



Policy and Procedure for dealing with Unacceptable Customer Behaviour and Unreasonably Persistent Complainants

May 2013

Unacceptable Customer Behaviour Policy and Procedure

Introduction

North Herts District Council is committed to putting customers at the heart of service delivery. We believe that all customers have the right to be heard, understood and respected. We also consider that Council staff have the same right.

Most of the contact that Council staff have with customers is positive. Very occasionally a customer acts in a way that we consider unacceptable. We understand that people sometimes get frustrated and we want to hear our customers concerns so that we can put things right. We will not however accept behaviour which is considered threatening or abusive to staff.

The aim of this policy and procedure is to guide employees and managers on the Council's approach to dealing with unacceptable customer behaviour.

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

Our policy

- All customers will be dealt with in a fair, honest and consistent way.
- All staff are expected to use their skills, knowledge and appropriate behaviour to resolve situations.
- Services are accessible to all customers. However, we may restrict or change access to services when a customer behaves in an unacceptable way.
- We will make sure that the physical and emotional safety of customers, visitors and Council employees is not at risk from any customer who behaves in an unacceptable way.
- We will alert the Police if it is considered that there is an immediate danger to staff or customers.

This policy should be used in conjunction with the following:

- Comments, Compliments and Complaints (3Cs) Procedure
- Local Government Ombudsman Guidance note on management of unreasonable complainant behaviour

Definition of unacceptable behaviour by customers

The Council defines unacceptable behaviour as:

- 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

Examples of the sort of behaviour this includes are:

- Verbal abuse including prejudice or harassment
- Bullying, shouting or swearing
- Aggressive, vexatious, malicious or threatening behaviour
- Assault – whether resulting in injury or not
- Injury caused by pets e.g. dogs
- Threat of harm to property or family
- Threat of or damage to Council property
- Racial or sexual abuse
- Unreasonably persistent complainants

Our responsibilities

Staff are responsible for:-

- Delivering a high standard of customer service and taking all reasonable steps to avoid a potentially difficult situation from escalating.
- Considering their own behaviour when dealing with customers and for making sure their skills for handling difficult situations are up to date.
- Being aware of and following the Council's Health and Safety procedures.
- Reporting any incidents of unacceptable behaviour to their line manager.

Managers are responsible for: -

- Making sure this policy and procedure is applied within their department.
- Carrying out risk assessments and assessing the risk to staff of unacceptable behaviour by customers.
- Having the appropriate systems and procedures in place to protect staff.
- Liaising with the Health and Safety Officer to maintain accurate records of all incidents reported by staff and reassessing the risks and control measures after each incident.
- Identifying if any staff have training needs for dealing with unacceptable behaviour.
- Monitoring the effectiveness of training.
- Staff welfare including reminding staff of the free confidential Employee Assistance Programme.

Procedure for managing unacceptable behaviour by customers

The procedure for managing unacceptable customer behaviour is made up of three stages.

STAGE 1 – Staff Action

What to do if you are experiencing unacceptable behaviour either on the telephone, face to face or via written communication

- Politely explain 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 the telephone call to your manager to deal with or to end the telephone call or to ask them to leave.
- Call for support from your line manager if the customer's behaviour does not change.
- 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*'.
- Record the incident including the date and time of the incident on the Incident report form which is located on the intranet within the Health and Safety section.

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

- End the meeting with the customer.
- Take action to protect the customers own safety and the safety of other staff and customers. This action can include:-
 - Requesting support from a Manager
 - Pressing the internal panic alarm to summon assistance. These are located:
 - under the reception desk on the right hand side;
 - in the interview rooms 1, 2 and 3.
- If the behaviour is threatening the safety of staff or other people call the Police immediately or press the police alarm which is located under the reception desk on the right hand side.
- If the police alarm is triggered the control room will call through to the switchboard to confirm whether assistance is required.
- Report the incident to the relevant line manager.
- Record the incident on the 'Incident Report Form', including the date and time of the incident.

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 the customer.
- Remind staff about the confidential Employee Assistance Programme
- Decide what further action is required. The following actions can be considered.
 - Restricting the method of contact to a particular form (e.g. telephone). This would mean stopping all contact which is not in the designated form for a period of time.
 - Limiting agreed contact to certain times and/or days.
 - Specifying a named officer to be the sole point of contact for the customer.
 - Asking the customer to enter into an agreement about their future behaviour.
 - In a limited number of cases, taking legal action against the customer.
- Inform the customer of their decision.
- Keep a record of the investigation and its outcome.

STAGE 3 – Head of Service Action

Once a decision has been made to limit access to Council services a Head of Service can take the following action:

- Formally review the case / decision following a request to do so by the customer and make recommendations for future contact.
- Review the case should the customer continue to behave in an unacceptable manner.
- Throughout the process it is important to ensure that the Health & Safety officer is kept informed so that the incident register can be accurately maintained.

Procedure for managing Unreasonable Complainant Behaviour

We are committed to dealing with all complaints fairly and impartially and to providing a high standard of service to those who make complaints. We value feedback from our customers so that we can continue to improve our services and recognise where we are doing well. Where things have gone wrong as a result of our actions we aim to put them right. Our procedures for dealing with complaints are clearly explained on our website.

We have a duty to make sure that public money is spent wisely and achieves value for complainants and the wider public. We also have a duty to protect the safety and wellbeing of our staff.

Whilst we do not normally limit the contact complainants have with us, in some cases it is necessary to do so either because the nature or frequency of a complainants contact with the Council hinders our ability to provide services and the consideration of their, and other peoples complaints. We refer to these as serial, unreasonably persistent or vexatious complainants.

It is important to differentiate between persistent and unreasonable persistent complainants. The LGO reports that approximately 26% of complaints they are asked to review are justified indicating that this level of persistence is justified and almost all complainants see themselves as pursuing justified complaints.

However, some complainants may have justified complaints but pursue them in inappropriate ways. Others may pursue complaints which appear to have no substance or have already been investigated and determined. Their contacts may be amicable but still place heavy demands on staff time, or they may be emotionally charged and distressing for all concerned.

Whilst not exhaustive the list below gives examples of unreasonable actions and behaviours by complainants that have previously come to our attention:

Examples of unreasonable actions and behaviours

- Continuing to pursue a complaint even though the Councils complaint procedure has been fully exhausted.
- Refusing to co-operate with the complaints investigation process
- Refusal to accept a decision, repeatedly arguing points with no new evidence being provided or introducing irrelevant new information or raising a large number of detailed but irrelevant questions and insisting they are all fully answered.
- Refusal to accept that certain issues are not within the remit of our complaints procedure (i.e. third party matters outside of the Councils remit) despite having been provided with full information about the procedures scope.

- Placing unreasonable demands or expectations on staff about the investigation and failure to accept these may be unreasonable.
- Making what appear to be groundless or vexatious complaints about the staff member dealing with the complaint.
- Excessive number of contacts with staff regarding the complaint which have a negative effect on the Councils ability to deal with the complaint effectively.
- Excessive demands on the time and resources of staff with lengthy phone calls, emails to numerous staff or detailed letters every few days

Where the level of contact is unreasonable or the nature is considered vexatious we will act to limit contact, the decision to restrict access is taken at a Senior Manager level. Any restrictions imposed will be appropriate and proportionate and will be reviewed at appropriate intervals.

The options most likely to be considered by the Council are;

- Requesting contact in a particular form e.g. by letter only
- Requiring contact to take place via a specified officer
- Asking the customer to enter into an agreement about their future contact with the Council.
- Terminating contact with a complainant

Considerations prior to taking action under the policy

If the consideration of a complaint is concluded it may be appropriate to end all communication regarding the issue and refer the complainant to the Ombudsman.

Any action to restrict access could have serious consequences for the individual so before action is taken we should be satisfied that:

- The complaint has been or is being investigated properly
- Any decision reached is the right one
- Communications with the complainant have been adequate, and
- The complainant is not now providing any significant new information that might affect the outcome of the complaint.

Operating the Policy

Before action can be taken to restrict access the case must be reviewed by A Strategic Director or the Chief Executive.

If a decision is made to limit or restrict access to services the complainant will be notified in writing with an explanation of:

- Why the decision has been taken
- What it means in terms of contact with the Council

- How long the restriction will be in place and when it will be reviewed.
- A copy of the letter sent to the complainant should be sent to the Customer Service Manager for attaching to the customer record within Lagan.

If a decision is made to terminate contact with a complainant but they continue to communicate with us, we will read correspondence from the complainant but unless there is fresh evidence which materially affects our decision on the complaint we will acknowledge receipt and place it on file with no further action to be taken.

New complaints received from people who have come under this policy will be treated on their merits. Restrictions imposed in respect of an earlier complaint will not automatically apply to a new matter.

Reviewing decisions to restrict access

Any restrictions should have a specific review date, unless there are good grounds to extend the restrictions they should be lifted and relationships returned to normal at the end of the review period.

If a complainant wishes to request a review of a decision to limit their access to the Council they should request this in writing and the review should be carried out in accordance with the existing 3Cs procedure and timescales.