

TONBRIDGE & MALLING BOROUGH COUNCIL

CABINET

21 March 2017

Report of the Director of Central Services & Monitoring Officer

Part 1 – Public

Executive Non Key Decisions

1 POLICY ON MANAGING UNREASONABLE COMPLAINANT BEHAVIOUR

Summary

This report proposes revisions to the existing policy adopted by the Borough Council in relation to unreasonable or unreasonably persistent complainants

1.1 Introduction

- 1.1.1 The Council's policy in relation to unreasonable or unreasonably persistent complainants was last reviewed by Cabinet in March 2010. A copy of the existing policy is attached as **Annex 1**. This was based upon the guidance of the Local Government Ombudsman (guidance dated April 2009).
- 1.1.2 While cases involving unreasonable complainants are rare, they can be very disruptive and resource intensive, as well as being distressing for those staff involved. It is therefore important that the Council adopts a consistent and fair approach to dealing with such cases.
- 1.1.3 In 2016 the Local Government Ombudsman reviewed its own guidance, on managing unreasonable complainant behaviour. A copy of the guidance is attached as **Annex 2**.

1.2 The Policy

- 1.2.1 A revised policy for Tonbridge & Malling Borough Council has been prepared, again based upon the guidance of the Local Government Ombudsman. This will ensure that our policy is applied consistently in practice, while providing the flexibility to enable officers to take a proportionate and fair approach.
- 1.2.2 A copy of the revised policy is attached as **Annex 3**.

1.3 Financial and Value for Money Considerations

- 1.3.1 There are no significant financial or value for money considerations arising from this report.

1.4 Legal Implications

1.4.1 There is no legal requirement to have a policy on unreasonable or unreasonably persistent complainants. However the adoption of a policy provides a transparent and consistent basis for decision making. This in turn should reduce the risks of decisions being overturned by the Local Government Ombudsman.

1.5 Risk Assessment

1.5.1 Adoption of the revised policy will reduce the risks of:

- Short term disruption to services to other customers that unreasonable complainants may cause;
- Unreasonable complainants being treated inconsistently or unfairly;
- The Local Government Ombudsman disagreeing with the Council's approach

1.6 Equality Impact Assessment

1.6.1 None arising from this report.

1.7 Recommendation

1.7.1 Members are requested to adopt the revised policy at **Annex 3**.

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Background Papers:

None

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