

Report to OVERVIEW AND SCRUTINY BOARD

Unreasonable Behaviour Policy

Portfolio Holder:

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Purpose of the Report

To submit details of a proposed new Unreasonable Behaviour Policy and revised Corporate Complaints Policy to Overview and Scrutiny Board for consideration and comments before final delegated Cabinet Member approval for the policies are sought. The new Unreasonable Behaviour Policy aims to support employees and members to manage unreasonable behaviour from customers and the Corporate Complaints Policy has also been updated.

Executive Summary

The Council currently does not have a policy for the management of Unreasonable Customer Behaviour and this new policy is now submitted for approval. The Council wants to engage with customers in ways that are open, fair and proportionate. A considered, policy-led approach will help employees and members to understand clearly what is expected of them, what options for action are available, and who can authorise these actions. The policy is intended to be published online on the Council's website and to be shared with customers and complainants if they start to behave unreasonably and action is taken. This will help to both manage both customer and complainant expectations and behaviour, as far as possible, when dealing with the Council.

The report also presents an updated Corporate Complaints Policy for approval.

Recommendations

That Overview and Scrutiny Board consider and comment on the Unreasonable Behaviour Policy and updated Corporate Complaints Policy before it is submitted for final delegated Cabinet Member approval.

Unreasonable Behaviour Policy

1 Background

- 1.1 A small number of residents, businesses and members of the public including complainants (customers) engage with the Council or pursue their complaints in a way that is unreasonable. They may behave unacceptably or be unreasonably persistent in their requests, communications and submission of information. This can have significant resource issues for the Council and impede the delivery of services. An Unreasonable Behaviour policy has been developed to clearly set out how the Council will manage this behaviour and is submitted for consideration together with an updated Corporate Complaints Policy.

2 Current Position

- 2.1 The Council's existing Corporate Complaints' Policy refers to the management of unreasonable behaviour, but the options and processes are not set out in detail. The Council also operates a Single Point of Contact procedure (SPOC) and this sets out the process to be used when contact is to be restricted to a one contact route, normally the via the Complaints team. The corporate SPOC approach is normally used in the more complex cases covering multiple service areas.
- 2.2 The Local Government and Social Care Ombudsman (LGSCO) recommends that Local Authorities have an Unreasonable Behaviour policy to help develop a proportionate approach when responding to unreasonable behaviour and to clearly set out the procedures that could be followed to restrict contact when this behaviour occurs.
- 2.3 The new policy (set out in Appendix 1) is designed to replace the current SPOC procedure (introducing a range of contact restrictions ranging from the management of contact within individual services to corporate SPOC implementation and more), define behaviours that are not acceptable and empower employees and members to deal confidently and effectively with unreasonable behaviour in the small number of case where this occurs. This will help ensure that the ability of an employee or member is not adversely affected by those who are behaving unreasonably and will help to ensure that they have a safe working environment and are not exposed to unnecessary stress as a result of the behaviour of others.
- 2.4 The policy also sets out the responsibility of employees and members to behave in a manner that model the values and behaviours of the Council and reflect the 7 principles of public life¹. These principles equally apply to elected representatives and those working in and delivering public services.
- 2.5 In setting out this policy, the Council recognises our customers' and complainants' right to be heard, understood and respected and will ensure that they are treated fairly, openly, honestly, consistently and appropriately in accordance with the Council's co-operative values.
- 2.6 An updated Corporate Complaints Policy (see Appendix 2) is also submitted for approval. The main changes are that the wording of the policy has been re-worked to improve the format, temporary references to how complaints are being managed by the Council during

¹ <https://www.gov.uk/government/publications/the-7-principles-of-public-life>

COVID- 19 have been included and the Unreasonable Behaviour policy has been referenced within the policy.

- 2.7 Both policies covered in this report are intended to be published online on www.oldham.gov.uk

3 Key Issues for Overview and Scrutiny to Discuss

- 3.1 Two options are presented for consideration by the Board:

Option 1 To approve the Unreasonable Behaviour Policy and updated Corporate Complaints Policy

Option 2 The Unreasonable Behaviour Policy and updated Corporate Complaints Policy is not approved. This would mean that the current Corporate Complaints policy and Single Point of Contact (SPOC) procedure would remain in place.

4 Key Questions for Overview and Scrutiny to Consider

- 4.1 The Board is asked to consider the policies and comment on them before final approval to adopt the policies is sought.

5. Links to Corporate Outcomes

- 5.1 The introduction of a new Unreasonable Behaviour Policy and the updating of a Corporate Complaints Policy is consistent with the cooperative values of the Council.

6 Additional Supporting Information

- 6.1 The policies are contained in Appendices 1 and 2.

7 Consultation

- 7.1 Consultation has been carried out with employees from a range of services including Customer Services, Human Resources and Communications. The report has been submitted to this committee for further consultation before final approval for the policies is sought.

8 Appendices

- 8.1 Appendix 1 Unreasonable Behaviour Policy
Appendix 2 Corporate Complaints Policy