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**Report to:** Audit and Governance Committee      **Date of Meeting:** 7 December 2016

**Subject:** Vexatious or Unfocussed Complaints & Data Requests      **Wards Affected:** All

**Report of:** Head of Regulation and Compliance

**Is this a Key Decision?** No      **Is it included in the Forward Plan?** No  
**Exempt/Confidential** No

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### **Purpose/Summary**

To provide Members with a proposed policy and procedure about the Vexatious or Unfocussed Complaints and Data Requests.

### **Recommendation(s)**

- 1 To consider the contents of the report and to make any appropriate recommendations or amendments.
- 2 To recommend the draft policy to Council for consideration.

### **How does the decision contribute to the Council's Corporate Objectives?**

	<b><u>Corporate Objective</u></b>	<b><u>Positive Impact</u></b>	<b><u>Neutral Impact</u></b>	<b><u>Negative Impact</u></b>
1	Creating a Learning Community		x	
2	Jobs and Prosperity		x	
3	Environmental Sustainability		x	
4	Health and Well-Being		x	
5	Children and Young People		x	
6	Creating Safe Communities		x	
7	Creating Inclusive Communities		x	
8	Improving the Quality of Council	x		

	Services and Strengthening Local Democracy			
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**Reasons for the Recommendation:**

To allow members to consider the draft policy and procedure for this sometimes difficult area of work.

**Alternative Options Considered and Rejected:**

None

**What will it cost and how will it be financed?**

**(A) Revenue Costs**

Nil

**(B) Capital Costs**

Nil

**Implications:**

The following implications of this proposal have been considered and where there are specific implications, these are set out below:

<b>Financial</b>	
Nil	
<b>Legal</b>	
Having such a policy which it is anticipated will be published on the Council's transparency pages 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.	
<b>Human Resources</b>	
<b>Equality</b>	
1. No Equality Implication	<input type="checkbox"/>
2. Equality Implications identified and mitigated	<input type="checkbox"/>
3. Equality Implication identified and risk remains	<input type="checkbox"/>

**Impact of the Proposals on Service Delivery:**

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.

### **What consultations have taken place on the proposals and when?**

The Head of Regulation and Compliance is the author of the report (LD 3592/16)

The Head of Corporate Resources (FD4309/16) has been consulted and notes the report indicates no direct financial implications for the authority.

Strategic Leadership Board considered the item in July 2016 and concurred with the draft document.

### **Implementation Date for the Decision**

Following consideration at Council.

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### **Background Papers:**

There are no background papers available for inspection

## **1. Introduction**

1.1 From time to time complainants, 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 attached draft 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.

1.3 Through the introduction of the new I-Casework system it will be possible to monitor the use and application of the policy and it is likely that next year it will be possible to report back to members on its use.

1.4 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 documentation will be added to the Council's transparency pages and appropriate links made on the Council's website to ensure that the documentation is accessible to all.

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