

Chichester District Council

Standards Committee

November 2023

Unreasonable Complainants Policy

1. Contacts

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2. Recommendation

2.1 That the Committee recommend the policy appended to this report to Full Council

3. Background

- 3.1 Most people who get in touch with the Council act reasonably and appropriately. Very occasionally individuals contacting the Council will act in a manner which is neither reasonable nor appropriate.
- 3.2 The Council tries to encourage behaviours which are reflective, and to actively learn from complaints. Staff receive training, in particular in public facing roles, to encourage seeing complaints as sources of improvement, constructive ways to develop services and skills. Despite that it is not uncommon for complainants to be challenging in their conduct.
- 3.3 The Council has complaints policies for officers and members and has an existing tool for officers who need to deal with challenging people and locations – a caution alert register. Officers believe that the area of complainants is one which necessitates specific advice and a procedure to address what appears to be an increasing number of unreasonable complaints.
- 3.4 The Local Government Association has flagged its concerns about *“increasing examples of incidents of intimidation within councils, involving councillors as well as officers.”* (Civility in Public Life report, 3rd October 2019).

4. Outcomes to be achieved

- 4.1. The intention is to ensure that the Council officers have a tool which enables complaints to be analysed against set standards of reasonable, and unreasonable, behaviour so that problematic complainant behaviour can be addressed whilst complaints can continue to be investigated and considered.

4.2 Advantages of clarity and transparency will also be created for complainants as well as officers and members. This will also establish a clear structure against which the Council will have accepted it should be measured by the Ombudsman and give broader public confidence that complaints are being dealt with fairly, but that resources are not being applied disproportionately to those who are difficult and “shout loudest” as it were.

5. Alternatives that have been considered

5.1 Existing Council policies could have been amended, or no policy could be applied by the Council to this area. Officers looked at a number of existing similar policies in services particularly in other Councils and the NHS. The policy attached is based upon what appears to be best practice amended to match local procedures.

6. Resource and legal implications

6.1 Budget implications are limited but it is hoped that the clarity of the rules will save the Council from having to employ bespoke arrangements individual to complainants which have historically required significant legal officer time. It is hoped that all officers and relevant managers will be able to apply the procedure in a more time efficient manner. The legal requirements for complaints are established mostly in operational guidance, the rules on what Councils must do is established through a long thread of analysis from the well known “Wednesbury” case and Ombudsman and Court decisions. Health and Safety Law sets expectations that employers have policies to protect staff including from abusive unreasonable behaviours.

7. Consultation

7.1 Officers reviewed other organisations policies. No wider consultation is intended in this policy. Strategic officers were consulted on the policy.

8. Community impact and corporate risks

9.1 Effective decision requires review of existing procedures, failing to do so would be a corporate risk.

9. Other Implications

Are there any implications for the following? If you tick “Yes”, list your impact assessment as a background paper in paragraph 13 and explain any major risks in paragraph 9		
	Yes	No
<p>Crime & Disorder: The Council has a duty “to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area”. Do the proposals in the report have any implications for increasing or reducing crime and disorder?</p> <p>By its nature the arrangements are there to enable effective fair decision making on conduct and complaints. The policy matches encouragements in the Local Government “civility of public life” report as to intimidation of officers and councillors.</p>	Yes	

<p>Climate Change and Biodiversity: Are there any implications for the mitigation of/adaptation to climate change or biodiversity issues? If in doubt, seek advice from the Environmental Strategy Unit (ESU).</p>		No
<p>Human Rights and Equality Impact: You should complete an Equality Impact Assessment when developing new services, policies or projects or significantly changing existing ones. For more information, see Equalities FAQs and guidance on the intranet or contact Corporate Policy.</p>		No – changes are not considered so significant as to require EIA.
<p>Safeguarding and Early Help: The Council has a duty to cooperate with others to safeguard children and adults at risk. Do these proposals have any implication for either increasing or reducing the levels of risk to children or adults at risk? The Council has committed to dealing with issues at the earliest opportunity, do these proposals have any implication in reducing or increasing demand on Council services?</p>		No
<p>General Data Protection Regulations (GDPR): Does the subject of the report have significant implications for processing data likely to result in a high risk to the rights and freedoms of individuals? Processing that is likely to result in a high risk includes (but is not limited to):</p> <ul style="list-style-type: none"> • systematic and extensive processing activities and where decisions that have legal effects – or similarly significant effects – on individuals. • large scale processing of special categories of data or personal data relation to criminal convictions or offences. • Any larger scale processing of personal data that affects a large number of individuals; and involves a high risk to rights and freedoms e.g. based on the sensitivity of the processing activity. • large scale, systematic monitoring of public areas (including by CCTV). <p>Note - If a high risk is identified a Privacy Impact Assessment must be provided to the Data Protection Officer.</p>		No
<p>Other (Please specify): e.g. health and wellbeing</p>		

10. Appendices

10.1 Appendix One – Recommended draft policy

11. Background Papers

None