

Delegated Cabinet Member Decision Report

Decision Maker and Portfolio area:	Councillor Abdul Jabbar MBE – Deputy Leader and Cabinet Member Finance and Green
Date of Decision:	11 February 2021
Subject:	Unreasonable Behaviour Policy and Corporate Complaints Policy
Report Author:	Caroline Lee Head of Revenues, Benefits and Business Support
Ward(s) Affected:	All

Reason for the decision: To request approval from the Cabinet Member for Finance and Green for the adoption of a new policy to support officers and members to manage unreasonable behaviour from customers. The report also seeks approval for the updating of the current Corporate Complaints Policy.

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 officers 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.

What are the alternative option(s) to be considered? Please give the reason(s) for recommendation(s):

There are two options presented for consideration:

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.

Recommendation(s):

The preferred option is Option 1, that the Unreasonable Behaviour Policy and updated Corporate Complaints Policy is approved.

The approval of these policies will support officers and members to understand clearly what is expected of them, what options for action are available when customer and complainant behaviour is unreasonable, and who can authorise these actions

Implications:

*What are the **financial** implications?*

There are no direct financial implications arising from this report (Anne Ryans)

What are the **procurement** implications?

There are no direct procurement implications arising from this report

*What are the **legal** implications?*

There are no direct legal implications arising from this report (Colin Brittain)

*What are the **Human Resources** implications?*

The Local Government and Social Care Ombudsman consider that it is good practice for organisations to have an Unreasonable Behaviours Policy. As the policy sets out the behavioural standards by which the council expects its residents, businesses and the wider public to operate, it ensures that Council officers and Elected Members are able to work in a safe environment without being subjected to complaints and communications which are considered unacceptable. It also empowers those working for the Council to deal with any issues confidently and effectively; escalating where necessary

The principles of the policy complement wider council employment policies such as the Code of Conduct and the council's Social Media Policy in terms of behavioural standards and approach. As part of the

work undertaken to develop the Unreasonable Behaviour Policy, these policies have also been reviewed to ensure that they remain fit for purpose and integrated with council internal and external standards.

The Unreasonable Behaviours Policy will be published for external access, but also will form part of the suite of internal workforce policies on the council's intranet which outline council's standards in term of behaviours and conduct. (Elisabetta Coccia)

Equality and Diversity Impact Assessment attached or not required because (please give reason)

An equality and diversity impact assessment is not required.

What are the **property** implications?

There are no property implications arising from this report.

Risks:

The adoption of an Unreasonable Behaviour Policy and the updating of the Complaints Policy is seen as a sensible and pragmatic way to strengthen its present processes thus reducing the risk of future challenge should individuals behave unreasonably in raising issues against the Council. (Mark Stenson)

Co-operative agenda

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.

Has the relevant Legal Officer confirmed that the recommendations within this report are lawful and comply with the Council's Constitution? Yes

Has the relevant Finance Officer confirmed that any expenditure referred to within this report is consistent with the Council's budget? Yes

Are any of the recommendations within this report contrary to the Policy Framework of the Council? No

List of Background Papers under Section 100D of the Local Government Act 1972:

Title	Available from
Unreasonable Behaviour Policy	Appendix 1
Corporate Complaints Policy	Appendix 2

Report Author Sign-off:	
Caroline Lee	Head of Revenues, Benefits and Business Support
Date: 11.2.2021	

1.0 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 approval together with an updated Corporate Complaints Policy.

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

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

- 2.7 Both policies covered in this report are intended to be published online on www.oldham.gov.uk
- 2.8 Further updates to other complaints procedures e.g. for Adult Social Care will be the subject of future reports

3.0 Options/Alternatives

- 3.1 There are two options presented for consideration:
- 3.2 Option 1 – To approve the Unreasonable Behaviour Policy and updated Corporate Complaints Policy
- 3.3 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.

4.0 Preferred Option

- 4.1 The preferred option is Option 1, that the Unreasonable Behaviour Policy and updated Corporate Complaints Policy is approved. The approval of these policies will support officers and elected members to understand clearly what is expected of them, what options for action are available when customer and complainant behaviour is unreasonable, and who can authorise these actions.

5.0 Consultation

- 5.1 Consultation has been carried out with officers from a range of services including Customer Services, Human Resources and Communications. The report was considered by Overview and Scrutiny Board on 22 July 2020 and on 19 January 2021. The board recommended that the report be submitted for approval without further amendments.

Cllr Abdul Jabbar
Deputy Leader and

Cabinet Member for Finance and Green ____



Date: 25/02/2021

In consultation with

Director of Finance



Date: 25/02/2021

