

**AGENDA ITEM NO.5**

**Staff Committee**

<b>Date</b>	<b>9 September 2019</b>
<b>Title</b>	<b>3Cs Policy and Procedure on the Management of Unreasonable Complaint Behaviour</b>

**1. PURPOSE/SUMMARY**

The purpose of this report is to inform the Staff Committee of the Council’s updated 3Cs Policy, including a new procedure on the Management of Unreasonable Complaint Behaviour.

**2. KEY ISSUES**

- The Council has an existing 3Cs Policy (Appendix A) that explains how Fenland District Council will manage and respond to comments, compliments, correspondence and complaints. It supports our commitment to manage customer contact in a fair and positive way.
- We aim to provide services of the highest standard and welcome customer feedback. Feedback, together with any action we have taken, is used to monitor performance and improve our services.
- The Policy outlines: types of contact and how to contact us, the processes involved in making a comment, compliment, correspondence and complaints. The policy also outlines any exceptions, where complaints will not be investigated and how we feedback learning and performance.
- The complaints section of the policy explains how customers can express their dissatisfaction with our service(s). It is designed to ensure that complaints are consistently and fairly investigated in a timely manner. It is a 3-stage process and if a customer is still not happy, they can contact the Local Government Ombudsman.
- We recognise that customers may exert pressure on the Council to receive a swift resolution to their complaint. This pressure may be persistent but, in most cases, is reasonable and acceptable.
- However, we are getting an increasing number of customers who are pursuing their complaints in a way that is unacceptable or inappropriate. Their behaviour is slowing down the investigation of their complaint and/or imposing a significant and disproportionate resource requirement to the Council. This may happen only once or continue persistently over a longer period of time, even after the investigation has been completed. In these cases, a complainant is fairly defined as unreasonably persistent.
- We do not usually seek to limit the contact complainants can make with officers or councillors. However, the Local Government Ombudsman (LGO) recommends that councils have a procedure in place to both identify and manage unreasonable and/or persistent complainers.
- Therefore, as part of the updated 3Cs Policy, we have introduced a section (section 8)

on Unreasonable Complaint Behaviour. We have a separate procedure on the management of unreasonable complaint behavior to support this section of the policy (Appendix B).

- Our procedure aims to ensure that complainants displaying unreasonable behaviour are dealt with fairly, honestly and properly, whilst protecting other service users, officers, members and the Council from harm.

### 3. RECOMMENDATION(S)

It is recommended that Staff Committee note the attached documents and approves the updated 3Cs Policy and the Procedure on the Management of Unreasonable Complaint Behaviour.

<b>Wards Affected</b>	All
<b>Forward Plan Reference No.</b> (if applicable)	
<b>Portfolio Holder(s)</b>	Councillor Steve Tierney, Portfolio Holder for Transformation and Communications
<b>Report Originator</b>	David Wright – Policy & Communications Manager Email: <a href="mailto:dwright@fenland.gov.uk">dwright@fenland.gov.uk</a> Tel: 01354 622409
<b>Contact Officer(s)</b>	Peter Catchpole – Corporate Director Email: <a href="mailto:petercatchpole@fenland.gov.uk">petercatchpole@fenland.gov.uk</a> Tel: 01354 622201
<b>Background Paper(s)</b>	N/A

## APPENDIX A

### 3c's Policy



This policy explains how Fenland District Council will manage and respond to comments, compliments, correspondence and complaints. It supports our commitment to manage customer contact in a fair and positive way.

We aim to provide services of the highest standard and welcome your feedback. Your feedback, together with any action we have taken, will be used to monitor performance and improve our service.

## 1. Types of contact

Customers may contact us to make a:

<b>Comment</b>	A comment is an opinion, belief, feedback or remark. It may contain a suggestion as to how part of a Council service could be improved.
<b>Compliment</b>	A compliment is a statement of praise. It may be about a member of staff or a service.
<b>Complaint</b>	A complaint is when a customer expresses dissatisfaction about the standard of a service, actions or lack of action(s) by the Council and its staff. It is treated differently to a service request (see below).
<b>Correspondence</b>	Correspondence can be positive, negative or neutral. It usually asks a question or for an update about a specific issue. It requires a single response from an officer in the relevant service area.
<b>Service Request</b>	<p>A service request is where a customer requests a service offered by the council for the first time. Examples of this would be to report a missed bin or report anti-social behaviour.</p> <p>This is slightly different to a complaint and is not managed through this policy. Customers are advised to contact the council to make a service request by visiting <a href="http://www.fenland.gov.uk">www.fenland.gov.uk</a>, calling 01354 654321 or emailing <a href="mailto:info@fenland.gov.uk">info@fenland.gov.uk</a>.</p>

## 2. How to contact us

You can contact us by:

- Completing an online form on our website – [www.fenland.gov.uk/threecs](http://www.fenland.gov.uk/threecs)
- Emailing us at [3cs@fenland.gov.uk](mailto:3cs@fenland.gov.uk)
- Phoning our contact centre on 01354 654321
- In person at one of our Customer Services Centres or Community Hubs
- Completing the paper form at the back of this policy. Post it to the 3Cs Manager, Fenland Hall, County Road, March, PE15 8NQ
- Through your local Councillor. They will ensure your complaint is dealt with by our 3Cs procedure, as described in this policy.

Our staff are happy to assist you in making a comment, compliment or complaint. Alternatively you could ask a friend, relative, local council or an advisory organisation to help.

### 3. Making a comment

We appreciate customers taking the time to give their feedback and suggestions. Comments will be forwarded to the appropriate team or officer for consideration. We will record your comments as a complaint if you are not satisfied with the service you have received.

### 4. Giving a compliment

We thank customers for taking the time to let us know that we are providing a good service. Compliments will be forwarded to the appropriate team and/or manager. They also form an important part of monthly and yearly appraisals.

### 5. Sending correspondence

We acknowledge pieces of correspondence within five working days. After this, we aim to provide a full response within 10 working days. Unlike complaints, it is a single stage procedure.

### 6. Making a complaint

Our formal complaints procedure can be up to three stages long.

**Stage 1:** Please contact us if you are unhappy with a service we have provided. If we cannot resolve the problem immediately, we will acknowledge that we have received the complaint within five working days. Following this, we will investigate your complaint and explain the outcome within 10 working days.

If you are dissatisfied with our Stage 1 response, we will escalate your complaint to Stage 2.

**Stage 2:** We will acknowledge your request to escalate your complaint to Stage 2 within five working days. Following this, your complaint will be investigated by a service manager who will provide a full response within 10 working days.

If you are dissatisfied with our Stage 2 response, we will escalate your complaint to Stage 3.

**Stage 3:** We will acknowledge your request to escalate your complaint to Stage 3 within five working days. Following this, your complaint will be investigated by a Corporate Director who will respond in full within 15 working days. This is the final stage in our complaints policy.

#### **Local Government and Social Care Ombudsman (LGO)**

If you are not happy with the outcome of your complaint at the end of our 3Cs procedure, you can contact the LGO. Please note that they cannot investigate complaints that have not fully completed our complaints procedure.

- **Website:** [www.lgo.org.uk](http://www.lgo.org.uk)
- **Telephone:** 0300 061 0614
- **Address:** Local Government Ombudsman, 53-55 Butts Road, Coventry, CV1 3BH

Please note that in a minority of cases we may need an extension of time to fully investigate your complaint. If so, we will contact you to explain why and give a revised deadline.

We also reserve the right to escalate your complaint straight to a Stage 2 or 3 within our policy, or the Ombudsman. Reasons for this include:

- All, or part of your complaint has been partially been addressed within our complaints procedure
- Your complaint concerns a number of officers who would usually provide Stage 1 or 2 responses
- You have submitted a number of similar complaints that are at different stages within the complaints process<sup>1</sup> and require a single response
- The relationship between the Council and complainant has broken down irrevocably and there is little chance of achieving a satisfactory outcome through our complaints process

## 7. Exceptions

Complaints will not be investigated if they:

- Have already been investigated through the 3Cs procedure
- Are over 12 months old (unless there are exceptional circumstances agreed by a member of the Corporate Management Team)
- Are matters of law or central government policy
- Are about the conduct of our Councillors. These types of complaints should be directed to our Monitoring Officer at [foi@fenland.gov.uk](mailto:foi@fenland.gov.uk)
- Have already been decided by a court or independent tribunal
- Relate to legal proceedings that have already started
- Should be taken through other statutory appeal or tribunal processes (e.g the Planning Inspectorate or a Valuation Tribunal)

## 8. Unreasonable complainant behaviour

In a minority of cases, customers can pursue their complaint in a way that is unreasonable. This may happen only once or continue persistently over a longer period of time, even after the investigation has been completed.

This behaviour may hinder the consideration of the complainant and other people's complaints. Whether this contact is abusive or amicable, it places disproportionate demands upon our resources.

We have a separate procedure on the management of unreasonable complainant behaviour. This gives more information about the types of behaviour that we consider unacceptable and how these cases will be managed.

## 9. Learning and Performance

We will use feedback through comments, compliments and complaints to monitor our performance and improve our service.

Performance information is reported to our Corporate Management Team and Councillors every three months. A 3Cs report is produced annually and is available for the public to view on our website.

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<sup>1</sup> In some cases, this behaviour may be considered unreasonable and managed through our Unreasonable Complaints procedure



## APPENDIX B

# Procedure on the Management of Unreasonable Complaint Behaviour





## **Procedure on the management of unreasonable complainant behaviour**

### **1. Introduction**

Fenland District Council aims to provide a consistently high level of service. However, we recognise that there will be occasions where customers will be dissatisfied and will want to make a complaint.

Our formal complaints procedure (3C's policy) explains how customers can express their dissatisfaction with our service(s). It is designed to ensure that complaints are consistently and fairly investigated in a timely manner.

We recognise that customers may exert pressure on the Council to receive a swift resolution to their complaint. This pressure may be persistent, but in most cases, is reasonable and acceptable.

In a minority of cases, customers pursue their complaints in a way that is unacceptable or inappropriate. Their behaviour may slow down the investigation of their complaint and/or impose a significant and disproportionate resource requirement to the Council. This may happen only once or continue persistently over a longer period of time, even after the investigation has been completed. In these cases, a complainant is fairly defined as unreasonably persistent.

We do not usually seek to limit the contact complainants can make with officers or councillors. However, the Local Government Ombudsman (LGO) recommends that councils have a procedure in place to both identify and manage unreasonable and/or persistent complainers.

Our procedure aims to ensure that complainants displaying unreasonable behaviour are dealt with fairly, honestly and properly, whilst protecting other service users, officers, members and the Council from harm.

We have a zero tolerance approach to aggressive and abusive behaviour. Whilst we understand a complainant may be frustrated by the circumstances surrounding their complaint, we expect them to remain calm and work with us so that their complaint is quickly and satisfactorily resolved.

### **2. Types of unacceptable behaviour**

Unreasonably persistent, vexatious and abusive complainants hinder our consideration of their complaints. This is due to their frequency or nature of contact. Their contact may be amicable or distressing, but ultimately places disproportionate demands on our resources. Complaints may relate to justified complaints, those with no substance, or those that have already been investigated and completed.

We recognise that complainants may sometimes act out of character during times of stress, anxiety or distress. We aim to make reasonable allowances for this; however, this does not mean unreasonable, abusive or vexatious behaviour will be tolerated.

The following list is not exhaustive, but gives examples of the types of behaviour that we consider unacceptable:

- Adopting a ‘scatter gun’ approach by pursuing parallel complaints on the same, or very similar issues
- Submitting repeat complaints with minor additions/variations and insisting they are treated as ‘new’ and/or separate complaints
- Changing the basis of the complaint as the investigation proceeds
- Raising many detailed but unimportant and/or unrelated questions, and insisting they are all answered
- Making excessive demands on the time and resources of staff. This may involve making lengthy phone calls, sending emails or letters to (numerous) council staff and expecting an immediate response
- Refusing to co-operate with the complaints investigation process
- Refusing to specify the grounds for the complaint
- Refusing to accept that certain issues are not within the scope of our complaints procedure
- Insisting on the complaint being dealt with in ways that are incompatible with our complaints procedure
- Refusing to accept the decision made by the Council, Government Organisation, LGO or High Court; repeatedly arguing points with no new material evidence
- Denying or changing statements previously made by the complainant
- Introducing trivial or irrelevant new information at a later stage

### **3. How we deal with unacceptable behaviour**

The actions we will take will be proportionate to the type of behaviour and circumstances. They should allow us to conclude a thorough investigation of the complaint

Examples of actions include:

- Placing limits on the number and duration of contacts with staff
- Limiting the complainant to one medium of contact (e.g, written only)
- Requiring the complainant to only communicate with one named member of staff
- Requiring personal contacts to take place in the presence of a witness and in a suitable location
- Refusing to register and process further complaints about the same, or very similar, matter
- Referring the complainant straight to the LGO when the complaints process can no longer deal with or resolve the complaint
- Designating the complainant a “persistent and unreasonable complainant”, which can permanently attach any combination of the above measures. This will result in no further complaints being accepted unless they can be clearly shown, in writing, as new and novel complaints not relating to previous issues that have already been through the system.

Before this procedure is applied, we will contact the complainant in writing to explain why their behaviour is unreasonable. We will outline expected standards of behaviour and provide a copy of this procedure for reference.

### **4. Applying the procedure**

The decision to apply this procedure is taken by the 3Cs manager, Head of HR and the Head of Service of the team handling the complaint. Before the policy is applied, they will consider:

- Whether the complainant is raising legitimate concerns
- Whether the complaint is being (or has been) investigated properly in accordance with the 3C's Policy and Procedures.
- Whether communications to the complainant have been adequate
- Whether the complainant is providing significant new material or information to support the complaint
- Relevant circumstances to the complaint relating to mental health, age, gender, sexual orientation or disability
- Steps that have already been taken to inform the complainant about their unacceptable behaviour

If a decision is made to apply this procedure, the 3Cs manager will write to the complainant to explain:

- Why the decision has been taken
- What it means for their future contacts with the organisation
- How long any limits applied will last
- What they can do to have the decision reviewed