

Managing Unreasonable Customer Behaviour Procedure

REVIEW LOG			
Date	Version	Comments	Approved by
Feb 2015	1.0	Managing Unreasonable Complainant Behaviour policy	Executive decision notice 12/11/2015
Nov 2019	1.0	New procedure produced – Managing Unreasonable Customer Behaviour Procedure	SEB 5/11/2019
Nov 2024	1.2	Updated version with new template and minor changes, name changes and revised terminology; main changes: 18.Health and safety 19.Equality, diversity and inclusion 20.Other procedures	Transformation Leadership Team 21/11/2024
This system of recording review dates is designed to ensure staff at all times use the correct version of the up to date procedure. This system is used on all City of Wolverhampton Council, policies and procedures.			

CONSULTATION
<p>The following people have been consulted on this procedure:</p> <p>Deputy Directors, Heads of Service, Customer Engagement Manager, Customer Engagement Officers, Customer Services, Head of Information Governance, Health and Safety Team, Legal Services, Human Resources, EDI Team/EDI Forums</p>

EQUALITY ANALYSIS			
Approved by	New Procedure Head of Service	Oct 2019	Part A Initial Equality Analysis
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1.0 Procedure Statement

- 1.1 The City of Wolverhampton Council (CWC) is committed to providing fair, consistent and accessible services for all customers. However, CWC has to balance this by providing a safe working environment for our employees to operate within and to ensure that our service provision and delivery is undertaken in an efficient and effective manner.
- 1.2 Occasionally, customers may make unreasonable demands that could affect the service we provide to customers or communicate with us in a manner which causes offence to our employees. Where this occurs, CWC reserves the right to manage customer contact in an appropriate manner to protect our employees and to maintain the effectiveness of our service to other customers.
- 1.3 This procedure aims to assist employees when dealing with customers who exhibit unreasonable, persistent and vexatious behaviour during contact with CWC.

2.0 Scope

- 2.1 This procedure applies to all CWC employees, elected members, and to anyone who interacts with the Council. It will also provide guidance to employees, advocates, contractors and customers to understand what is expected, and the options for action that are available and 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.
- 2.2 The procedure will be invoked via a formal letter either when there has been a single, serious incident of unreasonable or unacceptable behaviour by a customer, or where a customer is repeatedly behaving in an unreasonable manner. An initial informal letter will be submitted to a customer with agreement from the relevant parties; this will confirm that the procedure will be invoked if the behaviour continues.
- 2.3 The behaviour we aim to manage using this procedure, results from the actions of customers whose anger, aggression and/or number of requests and persistence result in unreasonable demands on CWC and/or unacceptable behaviour towards employees. We recognise that in times of trouble or distress people may act out of character, and we will not view behaviour as unacceptable just because a customer is forceful or determined. As a Council we also recognise that in some circumstances, customers may have a mental health problem and/or disability where it may be difficult for them to either express themselves or communicate clearly and/or appropriately. Where unacceptable/unreasonable behaviour is evidenced under these circumstances, CWC will consider the individual needs and circumstances of the customer and our employees before deciding on how best to manage the situation.

3.0 Background

3.1 City of Wolverhampton Council believes that residents and visitors to Wolverhampton have the right to express their views and ask questions about Council services. Indeed, customers' comments and suggestions are important in helping us to improve the service we provide. This procedure sets out our approach to the minority of customers whose communication we consider unreasonable or unacceptable, and the action we will take in order to manage the situation.

4.0 Abusive or offensive language

4.1 We do not accept that employees should be subjected to swearing or offensive language even when a customer is under stress, angry or upset. This may cause offence and we believe that every officer has the right not to suffer language they would consider offensive, this includes making malicious, unwarranted or defamatory comments or making remarks which are related to any protected characteristic for example racist, sexist, homophobic or other discriminatory language as defined by the Equality Act 2010. What is deemed offensive will be different for different members or employees, but includes cultural, racial or religious references.

5.0 Unmanageable demands

5.1 Although not always intentionally, customers may make what we consider 'unmanageable demands'. This could be due to:

- The amount of information they seek.
- The nature and scale of service they expect.
- The number of times they contact us.

What amounts to unreasonable demands will always depend on the circumstances surrounding the behaviour and the seriousness of the issues raised by the customer.

Examples of this include:

- Demanding responses within an unreasonable timescale.
- Insisting on seeing or speaking to a particular officer.
- Excessive telephone calls, emails, faxes, letters or social media posts.
- Sending duplicate requests to more than one officer.
- Requiring responses to correspondence where the content is malicious.

We will consider this contact to be unacceptable and/or unreasonable if it starts to impact greatly upon workload, for example by taking up, in comparison to the issues raised, an excessive amount of officer time to the disadvantage of other customers or service delivery.

6.0 Unreasonable persistence

6.1 We recognise that some customers will not or cannot accept that we are unable to assist them further or provide a service in a different way.

Customers may continue disagreeing with the action or decision taken about their concerns or they may contact us many times about the same issue.

Some examples of unreasonable persistence are:

- Repeated refusal to accept a decision made in relation to a complaint.
- Repeated refusal to accept explanations relating to what we can or cannot do.
- Continuing to contact the Council without presenting any new information.

6.2 It is not necessarily the manner in which these customers communicate with the Council that is unreasonable but their perseverance in contacting us after our decision has already been explained. CWC will always inform customers of ways in which they might challenge the outcome of a complaint and any appeal processes (e.g. the Local Government and Social Care Ombudsman). We consider that persistence becomes unreasonable when it takes up what we regard as a disproportionate amount of time and resources.

7.0 Actions that the Council may take

7.1 How we decide to manage the unacceptable or unreasonably persistent communication depends on its nature and the impact it has on individual employees or the whole Council. However, we may need to manage the unacceptable action by restricting the customer's contact with us. Any course of action taken will only relate to contact with the Council over a specific issue or complaint, this procedure does not and is not intended to have any impact on any other dealings with the Council.

Restrictions that may be considered are:

- Informing a customer that they can only contact us in one way – (for example only by email but not in person or by telephone).
- Limiting how often we respond to correspondence.
- Appointing a named officer to be the customer's single point of contact (SPOC).

We will always try to maintain at least one form of contact. In extreme circumstances we may refuse to have any personal contact with a customer. In these cases, the Council will only respond to communication through a third party or advocate.

8.0 Threats to Health and Safety

8.1 Threats or use of verbal abuse or harassment towards employees is likely to result in the ending of all direct contact with the customer. Incidents such as these may be reported to the Police. Any physical assaults on an officer, Councillor or against any other customer will be reported to the police. This will always be the case if physical violence is threatened. There will be no right to a review of a decision to restrict a customer's access to Council buildings if the restriction is put in place due to physical assault on an officer, Councillor or other customer or threats to officer's Health and Safety.

9.0 Correspondence

9.1 We will not respond to correspondence (letter, fax, email or social media) that is abusive to employees or contains allegations that lack substantive evidence. When this happens, we will tell the customer that we consider their language offensive, unnecessary and unhelpful. We will ask them to stop using such language and state that if they do not stop, further correspondence will not be responded to. We reserve the right to instruct future contact be through a third party.

10.0 Telephone calls

10.1 In most cases a caller will be advised that their behaviour is unacceptable and that the call will be ended if the behaviour does not stop. However, on the rare occasion when the officer is unable to continue with the call, they have the right to disconnect the call without warning. Our employees will end telephone calls if they feel the caller is being aggressive, abusive or offensive. The officer taking the call has the right to make this decision.

11.0 Face to face

11.1 In most cases the officer will advise the customer that their behaviour is unacceptable and that they will be asked to leave if the behaviour does not stop. Our employees will ask a customer to leave Council property if they feel the customer is being aggressive, abusive or offensive. The officer dealing with the customer has the right to make this decision.

12.0 Social Media

12.1 The Council reserves the right to block customers who display unacceptable behaviour over Council social media channels. In such circumstances, customers will be made aware of alternative ways to communicate with the Council.

13.0 Unreasonable demands – decisions the Council can make

13.1 Where a customer repeatedly telephones; visits Council offices; sends irrelevant documents; or, continually raises the same issues, we may decide to adopt one or more of the following restrictions:

- Only take telephone calls from the customer at set times on set days or by arrangement.
- Arrange for one named officer to deal with all future calls or correspondence from the customer (SPOC arrangement).
- Limit communication to writing only.
- Only respond to communication on a monthly basis.
- Inform the customer that their correspondence will be read, to ensure no new issues have been raised. If the issues are the same, correspondence will be filed.
- Require the customer to make an appointment to see a named officer before visiting the office.
- Take other action that we consider appropriate.

14.1 Unreasonable persistence - decisions the Council can make

14.1 Where a customer continues to correspond on a wide range of issues, and this action is considered excessive, we may decide to adopt one or more of the following restrictions:

- Inform the customer that we will limit the number of issues we will consider in a given period.
- Ask the customer to limit or focus their requests
- Arrange for one named officer to deal with future calls or correspondence from the customer (SPOC) arrangement.

A customer's action may be considered unreasonably persistent if, after all internal review mechanisms have been exhausted, they continue to dispute the Council's decision relating to the issues raised. In these circumstances, the customer will be told that they will need to make any future contact on the issue in writing. Any correspondence will be read and filed but only acknowledged or responded to if new information relating to the issue is provided.

15.0 Managing Communication

15.1 Decisions to restrict contact will be taken after careful consideration by the Customer Engagement Manager and relevant Head of Service/Director.

Before restricting a customer's contact the Restricting Customer Contact Authorisation Form must be completed by the Council. This includes consideration of any problems a restriction may cause an individual.

When a decision has been made and approved customers will be told:

- Why a decision has been made to restrict future contact.
- The restricted contact arrangements.
- If relevant, the length of time that these restrictions will be in place.

In the absence of the Customer Engagement Manager, a decision can be taken by the relevant Head of Service and a Director or member of the Senior Executive Board.

Please note: Employees who directly experience aggressive or abusive behaviour from a customer have the authority to deal immediately with that behaviour in a manner they consider appropriate to the situation.

Where the decision to restrict contact includes assigning a single point of contact (SPOC), a suitable named contact will be agreed between the service and the Customer Engagement Manager. The SPOC will usually be a Manager from the relevant service. Once the named contact has been agreed, suitable links to service professionals will be established and recorded to ensure the SPOC has the necessary support to effectively manage communication.

16.0 Reviewing a decision to restrict contact

- 16.1 A customer can request a review of a decision to restrict contact (unless the restriction is a result of physical assault or threat to health and safety). The review will be considered by the Director of Governance or a member of the Strategic Executive Board who was not involved in the original decision. They will advise the customer in writing whether the restricted contact arrangements still apply or a different course of action has been agreed.

17.0 Recording and reviewing a decision to restrict contact

- 17.1 Where it is decided to restrict contact, an entry noting this will be made in relevant files held by the Council. The name and contact details of the customer and the restriction applied will also be added to the Restricted Contact Central Register which is held by the Customer Liaison Team.-The name will only be held on the Register for the period that the restriction applies. Timescales for reviews of restriction will be decided on a case by case basis, the customer will be informed of this. Customers will be removed from the register where restrictions placed on them are no longer current or appropriate.

18.0 Health and Safety

- 18.1 The names and contact details of the customer will be shared with the Council's Health and Safety Team and/or Anti-Social Behaviour Team by the relevant service manager if the Council establishes that the customer exhibits behaviour which could be detrimental to the health, safety and welfare of council employees. If this is determined staff must report the incident by completing an IR1 form with their manager. The names and contact details of the customer will also be included on the Health and Safety Team's Employee Risk Alert System (ERAS).

19.0 Equality, Diversity and Inclusion

- 19.1 In line with the Equality Act 2010 Managing Unreasonable Customer Behaviour Procedure is published and available in alternative formats and languages upon request. Reasonable adjustments will be undertaken under the Equality Act 2010. Any restrictions placed on an individual's contact due to unacceptable behaviour must be proportionate and demonstrate regard for the provisions of the Equality Act 2010. More information is available via the following [Complaints and compliments | City Of Wolverhampton Council](#).

20.0 Other procedures

- 20.1 Other procedures may need to be considered in relation to the managing unreasonable customer behaviour procedure, for example, Corporate Complaints Policy, Adult Services, Children's Services and Public Health statutory complaint procedures.