



Gedling Borough Council's Unacceptable Customer Behaviour Policy

Unacceptable Customer Behaviour Policy

This policy should be used in conjunction with other Council policies (for example; the Compliments, Complaints and Comments Policy, Equality and Diversity Policy and those policies relating to health & safety) and with consideration to the Council's obligations under the Human Rights Act, Freedom of Information Act, and the Equality Act.

The Council is committed to putting customers at the heart of service delivery. We recognise that our customers may have different needs and may communicate with us in different ways. We believe that all customers have the right to be listened to, understood and respected. We also believe that Council staff have the same right.

Most of the contact that Council staff have with customers is very positive. Very occasionally a customer acts in a way that we consider unacceptable. We understand that people sometimes get frustrated when things don't go right and we encourage our customers to openly express their views to us, and we do want to hear our customers concerns, which we appreciate can be passionately expressed, so that we can put things right. We will not however accept behaviour from customers which is considered to be threatening, intimidatory or abusive to our staff, nor do we accept a customer's behaviour where due to its frequency or manner hinders the Council's consideration of their request or complaint or places an unreasonable burden on the Council's resources in dealing with the matter.

Unacceptable behaviour from customers is rare and this policy and procedures therein will only be applied as a last resort.

The purpose of this policy and procedure is to guide employees and managers on the Council's approach to dealing with unacceptable behaviour from customers. Unacceptable behaviour from customers can arise in any contact with the Council and this policy covers all such contacts where the customer's behaviour is considered unacceptable, including when a customer's unacceptable behaviour arises through contact with the Council under the Council's complaints process.

Any unacceptable customer behaviour will be dealt with on an exception basis and action will be taken to limit their contact with the Council. This will ensure that Council resources are used effectively and that other service users and/or staff do not suffer any detriment as a result of the customer behaviour.

This policy and procedure applies to all Council staff and covers all Council buildings as well as meetings, visits and contacts with customers held off site.

Where the unacceptable behaviour displayed by a customer puts the health and safety of staff at risk, a customer could be subject to inclusion on the Employee Protection Register (EPR). **Staff should raise EPR referrals with their managers whenever this policy and procedures therein are applied.**

What is unacceptable behaviour by customers?

Unacceptable behaviour is any behaviour which is damaging or has hurtful effects either physically or emotionally on other people or that leads to staff being afraid for their personal safety or mental wellbeing.

Examples of this sort of behaviour may include:

- Verbal or written abuse including prejudice or discrimination
- Harassment and intimidation
- Bullying, behaviour
- Aggressive, malicious, or threatening behaviour
- Assault
- Injury caused by pets
- Threats of harm to staff or property
- Unreasonably persistent complainants
- Repeated contacts which are vexatious

Whilst unreasonably persistent complainants are a form of unacceptable customer behaviour, the process for dealing with unreasonably persistent complainants is set out separately within this policy. To be clear, in the process of handling complaints a customer may behave in a way that also, on its own, amounts to unacceptable behaviour, in such instances, depending on the circumstances both processes may apply.

Process for dealing with unacceptable customer behaviour

Unacceptable customer behaviour may include, but is not limited to any of the behaviours listed above. Each case must be considered on its own merits, particularly when considering what action should be taken to address the behaviour. For example, a one off extremely violent outburst may result in a swifter more serious response than an accumulation of behaviour, for example where the volume of contact and the content is considered to amount to harassment.

STAGE 1 – Staff Action

What to do if you are experiencing unacceptable behaviour either on the telephone, face to face or via written communication (response should be adapted depending on method of communication).

- Politely explain to the customer that the Council expects its staff to be treated with respect and ask the customer to moderate their behaviour.
- If the behaviour continues warn the customer what will happen if they do not stop. For example, you may have to pass their call/query to your manager to deal with, or you may end the telephone call, or ask them to leave.
- If the behaviour does not change, follow through on your warning, refer to your manager, end the call, or leave the meeting and report the incident to your manager.

- Where contact is ended explain the reason for this. For example '*I am no longer prepared to continue our conversation because you are swearing and shouting at me*'.
- Report the incident to your manager and complete the Incident report form which is accessed on the Health and Safety software system on the intranet.

What to do if a customer is behaving in a violent or aggressive way towards you or other people (generally face to face)

- End the meeting/interaction with the customer and if you can explain why eg "*I am leaving the meeting now as your conduct is not acceptable*".
- If possible take action to protect your safety, the customer's own safety and the safety of other staff and customers. This action can include:-
 - Requesting support from a Manager or colleague
 - Pressing the internal panic alarm to summon assistance (if in proximity to an alarm). These are located: under the main customer service reception desk, inside interview booths in customer services, on licensing reception desk and inside housing needs interview rooms.
 - Activating your personal security device (if appropriate)
 - Getting yourself/others to a place of safety
- If the behaviour is threatening the safety of staff or other people call the Police immediately.
- Report the incident to the relevant manager.
- Report the incident to your manager and complete the Incident report form which is accessed on the Health and Safety software system on the intranet.

STAGE 2 – Manager Action

Any reported incident must be reviewed by a manager who was not involved in the initial incident. The manager will:

- Investigate the case including talking to the staff member involved and, if appropriate the customer.
- Consider whether any further action is required or whether this was an incident which can be concluded with no further action or with a warning to the customer about consequences of future unacceptable conduct.
- If, on investigation, the manager considers that further action is required due to the seriousness of the behaviour, or where a warning as to unacceptable conduct has been ignored by the customer, the manager should refer the matter to the Head of Service.

- The Head of Service, in consultation with the relevant Director can then consider the matter and determine what action, if any should be taken in relation to the customer. This may include any of the actions listed in Stage 3 below.
- The manager may also wish to refer the customer at any stage for inclusion on to the EPR.

Where an investigation of an incident by a manager is considered so serious that interim measures need to be put in place whilst the investigation is ongoing, again, the matter should be referred to the Head of Service who can determine appropriate actions (listed in Stage 3) in consultation with Director.

Process for Unreasonably Persistent Complainants

Who is an unreasonably persistent complainant?

An unreasonably persistent complainant may have a justified complaint or grievance, but may pursue them in inappropriate ways, or they may be intent on pursuing complaints that have no substance or which have already been investigated and determined. Their contact with the Council may be amicable but still place heavy demands on staff time.

An unreasonably persistent complainant may exhibit behaviours outlined in appendix 1. The danger is that their complaint, even if it has merits, is treated without a significant degree of seriousness and consideration, which compounds their complaint and leads to criticism of the Council.

STAGE 1 – Referral process to Head of Service

The decision to designate someone as an unreasonably persistent complainant will be made by the Head of Service for the relevant service area, in consultation with the relevant Director. The decision to designate someone as an unreasonably persistent complainant should only be taken where it is proportionate. When referring a complainant to a Head of Service, the relevant service manager should, prior to referral:

- Ensure that the complaint has been or is being investigated properly in line with the Compliments, Complaints and Comments policy. If the complainant asks the same question, due to failure by the Council to adequately respond to the complaint this cannot be considered persistent.
- Ensure that communications with the complainant have been adequate and the complainant is not now providing any significant new information that might affect the Council's view on the complaint.
- Consider whether a face to face meeting with the customer would be beneficial, provided we know nothing about the customer that would make this unadvisable. A face to face meeting may enable a solution to be reached.
- Ensure that if the complainant is contacting more than one department, there is cross co-operation to ensure that all relevant information is collated and provided to the agreed Head of Service

- Contact the customer to warn them that if their actions continue, a decision could be taken to treat them as an unreasonably persistent complainant. This should reference why we may consider they meet the threshold to be considered an unreasonably persistent complainant in line with Appendix 1. This could be done during a face to face meeting if one is held and no resolution is found at the meeting.
- Present a report to the Head of Service identifying the basis on which the customer is considered to be an unreasonably persistent complainant with all accompanying evidence.

When referring a complainant to a Head of Service, the manager should provide the Head of Service with sufficient information to enable them to make a decision the evidence may include a chronology of events, copies of emails or recordings of telephone calls. The Head of Service in consultation with the relevant Director will then determine whether the complainant should be treated as an unreasonably persistent complainant and if they are what action should be taken in relation to the unreasonably persistent complainant. The potential actions are included in **STAGE 3** below.

STAGE 3

Possible action that could be taken in relation to a determination of unacceptable behaviour (including unreasonably persistent complainant)

The actual action that may be taken against a customer who displays unacceptable behaviour or who is deemed an unreasonably persistent complainant should be appropriate and proportionate to the nature and frequency of the customer's contacts with the Council. If it is felt that action should be taken than that could include one or more of the following:

- Placing time limits on telephone conversations and personal contact.
- Restricting the number of calls that will be taken (for example one call on a specified morning/ afternoon of any week).
- Limiting the complainant to one access channel (telephone, letter, email etc) and/or requiring the complainant to communicate only with one named member of staff.
- Managing contact with the help of an independent advocate.
- Refusing the complainant access to the Council's premises or particular premises eg Leisure Centres.
- Requiring any personal contacts to take place in the presence of a witness or be recorded.
- Refusing to process further complaints about the same matter.
- Where a decision on a complaint has been made – only acknowledging future correspondence or informing the complainant that future correspondence will be read and placed on file but not acknowledged. The complainant should be reminded of their right to refer the complaint to the Local Government and Social Care Ombudsman, or the Housing Ombudsman (if the complaint relates to Council in its capacity as a Residential Social Landlord).

In deciding which options to apply, departments should be particularly careful to balance the rights of the individual with the needs of the Council and decisions should be made by the Head of Service for the service area, in consultation with the relevant Director.

It may be appropriate at any stage to consider whether a customer should be included on the Council's EPR.

STAGE 4

Informing the customer

If a decision is made to apply this policy we must write to inform the customer that:

- The decision has been taken that they are an unreasonably persistent complainant or their behaviour is unacceptable and the reason for it
- What restrictions/actions the Council is making as a result of that decision
- How long any restriction will last
- What the complainant can do to have the decision reviewed

Record of actions taken

Adequate records must be kept detailing the reasons why any decision has been made in relation to unacceptable customer behaviour.

Reviewing the decision

When the letter is sent to the customer telling them that the policy has been applied to them they should be told that if they wish to have the decision reviewed they must write to the Head of Governance and Customer Services setting out their reasons for the review within 14 days of the date of that letter.

On receipt of any letter requesting a review of the decision the Head of Governance and Customer Services should refer the matter to the Director of Corporate Resources who will carry out that review (or an alternative Director if the Director of Corporate Resources has already been consulted in relation to this customer under this policy).

The complainant should be then informed, in writing, within 10 working days of receipt of the request for review by the Director of the outcome of the review and, if restrictions are to continue to be applied, when these will be reviewed.

A review of the restriction should be taken when the restrictions imposed expire. If the customer has complied with the restrictions, they will usually be lifted and relationships returned to normal unless there are good grounds to extend them. Where the customer fails to comply with the restrictions or continues to behave unreasonably, the matter will be reviewed by the Director of Corporate Resources to determine whether additional restrictions should be imposed.

Examples of behaviour (either singularly or in combination) associated with an unreasonable persistent complainant

- Refusing to specify the grounds of a complaint, despite offers of assistance with this from the authority's staff.
- Attempting to use the complaints procedure to pursue a personal vendetta against a member or officer of the Council.
- Refusing to co-operate with the complaints investigation process while still wishing their complaint to be resolved.
- 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, which are incompatible with the adopted complaints procedure or with good practice.
- Making what appear to be groundless complaints about the staff dealing with the complaints, and seeking to have them replaced by a senior officer or with a person named by the complainant.
- Changing the basis of the complaint as the investigation proceeds and/or denying statements he or she made at an earlier stage.
- Using obscene, racist, abusive, offensive, aggressive or threatening language or behaviour in written correspondence or direct personal contacts with staff.
- Introducing trivial or irrelevant new information which the complainant expects to be taken into account and commented on, or raising large numbers of detailed but unimportant questions and insisting they are all fully answered.
- Electronically recording meetings and conversations without the prior knowledge and consent of the other persons involved.
- Adopting a 'scattergun' approach: pursuing a complaint or complaints with the authority and, at the same time, with a Member of Parliament/a councillor/the authority's independent auditor /local police/solicitors/the Ombudsman

- Making unnecessarily excessive demands on the time and resources of staff whilst a complaint is being investigated (i.e. excessive contact to numerous council staff or lengthy complex correspondence every few days and expecting immediate responses).
- Submitting repeat complaints, after complaints processes have been completed, essentially about the same issues, with additions/variations, which the complainant insists, make these 'new' complaints.
- Refusing to accept the decision – repeatedly arguing the point and complaining about the decision.