

North York Moors National Park Authority Finance, Risk, Audit and Standards Committee

1 February 2021

Update on Changes to the Authority's Corporate Complaints Procedure, including a policy on the management of unreasonable complainant behaviour

1. Purpose of the Report

- 1.1 To provide members with an update on work undertaken to revise the Corporate Complaints Procedure, including the addition of a policy on the management of unreasonable complainant behaviour and plans for members training.

2. Background

- 2.1 The Authority's Corporate Complaints Procedure has been in place for a considerable time and been subject to periodic updates. It last received a light touch review in 2018 after being highlighted as an area for consideration as part of the Annual Governance Statement presented to FRASC on 5 June 2017.
- 2.2 Members have previously expressed some concern at the potential for a very small number of complainants to take up a disproportionate amount of Officer time in dealing with them effectively. As a result of this and Local Government Ombudsman (LGO) guidance to review complaints procedures, Officers have recently undertaken a full review of the current procedure.
- 2.3 The Local Government Ombudsman has helpfully released new guidance (October 2020) on effective complaint handling for local authorities. The work recently undertaken and discussed in this paper, has taken account of this revised guidance.

3. Revisions to the Corporate Complaints Procedure

- 3.1 The Authority's current procedure can be seen on our website <https://www.northyorkmoors.org.uk/about-us/our-service-to-you/complaints,-compliments-and-feedback/complaints-procedure>
- 3.2 The changes to the current procedure, which can be seen at **Appendix 1** and the reasoning behind these, are as follows;

Informal Stage or more explanation – The LGO recommends that processes should have an informal stage. The purpose of this is to explore with the complainant whether their issue could be resolved via discussion rather than through the formal process. This would also give a complainant the opportunity to discuss concerns with an officer to explore whether a more satisfactory conclusion for the complainant might be achieved through other means, such as directing individuals elsewhere if the matter isn't resolvable within the Authority's complaints procedure.

Unreasonable Complainant Behaviour - The LGO recognises that unreasonable and persistent complainants do occur from time to time. The LGO recommends that Authorities write a short policy to assist in the management of these cases. A number of NPAs already have a policy in place and a similar approach has now been developed here at NYMNPA, see **Appendix 2**.

- 3.3 The LGO guidance refers to the role of ‘Councillors’ (Members in our case) in a complaints procedure and officers believe, that as our complaints are brought to the attention of FRASC members on a quarterly basis, that it would be beneficial for FRASC members to attend training for this part of this process, so members become fully aware of the kinds of questions they should be asking officers in relation to complaints received by our Authority. This training will be provided by the Authority’s Monitoring Officer, date to be confirmed.
- 3.4 Officers’ ask members to note the changes to the complaints procedure and the introduction of the Authority’s new policy on management of unreasonable complainant behaviour. Members are also asked to note that guidance for officers on how to word complaint responses will also be updated to include the LGO’s latest model wording along with an update to staff processes for the monitoring and recording of complaints received by the Authority.

4. Financial and Staffing Implications

- 4.1 The revisions in paragraph 3 of this report are intended to improve the operational effectiveness of the Complaints procedure, both for Officers and Customers

5. Risks and Legal Implications

- 5.1 There are no significant risks or legal implications stemming from this Report. By following the LGO’s specific guidance, there is a significantly reduced chance of any complainant being able to demonstrate that the Authority has not dealt with their complaint in an appropriate and consistent manner.

6. Recommendation

- 6.1 That Members note the contents of this report and the work undertaken and are happy to attend a suitable training session with the Authority’s Monitoring Officer or Deputy at a mutually convenient time.

Background Papers for this Report

Current Corporate Complaints Procedure

Current LGO Guidance on handling of Complaints – October 2020

<https://www.lgo.org.uk/information-centre/reports/guidance-notes/guidance-on-effective-complaint-handling-for-local-authorities>

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North York Moors National Park

Complaints Procedure

Your complaint will receive attention under one of the three stages of our complaints procedure listed below. You are encouraged to highlight your issue quickly to enable a speedy resolution.

If you are unhappy with the response you receive as a result of any investigation, please let us know and your complaint will be investigated at the next level.

Informal stage or more explanation

If you wish to discuss an issue or you simply wish to request an explanation for an action we have taken, please phone, write or e-mail us and request to be put in contact with the relevant individual or service directly; our officers will always try to resolve any concerns you may have at this initial informal stage. On receiving a complaint, Officers may contact you directly to see if the matter can be resolved informally.

Please note:

To avoid unnecessary waste of public resources, and where otherwise reasonable to do so, the Authority will opt to give explanation only to two specific complaint types; those made purely on the merits of a planning decision and those which can be resolved by reasonable, alternative mechanisms.

Formal Stage

Stage 1

A Director will investigate your complaint and report their findings to you within 10 working days of us receiving your complaint. You will normally receive a letter explaining the findings of the investigation.

Stage 2

The Chief Executive (National Park Officer) will deal with the investigation of complaints which have already been considered at Stage 1, or are matters of such a serious nature that they warrant an investigation at this level. You will normally receive a response within 20 working days.

The Chief Executive will have the option of referring complaints to the Finance, Risk, Audit and Standards Committee for confirmation of his findings, this may be done at any stage and will usually involve a delay in a final reply to the complainant.

Complaints about the Chief Executive

These complaints will be referred to the Chairman of the National Park Authority; he/she will arrange for an investigation to take place and then the matter will be considered by the Finance, Risk, Audit and Standards Committee.

Please note:

If we are unable to reply within these timescales you will be notified in writing. If appropriate a proposed solution to your complaint will be suggested.

Sometimes the Authority may decide to employ the services of a suitably qualified individual to help the officer investigate a complaint.

It is the policy of this Authority not to publish details of complaints or compliments. Information about your complaint or compliment will, however, be published in a confidential report to Members; a basic summary of their discussions in relation to this report will be made public.

Unreasonable complainant behaviour

The Authority values the feedback on our services that we receive through the complaints process and we are committed to dealing with all complaints fairly and impartially and to making our service as accessible as possible. In a minority of cases people pursue their complaint in a way that is unreasonable. They may behave unacceptably or be unreasonably persistent in their contacts and submission of information. This can hinder us in providing services and consume disproportionate amounts of time and staff resource. [\[link to go in here to access.... Policy on the management of unreasonable complainant behaviour\]](#)

Local Government Ombudsman

If you are unhappy with the way the Authority has dealt with your complaint you may complain to the Local Government Ombudsman.

Further details are available on request from the National Park Office, at the Local Government Ombudsman website or you can telephone the Advice Line on 0845 6021983.

You are usually required to exhaust the Authority's complaints procedure before referring the matter to the Ombudsman.

Occasionally you may be directed to the Ombudsman by the Authority before all the stages of the internal procedure have been exhausted. This will only be done where it is felt that nothing further will be achieved by dealing with the matter internally.

Useful information elsewhere

Local Government Ombudsman website - for the Local Government Ombudsman's Annual Review of the Authority



**North York Moors
National Park**

Policy on the management of unreasonable complainant behaviour

Introduction

The Authority values the feedback on our services that we receive through the Complaints process. However, in a minority of cases people pursue their complaints in a way that is unreasonable and which in turn can hinder us in providing our services, and consume significant amounts of resource.

Unreasonable complainant behaviour

The following actions and behaviours are examples of complainant conduct which are often problematic. Single incidents may be unacceptable, but more often the difficulty is caused by unreasonably persistent behaviour that is time consuming to manage and interferes with proper consideration of the complaint. Examples of such behaviour could include;

- Refusing to cooperate with the complaints investigation process;
- Refusing to accept that certain issues are not within the scope of a complaints procedure;
- Making excessive demands on the time and resources of staff with lengthy phone calls, emails to numerous Authority staff, or detailed letters every few days and expecting immediate responses;
- Making unjustified complaints about staff who are trying to deal with the issues and seeking to have them replaced;
- Raising many detailed but unimportant questions, and insisting they are all answered;
- Insisting on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- Introducing trivial or irrelevant new information at a later stage;
- Adopting a 'scatter gun' approach: pursuing parallel complaints on the same issue with various organisations;
- Submitting repeat complaints with minor additions/variations which the complainant insists make these 'new' complaints;
- Refusing to accept the decision; repeatedly arguing points with no new evidence.

We will not tolerate threatening, offensive, abusive or other forms of unacceptable behaviour from complainants. When it occurs, we will take proportionate action to protect the wellbeing of our staff and the integrity of our processes. When necessary, we will take action to restrict access to our service when unreasonable behaviour of this nature persists.

Warnings

In most instances when we consider someone's behaviour is unreasonable, we will

explain why and ask them to change it. We will share this policy and warn them that, if the behaviour continues, we may take action to restrict their contact with our offices. Where the behaviour is so extreme that it threatens the immediate safety and welfare of our staff, we may report the matter to the police or consider taking legal action. In such cases, we may not give the complainant prior warning.

Restricting access to the Authority's services

The decision to restrict access to our staff will be taken by the Chief Executive, the Authority's Solicitor and the relevant Director or Head of Service. They will write to the complainant with a copy of this policy to explain:

- why the decision has been taken;
- what it means for his or her contacts with the Authority;
- how long any restrictions will last;

The sort of restrictions imposed could include:

- restricting telephone calls to specified days and limited times;
- limiting contacts to one form only (for example, a maximum of one letter or email a week);
- requiring contact to take place with one named officer;
- responding only with an acknowledgement confirming receipt of a letter or email unless new material is presented;
- requiring the complainant to enter into an agreement about their future contacts with the Authority;

Other suitable options will be considered in the light of the complainant's circumstances. Our objective, wherever possible, is to complete consideration of the complaint on its merits in a managed way.

Restrictions should be lifted and relationships returned to normal unless there are good grounds to extend them. We will tell the complainant of the outcome of our review. If restrictions are to continue, we will explain our reasons and state when these will next be reviewed.

Terminating access to the Authority's service

If a complainant continues to behave unreasonably, or overrides the restrictions placed on access to our service, we may decide to terminate contact with them and end any investigation into their complaint.

New complaints

New complaints from people whose behaviour has previously been deemed unreasonable will be treated on their merits. Restrictions imposed in respect of an earlier complaint will not automatically apply to a new matter.