

Cabinet Member	Des Keers, Cabinet Member for Community Services
Responsible Officer	Damian Roberts, Chief Executive
Report Author	Adrian Stanfield, Director of Central Services & Deputy Chief Executive

Policy on managing unreasonable actions by complainants

1 Summary and Purpose of Report

- 1.1 This proposes revisions to the existing policy adopted by the Borough Council in relation to managing unreasonable actions by complainants (previously referred to as the policy on managing unreasonable or unreasonably persistent complainants).

2 Corporate Strategy Priority Area

- 2.1 Efficient services for all our residents, maintaining an effective council.
- 2.2 Adopting a revised policy in line with the recommendations of the Local Government & Social Care Ombudsman will ensure that the Council is able to respond efficiently to the needs of local residents.

3 Recommendations

- 3.1 Cabinet is invited to approve the revised policy at **Annex 3**.

4 Introduction and Background

- 4.1 The Council's policy in relation to unreasonable or unreasonably persistent complainants was last reviewed by Cabinet in 2017. A copy of the existing policy is attached as Annex 1. This was based upon the guidance of the Local Government & Social Care Ombudsman in operation at that time.
- 4.2 While cases involving unreasonable actions by complainants are very rare (only 3 current cases), they can be very disruptive and resource intensive, as well as impeding the investigation of complaints (whether from the complainant or others). It is therefore important that the Council adopts a consistent and fair approach to dealing with such cases.

- 4.3 In 2024 the Local Government & Social Care Ombudsman reviewed its own guidance, on managing unreasonable actions by complainants. A copy of the revised guidance is attached as **Annex 2**.

5 Proposal

- 5.1 A revised policy for Tonbridge & Malling Borough Council has been prepared, again based upon the current guidance of the Local Government & Social Care 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.
- 5.2 A copy of the revised policy is attached as **Annex 3**. Cabinet is invited to approve this policy.

6 Other Options

- 6.1 None considered.

7 Financial and Value for Money Considerations

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

8 Risk Assessment

- 8.1 Adoption of the revised policy will reduce the risks of:-
- Short term disruption to services to other customers that unreasonable actions may cause;
 - Unreasonable complainants being treated inconsistently or unfairly;
 - The Local Government & Social Care Ombudsman disagreeing with the Council's approach

9 Legal Implications

- 9.1 There is no legal requirement to have a policy on unreasonable actions by 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.

10 Consultation and Communications

- 10.1 If approved, the policy will be published on the Council's website.

11 Cross Cutting Issues

11.1 Climate Change and Biodiversity

11.1.1 Adaptation and resilience have not been considered.

11.1.2 Climate change advice has not been sought in the preparation of the options and recommendations in this report.

11.2 Equalities and Diversity

11.2.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

11.2.2 The ability for our residents / visitors to make a complaint through various channels remains in place.

Background Papers	None
Annexes	Annex 1 – Existing Policy Annex 2 – Local Government and Social Care Ombudsman guidance Annex 3 – Revised Policy