

Audit and Governance Committee

13 January 2025

Corporate Complaints and Managing Customer Behaviour

For Decision

Cabinet Member and Portfolio:

Cllr R Hope, Customer, Culture and Community Engagement

Executive Director:

J Mair, Director of Legal & Democratic

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Report Status: Public

Brief Summary: The Council maintains a policy for how it manages corporate complaints, outside of the statutory complaints processes for social care matters. The Local Government and Social Care Ombudsman issued a revised Complaint Handling Code in February 2024, and therefore the Corporate Complaints policy has been reviewed and updated to reflect Dorset Council's consideration of the best practice recommendations in the Code. This revised policy is presented to the Audit and Governance Committee for approval. For avoidance of doubt, the performance of complaints is considered annually by both Scrutiny Committees and the 2023/24 reports are linked within the background papers for reference.

There are occasions where customer behaviour may deviate from what Council employees and Councillors should expect. This can be through vexatious behaviour, where the complaints process is exhausted but the complainant remains dissatisfied, potentially exerting aggressive or violent behaviour, or engaging in hate incidents. The Council has a protocol for managing such behaviour, and this has been subject to regular review, to ensure that it is updated to reflect any learnings from previous cases. It also benefits from the

terms and definitions as outlined by the Ombudsman. The revised protocol is presented for approval.

Changes made to both documents have been highlighted in the appendices.

Recommendation:

For Audit and Governance Committee to:

- a) Review and approve the revised Corporate Complaints Policy; and
- b) Review and approve the revised Managing Customer Behaviour Protocol

Reason for Recommendation: To ensure that the Corporate Complaints Policy is consistent with the Local Government and Social Care Ombudsman's revised Code, and that adverse customer behaviours can be managed fairly and appropriately.

1. Corporate Complaints Policy

- 1.1 There are statutory complaints processes for Childrens and Adults Social Care, as well as Councillor Code of Conduct. Of course, this only covers part of the Council's roles and responsibilities, for which there is equally a desire to deliver public satisfaction. There will be occasions where an individual will be unhappy with the service that they have received, and will wish to submit a complaint. The Corporate Complaints Policy sets out how these will be managed, outside of the statutory processes but observing some of the best practice Code provided by the Ombudsman.
- 1.2 The Local Government and Social Care Ombudsman (LGSCO) produced a revised Complaint Handling Code in February 2024, setting out what Councils should do procedurally to handle complaints. Therefore, whilst a corporate complaints policy is not a statutory requirement, the failure to maintain and adhere to one might expose the Council to findings of maladministration resulting in injustice to complainants.
- 1.3 The LGSCO had originally intended that the Code should be treated as statutory guidance and its requirements mandatory upon all authorities within scope. However, the LGSCO has since recognised that the guidance does not have that legal status. Accordingly, it is open to the Council to deviate from the LGSCO's preferred approach where the Council considers this appropriate

- 1.4 The Corporate Complaints policy has been reviewed and updated in the light of the LGSCO's Code, with variations where this is considered appropriate to reflect our local experience.
- 1.5 The Code can be viewed from [this link](#), and was aimed at providing alignment with the Housing Ombudsman Code. The most significant changes are:
- Clarification of what constitutes a “complaint” vs a “service request”;
 - A recommendation that Council's operate a two stage process (ie reviewed by one officer, with an escalation to a more senior officer if the complainant remains unhappy, before escalation to the LGSCO);
 - A recommendation that Councils accept complaints within a 12 month window, and apply discretion to accept complaints outside of this time limit where there are good reasons to do so;
 - A recognition that a high volume of complaints should not be perceived as a negative, as it demonstrates a well publicised and accessible process;
 - A recognition that organisations should have a designated and sufficient resource assigned for complaint handling, including liaison with the LGSCO on escalated matters, with access to staff at all levels to enable prompt resolution;
 - Promoting a positive culture of learning from complaints;
 - The need for organisations to have policies and procedures for dealing with unacceptable behaviours from complainants or their representatives;
 - The consideration of a financial remedy without escalation to the LGSCO to reflect the impact on an individual where fault is identified, whilst appreciating that often an apology will suffice
- 1.6 The Council's revised draft policy responds to the majority of the points included within the Code. The policy does not however adopt the introduction of a second stage. The Council removed the second stage in July 2021 as it considered that it provided an unnecessary additional burden on services with secondary investigations whilst generally not

changing the outcome. Instead the second local stage presented further delay to the complainant in being able to escalate the matter to the LGSCO for an external and independent assessment. It is the view of the report writer that the Council should instead continue with a firm and thorough single stage investigation. This justification to retain a single stage local process has been detailed in 4.2 of the revised policy.

1.7 For avoidance of doubt, responsibility for scrutiny of complaints performance rests with both the scrutiny committees, who each receive an annual report. The 2023/24 Annual Report can be viewed [here](#).

1.8 The Committee are asked to review and approve the changes made to this Whole Authority Complaints Policy.

2. **Managing Customer Behaviour Protocol**

2.1 Most customers that contact the council do so politely and respectful of Council employees and other workers. Even the most challenging customer may have a valid point that needs to be addressed. However there are exceptional circumstances where behaviour can present an issue to wellbeing or result in an excessive amount of time being spent in response.

2.2 The Managing Customer Behaviour Protocol sets out the process for how the Council manages vexatious complainants and contact, in addition to aggression, actual/attempted violence and hate incidents. The protocol is supported by a schedule of customers whose contact has been deemed "unreasonable", and is made available to Council services on a risk based need to know basis, as well as made available to councillors.

2.3 Inclusion and removal from the schedule is managed via the Unreasonable Behaviours Panel, which is chaired by the Service Manager for Assurance and includes representation from a number of key services areas – complaints; customer services, health and safety, mental health team and a representative from the equality team. Where a service has escalated a customer for potential inclusion, the relevant operations manager will attend in a non-voting capacity to brief the panel on the incident(s). There are currently nine customers recorded on the schedule, which demonstrates that it is in exceptional circumstances that individuals are included. The associated behaviours do however present a disproportionate amount of time to manage. Cases are reviewed on an annual basis, and where behaviours have improved, the individual is removed from the schedule.

2.4 Since the protocol was ratified by the Committee in July 2021, a number of minor amendments have been made to the process, and a revised protocol was approved in January 2024. The work of the panel is continuously reviewed, and the protocol amended to reflect learnings, particularly where the customer has appealed the decision. Following review during 2024, a number of further changes have been made, and are presented to the committee for adoption. This includes:

- Recognising that there are occasions where behaviours may not be deemed to be unreasonable, but may merit managing through a single point of contact or similar, to provide a co-ordinated response;
- Definitions of unreasonable behaviour have been aligned to that of the LGSCO;
- Clarification that information requests (freedom of information, subject access requests etc) should fall outside of the panels remit, and considered on a case by case basis as to whether they are vexatious;
- Recognition of the Press Complaints Commission Editors' Code of Conduct;
- Encouragement to report hate crimes;
- Requirement for written papers to provide an evidence base for decision making;
- Clarification of the review process, in the event that a panel decision is appealed;
- Authority for the panel chair to add an individual to the schedule immediately, where deemed to pose a high risk to safety.

3. **Financial Implications**

None

4. **Natural Environment, Climate & Ecology Implications**

None

5. **Well-being and Health Implications**

The Managing Unreasonable Customer Behaviour protocol is designed to protect Council workers against the negative effect of vexatious, aggressive or violent behaviour.

6. **Other Implications**

None

7. **Risk Assessment**

7.1 HAVING CONSIDERED: the risks associated with this decision; the level of risk has been identified as:

Current Risk: Low

Residual Risk: Low

8. **Equalities Impact Assessment**

No adverse implications identified

9. **Appendices**

Appendix A – Whole Council Complaints Policy

Appendix B – Managing Customer Behaviour Protocol

10. **Background Papers**

The 2023/24 Annual Report can be viewed [here](#)

11. **Report Sign Off**

This report has been through the internal report clearance process and has been signed off by the Director for Legal and Democratic (Monitoring Officer), the Executive Director for Corporate Development (Section 151 Officer) and the appropriate Portfolio Holder(s)