

CABINET

Thursday, 7 July 2022

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

Report of the Executive Head of Customer Care

Recommendations

It is recommended that Cabinet approves:

- (1) **the revised and updated Customer Care Compliments, Comments and Complaints Policy; and**
- (2) **the Unreasonably Persistent Complainants and Unreasonable Complainant Behaviour Policy**

Summary

The Council has a corporate Compliments, Comments and Complaints Policy which outlines how we will deal with customer compliments and complaints, and a separate policy for dealing with Unreasonably Persistent Complainants and 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.

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 Compliments, Comments and Complaints policies set out the way in which customer complaints and other feedback will be treated and acted upon. The policies reflect our aim to engage with customers to continually improve our services, dealing with complaints consistently and fairly.
3. The management of feedback and 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 compliments or 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 Compliments, Comments and Complaints Policy (Appendix 1)

1. The current procedure for dealing with compliments, comments and complaints was last reviewed in February 2019 and is currently published on the Council's website: www.eastleigh.gov.uk/council/customer-care/our-complaints-procedure
2. This is a procedure that outlines the process and provides some information relating to matters considered or not considered under the procedure, however, no overarching policy providing a framework currently exists. This has been reviewed by the Executive Head of Customer Care in conjunction with the Executive Head of Governance. This policy was presented to Policy and Performance Scrutiny Panel on 10th March 2022 where Councillors provided feedback and some suggested some additional changes which have been included in the revisions below. Revisions include:

- A clear policy that sets out the aims and objectives;
- Clearer information on which matters fall under the policy and what the policy does not cover, with clearer information on ways to report things with links, about which they can also complain or comment on;
- A section explaining that whilst we will accept anonymous complaints, they may take us longer to investigate and we will be unable to reply directly to the person making the complaint;
- Clearer information regarding timescales for responding to complaints;
- Levels 1 and 2 have been replaced with stages 1 and 2
- Inclusion of a time limit of six 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 stage 1 or 2 of this policy;
- A clearer link to our Equalities Policy, inclusion under this policy of equality issues causing unfairness, and the option to have a representative act on a customer's behalf;
- Examples of how the Council may put things right;
- A clearer link to the Unreasonably Persistent Complainants & Unreasonable Complainant Behaviour Policy;
- Clearer information regarding the retention of documents with a link to this.

Unreasonably Persistent Complainants and Unreasonable Complainant Behaviour Policy (Appendix 2)

3. The Council will make every effort to deal with complainants consistently and fairly, however there are certain situations where the behaviour of a complainant is unreasonably persistent or demonstrates unreasonable behaviour. The Policy aims to ensure that staff are assisted when dealing with complainants who exhibit these traits.
4. 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.
5. 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.

6. The Policy was last reviewed in January 2017 and is currently published on the Council's website: www.eastleigh.gov.uk/media/2362/persistent-complainants-policy.pdf
7. 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 complainants involvement with the Council.
8. The 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.
9. 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 may pursue the matter in an inappropriate way.
10. The decision to designate someone as unreasonably persistent can only be made by a member of the Executive Leadership Team, 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

11. Following adoption, work to be done to the website to ensure these policies and supporting information can be found in one place and will use hyperlinks to allow easier access to more detailed information and signpost customers to the correct policy/procedure.
12. 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 that prefer to use other methods.
13. Work will also focus on improving management information and reporting, providing service managers with improved performance information.
14. 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.
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.