

TITLE	Unreasonably Persistent Complainant's Policy (updated Policy)
FOR CONSIDERATION BY	Executive
WARD	(All Wards);
LEAD OFFICER	Lewis Borges, Head of Customer Experience & Change

PURPOSE OF REPORT

To seek the Executive's approval of an updated version of the Unreasonably Persistent Complainant's Policy.

RECOMMENDATION

That the Executive approve the updated Unreasonably Persistent Complainant's Policy, as attached at Appendix 2.

Background

The Unreasonably Persistent Complainants Policy (UPCP) is a policy that already exists. It has recently been updated to reflect the Councils approach to people who complain in an unreasonable manner about a particular matter, in line with what is set out by the Local Government and Social Care Ombudsman (LGSCO).

This policy should be read in conjunction with the Corporate Complaints Policy, which explains the steps to take if you have a complaint. Further details can be found at this link: [Complaints \(wokingham.gov.uk\)](https://www.wokingham.gov.uk/complaints)

Most complaints are resolved through the Council's internal complaints process or when needed, through the Local Government and Social Care Ombudsman (LGSCO). However, there are a small number of customers who, because of the amount, nature, and quantity of their contact, are deemed to be unreasonable or unreasonably persistent complainants.

It is very rare that officers need to refer to Unreasonably Persistent Complainants Policy (UPCP) when interacting with complainants. We do not currently have any residents or members of community that are unreasonably persistent.

An unreasonably persistent complainant can be:

- a complainant who has been responded to in full but still wishes to pursue the same complaint
- a complainant who is pursuing their complaint through different ways in the hope of getting a different outcome
- a complainant who makes derogatory or dis-respectful comments aimed at our staff

The complainant would be informed that their actions are becoming unreasonable or unreasonably persistent. We would offer to discuss this with them before taking any further action.

This policy sets out a clear and transparent approach for officers around how and in what circumstances to apply the policy. The policy also explains to complainants what they can expect from us, the process and decision-making route should they be unreasonably persistent.

This policy and approaches within it are only used in exceptional circumstances, when all options have been appropriately explored and complaints policy exhausted, aligned to LGSCO guidance.

The policy has been reviewed and changes made by:

- Using the LGSCO guidance to re-write the policy.
- Learning from how we were using the policy now.
- Following the 3C principles in the re-write to make it easier to understand – Care, Clarity and Confidence

What the policy is not

- A way to stop customers complaining.
- A way to 'short cut' the complaints process.
- A way to avoid allowing customers to ask questions at the relevant committee meetings.

Key policy updates

In summary, the key updates are:

1. The policy has been re-written using clearer language (3C's).
2. Customers are no longer put on a 'list', instead an audit trail will be held by the Customer Relations Team, including how decisions were made.
3. The decision to make a customer unreasonably persistent is now made by the Director of the service, in conjunction with the Chief Executive and CLT – not just by the service themselves.
4. Included a summary flowchart of how the decision is made for 'quick reference'.

Once the policy has been formally signed off by the Executive, it will be transferred back into an accessible format, including development of an Easy Read document.

The policy has been reviewed by Overview and Scrutiny management Committee, and some changes made as a result of the committee's recommendations.

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

The Council faces unprecedented financial pressures as a result of; the longer term impact of the COVID-19 crisis, Brexit, the war in Ukraine and the general economic climate of rising prices and the increasing cost of debt. It is therefore imperative that Council resources are optimised and are focused on the vulnerable and on its highest priorities.

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	N/A	N/A	N/A
Next Financial Year (Year 2)	N/A	N/A	N/A
Following Financial Year (Year 3)	N/A	N/A	N/A

Other Financial Information
No Costs or Savings identified.

Public Sector Equality Duty
An EQIA has been completed and no detrimental effects will impact any particular group.

Climate Emergency
N/A

Reasons for considering the report in Closed Session
None

List of Background Papers
None

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Appendix 1

Formal Corporate complaints process at a glance

Early Resolution

- Notify Directorate complaint rep and ensure complaint is recorded
- If the complaint has been submitted via the online form, the complainant will receive an automatic acknowledgement. If the complaint has **not** been submitted via the online form, you will need to contact the complainant **within 3 working days** to discuss the matter and see what solution(s) is/are possible to put things right
- **Aim to resolve within 5 working days**
- Act on remedial action
- Learn from the complaint and act on any improvements within service

Stage 1

- Notify directorate complaints rep and ensure complaint is recorded
- **Acknowledgement within 3 working days**
- Investigation by the service/department involved in the complaint
- Keep the customer updated on progress
- **15 working days to provide a full response and resolve**
- Response signed off by Service Manager or Assistant Director
- Learn from the complaint and act on any improvements within service

Stage 2

- Request for escalation received
- Notify directorate complaints rep and ensure complaint is recorded
- **Acknowledgement within 3 working days**
- Investigation by the Customer Relations Team
- Keep the customer updated on progress
- **20 working days to provide a full response and resolve**
- Response signed off by the Assistant Director or Director
- Learn from the complaint and act on any improvements within service

Ombudsman

- Referral to the Local Government and Social Care Ombudsman (LGSCO) or the Housing Ombudsman (HO)
- Customer Relations acts as the 'link' for the LGSCO/HO
- Provision of information by the service to Customer Relations, as requested by the LGSCO/HO
- Ombudsman liaises with the complainant and provides a draft then final decision

Formal Process ►