

Policy for dealing with unreasonable customer behaviour

1. Purpose of policy

We are committed to providing what you need, in the way you want and to the standard you expect. We believe that dealing effectively with complaints and customer requests for information is essential to providing good services.

We will process complaints in line with our Complaints procedure and will make every effort to achieve a satisfactory outcome for each customer.

Unfortunately, in a minority of cases people pursue their complaints in a way that is unreasonable. In some instances, this can have a negative impact on the handling of their complaint. It can also have a significant impact on our resources and on our ability to provide services to our other customers.

2. Principles

We expect our employees to treat customers in a fair and reasonable way and for those accessing our services to be courteous and to engage with us in a way that enables us to carry out our work effectively and safely.

3. What is unreasonable behaviour?

Aggressive or abusive behaviour

This is behaviour or language (written or spoken) that could cause our staff to feel afraid, threatened or abused. This includes threatening emails, telephone calls, and comments on social media or elsewhere. It may take the form of insulting language, threats of physical violence or comments relating to any personal characteristic such as disability, gender or religion.

Any behaviour which is considered to be racist, sexist, ageist or homophobic is unacceptable.

Unreasonable demands and vexatious complaints

'Unreasonable complainants are those who, because of the nature or frequency of their contacts with the council, negatively impact our ability to deal effectively with their or other people's complaints'.

Unreasonable behaviour may include one or two isolated incidents, as well as unreasonably persistent behaviour, which is usually an accumulation of incidents or behaviour over a longer period.

We differentiate between 'persistent' customers and 'unreasonably persistent' customers.

Customers making a complaint can be 'persistent' where they feel we have not dealt with their complaint properly and are not prepared to leave the matter there. For example, it is not unreasonable for a customer to criticise how their complaint is being handled when our published procedures are not followed.

However, some customers may have justified complaints or requests but may pursue them in inappropriate ways such as lengthy phone calls, emails expecting immediate responses,

detailed letters or emails every few days. Others may pursue complaints or requests which have no substance or which have already been considered and dealt with. Their contacts with us may be amicable but still place very heavy demands on staff. This contact may be considered to be unreasonable.

Examples of what we might consider to be unreasonable behaviour includes:

- refusing to specify the grounds of a complaint, despite offers of assistance
- changing the basis of the complaint/request 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, or detailed letters every few days, and expecting immediate responses
- refusing to accept the decision or repeatedly arguing points with no new evidence
- persistently approaching the council through different routes about the same issue
- causing distress to staff - including use of hostile, abusive or offensive language, or an unreasonable fixation on an individual member of staff
- making unjustified complaints about staff who are trying to deal with the issues, and seeking to have them replaced

4. How we will respond to incidents of unacceptable behaviour

Communication restrictions

If customers continue to behave unacceptably, the matter will be referred to the council's Monitoring Officer who can put in place a temporary or permanent communication restriction on a customer. If we decide to do this, the Monitoring Officer will tell the customer that we are doing so setting out:

- why we consider their behaviour unacceptable
- what action we are taking and if there is a time limit on the restrictions

Communication restrictions may include:

- limiting contact to written form only
- restricting contact to a specific individual
- placing future correspondence on file without a further response if the issued raised in the correspondence has previously been considered
- limited in other ways 5. which we consider appropriate in the circumstances, in line with this policy

In addition, we reserve the right to:

- restrict telephone contact
- restrict the issues on which we will correspond
- refuse to consider a complaint or any further contact in exceptional circumstances
- restrict or deny access to our premises

- take any other action which we consider necessary or appropriate to make this policy effective.

Where circumstances are serious enough to warrant further restrictions, we may take legal action to prevent further contact/poor behaviour.

5. Right of appeal

When a decision is made by the Monitoring Officer to take action to restrict an individual's contact with the council, they will be advised of their right to appeal against the decision. If they wish to appeal against the Monitoring Officer's decision, they must do so within 10 working days to the nominated contact in their decision letter. Any appeal will only consider arguments against the restriction not the nature or detail of any complaint or issue brought to us.

The appeal will generally be considered by one of the council's Directors.

Whilst the appeal is being considered, any contact restriction will remain in place.

6. Review

We will review any decision to restrict communications on a six monthly basis and, at that point, we will inform the individual of the outcome of the review and outline any ongoing restrictions. We may make the decision to approve a review sooner than 6 monthly if it is considered that the individual has positively changed their behaviour. Contact and behaviour during the period of the restriction will be monitored.

We will inform an individual of action taken following a review

7. Our duties under the Equality Act 2010

We make sure that we meet the requirements of the [Equality Act 2010](#) and the [Public Sector Equality Duty](#). This includes making sure we consider adjustments for people with protected characteristics.

Some people may have difficulty expressing themselves or communicating clearly and/or appropriately. We will always consider the needs and circumstances that we have been made aware of, before deciding how best to manage the situation. This will include making reasonable adjustments. However, this does not mean we will tolerate abusive language, shouting, or other unacceptable behaviour or actions.

If an individual with a protected characteristic becomes the subject of a restriction under this policy, we will consider whether the restriction may affect them more than someone without that characteristic. If this is the case, we may make different arrangements so they can still access the service.

