarding the retention of documents and link to the Council's Privacy Policy.

## **Unreasonably Persistent Complainants & Unreasonable Complainant Behaviour Policy (Appendix 2)**

8. The Council will make every effort to deal with its complainants consistently and fairly, however there are certain situations where the behaviour of a complainant is unreasonably persistent or unreasonable. The Policy aims to ensure that staff are assisted when dealing with complainants who exhibit unreasonable behaviour.

9. The Policy assists the Council in ensuring that all complainants/customers receive a proportional amount of staff time and certain individuals do not take up disproportionate amounts of time, to the extent that it inhibits a service to others.
10. Certain complainants may be abusive, offensive and/or threatening and the Council will not tolerate this type of behaviour. In addition, such complainants can cause undue stress to staff which has a detrimental impact on the Council's workforce.
11. The Policy was last reviewed in January 2017 and is currently published on the Council's website: <https://www.eastleigh.gov.uk/council/customer-care/our-complaints-procedure>
12. It has been reviewed and updated by the Executive Head of Governance, Executive Head of Customer Care and Head of Case Management (Service Delivery). Revisions include:
  - Additional examples of unreasonable complainant behaviour;
  - Update to the term 'contact' which now includes any channel or method of contact and is not limited to face to face contact and via the telephone;
  - Clarity around what action can be taken for managing a complainant's involvement with the Council.
13. A Policy also helps staff to understand clearly what is expected of them, what options for action are available, and who can authorise these actions. In the absence of such guidance the Council is likely to have greater problems with unreasonable and unreasonably persistent complainants. In addition, it provides a measure against which performance can be assessed for monitoring purposes.
14. It is worth noting that there is a difference between 'persistent' complainants and 'unreasonably persistent' complainants and the Council needs to remember that anyone who is aggrieved may be persistent, but some people will pursue the matter in an inappropriate way.
15. The decision to designate someone as unreasonably persistent can only be made by a member of the Executive Leadership Team accountable for the service area, in consultation with the Portfolio Holder and any other Councillors considered appropriate (or, in relation to vexatious and repeated requests for information under the Freedom of Information Act 2000, the Environmental Information Regulations 2004 or Subject Access Requests under the Data Protection Act 2018 by the Legal Services Manager in liaison with a member of Executive Leadership Team accountable for the service area, who will be guided by the Information Commissioner's Office).

## **Next Steps**

16. Ongoing work to the website will ensure these policies and supporting information can be found in one place and will utilise hyperlinks to allow easier access to more detailed information and signpost customers to the correct policy/procedure.
17. Information will also include alternative ways to raise a complaint other than via a My Eastleigh account; whilst we encourage use of online methods of feedback, we also include alternatives for those customers less digitally enabled.
18. Work will also focus on improving management information and reporting, providing service managers with improved performance information.
19. A process for monitoring and reviewing complaints and feedback received to inform service improvements will also be designed.

## **Financial Implications**

23. There are no direct financial implications arising from this report.

## **Risk Assessment**

24. The complaints process can be used as a barometer and early warning of problems that may be unseen. Furthermore, failure to use critical feedback to drive a culture of learning, reflection and improvement could result in poor customer service and unnecessary cost.
25. By not having clear policies on how staff should deal with compliments, comments and complaints and unreasonably persistent complainants or unreasonable complainant behaviour, there is a risk that this behaviour can have a detrimental impact on staff who the Council have a duty to protect. Furthermore, publication of the Policies provides clear expectation on ensuring complaints and complainants are dealt with in a way that is consistent and fair.

## **Equality and Diversity Implications**

26. The process is accessible to all residents and will be dealt with according to policy. The Policies recognise the rights of complainants under the Human Rights Act 1998 [and the Equality Act 2010](#).

## **Climate Change and Environmental Implications**

27. There are no significant Climate Change implications from this report, or the complaints process itself.

## **Conclusion**

28. This report summarises the changes to the Council's Compliment, Comments and Complaints Procedure and Unreasonably Persistent Complainants and Unreasonable Complainant Behaviour Policy, which as a result of an internal review are now more closely aligned to provide a more efficient and simpler process for customers to follow. The views of the Panel are sought on the two policy documents.
29. Following scrutiny by the Policy and Performance Scrutiny Panel, it is recommended that Cabinet consider any recommendations from the Panel and approve the Policies in Appendix 1 and 2.

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Appendices Attached: 2

### **LOCAL GOVERNMENT ACT 1972 - SECTION 100D**

The following is a list of documents which disclose facts or matters on which this report or an important part of it is based and have been relied upon to a material extent in the preparation of this report. This list does not include any published works or documents which would disclose exempt or confidential information.

\* None.