

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO CABINET

17 JANUARY 2023

REPORT OF THE MONITORING OFFICER

UNREASONABLE BEHAVIOUR / VEXATIOUS COMPLAINANT POLICY

1. Purpose of report

- 1.1 The purpose of this report is to present to Cabinet the revised Unreasonable Behaviour or Vexatious Complainant Policy for approval.

2. Connection to corporate well-being objectives/other corporate priorities

- 2.1 This report assists in the achievement of the following corporate well-being objectives under the **Well-being of Future Generations (Wales) Act 2015**:
- **Supporting a successful sustainable economy** – taking steps to make the county borough a great place to do business, for people to live, work, study and visit, and to ensure that our schools are focussed on raising the skills, qualifications and ambitions for all people in the county borough.
 - **Smarter use of resources** – ensure that all resources (financial, physical, ecological, human and technological) are used as effectively and efficiently as possible and support the creation of resources throughout the community that can help to deliver the Council's well-being objectives.

3. Background

- 3.1 Most of the contact the Authority has with members of the public (customers) is positive. However, in a minority of cases the contact is not positive and customers pursue their requests for a service or complain in a way that is unreasonable. This can have a negative impact on the way that their complaint is handled and on the Authority's ability to provide services to other customers.
- 3.2 Having a policy to deal with unreasonable customer behaviour and vexatious requests helps officers to understand clearly what is expected of them, what options are available and who can authorise these actions. It can also be shared with customers and help manage their expectations and explain that certain behaviours will not be tolerated.
- 3.3 It is recommended that a customer should be given an opportunity to moderate their behaviour and in particular with persistent complaints any actions should be proportionate to the nature and frequency of the complainant's current contacts.

4. Current situation/proposal

- 4.1 Cabinet approved the Unreasonable Behaviour and / or Vexatious Complainants Policy on 22 January 2019 as a day one requirement. However, unreasonable behaviour towards representatives of the Council is not limited to complaints and can arise more generally from service interaction with the public that results in actual or threatened violence or abuse.
- 4.2 The policy (attached as **Appendix 1**) has been revised to recognise that whilst the Council will continue to respond openly and transparently to complaints and concerns, it has a clear set of values and will not tolerate unreasonable or abusive behaviour towards its staff, Elected Members or any third party. The policy gives examples of what this behaviour might be, the actions the Council may take to address this and the process through which a complainant can challenge this decision.
- 4.3 Almost all complaints are reasonable but unfortunately there are a small number of complainants whose behaviour has become unreasonable that it takes a disproportionate amount of officer time to manage contact with them. Examples of the type of unreasonable behaviour that officers currently deal with are:
- Complainants contacting multiple officers and Members via email and telephone multiple times with the same issue, without allowing the Council an opportunity to look into the issue;
 - Complainants using rude and aggressive language in emails and over the telephone with officers.
- 4.4 In order to deal with this excessive contact effectively, the worst cases are allocated a single point of contact within the Council. In the last 12 months, three complainants have been deemed as vexatious, which represents 0.9% of all corporate complaints received. One of the complainants, over a three month period called the Council in excess of 2500 times. The issues they have raised have all been responded to previously, but they persisted in contacting the Council and presented as threatening towards members of staff through swearing at them, making demands and stating that they felt like “smashing up” the Civic. This takes up a considerable amount of Officer and Member time and does not result in any improvement to services, which is the point of the complaint process.

5. Effect upon policy framework and procedure rules

- 5.1 There is no effect on the policy framework and procedure rules.

6. Equality Act 2010 implications

- 6.1 The protected characteristics identified within the Equality Act, Socio-economic Duty and the impact on the use of the Welsh language have been considered in the preparation of this report. As a public body in Wales, the Council must consider the impact of strategic decisions, such as the development or the review of policies, strategies, services and functions. It is considered that there will be no significant or unacceptable equality impacts as a result of this report.

7. Well-being of Future Generations (Wales) Act 2015 implications

7.1 The well-being goals identified in the Act were considered in the preparation of this report. It is considered that there will be no significant or unacceptable impacts upon the achievement of well-being goals/objectives as a result of this report.

8. Financial implications

8.1 There are no financial implications arising from this report.

8.2 Dealing with vexatious complainant behaviour is resource intensive and detracts resources from serious issues, through unreasonable demands on the Council. A robust policy will enable these complainants to be managed more effectively.

9. Recommendation

9.1 Cabinet is recommended to approve the revised Policy attached as **Appendix 1**.

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Background Documents: None