GMCA – Standards Committee

Date: 12 February 2019

Subject: Review of GMCA Complaints Procedure and Adoption of Policy on the Management of Unreasonable Complainant Behaviour

Report of: GMCA Monitoring Officer

PURPOSE OF REPORT

To inform the Standards Committee of the Review of the GMCA’s Complaints Procedure which now includes both Waste & Resources and Fire & Rescue functions.

To endorse the adoption of a Policy on the Management of Unreasonable Complainant Behaviour.

A revised Complaints Procedure and a policy on the Management of Unreasonable Complainant Behaviour are attached for the Committee’s consideration.

RECOMMENDATIONS:

The Committee is recommended to consider the report and note the revised Complaints Procedure and endorse the adoption of a Policy on the Management of Unreasonable Complainant Behaviour.

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Risk Management – the Complaints Procedure forms part of GMCA’s corporate governance arrangements
Legal Considerations – legal requirements are referred to throughout the Complaints Procedure
Financial Consequences – none
Financial Consequences – none

BACKGROUND PAPERS:

GMCA Complaints Procedure

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1. INTRODUCTION

1.1. The GMCA is committed to providing high quality services to the public.

1.2. In the event that the public is dissatisfied with a service provided by the GMCA, the GMCA is committed to ensuring that there are effective arrangements in place to report, investigate and resolve complaints.

2. BACKGROUND

2.1. The functions of the GMCA have changed significantly since 2017 through a number of statutory Orders. In particular, the GMCA has taken on statutory responsibility for some frontline services to the public.

2.2. In May 2017, the functions of the former Greater Manchester Fire and Rescue Authority transferred to the GMCA and are exercisable by the GM Mayor. The GMCA has therefore statutory responsibility for the provision of fire and rescue services in Greater Manchester.

2.3. In April 2018, the functions of the former Greater Manchester Waste Disposal Authority transferred to the GMCA. The GMCA has responsibility for the management and disposal of municipal waste from the metropolitan districts of Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Stockport, Tameside and Trafford. The GMCA discharges these functions through a network of waste management facilities in Greater Manchester operated by a waste contractor.

3. COMPLAINTS PROCEDURE

3.1. The GMCA’s existing complaints procedure has been reviewed as part of its governance arrangements.

3.2. The policy has been amended to incorporate the procedure for complaints arising out of fire and rescue service delivery and waste facilities operated by the waste contractor.

3.3. In the case of waste complaints, it is recognised that the waste contractor has a role in the resolution of complaints and will ordinarily undertake stage 1 (informal) and stage 2 (formal).

3.4. In the case of fire and rescue, complaints about the standard of service, conduct of staff or acts or omissions of the fire and rescue service will continue ordinarily to be undertaken within the Fire and Rescue function.

3.5. The revised complaints procedure is attached for the Committee’s consideration.

4. MANAGEMENT OF UNREASONABLE COMPLAINANT BEHAVIOUR
4.1. The GMCA is committed to dealing with all complaints in an open, fair and proportionate manner. However, in a small number of cases individuals may pursue their complaints in a way that is unreasonable.

4.2. A policy on the Management of Unreasonable Complainant Behaviour has been drafted in line with Guidance produced by the Local Government and Social Care Ombudsman.

4.3. The policy contains examples of what constitutes unreasonable behaviour and the process for dealing with such behaviour.

4.4. The Committee is requested to consider the attached policy and endorse its adoption.
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Greater Manchester Combined Authority – Complaints Procedure

We aim to provide high-quality services for all members of the public. We accept that things can sometimes go wrong and we need to know when you are not happy with our service.

When you tell us what you are not happy with, we can try to put things right. In future, we can try to get it right first time. We will treat your complaint seriously and deal with your complaint positively. We see any complaints as an opportunity to improve the way we do things.

Our aims

We are committed to putting you first and providing quality customer service. This includes dealing with any complaint you may have.

- We will deal with your complaint quickly and fairly.
- We will tell you what is happening with your complaint and we will do everything we can to help you.
- We will do our best to treat the information you give us in confidence.
- We will explain our decision.
- We will use complaints to review and improve the way we provide services.
- If you make a complaint, it will not affect your rights to receive or use Combined Authority service.

How do I make a complaint?

Before submitting a complaint to the Greater Manchester Combined Authority (GMCA) you should ensure that you have raised the complaint with the correct organisation. The Greater Manchester Combined Authority has not replaced existing local authorities, individual councils of Greater Manchester’s ten districts deliver the vast majority of services for your community. Also, the GMCA has not replaced companies and organisations providing and managing public transport in Greater Manchester.

If you make a complaint to us that does not directly relate to an activity carried out by the Greater Manchester Combined Authority we will advise which organisation you should make your complaint to. If you have emailed or written to us we will pass your complaint onto the right organisation and let you know we have done this.

Transport Complaints

If you have a complaint about any transport-related matter Transport for Greater Manchester’s Customer Engagement Team will be pleased to help. They can be contacted on: customer.relations@tfgm.com or via social media using @OfficialTfGM. The team will make sure that any comments or complaints are logged and responded to or passed to the relevant third party operator (for example a bus company) so they can directly respond to the complainant. Further information can be found online at www.tfgm.com
Complaints about Metrolink can be directed to customerservices@metrolink.co.uk or via social media using @MCRMetrolink. Further information can be found online at www.metrolink.co.uk

If you have been through the complaints procedure of the appropriate transport provider and you are unhappy with the response provided you may wish to escalate your complaint to Transport for Greater Manchester’s (customer.relations@tfgm.com) who will work with the operator to resolve the issue.

You can also escalate your complaint to Transport Focus, whose contact details and complaint handling process can be found online at www.transportfocus.org.uk

Waste and Resource Complaints from Greater Manchester Waste Facilities

If you have a complaint about a waste site in Greater Manchester the Waste and Resources Team will be happy to help. The team will make sure that any comments or complaints are recorded and responded to or passed to the operating waste contractor (a private company who operates waste facilities on behalf of the Greater Manchester Combined Authority) so they can directly respond to the complainant.

- ContractManagervwgm@viridor.co.uk

If you have been through the complaints procedure of the appropriate waste company and you are unhappy with the response provided you may wish to escalate your complaint to the Waste and Resource Team who will work with the waste contractor to resolve the issue.

- GMWaste@greatermanchester-ca.gov.uk
- 0161 778 7110

Greater Manchester Local Enterprise Partnership

If you have a complaint about Greater Manchester Local Enterprise Partnership then you should can email us on enquiries@greatermanchester-ca.gov.uk, ring us on 0161 778 7000, or write to:

Complaints, The Greater Manchester Local Enterprise Partnership  c/o
Head of Greater Manchester Integrated Support Team
P.O. Box 532
Town Hall
Manchester M60 2LA

The Greater Manchester Local Enterprise Partnership follows the same complaints procedure as the Greater Manchester Combined Authority.

Greater Manchester Fire and Rescue Service

Greater Manchester Fire and Rescue Service is fully committed to providing the highest possible levels of service to the public of Greater Manchester. Your comments and complaints
will help us to identify areas for improvement in our service delivery and result in a better and more responsive service.

Please get in touch via email: complaints@manchesterfire.gov.uk

Or, alternatively, by phone on 0161 608 4352, or by post:

Complaints Greater Manchester Fire and Rescue Service
146 Bolton Road
Swinton
Manchester
M27 8US

How the Greater Manchester Combined Authority Deals with Complaints

We want to make sure that when you tell us that you are not happy with something your complaint is dealt with fairly and sorted out as quickly as possible. We have tried to make our complaints process as straightforward as possible, which is set out below.

Step One - Informal Complaint

Where possible, an officer of the GMCA will do their best to help resolve the issue for you. You can contact us on enquiries@greatermanchester-ca.gov.uk or ring us on 0161 778 7000, or write to:

c/o Assistant Director - Governance and Scrutiny
GMCA
Churchgate House
56 Oxford Street
Manchester M1 6EU

When you contact us, please give us your name and address - including your postcode - and your phone number. If you prefer, you can ask a friend or relative to speak or write to us for you.

If you are not happy with the outcome of this you can go through a formal complaints procedure which is outlined below.

Step Two - Formal Complaint

If the officer have not been able to help put things right, or you are not happy with the result, the next step is for you to make a formal complaint. At this stage, we need all the details of your complaint in writing. You can email us at enquiries@greatermanchester-ca.gov.uk or write to us at:
Your complaint will be handled by a senior manager in the team you're complaining about.

For all complaints we will:

- Let you know that your complaint has been received within 3 working days.
- Provide you with a full response within 20 working days, or explain why it might take longer.
- Give you details of who has investigated your complaint and their decision on it.
- Advise you on how to take your complaint further if you are still unhappy with the result.

Step 3 - Complaint Review

If you have been through Steps 1 and 2 of the complaints procedure and you are still not happy with the results of the investigations, you can ask the GMCA’s monitoring officer to review your complaint. Please do this within 10 working days of receiving the outcome of your complaint.

The GMCA’s Monitoring Officer will write to you within three working days to let you know:

- that they are reviewing your complaint;
- approximately how long it will take us to carry out the review; and when they will send out a written reply.

We aim to complete a complaints review within 25 working days.

Dealing with Repeating Complaints

We are committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who make them. However, there are occasions when contact from a complainant becomes too frequent or complex that it hinders our consideration of their complaints, or those made by other people. We refer to such complainants as either vexatious or unreasonably persistent, and in such cases we may take action to limit the contact the complainant has with us. Such occurrences are rare, and we will first write to the complainant to advise that their contact is no longer considered reasonable. Further information can be found in our vexatious complaints policy.

If you'd like to take things further – Local Government and Social Care Ombudsman

We really hope we are able to resolve any complaints you might have. If however, you are unhappy with the action we have taken, you may want to contact the Local Government and Social Care Ombudsman.
You can contact the Local Government and Social Care Ombudsman about your complaint at any time. However, the Ombudsman usually gives the Combined Authority the opportunity to investigate first.

You can contact the Local Government and Social Care Ombudsman at:

Local Government and Social Care Ombudsman
PO Box 4771
Coventry CV4 OEH
Phone: 0300 061 0614
Text: ‘call back’ to 0762 480 3014
Website: www.lgo.org.uk

You can get leaflets about how to complain to the Local Government and Social Care Ombudsman from any of Council's offices or any library.

Is there anyone else who can help?

Apart from asking for help from a friend or relative, you can contact an independent person or organisation, for example:

• your local councillor
• your MP
• Citizen's Advice Bureau

If you know your Ward name of the Council area you live in go to its web site and search for your Councillor. Find out who your MP is click here. Visit the Citizen's Advice Bureau website for information about their services.

You can contact your councillor at any time about your complaint. The councillor will normally ask the senior manager dealing with your complaint to provide details of why you complained and what they have done to put things right.

Comments and suggestions

As well as learning from complaints, we want to know any comments or suggestions you may have that will help us improve our services. You can do this by telling a member of staff about your comment or suggestion or by putting your comment or suggestion in writing. You can contact us by sending an email to enquiries@greatermanchester-ca.gov.uk or writing to us at Use this form to make a comment or suggestion about our website.

Frequently Asked Questions

I'm worried that if I complain, the service I receive will be affected
Definitely not. We always aim to provide the best possible service to all our customers, and we will not change that just because we are investigating your complaint.

Is the information I give you confidential?
Any information you give us is covered by Data Protection guidelines. This means that we -
will keep personal data safe and secure; will not share it with other organisations without
your permission, unless the law says we must; and may use it to prevent and detect fraud.

I want to make a complaint, but want to stay anonymous - will you still look into it?
Yes. While it is helpful to us to know who you are so we can get in touch with you for extra
details, we believe everyone has a right to complain. As a result we will investigate
anonymous complaints thoroughly.

note
Policy on the Management of Unreasonable Complainant Behaviour

CONTENTS

1. Introduction

The Greater Manchester Combined Authority (‘GMCA’) is committed to dealing with all complaints in an open, fair and proportionate manner and we endeavour to provide a high quality service to those who make them. GMCA has an established policy for dealing with complaints.

However, we recognise that in some cases individuals may pursue their complaints in a way that is unreasonable. Although these cases represent a small number of overall complaints, they can cause considerable disruption for staff, generate a disproportionate amount of additional work and can sometimes impact upon the wellbeing of our staff. This policy describes the type of complainant behaviour which may be considered to be unreasonable and GMCA’s approach when responding to such behaviour.

This policy has been drafted with reference to the Local Government and Social Care Ombudsman’s “Guidance note on management of unreasonable complainant behaviour” (July 2014).

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1 For the purposes of this policy the term ‘staff’ includes officers and members of GMCA.
2. Policy aims and principles

This policy is governed by the following principals –

- All complainants will be treated fairly and with respect.
- All complaints will be considered on their merits.
- Unreasonable complainant behaviour does not preclude there being a valid issue.
- The substance of a complaint will dictate the level of resources dedicated to it, rather than a complainant’s demands or behaviour.
- Staff safety and wellbeing is paramount when dealing with unreasonable complainant behaviour.
- The decision to change or restrict a complainant’s access to services as a result of their behaviour will only be made at a senior management level and in accordance with clearly defined policies and procedures.
- Senior managers will ensure relevant systems, policies and procedures are in place to manage complaints and that all staff who interact with complainants will receive training, guidance and direction about managing unreasonable behaviour.

This policy aims to describe -

- the type of behaviour which falls within the scope of this policy;
- the process for making a decision to invoke the policy, which is consistent, transparent and reasonable;
- the type of action which may be taken by GMCA in response to unreasonable complainant behaviour.

3. Definition of ‘unreasonable complainant behaviour’

This policy covers ‘unreasonable complainant behaviour’ which may include one or two isolated incidents as well as ‘unreasonably persistent behaviour’ which more usually involves a build-up of behaviour or incidents over a longer period of time.

For GMCA’s purposes ‘unreasonable complainant behaviour’ is behaviour of a person which, because of its nature or frequency –

- hinders GMCA’s consideration of that person’s complaint, or other people’s complaints: and/or which
- adversely affects GMCA’s ability to do its work and provide services to others.

4. Examples of unreasonable complainant behaviour

Some examples of behaviour which may fall within the scope of this policy are set out below. This is not an exhaustive list:

- Refusing to specify the grounds of a complaint, despite offers of help;
Refusing to co-operate with the complaints investigation process;
Refusing to accept that issues are not within the remit of a complaints procedure despite having been provided with information about the procedure’s scope;
Insisting on the complaint being dealt with in ways that are incompatible with the adopted complaints procedure or with good practice;
Making unjustified complaints about the staff who are trying to deal with the issues and seeking to have them replaced;
Changing the basis of the complaint as the investigation proceeds and/or denying statements he or she made at an earlier stage;
Introducing trivial or irrelevant new information at a later stage which the complainant expects to be taken into account and commented on,
Raising many detailed but unimportant questions and insisting they are all answered;
Electronically recording meetings and conversations without the prior knowledge and consent of the other persons involved;
Adopting a 'scatter gun' approach: pursuing parallel complaints on the same issue with GMCA and various other organisations, for example with a Member of Parliament/a councillor/GMCA’s independent auditor/the Standards Board/local police/solicitors/the Local Government and Social Care Ombudsman.
Making excessive demands on the time and resources of staff with lengthy or excessive phone calls, emails to numerous GMCA staff, generating detailed letters every few days and expecting immediate responses;
Submitting repeat complaints, with minor additions/variations the complainant insists make these 'new' complaints;
Refusing to accept the decision – repeatedly arguing the points with no new evidence and complaining about the decision (particularly when there remains scope for the complainant to escalate the complaint to the next formal stage e.g. the Local Government and Social Care Ombudsman);
Making a complaint which in GMCA’s reasonable opinion is unfounded, unreasonable or trivial and/or is made with the intention of wasting GMCA officer time and resources and/or prevents GMCA from carrying out its business, or harasses GMCA staff, or which is otherwise made in bad faith.

In addition to the above, GMCA does not expect staff to tolerate behaviour which is abusive, offensive or threatening and may include:

- Using abusive, offensive or foul language on the telephone or in writing (including emails and social media);
- Using abusive or foul language face to face;
- Sending multiple emails to one member of staff;
- Leaving multiple voicemails for one member of staff;
- Making direct threats;
- Directly verbally insulting staff or making derogatory comments about them.
Staff should also consider other contact with GMCA, such as through Freedom of Information Act requests, when considering whether to treat complainant behaviour as unreasonable.

5. Procedure for invoking this policy

Before taking any action under this policy, staff must ensure that any complaint is being or has been investigated properly, that communications with the complainant have been adequate and that the complainant is not now providing any significant new information that might affect the organisation’s view on the complaint.

Stage 1 – issuing a warning

If staff consider that the behaviour of a complainant falls within the scope of this policy they should notify the Head of the service associated with the complaint, describing and providing sufficient examples of the behaviour concerned, why it is considered to be unreasonable and why they consider that the policy should be invoked. Emails and correspondence may be provided to the Head of the service as further evidence.

The Head of the service associated with the complaint will then consult with the Monitoring Officer of GMCA before deciding whether to issue a written warning to the complainant. Any written warning that is issued must explain why the complainant’s behaviour is considered to be unreasonable and will request that he/she change this behaviour. The complainant should also be warned that this policy will be invoked should the unreasonable behaviour continue. A copy of this policy should be included with the written warning.

If the behaviour of the complainant is so extreme or it threatens the immediate safety and welfare of staff the Head of the service associated with the complaint may proceed directly to Stage 2 without issuing a written warning. Alternatively GMCA may consider other options including police involvement or legal action and in such cases GMCA does not need to issue a written warning to the complainant.

Stage 2 – taking action

If a complainant continues to behave unreasonably following receipt of a written warning, the Head of the service area associated with the complaint, in consultation with the Monitoring Officer of GMCA, will decide what action to take to manage the unreasonable behaviour.

Any action taken should be proportionate to the nature and frequency of the complainant’s current contacts. The following options may be suitable, taking the complainant’s behaviour and circumstances into account:

- Placing limits on the number and duration of contacts with staff per week or month;
- Offering a restricted time slot for necessary calls;
- Limiting the complainant to one medium of contact (for example telephone, letter, email etc.);
• Requiring the complainant to communicate only with a named member of staff;
• Requiring any personal contacts to take place in the presence of a witness and in a suitable location;
• Requiring the complainant to enter into an agreement about their future behaviour before their case proceeds;
• Where a decision on the complaint has been made, telling the complainant that future correspondence will be read by a designated person and placed on file but not acknowledged, unless it contains material new information.

The above list is not exhaustive. Other suitable options may also be considered in light of the complainant’s circumstances.

If a decision has been made to apply restrictions to the complainant’s contact with GMCA staff, the Head of the service area associated with the complaint will write to the complainant to explain why the decision has been taken, what it means for his or her contact with GMCA, how long any restrictions will last and/or when they will be reviewed, and the right of the complainant to refer the matter to the Local Government and Social Care Ombudsman.

If, in addition to any regulation of access, a decision is taken not to pursue the complaint under the Complaints Policy, this must also be put in writing to the complainant along with the reasons for the decision.

New complaints from individuals who have are subject to action under this policy will be treated on their merits.

6. Further action

If the complainant fails to adhere to any conditions regulating his/ her contact with GMCA and/or uses or threatens violence against staff, then the matter should be referred to the GMCA Monitoring Officer for advice as to the most appropriate and proportionate action to be taken, which may include civil or criminal legal proceedings (e.g. ASBO and/ or injunction proceedings).