

EQUALITY SCREENING

Equality Impact Assessment guidance should be considered when completing this form.

POLICY/FUNCTION/ACTIVITY	LEAD OFFICER
Policy for dealing with unreasonable actions by people who make complaints	Clare Pinnock

A. What is the aim of this policy, function or activity? Why is it needed? What is it hoped to achieve and how will it be ensured it works as intended? Does it affect service users, employees or the wider community?

The aim of the policy is to have in place measures to deal with people who make complaints but their action may be considered unreasonable. By unreasonable we mean acting in a way that is discriminatory, abusive, aggressive, threatening or violent. It could also cover people that are unduly persistent, repetitive, ‘vexatious’ or otherwise demanding of staff, contractors or councillors. The policy is relevant to all staff, contractors, councillors and service users as well as organisations which assist people making complaints and the emergency services who might have to deal with an incident.

B. Is this policy, function or activity relevant to equality? Does the policy, function or activity relate to an area in which there are known inequalities, or where different groups have different needs or experience? Remember, it may be relevant because there are opportunities to promote equality and greater access, not just potential for adverse impacts or unlawful discrimination. The Protected Characteristics are; Sex, Age, Disability, Race, Religion and Beliefs, Sexual Orientation, Marriage and Civil Partnership, Gender Reassignment, Pregnancy and Maternity.

People whose actions may be considered unreasonable could share any of the protected characteristics. Looking at instances where the policy has been invoked may indicate which particular protected characteristics are relevant.

In terms of mitigation, someone may use aggressive language or exhibit aggression owing to a medical condition, so each case where the policy is considered relevant should be treated on its merits. Reasonable adjustments can be made in these circumstances. Great care needs to be taken when dealing with someone who is deemed unreasonable and to ensure they understand why the policy is being invoked. There needs to be a clear justification for and evidence of being unreasonable which is documented and approved by a Corporate Head before it is used and that if used it is reviewed regularly (at least every 6 months and if a person deemed unreasonable makes a new complaint). People against whom the policy has been invoked can appeal to the Monitoring Officer.

Invoking the policy can be done in different ways and consideration given to the most appropriate way of responding to it and helping the person understand why their behaviour is unreasonable. This might take the form of a letter, a face to face conversation either directly or through an advocate, or a telephone conversation

depending on whether a protected characteristic has been engaged and is relevant to our response.

If the policy, function or activity is considered to be relevant to equality then a full Equality Impact Assessment may need to be carried out. If the policy function or activity does not engage any protected characteristics then you should complete Part C below. Where Protected Characteristics are engaged, but Full Impact Assessment is not required because measures are in place or are proposed to be implemented that would mitigate the impact on those affected or would provide an opportunity to promote equalities please complete Part C.

C. If the policy, function or activity is not considered to be relevant to equality, what are the reasons for this conclusion? Alternatively, if there it is considered that there is an impact on any Protected of Characteristics but that measures are in place or are proposed to be implemented please state those measures and how it/they are expected to have the desired result. What evidence has been used to make this decision? A simple statement of 'no relevance' or 'no data' is not sufficient.

This policy is relevant to equalities and a full impact assessment follows.

This screening assessment will need to be referred to the Equality Group for challenge before sign-off.

Date completed: 20 August 2024

Sign-off by senior manager:

EQUALITY IMPACT ASSESSMENT

SCOPING

1. What aspects of the policy function or activity are particularly relevant to equality? Other aspects should not necessarily be excluded from the assessment, but attention should be focused on the most important areas and include which of the equality strands the policy function or activity is relevant to. Diversity within the strands should also be considered. Please consider whether any comments made in Part B of the Screening form are relevant here.

A policy for dealing with unreasonable actions by people who make complaints needs to be sensitively handled with reference to the protected characteristics that might be most relevant. These might for example be age and or disability if someone has had trouble accessing the complaints process or has not had the outcome they hoped for because of policy constraints (statutory or local policy) or how the policy is applied to different groups of people.

2. Set out the available evidence that will help you assess the impact of this policy function or activity on equality. This could include service-level monitoring data, analysis of complaints/enquiry records, existing user feedback, data obtained from external sources and information about the local community. You may find it useful to compare your service-user statistics against the [Runnymede population profile](#).

Using data captured in Jadu when complaints are originally lodged may help inform the evidence should they progress to a stage where the person making the complaint is considered to be acting in a way that is unreasonable. When complaints are lodged we are required to record where reasonable adjustments have been made and particular protected characteristics may be relevant or apparent when dealing with the complaint. Using the data produced through case work with the Local Government or Housing Ombudsman may also assist. For example, evidence suggests that not recording reasonable adjustments for example if a customer needs to be engaged with large print documentation may lead to multiple complaints which might be considered unreasonable unless the original adjustment has not been followed through in correspondence. An analysis of people that have been considered unreasonable against a protected characteristics profile might reveal patterns and trends to assist in future mitigation.

3. What consultation and involvement has been undertaken in relation to this (or a similar) policy, function or activity and what are the results? If none have been carried out, what consultation will be needed? Data may be available from recent consultation activities on a related policy or Equality impact assessment.

Feedback from people that have been deemed as acting in an unreasonable manner would inform the policy going forward. We should seek feedback and take into account evidence provided.

Staff that deal with complaints including stage 1 and stage 2 complaint handlers have undergone training provided by the Local Government Ombudsman. This includes having a good grounding in recognising issues that might be relevant to people with protected characteristics.

Whilst unreasonable complainant action tends to focus on multiple complaints which can be labelled vexatious, the policy should dovetail with the policies in place for addressing aggressive behaviour, protecting lone workers, front line staff across business centres and staff undertaking home visits because unreasonable behaviour may occur in any situation be it face to face, by telephone, email or letter.

4. Are there any gaps in the information established from the consultation and involvement undertaken and referred to in Part 3? If so, set out how these gaps will be filled?

This will need to be completed going forward to identify any gaps.

Where it is not possible to fill information/data gaps in time to inform this assessment, specific action points will need to be included in the action plan section Part 10 below, with a focus on monitoring the actual impact of the policy function or activity.

ASSESSING IMPACT

It is essential to consider not just the intended consequences of the policy but also any unintended consequences and barriers that might prevent it being effective for people within any of the Protected Characteristic groups.

Please use the Grid included below to assess the impact of the Policy/function/action on each of the Protected Characteristics. When completing the assessment, please bear in mind the following questions;

1. **What are the main findings of your consultation and involvement activities, and do they demonstrate problems that need to be addressed? For example, could the policy, function or activity outcomes differ according to people’s ethnic group, disability, gender, religion/belief, sexual orientation, or age?** For instance, there might be evidence of higher or lower participation/uptake by different groups.

2. **If there is a disproportionate impact on one group, is it appropriate and consistent with the objective?** For instance the policy may include lawful positive action or other methods to address particular needs or may be considered to be a proportionate means of achieving a legitimate aim

Protected Characteristic	Positive		Neutral	Negative		Comments
	High	Low		High	Low	
						If all the protected characteristics are taken into account at each stage to ensure fairness and transparency the outcome should be a low positive for each
Age		✓				
Disability		✓				
Gender Reassignment		✓				
Marriage / Civil Partnership		✓				
Pregnancy / Maternity		✓				
Race		✓				
Religion / Belief		✓				
Sex		✓				
Sexual Orientation		✓				

7. Does the policy, function or activity miss potential opportunities to promote equality or positive attitudes to (and between) different Protected Characteristics or communities?

Analysing data with regard to what has been deemed to be unreasonable action may raise awareness that often people become frustrated with the process if they are unsatisfied with the outcome of the complaints process and may have a protected characteristic, and their action could be misinterpreted as unreasonable. For example, the use of inappropriate language, a medical condition which makes someone more prone to getting angry, upset and aggressive whilst recognising that there are acceptable boundaries to protect staff and councillors from abuse if they are trying to help resolve a complaint. Fairness and transparency are key to managing the process and implementing a policy that treats each case on its merits and can signpost people to additional assistance.

ADDRESSING THE IMPACT: ACTION PLANNING, MONITORING AND REVIEW

8. Does the policy, function or activity require reconsideration or amendment? If not, explain the reasons for this conclusion. If an adverse impact has been identified, you will need to set out the justification for continuing the policy, function or activity or outline measures to mitigate the impact.

The policy is a revised one building on a previous protocol and has been drawn up using guidance issued by the Local Government Ombudsman and largely following their own policy for dealing with people whose actions may be considered unreasonable.

9. What actions have you identified as a result of this equality impact assessment? These might include improving data collection in order to give a clearer picture of your service-users, physical adjustments to a building, arranging for information to be sent out to individuals in alternative formats or languages, or consulting with a wider group of people to understand the impact of the policy.

Consideration needs to be given to the place this protocol sits alongside other policies for example dealing with aggressive behaviour, lone working and other front line roles which might encounter people who behave unreasonably and might be covered by this protocol depending on the level of engagement and length of time involved and whether it is directly connected to the complaints policy linked to this process. It may be appropriate to use this policy to cover relentless and time-consuming contact from customers who are say they are aggrieved but are not being dealt with through the complaints process (e.g. because they have totally exhausted that route)

10. Action Plan (where applicable): Who will be responsible for completing these actions and in what timescale? How will you review the actual impact of this policy function or activity?

Provide details of timescale and actions for review, and details of how the actions will be evaluated to measure if expected outcomes are achieved in practice. You may have identified 'triggers' that would indicate a problem with the policy, function or activity and suggest a revision is be needed.

The protocol will need to be reviewed after 6 months of operation under the direction of CLT and any findings and feedback from residents and staff incorporated into the review.

Gaining the initial support from CLT and SLT will help the policy to be implemented fairly and used as a 'last resort' in the complaints process.

This assessment will need to be referred to the Equality Group for challenge.

Date completed: 20 August 2024

Sign-off by an authorised Officer/Manager: