

TONBRIDGE & MALLING BOROUGH COUNCIL

CABINET

30 March 2010

Report of Chief Executive

Part 1- Public

Executive Non Key Decisions

1 POLICY ON UNREASONABLE OR UNREASONABLY PERSISTENT COMPLAINANTS

This report proposes a policy on unreasonable or unreasonably persistent complaints for adoption by Tonbridge & Malling Borough Council.

1.1 The Policy

1.1.1 The Local Government Ombudsman has a policy for dealing with unreasonable or unreasonably persistent complainants. These are defined as “complainants who, because of the frequency of their contact with our offices, hinder our consideration of their, or other people’s, complaints”. While these cases are rare they can be very disruptive and resource intensive, as well as being distressing for those directly involved. The Ombudsman has produced a guidance note to help authorities to formulate their own policies based on what it regards as good practice.

1.1.2 A proposed policy for Tonbridge & Malling Borough Council is attached as an Annex to this report. It deliberately reflects the Ombudsman’s own policy and incorporates the guidance note to help ensure that our policy is applied properly and consistently in practice, while providing options and flexibility to enable officers to take a proportionate and fair approach. It also provides for the Council’s approach in dealing with individual cases to be recorded and thereby affords a basis for further review, learning and evidence in the event of a challenge.

1.2 Legal Implications

1.2.1 There is no legal requirement to have a policy on unreasonable or unreasonably persistent complainants.

1.3 Financial and Value for Money Considerations

1.3.1 As unreasonable or unreasonably persistent complainants are rare there are no significant financial or value for money considerations.

1.4 Risk Assessment

1.4.1 Application of this policy will reduce the risks of:

- short term disruption to services to other customers that these cases can cause
- unreasonable or unreasonably persistent complainants being treated inconsistently or unfairly
- the Ombudsman disagreeing with the Council's approach.

1.5 Recommendations

1.5.1 Members are recommended to approve and adopt this policy

Background papers:

contact: Bruce Hill

Nil

David Hughes
Chief Executive