

EAST HERTS COUNCIL

POLICY FOR DEALING WITH PERSISTENT AND UNREASONABLE CUSTOMER CONTACT

The following types of behaviour could fall under the definition of unreasonable:

- Use of hostile, abusive or offensive language causing distress to staff (in person, over the phone or face to face)
- An unreasonable fixation on an individual member of staff
- Refusing to specify the grounds of a complaint, despite offers of assistance
- Changing the basis of the complaint/request/ FOI as the matter proceeds
- Denying or changing statements made at an earlier stage
- Covertly recording meetings and conversations
- Submitting falsified documents from themselves or others
- Making excessive demands on the time and resources of staff with lengthy phone calls, emails to numerous council staff, FOI requests or detailed letters every few days, and expecting immediate responses
- Refusing to accept a decision; refusing to accept that an adequate response has been given
- Persistently approaching the council through different routes about the same issue
- Persistently seeking an outcome which the council has already explained is unrealistic for policy, legal or other valid reasons
- Refusing to co-operate with the complaints investigation process.
- Raising numerous, detailed but unimportant questions; insisting they are all answered
- Adopting a 'scatter gun' approach: pursuing parallel complaints on the same issue with a variety of organisations
- Repeatedly arguing points with no new evidence

In the case of unreasonable customer contact the Council may wish to consider taking action. This will be appropriate and proportionate to the nature and frequency of the customer's contacts with the Council. If the unreasonable contact adversely affects the Council's ability to do its work, is disproportionately resource intensive and/or adversely affects the Council's ability to provide a service to another one of more of the following may be considered:

- If the Council's complaint process has been followed but, we may end all communication with the complainant on the issue and advise them of their rights to refer the matter to the Ombudsman.

- Limiting the number of telephone calls/personal contacts that will be taken from the person in a given time period, or only on specified days.
- Limiting the time spent on telephone calls/personal contacts with that person.
- Declining any contact (in person, by telephone email, letter, or any combination of those) with the person except through a single point of contact (which could be a designated person or team).
- Restricting access to Council premises
- Informing the complainant in writing that the Council will not respond to any further contact with regard to a specific issue. The complainant will be informed that any correspondence will be read and placed on file by a designated officer but no reply or acknowledgement will be given
- Placing the person's details on the Cautionary Person's Database (this will only be the case if the complainant is considered to be a threat to the wellbeing of any staff member)

The staff member who has been in contact with the complainant is best placed to judge at what point behaviour becomes unreasonable. They will consult with the Head of Communications, Strategy and Policy before a response is agreed. In doing so both the member of staff and Head of Communications, Strategy and Policy will be mindful of:

- Ensuring that, where relevant, the complaints procedure or FOI procedure has been implemented as far as reasonably possible. Even with the most unreasonable complainants, there may be some substance to a part of their complaint which will still need to be addressed. It is important that the Council learns from complaints and uses any findings to improve services.
- The personal circumstances of the customer and whether any reasonable adjustments should be considered or whether any organisations/support agencies e.g. Citizens Advice Bureau, MIND, advocacy service etc. can provide advice and assistance to the customer complainant in accessing services/pursuing their complaint in a reasonable manner.

Any decision to designate a customer as unreasonable should be recorded in writing setting out what information has been considered and the reasons for making the decision. This record is important so that the Council can evidence that it has acted in a fair and proportionate way if this later scrutinised e.g. by the Ombudsman.

This record will be kept within the Customer Services Team and owned by the Head of Communications, Strategy and Policy.