

# **EAST HERTS COUNCIL**

## **POLICY FOR DEALING WITH UNREASONABLE CUSTOMER BEHAVIOUR**

This policy supports front line staff in identifying and dealing with unreasonable behaviour during any form of contact with members of the public. This applies predominantly to officers dealing with general enquiries, accommodating service requests and managing our complaints process.

### **1. Defining unreasonable customer behaviour:**

The following types of behaviour could be considered unreasonable:

- Use of hostile, abusive or offensive language
- Using aggressive or intimidating body language
- An unwarranted fixation on an individual member of staff
- Refusing to specify the grounds of a complaint
- Changing the basis of an existing complaint/request/FOI
- Denying or changing statements made during previous correspondence
- Covertly recording meetings and conversations
- Knowingly providing false information to a member of staff
- Submitting falsified documents (this also applies to documents provided on behalf of others)
- Making excessive demands on the time and resources of Council staff (examples of this include overly lengthy phone calls, groundless or unnecessary visits to Council offices and email spamming)
- Repeatedly contacting the Council about the same issue without allowing the Council ample opportunity to provide a response
- Using multiple contact channels to approaching the Council 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 provide available supporting information or evidence
- Refusing to cooperate with our complaints investigation process (this applies if and when a formal complaint has been submitted)
- 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
- Making a vexatious complaint (i.e. without sufficient grounds, but with the intention to create disruption)

### **2. Managing unreasonable customer behaviour**

In cases featuring evidence of unreasonable customer contact, the Council may wish to consider taking appropriate action. This must be proportionate to the nature and frequency of the customer or complainants' behaviour and the individual must be informed of any decision in writing. Any decision to designate a contact 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).

If the unreasonable contact adversely affects the Council's ability to do its work or is disproportionately resource intensive and/or adversely affects the Council's ability to provide a service to another customer, one or more of the following may be considered:

- Issuing a warning
  - Warnings may be delivered verbally by Council staff during telephone calls or during face to face visits
  - Warnings may be delivered in writing (such as within email responses or by letter)
  - Warnings may be documented by Council staff and colleagues across front line services should be made aware of these promptly
- Terminating contact
  - Council staff may terminate the telephone call if the caller continues to behave unreasonably, after receiving a warning
  - Visitors to Council offices may be asked to leave the premises if they continue to behave unreasonably, after receiving a warning
  - Emails or web forms received which contain evidence of unreasonable behaviour may be ignored by Council staff
- Restricting future contact
  - Before applying any restrictions, Council staff must ensure via the relevant manager that we have made every effort to satisfy the issue and that these have been dealt with correctly, in accordance with the relevant process and/or statutory guidelines
  - Restrictions may include; refusing to accommodate future contact about the same issue, limiting the customer to specific contact windows or methods, limiting any future contact to a single named member of staff or restricting access to Council offices
  - Any restrictions should be subject to a reasonable, specified period of time, after which they will be reviewed
  - Contact in relation to new enquiries or requests may still be permitted and will be treated on their merits (this is particularly relevant in cases where the complaints process has been exhausted and persistent contact is still being made by the complainant about the same issue)
- Contacting the Police
  - This will generally apply only in the most extreme cases, or where staff safety and welfare appears under threat
  - A customer or complainant perceived to be dangerous may be added to the Cautionary Persons Database

### **3. Considerations**

The member of staff has been in contact with the customer or complainant is best placed to judge at what point behaviour becomes unreasonable. They will consult with the relevant Service Manager or Head of Service before a response is agreed. In doing so both the member of staff and responsible Manager will be mindful of:

- The personal circumstances of the individual and whether any reasonable adjustments should be considered or whether any organisations/support agencies (e.g. Citizens Advice Bureau, MIND, advocacy service) can provide advice and assistance to the customer or complainant in accessing services/pursuing their complaint in a reasonable manner
- Whether the individual faces challenges communicating due to a disability or support need. In cases where this applies, the Council should make adjustments where necessary. However, if adjustments are made and the customer or complainant continues to behave unreasonably, they may be managed in accordance with this policy

#### **4. Reviewing unreasonable customer behaviour**

The status of any customer or complainant judged to have behaved unreasonably should be reviewed by the relevant Service Manager and/or Head of Service shortly before the expiry of any specified restriction period. Generally, the customer or complainant should be informed of the outcome of this review in writing (provided the Council holds up to date contact details for that individual). The relevant Service Manager and/or Head of Service is responsible for keeping any records of previous cases.

The Policy for Dealing with Persistent and Unreasonable Contact should be reviewed annually. This is owned by the Customer Services team, with input from all front line services.