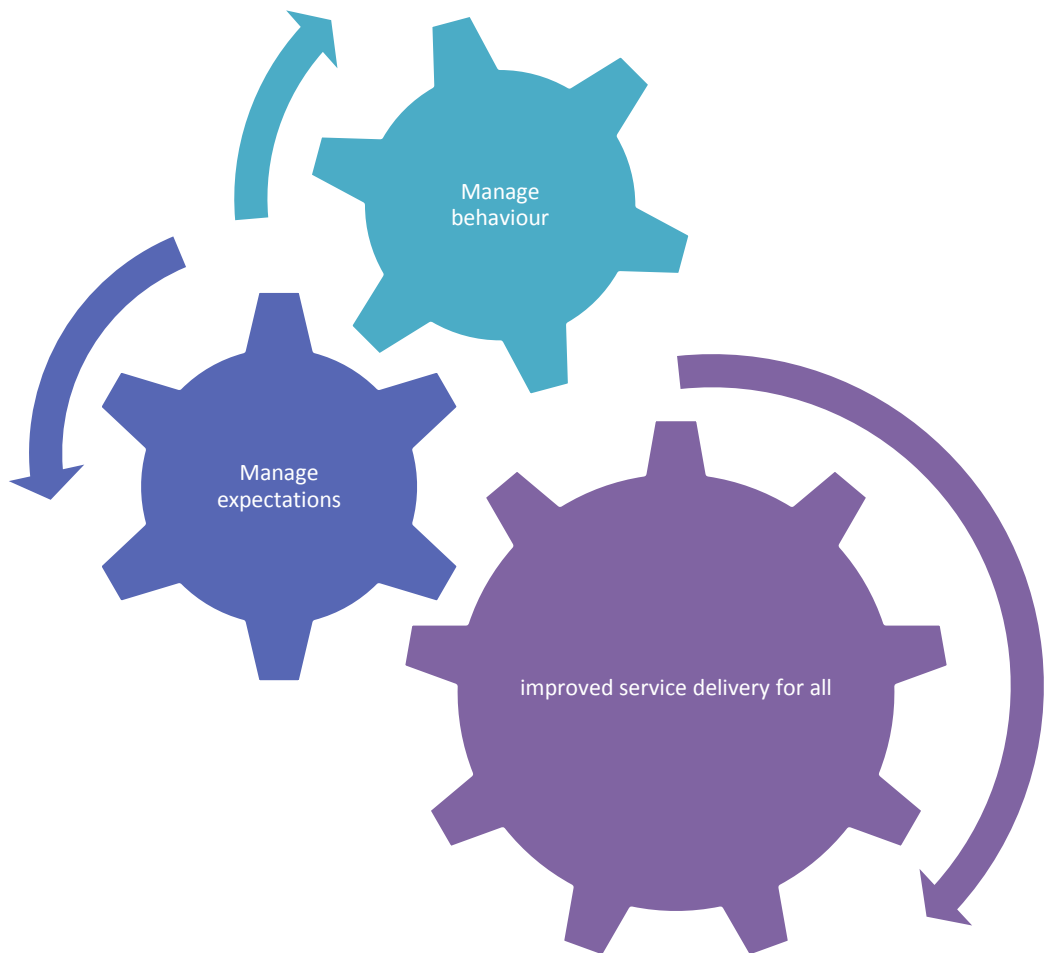


Tamworth

Borough Council



Managing Unreasonable Customer Behaviour Policy

Document Status: Draft

Originator: Tracey Tudor

Updated:

Owner: Anica Goodwin

Version: 01.01.02

Date: 4.8.2017

Approved by Corporate Management Team / Cabinet

Document Status: Draft

Originator: Tracey Tudor

Revision History

Revision Date	Version Control	Summary of changes
10.3.2017	01.01.01	Draft
31.3.2017	01.01.02	Minor changes as a result of consultation with the Chief Executive
4.8.2017	01.01.03	Minor changes as a result of consultation with the Director – Transformation and Corporate Performance
8.11.2017	01.01.04	Summary of changes that were presented to CMT: Include the data sharing statement Ensure that the HofCS will mediate and support HofS and others who need to apply the PolicyHofCs to present reports on

		a quarterly basis to the Leadership Team

Key Signatories

Approvals Creation and Major Change

Name	Title	Approved
Anica Goodwin	Director of Transformation and Corporate Performance	
CMT		8 Nov 17
Cabinet		

Approval Path

Major Change

Tracey Tudor
Anica Goodwin
Heads of Service
CMT
Cabinet

Action

Submission
Sponsor
Consultative Group
Corporate Approval

Document Review Plans

This document is subject to a scheduled review to take place every three years. Updates shall be made in accordance with business requirements and changes and will be with agreement with the document owner.

Where this document is subject to a Major Change the Trade Union Liaison Group (TULG) are consulted as an advisory body along with the Councils Data Protection Officer.

Distribution

The document will be distributed through NETConsent and will be available on the Intranet, and internet.

Security Classification

This document is classified as SEC0 Routine with no restrictions in access to the policy.

Contents

1. Introduction
2. Scope
3. Background
4. Responsibility
5. Reporting an initial enquiry/concern
6. Definition
7. Examples of unreasonable behaviour
8. Actions that can be taken
9. Other actions
10. Appeals

Managing Unreasonable Customer Behaviour Policy and Procedure

1. Introduction

Tamworth Borough Council puts customers at the heart of the services it delivers, however, occasionally; the behaviour of an individual can hinder our ability to deliver those services.

2. Scope

This policy applies to all Council employees, elected members and the employees of those organisations who deliver service(s) and receive services provided by and on behalf of the Council. This policy also applies to anyone who interacts with the Council.

This policy will help staff, members, advocates, contractors and customers to understand what is expected, and the options for action that are available.

This policy can be shared with both internal and external customers if they start to behave unreasonably to assist in managing their expectations and their behaviour whilst their complaint or enquiry is addressed.

3. Background

Tamworth Borough Council is committed to serving, being impartial and providing a high quality service to all of its customers and dealing with customers in ways that are open, fair and proportionate.

The contact that customers have with us is not normally limited or restricted, but some customers will act in a way that is unacceptable by making unreasonable and disproportionate contact or demands.

This policy supports the Customer Service and Access Strategy, Tell Us policy, Harassment Assault and Threat (HAT) policy and the Council's Anti-Social Behaviour policies. Further, this policy provides guidance to support our jurisdiction when developing a proportionate approach in responding to unreasonable behaviour.

4. Responsibility

Customer Services

The Head of Customer Services will –

- develop the policy, procedure and promote the scheme,
- give feedback on the number of incidents to the Council services, spot trends, identify training needs for staff,
- ensure that officers/services who report issues are aware of the issues and the management arrangements in place,
- provide training on the policy and the Customer Relationship Management System (CRM),
- ensure that incidents of hate and inequality are recorded and reported via the appropriate mechanisms,

- provide analysis, information and performance information to managers, Corporate Management Team and elected members
- manage corporate issues,
- support the process and application of the Policy, provide advice, mediation and support to HofS,
- investigate appeals and present the outcome to a member of CMT.

Service Areas

The Heads of Service (HofS) will -

- manage the policy within their service,
- provide responses to the customer setting out the findings and the reasons for the findings,
- advise the Head of Customer Service that a customer is being considered under this Policy, and advise of their determination,
- learn from feedback,
- include this Policy and principles into any contracted or commissioned services, and report performance to the Head of Customer Service for inclusion into the overall performance framework,
- send all responses to the Customer Services Centre for recording on the corporate CRM system.

Corporate Management Team (CMT) will -

- ensure the policy is adhered to,
- review the performance reports and make recommendations where necessary,
- determine customer's appeals against the decision made by the Council to manage them under this policy.

5. Reporting an initial enquiry/concern

Any concerns about the behaviour of a customer or anyone else interacting with the Council can be made to the relevant Head of Service or the Head of Customer Service.

6. Definition

- This policy covers 'unreasonable behaviour', these maybe one or two isolated incidents, as well as 'unreasonably persistent behavior' - an accumulation of incidents or behaviour over a longer period.
- Unreasonable and unreasonably persistent behaviour is because of the nature or frequency of contact with the Council, which hinders an officer's ability to respond to their or other customer's enquiries, requests for service or investigate complaints.

- In order to differentiate between 'persistent' and 'unreasonably persistent' the following will apply –
 - a. A customer chasing the same enquiry or making the same requests or complaints are 'persistent' because they feel that the Council has not dealt with their request properly. The fact that approximately 50% of enquiries relate to 'waste demand' e.g. a customer asking for progress on a request for service when the standards are not met, indicates that this persistence is frequently justified and that the customer is not being unreasonably persistent.
 - b. However, whilst the customer may have justification in their contact with the Council, the amount of contact can -
 - create heavy demands on staff time,
 - cause additional and unnecessary stress,
 - impede performance, of the service and an officer's ability to carry out their role in accordance with operational procedures,
 - mean that they are emotionally charged and distressed

7. Examples of unreasonable actions and behaviors

These are some of the actions and behaviors (this is not an exhaustive list):

- contact the Council without any need to do so.
- Refusing to specify the grounds of a complaint, enquiry or request for service despite offers of assistance.
- Refusing to co-operate with an investigation or delivery of a service.
- Refusing to accept that certain issues are not within the scope of the Council.
- Insisting that a service, process, officer, procedure or policy etc. is dealt with in ways that are not in line with specified process and policy.
- Making unjustified complaints about staff who are trying to deal with the issues and then seeking/demanding that the officer is replaced.
- Changing the basis of the complaint or enquiry as the investigation proceeds.
- Denying or changing statements made at an earlier stage.
- Introducing trivial or irrelevant new information.
- Raising numerous, detailed but unimportant questions; insisting that they are answered.
- Covertly recording meetings and conversations.
- Submitting falsified documents from themselves or others.
- Adopting a 'scatter gun' approach: pursuing parallel complaints or enquiries on the same issue.
- Making excessive demands on the time and resources of staff with lengthy telephone calls, emails to numerous council staff, or detailed letters/emails every few days, and expecting immediate responses.

- Submitting repeat complaints/enquiries with minor additions/variations that the customer insists make these 'new' complaints/enquiries.
- Refusing to accept the decision; repeatedly arguing points with no new evidence.
- Being offensive, using offensive language, making sexual or racist comments.

8. Actions that the Council may take:

The decision to designate someone's behaviour as unreasonable and restrict their access could have serious consequences for the individual. So the Council should be satisfied that:

- The complaint/request for service is/was recorded and is being dealt with in accordance with policy/procedures.
- That the complaint/request for service is being or has been investigated properly.
- Any decision reached - is the right one.
- Communications with the customer have been adequate and steps taken to manage the customer's expectations.
- The customer is not now providing any significant new information that might affect the Council's view or original determination/decision.

Any actions taken should be proportionate to the nature and frequency of the current contacts. The following options may be suitable, taking the customer's behaviour and circumstances into account. The objective is to manage the unreasonable behaviour in such a way that their complaint/request for service and the Council's ability to carry out any service delivery can be brought to a conclusion briskly.

If it is deemed that, the actions of an individual raise concerns for the safety of the wider organisation, for their own safety or that of other members of the community, the Council may wish to exercise its rights under the Staffordshire Information Sharing Protocol by taking a multi-agency approach to manage, identify wider issues or safe guard anyone who has been reported via this policy.

When it is necessary to designate a customer as behaving unreasonably the type of actions / restrictions applied can include -

- Invoking the HAT policy.
- Offering a restricted time slot for 'necessary' calls.
- Limiting the customer to one medium of contact (telephone, letter, email etc.).
- Requiring any customer contacts to take place in the presence of a witness and in a suitable location.

- Refusing to register and process further complaints/requests for service about the same matter.
- Terminating contact when an enquiry or complaint is being investigated if no new further information or evidence is presented or if the contact is persistent and going over the same issues.
- A meeting between the customer and an officer to explore the scope for resolution of the issues and explain why we deem their behaviour is unreasonable.
- Sharing the policy with the customer and warning that we will take restrictive actions if their behaviour continues.
- Setting up a strategy meeting to agree a cross-departmental approach.
- Single point of contact (SPOC) - designating a key officer to co-ordinate the Council's response(s).
- Helping the customer to find a suitable independent advocate, especially if the customer has different needs or is vulnerable.
- Asking the customer to enter into a voluntary agreement about their contact.
- Exclusion from one or more of the Council's buildings. Exclusions will normally be for a specified duration, but in extreme cases may be permanent. The duration of all exclusions will be determined on a case-by-case basis. Where exclusion has been imposed and is subsequently ignored, the period of exclusion may be immediately reviewed and extended. The Council may seek a court injunction to support the original (and, where relevant, the extended) exclusion, the delegated authority for this decision lies with the Head of Customer Services.

9. Other actions

- Other proportionate actions / restrictions may be implemented at the Council's absolute discretion where the actions above are not considered appropriate
- Where it is determined that implementation of the actions outlined above is necessary, the Head of Service or if a corporate approach is required, the Head of Customer Services will write to tell the customer/group explaining why it is believed their behaviour is unacceptable, the action that is being taken, and the proposed duration. In all circumstances where a right of appeal is allowed, the letter will also explain how the customer can challenge the decision if they disagree with it and to whom such an appeal should be addressed.

Note: The above actions / restrictions are not mutually exclusive and can be applied as appropriate at the discretion of the Council

THREATS TO HEALTH AND SAFETY/POTENTIAL CRIMINAL ACTION

In line with the Council's Harassment, Assault and Threats (HAT) policy

-

Repeated calls maybe deemed harassment, which, after consultation with the Head of Service/Head of Customer Services will be reported to the Police.

Any infringements of the rights of a member of staff may also result in legal action.

Any physical or verbal assaults on a member of staff, Council Member or against any other customer will be reported to the police.

10. Appeals

A customer has the right to appeal this decision. To appeal against the decision to manage the behaviour of a customer under this policy, the customer must write to the Head of Customer Services stating why they disagree with the determination made within one calendar month of their notification. The Head of Customer Services will investigate and present the findings to a member of CMT the case within 6 weeks of the request.