

Complaints Procedure

July 2018



1. INTRODUCTION

- 1.1 This document sets out the Council's agreed procedure for dealing with complaints from members of the public. It describes the common framework for handling complaints within which there is some flexibility to allow for circumstances in individual services.

2. DEFINITIONS

What is a complaint?

- 2.1 A complaint is defined as:-

"an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the Council or its staff affecting an individual customer or group of customers".

- 2.2 It follows that a complaint is not a request for a service (e.g. housing repairs) or for information. However, a complaint could arise if the Council failed to act adequately on such a request, or to communicate information which had been requested.
- 2.3 It should be stressed that a "complaint" must relate to some act or omission by the Council. For example, a letter complaining about the behaviour of neighbours would not constitute a "complaint" within this procedure. However, a letter, a comment made in person, by email or a telephone call complaining that the Council had failed to act adequately in this situation would be defined as a "complaint".
- 2.4 This procedure does not normally relate to areas where there is already a statutory or quasi-statutory remedy against the Council's decision (e.g. Housing Benefit appeals). These will continue to be carried out in accordance with the procedures and timescales specified. However, there might be occasions when a matter that is to be reviewed under a quasi-judicial appeal may also be regarded as a complaint.
- 2.5 This corporate complaints system also includes a separate policy and procedure for dealing with unreasonably persistent complainants (see section 13).
- 2.6 In some cases it will remain a matter of judgement whether a complaint is being made. There will always be an exchange of views and comments in any contact with the public, and a common-sense approach must be taken in deciding whether a complaint is being made. The complaints procedure exists to ensure the speedy investigation and resolution of genuine complaints, not to encourage a proliferation of unnecessary paperwork. However, it needs to be remembered that the key is the perception of the

customer not the view of the staff. If the customer feels that they are dissatisfied, they should be advised of the complaints procedure.

- 2.7 The complaints system operates in two stages: Stage 1 is where the complaint is dealt with locally by the relevant service area. Stage 2 is where the complaint is reviewed when the complainant is dissatisfied with the way that their complaint has been handled at Stage 1.
- 2.8 The Local Government and Social Care Ombudsman or, in cases of complaints related to the housing management service, the Housing Ombudsman, may review our decision taken at Stage 2. Complaints must be processed through the stages in order before the complainant can access the next stage and responses should inform the complainant of the next stage.

Hate Incident Reporting

- 2.9 Hate incidents are any incidents that are perceived by the victim or any other person to be motivated by prejudice or hate. Any complaints of this nature are considered as serious complaints.
- 2.10 The complainant should be invited to complete the [Hate Incident Report Form](#) at the first point of contact. The Hate Incident Support Service for Sussex will offer help to the victim to deal with any hate incident.

Who Can Complain?

- 2.11 Any member of the public, group of people, organisation or company may make a complaint if it falls within the definition in paragraph 2.1
- 2.12 The complaints procedure does cover complaints made via a Councillor or MP.

3. FORM OF COMPLAINTS

- 3.1 A Complaint may be made either verbally or in writing or electronically. It is important to record all complaints received, and this is dealt with more fully in Section 5.

4. RECEIPT OF COMPLAINTS

- 4.1 All complaints are forwarded to the Corporate Support Team who ensure that they are acknowledged, recorded and tracked forwarding the complaint to the appropriate member of staff.
- 4.2 If there is no immediately identifiable service then the Corporate Support Team will record and acknowledge the complaint and in consultation with the Head of Legal, Democratic & HR Services, will identify the most appropriate officer to investigate and respond on behalf of the Council.

5. RECORDING AND MONITORING

- 5.1 Heads of Service are responsible for ensuring that all complaints that fall within their Divisions are responded to within corporate timescales. They are also responsible for giving clear guidance on the application of the complaints process within their service areas. The Corporate Support Team advise the investigating officers of the deadline date for the response when allocating the complaint to them and follow this up with reminders of the approaching deadline.
- 5.2. It is important that all complaints are recorded centrally, not only to track progress of individual cases but also to facilitate monitoring of trends, to identify problem areas in policy or practice, recommend improvements and to enable the Council to meet its formal reporting requirements.

Verbal Complaints

- 5.3. Many complaints will be made either by telephone or by personal visit. Often such complaints can be resolved quickly and informally, and complainants should not have to put their complaints in writing in these circumstances. However, it remains the responsibility of the officer receiving the complaint to ensure the details are centrally recorded.
- 5.4. Where a verbal complaint is more complex, cannot easily be resolved immediately or is of a sensitive nature, the complainant should be encouraged (and assisted if necessary) to put the complaint in writing. This will minimise the likelihood of misunderstanding and misinterpretation. However, it is critical that if they chose not to put it in writing it should still be recorded as a complaint and handled through the usual procedure.

Monitoring

- 5.5. The Corporate Support Team, in consultation with the Head of Legal, Democratic & HR Services, will monitor all complaints to ensure they are:
- responded to within corporate timescales.
 - allocated to appropriate officers for investigation.
 - included in statistics for local and corporate monitoring, analysis and reporting.

The team will also ensure that all complaints of a serious nature and where the motivation appears to be prejudice or hate, are recorded appropriately and that advice and guidance is offered to managers to ensure consistency and good practice is adhered to in the handling of all complaints.

- 5.6. Potentially there are areas where there are a significant number of complaints and where, the benefits of the full recording of the complaint is outweighed by the administrative on-cost of doing so. Where Members agree, different arrangements may be put in place. The only area where this has so far been agreed is in respect of missed bins. In this area the quarterly report need only indicate how many missed bins there were in the quarter and how that compares with previous quarters.
- 5.7. It is important that the category of the complaint is defined as soon as possible and logged as such on the corporate form.

Category	Definition	Monitoring Requirements
Level 1	Where the complaint is of a serious nature e.g. staff behaviour, hate incidents or serious service failure. It is for the service to determine the category of the complaint	Corporate Support Team record the complaint and pass to the service area to investigate. Service area provides the customer with a full response which is copied to the Corporate Support Team with the following information: <ul style="list-style-type: none"> • Date and format of response • Outcome • Service changes (if any) Details of Level 1 complaints are included in CMT reports.
Level 2	Complaints requiring an individual response e.g. customer referred to 3 different receptions and their enquiry remains unresolved	Corporate Support Team record the complaint and pass this to the service area to investigate. Service area provides the customer and the Corporate Support Team with a summary of the outcome including: <ul style="list-style-type: none"> • Date and format of response • Outcome • Service changes (if any)
Level 3	Standard complaints where standard responses are provided. e.g. Missed bins (usually not included in Corporate Support team's logs of complaints but Service Area log separately and advise Corporate Support Team of figures quarterly), street lighting, dog fouling, missed appointments etc.	Service Area logs minimum detail: in case of missed bins. Corporate Support record other standard complaints in this category and allocate to the officer who provides <ul style="list-style-type: none"> • Date and steps taken/response • Number of complaints e.g. 1 x missed bin Service area provides a summary of the outcome to the Corporate Support Team on a quarterly basis

6. INVESTIGATION

- 6.1 The aim of the complaints procedure is to enable complaints to be dealt with as quickly and efficiently as possible. This can often be achieved at the point of contact between the complainant and provider of the service and this approach is encouraged. In such cases, no further investigation will be necessary, although the complaint must still be recorded.
- 6.2 Where more detailed investigation is necessary, the complaint may be passed to another officer. Circumstances will vary from case to case and from service to service, but as a general guideline, the complaint should be investigated by someone with knowledge of the issues at question. The appropriate Manager, for example, would be well placed to decide whether to investigate a potentially serious or sensitive complaint personally or to

delegate a more minor complaint to another member of staff. In general, it is preferable for complaints not to be investigated by an officer directly involved in the subject of the complaint. However, there may be occasions where it is expedient for this to happen.

7. COMMUNICATING THE DECISION

- 7.1 As explained above, many complaints will be resolved direct with the complainant, and no further action need be taken.
- 7.2 Where further investigation has been necessary, the decision should be communicated in writing (which may include E Mail) although in some cases a visit or telephone call will be sufficient. This should normally be done by the officer investigating the complaint. However, it may sometimes be appropriate for the complainant to be informed by a more senior officer (e.g. where an offer of financial compensation is being made).
- 7.3 The decision will fall into one of the following categories:-
- (a) No substance to the complaint - what the complainant is asserting is factually incorrect. Inform complainant of "right of review".
 - (b) Service has been provided at the agreed standard. Explain the agreed service standards and "right of review".
 - (c) Complaint outside remit of the Council. Explain where complainant should go to take case further.
 - (d) Justified complaint but Council unable to remedy (e.g. financial constraints, or because a delay cannot be corrected). Explain reasons and "right of review".
 - (e) Justified complaint. Inform complainant of proposed remedy and timescale.
- 7.4 A justified complaint should be remedied by placing the complainant in the position they would have been in had things not gone wrong. An apology will usually be appropriate, together with either the provision of a service or a change in procedure. Consideration should also be given to any views the complainant may have given as to what would put it right.
- 7.5 When communicating with a complainant (either when the complaint is made or later), there is nothing wrong with saying that we are sorry that they have felt it necessary to complain. Even if the complaint is unjustified, it is generally good practice to empathise with the complainant.
- 7.6 Where the complainant can establish a demonstrable financial loss, it may be appropriate to offer financial compensation, but such cases are likely to be infrequent. Financial compensation should not be offered to make up for "inconvenience", "hurt feelings" and other intangible factors. There may be occasions where it is reasonable to compensate the complainant for their time and effort in attempting to resolve their complaint. (These types of case often have legal implications and it is recommended that you contact the council's lawyers and or insurers before committing the council to the payment of compensation as this may compromise the council's insurance and legal position)
- 7.7 Where there is a delay in reaching a final decision, the complainant must be kept informed of progress and the reason for the delay. Section 9 deals with timescales governing the whole complaints procedure.

8. CROSS – SERVICE COMPLAINTS

- 8.1 A complainant should always receive a single coordinated response from the Council, even where the complaint involves more than one service. The following guidelines are suggested:
- (a) where the complaint is clearly related to one service, but it is necessary to gather information from other services to be able to respond, the service to which the complaint relates should be responsible for gathering that information and sending the reply.
 - (b) where the complaint is against more than one service, the Head of Legal, Democratic & HR Services can co-ordinate any necessary investigations and nominate an officer from one of the relevant services to respond.
- 8.2 The procedure and timescales for dealing with “cross-service” complaints are the same as for any other type of complaint.

9. TIMESCALES

- 9.1 All complaints will be acknowledged either verbally or in writing, including by email, within 2 working days.
- 9.2 The Council should send the complainant a substantive response within 10 working days of receiving the complaint. A “substantive response” is one which conveys the investigating officer’s decision on the complaint.
- 9.3 It will not always be possible to meet this timescale. In such cases, the complainant should be advised of the situation within 10 working days, explaining the reason for the delay and giving an estimate of when a substantive response can be expected. The Corporate Support Team are able to advise the complainant of the reason for the delay and provide a date when the response can be expected, on behalf of the officer investigating the complaint.
- 9.4 It is an objective to resolve all complaints within 20 working days. Any complaint which exceeds this timescale should be reported to the Corporate Support Team who will keep the complainant updated on the timescales for response.

10. RIGHT OF REVIEW

- 10.1 Any complainant who is dissatisfied with the decision on their complaint is entitled to have that decision reviewed independently. The relevant Head of Service will carry out this review.
- 10.2 The complainant must give notice in writing of their wish to use the review procedure. This should be addressed to the relevant Head of Service, if identified in the Stage 1 response or the Corporate Support Manager at feedback@ Crawley.gov.uk
As stated above it is the responsibility of the officer who notifies the original decision to inform the complainant of the review procedure.

- 10.3 In reviewing a complaint, the Head of Service will consider whether decisions have been taken in accordance with Council policies and procedures, whether investigations have been carried out fairly and promptly, and whether administrative processes have generally been sound. The Head of Service will determine the final decision.
- 10.4 Timescales for the review process are set out in section 9, i.e.
- (i) Acknowledgement to be sent within 2 working days.
 - (ii) Substantive response to be sent within 10 working days of receiving notification that complainant wishes to use review procedures.
 - (iii) If (ii) is not possible, a letter to be sent within 10 working days, explaining reason for delay and giving estimate of when substantive response is expected. The Corporate Support team can advise the complainant of this on behalf of the officer
 - (iv) Substantive response to be sent within 20 working days in all cases.
- 10.5 A complainant who is still dissatisfied after this review has the right to go to the Local Government and Social Care Ombudsman or the Housing Ombudsman in the case of managed housing service complaints.
- 10.6 Councils can often resolve complaints at the first stage of a complaints procedure. If the complainant is not satisfied with the Council's initial response the Ombudsman would encourage them to pursue the matter through the Council's procedure, *provided* the Council responds in a reasonable time and informs the complainant of how to take the complaint to the next stage. However, other than in exceptional circumstances, the Ombudsman would consider that 12 weeks was sufficient time to allow a Council to consider a complaint. If the complainant has not received a response from the Council within 12 weeks, they have the right to submit the complaint to the Ombudsman without exhausting the stages within the Council's complaints procedure.

11. STATISTICAL INFORMATION

- 11.1 The Head of Legal, Democratic & HR Services will submit a quarterly report on complaints and compliments to the Corporate Management Team. This will then be published in the Members Bulletin.

12. CONCLUSION

- 12.1 It is inevitable that some customers will feel they have been dealt with unfairly. The Council gains nothing by refusing to accept the possibility of complaints. Indeed, it is a valuable form of feedback and can do much to win the public's confidence by ensuring that complaints are dealt with quickly, efficiently and with courtesy.
- 12.2 The complaints procedure has been developed to encourage this. It should not be used to delay or protract investigation of complaints or to engage complainants or staff in unnecessary form filling. Its aim is to ensure that complaints are investigated and resolved at the lowest possible level and that, where action is necessary, it is taken promptly. Provided it is applied in this spirit, it can only make a positive contribution to the way the Council carries out its business.

Crawley Borough Council's Policy and Procedure:

‘Dealing with unreasonably
persistent’ complainants and
‘unreasonable complainant
behaviour’

CBC Policy on unreasonably persistent complainants

Crawley Borough Council values all kinds of customer feedback and expressions of dissatisfaction are treated seriously and recognised as a way for the Council to identify and implement service improvements. The Council is also accountable for the proper use of public money and must ensure that that money is spent wisely and achieves value for complainants and the wider public.

Crawley Borough Council is committed to dealing with all complaints fairly and impartially and to providing a high quality service to those who make them. As part of this service they do not normally limit the contact complainants have with the Council.

However there are a small number of complainants who, because of the frequency of their contact with the Council, hinder our consideration of theirs, or other people's, complaints. We refer to such complainants as 'unreasonably persistent complainants' and, exceptionally, we will take action to limit their contact with our offices.

The decision to restrict access to our offices will be taken at Senior Management level and will normally follow a prior warning to the complainant. Any restrictions imposed will be appropriate and proportionate. The options we are most likely to consider are:

- requesting contact in a particular form (for example, letters/emails only);
- requiring contact to take place with a named officer;
- restricting telephone calls to specified days and times; and/or
- asking the complainant to enter into an agreement about their future contacts with us.

In all cases where we decide to treat someone as an unreasonably persistent complainant, we will write to tell the complainant why we believe his or her behaviour falls into that category, what action we are taking and the duration of that action. We will also tell them how they can challenge the decision if they disagree with it. If we decide to carry on treating someone as an unreasonably persistent complainant and we are still investigating their complaint six months later, we will carry out a review and decide if restrictions will continue.

Where a complainant whose case is closed persists in communicating with us about it, we may decide to terminate contact with that complainant about the matter. In such cases, we will read all correspondence from that complainant, but unless there is fresh evidence which affects our decision on the complaint we will simply acknowledge it or place it on the file with no acknowledgement.

New complaints from people who have come under the unreasonably persistent complainant's policy will be treated on their merits.

Contact:

*Head of Legal, Democratic &
HR Services*

Procedure on Dealing with Unreasonably Persistent Complainants

Introduction

Generally, dealing with a complaint is a straight-forward process, but in a minority of cases people pursue their complaints in a way which can either impede the investigation of their complaint or can have significant resource issues for authorities. These actions can occur either while their complaint is being investigated, or once the complaint investigation has been concluded.

This procedure aims to help staff manage unreasonably persistent complainants and unreasonable complainant behaviour based on what the Ombudsmen would regard as good practice in dealing with these complainants.

It should be read in conjunction with the corporate Complaints Procedure.

Definition of an unreasonably persistent complainant

The Local Government and Social Care Ombudsman uses the following definition to identify complainants that fall into this category.

Unreasonable and unreasonably persistent complainants are those complainants who, because of the frequency or nature of their contacts with an authority, hinder the authority's consideration of their, or other people's, complaints.

It is important to differentiate between 'persistent' complainants and 'unreasonably persistent' complainants. Arguably, many of the people who submit complaints to the Ombudsmen are 'persistent' on the entirely reasonable basis that they feel the authority has not dealt with their complaint properly and are not prepared to leave the matter there.

Unreasonable and unreasonably persistent complainants may have justified complaints or grievances but be pursuing them in inappropriate ways, or they may be intent on pursuing complaints which appear to have no substance or which have already been investigated and determined. Their contacts with CBC may be amicable but still place very heavy demands on staff time, or they may be very emotionally charged and distressing for all involved.

Sometimes the situation between CBC and a complainant can escalate and the behaviour moves from being unreasonable and unreasonably persistent to behaviour which is unacceptable, for example, abusive, offensive or threatening. Such complainants are in a very small minority, but potentially this could move to the position of having to restrict access to council premises or even having to resort to legal action to address such behaviour, for example, in the form of anti-social behaviour orders or injunctions. CBC have their own policies and procedures for dealing with unacceptable behaviour and protecting staff from harassment and harm, such as the Caution register policy. These are well established. **This guidance does not address these issues of health and safety, but sits alongside existing policies as a means of addressing the full spectrum of behaviours which an authority might have to address.**

This procedure covers behaviour which is unreasonable, which may include one or two isolated incidents, as well as unreasonably persistent behaviour, which is usually an accumulation of

incidents or behaviour over a longer period.

Raising legitimate queries or criticisms of a complaints procedure as it progresses, for example if agreed timescales are not met, should not in itself lead to someone being regarded as an unreasonably persistent complainant. Similarly, the fact that a complainant is unhappy with the outcome of a complaint and seeks to challenge it once, or more than once, should not necessarily cause him or her to be labelled unreasonably persistent. If complaints procedures are operating properly, then responding to expressions of dissatisfaction and requests for information should not cause authorities particular problems.

Aims of this policy and procedure

Having a policy on unreasonably persistent complainants and unreasonable complainant behaviour and corresponding guidance for staff on procedure should help authorities deal with complainants in ways which are demonstrably consistent and fair. It also helps 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 are likely to have greater problems with unreasonable and unreasonably persistent complainants. In addition, it provides a yardstick against which performance can be assessed for monitoring purposes.

Actions and behaviours of unreasonable and unreasonably persistent complainants

These are some of the actions and behaviours of unreasonable and unreasonably persistent complainants which authorities often find problematic. It is by no means an exhaustive list and local factors will vary.

- Refusing to specify the grounds of a complaint, despite offers of assistance with this from a member of staff.
- Refusing to co-operate with the complaints investigation process while still wishing their complaint to be resolved.
- Refusing to accept that issues are not within the remit of a complaints procedure despite having been provided with information about the procedure's scope.
- Insisting on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.
- Making what appear to be groundless complaints about the staff dealing with the complaints, and seeking to have them replaced.
- Changing the basis of the complaint as the investigation proceeds and/or denying statements he or she made at an earlier stage.
- Introducing trivial or irrelevant new information which the complainant expects to be taken into account and commented on, or raising large numbers of detailed but unimportant questions and insisting they are all fully answered.
- Electronically recording meetings and conversations without the prior knowledge and

consent of the other persons involved.

- Adopting a 'scattergun' approach: pursuing a complaint or complaints with various divisions in the authority at the same time, and possibly with a Member of Parliament/a councillor/the Standards Board/local police/solicitors/the Ombudsman.
- Making unnecessarily excessive demands on the time and resources of staff whilst a complaint is being looked into, by for example excessive telephoning or sending emails to numerous council staff, writing lengthy complex letters every few days and expecting immediate responses.
- Submitting repeat complaints, after complaints processes have been completed, essentially about the same issues, with additions/variations which the complainant insists make these 'new' complaints which should be put through the full complaints procedure.
- Refusing to accept the decision – repeatedly arguing the point and complaining about the decision.
- Combinations of some or all of these.

Identifying unreasonably persistent complainants

- The relevant Head of Service, in consultation with the Head of Legal, Democratic & HR Services can decide
 - whether the policy will be applied to a complainant
 - what restrictions will be placed on contacts and for how long
 - which officers/members are to be informed that contact with a named complainant is being restricted and why
 - When restrictions can be lifted or should continue upon reviewing the case within a set time period.

Record Keeping

The information about the complainant and the case/s should be forwarded to the Corporate Support Team for centralised record keeping. This should include copies of all related correspondence and it should be noted that some or all of this information may be obtained by the complainant via a Data Subject Access request or under the Freedom of Information entitlements.

Considerations prior to taking action under the policy

Different considerations will apply depending on whether the investigation of the complaint is ongoing or whether it has been concluded. To some extent the latter is easier to deal with. It is in effect the complainant simply refusing to take no for an answer, and CBC has the option of

ending all communication with the complainant, and where appropriate referring the complaint to the Ombudsman. However, where the complaint is ongoing there needs to be some continuing contact with the complainant.

The decision to designate someone as an unreasonable or unreasonably persistent complainant is onerous and could have serious consequences for the individual. Before deciding whether the policy should be applied CBC should be satisfied that:

- the complaint is being or has been investigated properly;
- any decision reached on it is the right one;
- communications with the complainant have been adequate; and
- the complainant is not now providing any significant new information that might affect the authority's view on the complaint.

If the Council is satisfied on these points it should consider whether further action is necessary prior to taking the decision to designate the complainant as unreasonable or unreasonably persistent. Examples might be:

- If no meeting has taken place between the complainant and an officer/officers, and provided that CBC knows nothing about the complainant which would make this unadvisable, consider offering the complainant a meeting with an officer of appropriate seniority. Sometimes such meetings can dispel misunderstandings and move matters towards a resolution.
- If more than one department is being contacted by an unreasonably persistent complainant;
 - a key officer will be designated to co-ordinate the response(s)
- If the complainant is a tenant;
 - The relevant Neighbourhood Housing Manager maybe designated to provide a response
- If the complainant has special needs, an advocate might be helpful to both parties: consider offering to help the complainant find an independent one.
- If the complaint relates to one service area;
 - A key officer will be designated by the Head of Service or Senior Manager to investigate and provide a response
- Before applying any restrictions give the complainant a warning that if his/her actions continue the authority may decide to treat him/her as an unreasonably persistent complainant, and explain why.

Options for action

The precise nature of the action taken in relation to an unreasonable or unreasonably persistent complainant should be appropriate and proportionate to the nature and frequency of the complainant's contacts with CBC at that time. The following list is a 'menu' of options for managing a complainant's involvement from which one or more might be chosen and applied, **if warranted**. It is not exhaustive and often local factors will be relevant in deciding what might be appropriate action.

- Placing time limits on telephone conversations and personal contacts.
- Restricting the number of telephone calls that will be taken (for example, one call on one specified morning/afternoon of any week).
- Limiting the complainant to one medium of contact (telephone, letter, email etc) and/or requiring the complainant to communicate only with one named member of staff.
- Requiring any personal contacts to take place in the presence of a witness.
- Refusing to register and process further complaints about the same matter.
- Where a decision on the complaint has been made, providing the complainant with acknowledgements only of letters, faxes, or emails, or ultimately informing the complainant that future correspondence will be read and placed on the file but not acknowledged. A designated officer should be identified who will read future correspondence.

Informing the Customer of the decision

If a decision is taken to apply the policy, write to inform the complainant that:

- the decision has been taken;
- what it means for his or her contacts with the authority;
- how long any restrictions will last; and
- what the complainant can do to have the decision reviewed.

Enclose with the letter a copy of the policy. A copy of the correspondence should be provided to the Corporate Support Team for their central records. Keep adequate records of all contacts with unreasonable and unreasonably persistent complainants and provide copies to the Corporate Support Team, for example:

- when a decision is taken not to apply the policy when a member of staff asks for this to be done, or to make an exception to the policy once it has been applied; or

- when a decision is taken not to put a further complaint from such a complainant through its complaints procedure for any reason; or
- when a decision is taken not to respond to further correspondence, make sure any further letters or emails from the complainant are checked to pick up any significant new information.

Dealing with new complaints from a persistent complainant

When unreasonable and unreasonably persistent complainants make complaints about new issues these should be treated on their merits, and decisions will need to be taken on whether any restrictions which have been applied before are still appropriate and necessary.

Reviewing any restrictions on persistent complainants

The complainant has the right to challenge the decision on any restrictions to be applied under this policy and they should request for this review to take place within 10 working days of the initial notification. Such requests should be forwarded to the Head of Legal, Democratic & HR Services.

- The review will determine whether
 - a decision was right to invoke the policy and/or
 - any particular restrictions applied are justified;

Reviews of decisions to restrict a complainant's contacts or the authority's responses to them should be taken by an officer senior to the person who made the original decision. When reviews are carried out, the authority should write to advise the complainant of the outcome and, if restrictions are to continue to be applied, when these will next be reviewed.

Any restrictions will be reviewed by the Head of Legal, Democratic & HR Services in six months or when there has been any further contact from the complainant. If a complainant to whom CBC has decided the policy will apply has no contact with the Council within that period, the position should be reviewed and a decision taken on whether any restrictions placed on the complainant's contacts should be cancelled. . If the restrictions are cancelled, urgent consideration should be given to re-introducing the restrictions if the behaviour which led to the original decision re-commences.

Referring unreasonable and unreasonably persistent complainants to the Local Government and Social Care Ombudsman or Housing Ombudsman

In some cases, relations between authorities and unreasonable and unreasonably persistent complainants break down badly while complaints are under investigation and there is little prospect of achieving a satisfactory outcome. In such circumstances there is often little purpose in following through all stages of the council's complaints procedure and where this occurs the

Ombudsmen may be prepared to consider complaints before complaints procedures have been exhausted. This is the case even in respect of statutory complaints procedures.

A complainant who has been identified as an unreasonably persistent complainant may make a complaint to the Ombudsman about the way in which he or she has been treated. The Ombudsman is unlikely to be critical of the council's action if it can show that its policy has been operated properly and fairly.