

Report to:	Audit and Governance Committee Council	Date of Meeting:	Wednesday 19 June 2024 11 July 2024
Subject:	Unreasonably Persistent and Unacceptable Behaviour Policy		
Report of:	Executive Director of Corporate Resources and Customer Services	Wards Affected:	(All Wards);
Portfolio:	Corporate Services		
Is this a Key Decision:	No	Included in Forward Plan:	No
Exempt / Confidential Report:	No		

Summary:

To provide Members with a revised policy and procedure for dealing with unreasonably persistent and unacceptable behaviour by members of the public when complaining to the Council or making data access requests.

Recommendation(s):

Audit and Governance Committee

(1) To consider the report and the revised policy and to make any appropriate comments or amendments and to submit a final draft to Council for approval

Full Council

(1) To endorse the policy recommended by the Audit and Governance Committee

Reasons for the Recommendation(s):

The revised policy will provide officers with a framework in which to deal with complainants who exhibit unreasonably persistent and unacceptable behaviour.

Alternative Options Considered and Rejected: (including any Risk Implications)

None. The current policy was endorsed by Full Council on 2 March 2017 and requires updating particularly in light of the Council motion of 18th April 2024 ‘*Support to Women in Public Life*’.

What will it cost and how will it be financed?

(A) Revenue Costs

None

(B) Capital Costs

None

Implications of the Proposals:

Resource Implications (Financial, IT, Staffing and Assets): None	
Legal Implications: Having such a policy will stand the authority in good stead when it comes to dealing with individual cases. This approach is recommended by the Local Government Ombudsman’s office and the Information Commissioner	
Equality Implications: None	
Impact on Children and Young People: None	
Climate Emergency Implications: The recommendations within this report will	
Have a positive impact	No
Have a neutral impact	Yes
Have a negative impact	No
The Author has undertaken the Climate Emergency training for report authors	Yes

Contribution to the Council's Core Purpose:

Protect the most vulnerable:
Facilitate confident and resilient communities:
Commission, broker and provide core services:

From time to time members of the public can become vexatious or unfocussed complainants or in their data requests. This can be very difficult for officers to deal with and very time consuming.

The proposed policy and procedure if agreed will give officers a framework against which to consider dealing with such complainants and ensure that they are dealt with consistently and in a fair and proportionate manner

Place – leadership and influencer:

Drivers of change and reform:

Facilitate sustainable economic prosperity:

Greater income for social investment:

Cleaner Greener

What consultations have taken place on the proposals and when?

(A) Internal Consultations

The Executive Director of Corporate Resources and Customer Services (FD.7674/24) and the Chief Legal and Democratic Officer (LD.5774/24) have been consulted and any comments have been incorporated into the report.

(B) External Consultations

None

Implementation Date for the Decision

Immediately following the Council meeting.

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Appendices:

- Revised Unreasonably Persistent and Unacceptable Behaviour Policy

Background Papers:

There are no background papers available for inspection.

1. Introduction

- 1.1 From time-to-time complainants and members of the public can act in a way that makes it impossible for officers to reach a resolution on their complaints or data requests. Efforts by officers to resolve such matters can also take up a disproportionate amount of officer time when resources are increasingly scarce. Complainants and members of the public falling into this category are a very small proportion of those engaged in the vast amount of correspondence exchanged between the Council and members of the public each year.
 - 1.2 The policy is applicable to complaints that Members of the Council have breached the Council's Members' Code of Conduct, and the Monitoring Officer will be mindful of the policy when dealing with such complaints.
 - 1.3 The attached draft revised policy and procedure document aims to establish a set of principles for both staff and complainants to either resolve difficulties or for the Council to garner sufficient evidence to be able to cease responding to individual's correspondence.
- 2 Furthermore, on 18th April 2024 Council unanimously approved the following motion submitted by Councillor Atkinson:

Support to Women in Public Life

45% of Sefton Councillors are women, with Sefton Council recently appointing its first female leader in its 50-year history.

Sefton is a positive reflection of how increasing numbers of women are participating in politics and wider public life, including being elected to public office, attending political events, and making their voices heard. Even in societies where women do not have equal rights, they often risk their lives to speak out and are not prepared to be silent partners in the future of their countries.

But despite the progress women have made in this country and in this instance in Sefton, there is the ever-present spectre of misogyny, particularly on social media. Unfortunately, we are all aware of the level of abuse many, if not all, female councillors experience. This can involve inappropriate language of a sexualised nature, threats, accusations, complete lies, foul language, humiliating negative comments about looks, body size and shape, to name a few. The sole aim of this disgraceful behaviour, given it is specifically targeted at women, is to seek to undermine all that is female. The trolls all have one thing in common...their hatred of women.

In recognition of this serious problem and the desire of this council to demonstrate its continued support to women in public life:

This council resolves to

- Take a zero-tolerance approach to this behaviour and help protect female councillors in Sefton.
- -Agree to treat those individuals(with the appropriate evidence,)who are guilty of this despicable behaviour as vexatious complainants to deter further insult and degradation to women because of their gender.
- In light of this motion, ask officers to review the Council's Vexatious and Unfocussed Complaints Policy.
- Work closely with the Police and Crime Commissioner and the Police to hold to account and work toward full prosecution of those who are guilty of those behaviours.
- Work with newly elected female councillors to advise them of those who have been identified as vexatious complainants because of the inappropriate behaviour in order they take a robust approach and protect themselves from these attacks.

2.1 If approved, senior managers in the Council will be tasked with ensuring that those that deal with complaints and data requests are acquainted with and understand the policy. It is proposed that the policy will be added to the Council's transparency pages and appropriate links made on the Council's website to ensure that the policy is accessible to all.

2.3 Having such a published policy is recommended as good practice by both the Local Government Ombudsman's office and the Information Commissioner's Office.