

Policy Development and Review Committee		Agenda Item: 5
Meeting Date	24 February 2016	
Report Title	Complaints Policy and Unreasonably Persistent and Vexatious Complaints Policy	
Cabinet Member	Andrew Bowles, Leader	
SMT Lead	Abdool Kara, Chief Executive	
Head of Service	Dave Thomas, Head of Procurement and Customer Contact	
Lead Officer	Donna Price, Team Leader Corporate Governance Carol Sargeant, Customer Services Manager	
Key Decision	No	
Classification	Open	
Forward Plan	Reference number:	
Recommendations	1. That the Committee provide feedback, direction and input into the draft Complaints Policy and the draft Unreasonably Persistent and Vexatious Complaints Policy	

1 Purpose of Report and Executive Summary

- 1.1 This report presents a new Complaints Policy and a new Unreasonably Persistent and Vexatious Complaints Policy for comment. Strategic Management Team (SMT) has already considered the policies, and would welcome any comments from the Committee before finally approving them.
- 1.2 The two new policies will provide a framework for both our staff and customers to follow when making complaints, as all those associated with the complaint will know what is expected from them.

2 Background

- 2.1 Whilst there has been a complaints procedure in place for some time, no overall complaints policy has been adopted by Swale Borough Council. In addition, there has been no policy to assist with the small number of unreasonably persistent and vexatious complainants who can take up a disproportionate amount of officer time in dealing with their complaints.

- 2.2 Recognising this issue, Legal Services were asked for their advice in putting in place a policy to deal with such requests. A number of suggestions on how best to bring this forward were looked at and, following consultation between Legal Services and the Customer Services Manager, it was decided that a stand alone policy to deal with unreasonably persistent and vexatious requests be proposed. Since this initial consultation took place a decision was made to review the complaints documentation provided to our customers and that a formal complaints policy should also be adopted.
- 2.3 Whilst both policies could be amalgamated, this may have a negative effect on those wishing to complain because when provided with a policy where over a quarter of it deals with complaints that are unreasonably persistent or vexatious, this may not portray an openness to accepting complaints being made against the authority.
- 2.4 Following further discussions between Legal Services and the Customer Services Manager it was decided that both policies be considered by the Strategic Management Team simultaneously, in order that an informed decision on how best to proceed could be made.
- 2.5 Strategic Management Team considered and approved the two policies on 24 November 2015, subject to any comments from the Policy Development and Review Committee.

3 Proposals

- 3.1 This report invites the committee to consider the draft Complaints Policy and the draft Unreasonable and Vexatious Complaints Policy, and to provide feedback to enable the policies to be finalised.

4 Alternative Options

- 4.1 The Committee may take a view that it is not appropriate to adopt a Complaints Policy or an Unreasonably Persistent and Vexatious Complaints Policy. However, this is not recommended as the policies provide transparency in how complaints are dealt with, and they are designed to assist officers in dealing in an effective way with those complainants who are unreasonably persistent and vexatious.
- 4.2 The Committee may consider that the two policies should be amalgamated. However, consideration should be given as to whether the focus of the substantive Complaints Policy is overshadowed by the Unreasonably Persistent and Vexatious Policy, and the image this may portray to our customers.

5 Consultation Undertaken or Proposed

- 5.1 Consultation has taken place between the Customer Services Manager and Mid Kent Legal Services, Strategic Management Team, and the Leader of the Council.

6 Implications

Issue	Implications
Corporate Plan	These policies contribute to the “council to be proud of” corporate priority. In particular, it enables those residents with genuine complaints to be dealt with in an effective manner, without undue time being spent on those making unreasonably persistent and vexatious complaints.
Financial, Resource and Property	None identified at this stage.
Legal and Statutory	Adherence to the policies may mitigate any issues should any complaint be made to the Local Government Ombudsman. The final decision on adoption of the policies will be made by SMT taking into account the views of the Policy Development and Review Committee.
Crime and Disorder	None identifies at this stage.
Sustainability	None identified at this stage.
Health and Wellbeing	None identified at this stage.
Risk Management and Health and Safety	None identified at this stage.
Equality and Diversity	The policies apply to everyone in the same way.

7 Appendices

- 7.1 The following documents are to be published with this report and form part of the report:
- Appendix I: Complaints Policy
 - Appendix II: Unreasonably Persistent and Vexatious Complaints Policy

8 Background Papers

8.1 None.