

KENNET DISTRICT COUNCIL

**Resources Executive Committee
6th February 2007**

Report Number DCS 01/2007

Unreasonable and persistent complainant policy

Report by Brad Fleet, Director of Community Services

1.0 Purpose of the Report

- 1.1 To seek the Committee's endorsement of a Council policy to address the problems created by unreasonable and unreasonably persistent complainants.

2.0 Financial, Staffing & Legal Implications

- 2.1 There are no potential staffing, financial or legal implications arising out of this report.

3.0 Introduction

- 3.1 At a recent seminar in Trowbridge, Jerry White, the Local Government Ombudsman with responsibility for the South West advised councils to formulate and adopt a policy on how they will deal with unreasonably persistent complainants and unreasonable complainant behaviour.
- 3.2 The reason was that having a policy and corresponding guidance for staff on procedure will help authorities deal with complainants in ways which are demonstrably consistent and fair. It will also help 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 staff could have greater problems with unreasonable and unreasonably persistent complainants and expose the Council to allegations of maladministration.

4.0 Background

- 4.1 The Council receives a number of complaints each year which it normally resolves in a perfectly amicable manner. There are, however, occasions where the complainant does not agree with the conclusions the Council reaches, or the actions it does or does not take in response to the complaint. It may be that the Council has decided there has been no error on its part, the complaint could be the responsibility of another authority i.e. County Highways or the Wiltshire Primary Care Trust, or the Council may agree that the complaint is legitimate, it takes

corrective action but that action is not what the complainant wants.

- 4.2 In these circumstances complainants can sometimes 'badger' both officers and Members in an unreasonable manner in an attempt to achieve a different outcome.
- 4.3 The appended policy is heavily based on guidance provided by the Local Government Ombudsman and it sets out in a transparent manner how in future the Council could deal with unreasonable complainants and complainant behaviour.

It addresses: -

- what unreasonable behaviour and unreasonable complaints are
- examples of trigger actions/behaviours
- the options and sanctions available
- who decides on what course of action
- the rights of review and appeal
- record keeping
- confidentiality
- information to be given to complainants

4.0 Conclusion

- 4.1 Officers believe there is a demonstrable need for a clear policy setting out how the Council will deal with certain types of complaint and complainants and that the adoption of the appended policy is in line with recent advice given by the Local Government Ombudsman to the authorities of Wiltshire.

5.0 Recommendation

IT IS THEREFORE RECOMMENDED THAT;

- i) The Resources Executive Committee recommends that the Council adopts the appended unreasonable and persistent complainant policy.

Director of Community Services
Feb 2007