

10th October 2018

Regulatory and Governance Committee

Draft Corporate Complaints Policy and Persistent and Unreasonable Behaviour Policy

Report of: *Steve Summers, Chief Operating Officer*

Wards Affected: *None*

This report is: *Public*

1. Executive Summary

- 1.1 This report asks Members to consider and adopt a revised Corporate Complaints Policy and the introduction of a Persistent and Unreasonable Behaviour Policy.

2. Recommendation(s)

2.1 That the committee approves the Draft Complaints Policy (Appendix A).

2.2 That the committee approves the Draft Persistent and Unreasonable Behaviour Policy (Appendix B)

3. Introduction and Background

3.1 The Councils current Complaints Policy was implemented in December 2015. The current policy has proved successful in allowing Officers to effectively handle complaints, but improvements have been identified to streamline the process further for the benefit of the complainant.

3.2 The Council has not previously maintained a policy to manage the relatively few cases where people pursue complaints or enquiries in a way that is unreasonable. Whilst reviewing the Complaints Policy, it has been identified that a supporting policy to manage such complainants would be of benefit to both other customers and to the demands placed on Officers. The Draft Persistent and Unreasonable Behaviour Policy outlines options for how we would manage these minority of cases and has been written using Local Government Ombudsman (LGO) guidance.

3.3 The purpose of a complaints system is to put right what has gone wrong and learn from it. The LGO defines the following principles as being key to effective complaint handling:

- Accessibility – it is well publicised and easily accessed
- Communication – early and continued contact throughout the process
- Timeliness – it takes no longer than 12 weeks from receipt to resolution
- Fairness – staff are clear about roles and responsibilities and deal with complaints impartially. Responses are proportionate.
- Credibility – it is managed by someone who can take an overview and can implement changes
- Accountability – information is provided in a clear and open way and is properly managed.

4. Issue, Options and Analysis of Options

4.1 Following a review of the current complaints procedure, and in line with the most recent LGO guidance, the Council is proposing to reduce the current three stage process down to two stages. In the first instance, the complaint will be investigated by a service investigator for a meaningful and informed review. If the complainant is not satisfied with the response, it will be forwarded to a Senior Manager to conduct a Stage 2 review.

4.2 The revised policy reduces the timeframe for responses down to 10 working days at Stage 1, and 15 working days at Stage 2. The current policy allows 20 working days at each of the three stages, and it is felt that this is unreasonably lengthy for the complainant.

4.3 Once the complaint has been through our process, or it is felt that no further remedy can be offered, the complainant will be informed of their rights to refer the complaint to the LGO or Housing Ombudsman.

4.4 All considerations identified during the review are outlined in Appendix C.

4.5 The Draft Persistent and Unreasonable Behaviour Policy details options that the Council could utilise to restrict the contact customers can have with the Council if their behaviour is found to be unreasonable or unreasonably persistent.

- 4.6 Monitoring of complaints and the outcomes is undertaken by Service Managers and the Chief Operating Officer on a quarterly basis and is presented to the Audit and Scrutiny Committee each quarter.
- 4.7 Monitoring of customers managed under the Persistent and Unreasonable Behaviour Policy will take place on a quarterly basis by a panel of Senior Officers.

5. Reasons for Recommendation

- 5.1 The Council is keen to ensure that the Complaints Policy is kept as effective and efficient as possible, and the revised policy sees multiple improvements for the experience of the complainant.
- 5.2 In the absence of a defined policy, the Council has experienced difficulty dealing with customers whose behaviour is deemed to be unreasonable. The introduction of a Persistent and Unreasonable Behaviour Policy will empower staff to deal confidently and effectively with these instances, and benefit service delivery for other customers.

6. Consultation

- 6.1 No consultation is required in advance of submission of this report to Committee.

7. References to Corporate Plan

- 7.1 The vision of Transformation includes providing modern and effective customer services. An effective complaints policy is key to this.

8. Implications

Financial Implications

Name & Title: Jacqueline Van Mellaerts, Interim Chief Finance Officer
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- 8.1 There are no direct financial implications arising from this report. However the report does make reference to guidance on levels of compensation. These compensations levels remain unchanged and are monitored within the Council's Medium Term Financial Plan.

Legal Implications

Name & Title: Daniel Toohey, Monitoring Officer/Head of Legal Services

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- 8.1 A robust and regularly reviewed complaints procedure will assist the Council in monitoring processes, managing risks and meeting its statutory and governance obligations.

Other Implications (where significant) – i.e. Health and Safety, Asset Management, Equality and Diversity, Risk Management, Section 17 – Crime & Disorder, Sustainability, ICT.

- 8.2 None

- 9. Background Papers** (include their location and identify whether any are exempt or protected by copyright)

- 9.1 None

10. Appendices to this report

- Appendix A – Draft Complaints Policy 2018
- Appendix B – Draft Persistent and Unreasonable Behaviour Policy 2018
- Appendix C – Review of Complaints Policy 2015
- Appendix D – Guidance on Levels of Compensation 2015

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