



Managing Unreasonable Customer Behaviour Policy

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Originator: Zoe Wolicki

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| Revision Date | Version Control | Summary of changes |
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Key Signatories

Approvals Creation and Major Change

| Name | Title | Approved |
|---------------|--------------------|-----------------|
| Anica Goodwin | Executive Director | 1.11.2017 |
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| | | |

Approval Path

Major Change

Information Governance Manager
Executive Director Organisation
Heads of Service
TULG
CMT
Cabinet

Action

Submission
Sponsor
Consultative Group
Consultative Group
Corporate Approval
Council Approval

Minor Change

Information Governance Manager
Heads of Service
Executive Director Organisation

Submission
Consultative Group
Delegated 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.

Distribution

The document will be distributed through ASTUTE 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.

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Managing Unreasonable Customer Behaviour Policy and Procedure

Introduction

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

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.

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 the Council 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 or behave inappropriately. It is understood that people may act out of character in times of trouble or distress.

As a council we do not view behaviour as unacceptable just because a claimant is forceful or determined, however the actions of complainants who are angry, demanding, or persistent may result in unreasonable demands on the Council and unacceptable behaviour towards the Council's staff.

This policy supports the Customer Service and Access Strategy, Compliments, Comments and Complaints Policy, Harassment Assault and Threat (HAT) Policy, and the Council's Anti-Social Behaviour Policies. Furthermore, this policy provides guidance to support the Council's jurisdiction when developing a proportionate approach in responding to unreasonable behaviour.

Definition

- This policy covers 'unreasonable behaviour' of customers of/to the Council, these maybe one or two isolated incidents, as well as 'unreasonably persistent behavior' (i.e. 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, hinder 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 –
 1. 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.
 2. 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,
 - result in them contacting the Council without any need to do so.

Examples of unreasonable actions and behaviors

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

- 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.

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 Experience.

The relevant Head of Service or the Head of Customer Experience will report any enquiries to the Information Governance Manager for recording.

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.
- The complaint/request for service is being or has been investigated properly.
- Any decision reached is reasonable, ethical and based on sound rationale.
- 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 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 the customer's complaint/ request for service and the Council's ability to carry out any service delivery can be brought to a timely conclusion.

If it 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 safeguard anyone who has been reported via this policy.

When it is necessary to deem 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 form 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 case meeting to agree a cross-departmental approach.
- Designating a key officer as a single point of contact (SPOC) to co-ordinate the Council's response.
- Helping the customer to find a suitable independent advocate, especially if the customer has specific needs or is vulnerable.
- Asking the customer to enter into a voluntary agreement about their contact.
- Excluding the customer 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 Assistant Director People.

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 Experience 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 that restrictions are to remain in place. In all circumstances a right of appeal should be given, the letter will explain how the customer can appeal against the decision and to whom this 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 Councils Harassment, Assault and Threats (HAT) policy -

Repeated calls maybe deemed harassment, which, after consultation with the Head of Service/ Head of Customer Experience / Information Governance Manager, 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 Council officer, elected Member or against any other customer will be reported to the police.

Appeals

A customer has the right to appeal decisions made under this policy. To appeal against the decision to manage the behaviour of a customer under this policy, the customer must write to the Information Governance Manager stating why they disagree with the determination made within **one calendar month** of the notification of the decision. The Information Governance Manager will investigate and present the findings of the case to the relevant Assistant Director within 6 weeks of the request.

Responsibilities

Information Governance Team

The Information Governance Manager will –

- develop, promote and update the policy and procedure,
- support the process and application of the policy, provide advice, mediation and support to the Head of Service/ Head of Customer Experience.
- provide training on the policy.
- give feedback on the number of incidents to the Council services, spot trends, identify training needs for staff,
- 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.
- investigate appeals and present the outcome to a member of CMT.

Service Areas

Heads of Service (HoS) will -

- manage the policy within their service,
- provide responses to the customer setting out the findings and the reasons for the findings,
- advise the Information Governance Manager and Head of Customer Experience 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.
- send all enquiries and responses to the Information Governance Team for recording.

The Head of Customer Experience will –

- manage the policy within their service,
- provide responses to the customer setting out the findings and the reasons for the findings (if a corporate approach is required),
- advise the Information Governance Manager and relevant Head of 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.
- send all enquiries and responses to the Information Governance team for recording.

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.

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Community Impact Assessment

Part 1 – Details

| | | |
|---|--|--------------------------|
| What Policy/ Procedure/ Strategy/Project/Service is being assessed? | Managing Unreasonable Customer Behaviour | |
| Date Conducted | December 2022 | |
| Name of Lead Officer and Service Area | Zoe Wolicki Assistant Director People | |
| Commissioning Team (if applicable) | N/A | |
| Director Responsible for project/service area | Anica Goodwin | |
| Who are the main stakeholders | Customers | |
| Describe what consultation has been undertaken. Who was involved and what was the outcome | Heads of Service CMT TULG | |
| Outline the wider research that has taken place (E.G. commissioners, partners, other providers etc) | | |
| | A decision to review or change a service | <input type="checkbox"/> |

| | | |
|---|--|-------------------------------------|
| What are you assessing? Indicate with an 'x' which applies | A Strategy/Policy/Procedure | <input checked="" type="checkbox"/> |
| | A function, service or project | <input type="checkbox"/> |
| What kind of assessment is it? Indicate with an 'x' which applies | New | <input type="checkbox"/> |
| | Existing | <input checked="" type="checkbox"/> |
| | Being reviewed | <input type="checkbox"/> |
| | Being reviewed as a result of budget constraints / End of Contract | <input type="checkbox"/> |

Part 2 – Summary of Assessment

Give a summary of your proposal and set out the aims/ objectives/ purposes/ and outcomes of the area you are impact assessing.

To provide guidance for employees and managers on how to manage unreasonable customer behaviour.

Who will be affected and how?

Customers may be subject to measures to restrict contact with the council in terms of method of communication, timing of contact, officers to contact.

| |
|--|
| |
|--|

Are there any other functions, policies or services linked to this impact assessment?

Yes No

If you answered 'Yes', please indicate what they are?

All employees
 Compliments, Comments, Complaints policy

Part 3 – Impact on the Community

Thinking about each of the Areas below, does or could the Policy function, or service have a direct impact on them?

| Impact Area | Yes | No | Reason (provide brief explanation) |
|------------------------------|--------------------------|-------------------------------------|--|
| Age | <input type="checkbox"/> | <input checked="" type="checkbox"/> | The policy applies consistent and fair treatment irrespective of age. |
| Disability | <input type="checkbox"/> | <input checked="" type="checkbox"/> | The policy applies consistent and fair treatment irrespective of disability and explicitly references reasonable adjustments |
| Gender Reassignment | <input type="checkbox"/> | <input checked="" type="checkbox"/> | The policy applies consistent and fair treatment irrespective of gender reassignment |
| Marriage & Civil Partnership | <input type="checkbox"/> | <input checked="" type="checkbox"/> | The policy applies consistent and fair treatment irrespective of marital status. |

| | | | |
|--|-------------------------------------|-------------------------------------|---|
| Pregnancy & Maternity | <input type="checkbox"/> | <input checked="" type="checkbox"/> | The policy applies consistent and fair treatment irrespective of pregnancy and maternity |
| Race | <input type="checkbox"/> | <input checked="" type="checkbox"/> | The policy applies consistent and fair treatment irrespective of race |
| Religion or belief | <input type="checkbox"/> | <input checked="" type="checkbox"/> | The policy applies consistent and fair treatment irrespective of religion or belief. |
| Sexual orientation | <input type="checkbox"/> | <input checked="" type="checkbox"/> | The policy applies consistent and fair treatment irrespective of sexual orientation |
| Sex | <input type="checkbox"/> | <input checked="" type="checkbox"/> | The policy applies consistent and fair treatment irrespective of sex |
| Gypsy/Travelling Community | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Not a factor |
| Those with Caring/Dependent responsibilities | <input type="checkbox"/> | <input checked="" type="checkbox"/> | The policy applies consistent and fair treatment irrespective of those with caring responsibilities |
| Those having an offending past | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Not a factor |
| Children | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Not a factor |
| Vulnerable Adults | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Not a factor |
| Families | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Not a factor |
| Those who are homeless | <input checked="" type="checkbox"/> | | Homeless may not have access to technology or telephony to make contact with the council |
| Those on low income | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Not a factor |
| Those with Drug or Alcohol problems | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Not a factor |
| Those with Mental Health issues | <input checked="" type="checkbox"/> | <input type="checkbox"/> | May have limited capacity to communicate with the council |
| Those with Physical Health issues | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Not a factor |

| | | | |
|-----------------------|--------------------------|--------------------------|--|
| Other (Please Detail) | <input type="checkbox"/> | <input type="checkbox"/> | |
|-----------------------|--------------------------|--------------------------|--|

Part 4 – Risk Assessment

From evidence given from previous question, please detail what measures or changes will be put in place to mitigate adverse implications

| Impact Area | Details of the Impact | Action to reduce risk |
|---------------|--|--|
| Homelessness | Homeless may not have access to technology or telephony to make complaints | Officers provide support for the process |
| Mental Health | May have limited capacity to make complaint | Officers provide support for the process |

Part 5 - Action Plan and Review

Detail in the plan below, actions that you have identified in your CIA, which will eliminate discrimination, advance equality of opportunity and/or foster good relations.

If you are unable to eliminate or reduce negative impact on any of the impact areas, you should explain why

| Impact (positive or negative) identified | Action | Person(s) responsible | Target date | Required outcome |
|--|--------|-----------------------|-------------|------------------|
| n/a | | | | |

Date of Review (If applicable)

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