

Report of	Meeting	Date
Director (Customer and Digital) (Introduced by Executive Member (Customer, Streetscene and Environment))	Executive Cabinet	Thursday, 10 October 2024

Policy for managing unreasonable customer behaviour

Is this report confidential?	No
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Is this decision key?	No
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Purpose of the Report

1. To gain approval to adopt a formal policy for managing unreasonable customer behaviour

Recommendations to Executive Cabinet

2. Members are recommended to approve the adoption of a formal policy for managing unreasonable customer behaviour.
3. Members are asked to note the implementation of a Managed Customer Contact Register to alert staff to problematic individuals and properties.

Reasons for recommendations

4. The policy for managing unreasonable customer contact will set out a clear process on how unreasonable behaviour will be managed. This will safeguard that council employees have a safe working environment, and the time spent with our customers is fair and balanced.

Other options considered and rejected

5. To not adopt a formal policy for managing unreasonable customer behaviour. This option was rejected because to maintain a safe working environment for council employees we should set out clearly to everyone who accesses our services what we consider to be unreasonable and the steps we may take to deal with such behaviour.

Corporate priorities

6. The report relates to the following corporate priorities:

Housing where residents can live well	A green and sustainable borough
An enterprising economy with vibrant local centres in urban and rural areas	Healthy, safe and engaged communities

Background to the report

7. We are committed to providing the highest level of service and strive to continue to develop and improve our services. We encourage feedback and comments to help us to improve our services, but we must avoid contact that is not of value to our customers or the council.
8. In a minority of cases our customers pursue their requests or complaints in a way that is unreasonable. They may behave unacceptably or be unreasonably persistent in their contacts and submissions of information.
9. This can impede investigating a request or complaint and have significant impact on our resources.
10. Following a small number of incidents it has been identified that Chorley do not have an active formalised procedure to manage contact arrangements for vexatious customers.
11. Recent examples of unreasonable behaviour by different customers include:
 - a. Destroying a telephone by repeatedly smashing the handset on the reception desk
 - b. On multiple occasions phoning up to 7 times in 1 day in a verbally aggressive or abusive manner with no value or purpose
 - c. Harassing and intimidating employees outside of working hours by approaching them in the town centre and following them to their car
12. By adopting a formal policy, we will set out a clear process on how unreasonable behaviour will be managed. This will ensure a safe working environment for council employees and that the time we spend with our other customers is open, fair, and proportionate. A copy of the proposed policy is shown at Appendix A.
13. We have a zero-tolerance of violence or serious threats against our staff and this type of behaviour should always be reported to the Police.
14. The proposed policy is relevant to all our customers, both internal and external, and will be applied by all council employees and Members.
15. A customers' access to statutory services or information provided by the council will not be affected by the implementation of this policy.
16. When applying the policy, we will consider the Equalities Act 2010 and recognise an individual's requirements.
17. Where there is evidence of mental health problems, substance misuse, learning disabilities or other additional needs we will work with relevant agencies about potential support and appropriate pathways to support the customer.
18. Any managed contact arrangements we implement will acknowledge and be appropriate to the customer's circumstances.

19. This new policy will operate alongside the Customer Access Charter and Feedback Policy, which set out our approach to customer services, what our customers can expect from us and how we respond to customer comments, compliments and complaints.
20. The new Managed Customer Contact Register will be a central point of reference to alert staff about individuals or properties where the risk of unreasonable behaviour is known so this can be managed.
21. An internal operational guide will define internal processes and responsibilities within the policy and register. Standard letter templates will also ensure consistency across all services.

Definitions of unreasonable behaviour

22. The Local Government and Social Care Ombudsman's definitions of unreasonable or and unreasonably persistent behaviour will be applied in the policy.
23. Unreasonable customer contact includes behaviours or language whether face-to-face, by telephone, on social media or written contact that may cause our employees to feel intimidated, threatened or abused.
24. Some examples of unreasonable customer contact are:
 - a. threats
 - b. verbal abuse
 - c. offensive language, including comments viewed to be hurtful, derogatory, or obscene
 - d. derogatory remarks
 - e. rudeness
 - f. making provocative statements
 - g. raising unsupported allegations
 - h. shouting
25. Unreasonably persistent customer contact is considered as contact that:
 - a. does not have any serious value or purpose
 - b. is designed to cause disruption or annoyance
 - c. has the effect of harassing the council or its officers
 - d. can be categorised as obsessive or vexatious
 - e. fails to accept the council's position
26. Behaviours considered unreasonable include, but are not limited to:
 - a. sending high volumes of letters, emails and or phone calls
 - b. demanding responses within unreasonable timescales
 - c. insisting on speaking with specific members of staff
 - d. adopting a scatter-gun approach by contacting many members of staff
 - e. continually contacting us when we are in the process of looking at a matter
 - f. making many complaints about different issues or continually adding issues to the same complaint
27. The types of unreasonable contact outlined above are examples and not exhaustive lists.

Managed Customer Contact Register

28. A corporate register of customer managed contact arrangements at Stage 1 and Stage 2, which can be assessed by all staff, is under development.
29. The Head of Audit & Risk will be the Information Asset Owner for the register, with the appropriate Head of Service responsible for recording and managing individual cases of unreasonable customer behaviour which is impacting their service.
30. The Managed Customer Contact Register will include:
 - a. the name and contact details of the customer
 - b. details of the managed contact arrangements
 - c. when the managed contact arrangements commenced and the provisional end date
 - d. when the customer was advised of the decision to manage their contact
 - e. the review date and the outcome
 - f. the name and job title of the reviewing officer
31. In cases where a property is identified as a place where unreasonable behaviour is known, and the occupant's details are unknown, the property details should be included on the register along with the issues identified.
32. A risk assessment should be completed before any council employee attends a property which is on the register. Staff will be reminded to routinely check the register.

Proposals to manage unreasonable behaviour

Stage 1 warning & monitoring period

33. If a customer demonstrates unreasonable behaviour they will be asked to change their contact with the council, with reasonable levels of expectation set out on each side. The options, we may consider at this stage, include:
 - a. Requesting the customer enters into an agreement about their future contact
 - b. Placing time limits on contacts
 - c. Restricting all or the number of telephone calls that will be accepted
 - d. Limiting the customer to one type of contact (telephone, letter, or email)
 - e. Refusing to acknowledge or respond to any repeated complaints on closed cases
 - f. Requiring the customer to communicate only through a single point of contact (SPOC)
34. This list is not exhaustive, and other measures appropriate to the circumstances may also be included.
35. The Head of Service or Director of the service affected by the unreasonable contact will inform the customer in writing and evidence the impact of their behaviour on service delivery.
36. It should also be explained why the customer's contact is unreasonable, the managed or restricted contact arrangements that are in place and the monitoring period for these arrangements.
37. The minimum monitoring period is 6 months, but this may be extended.

Stage 2 implementing managed contact arrangements

38. Stage 2 managed contact arrangements can be implemented with immediate effect, and or without issuing a Stage 1 warning.
39. Unreasonable contact may be escalated to this stage if the customer is persistent or abusive, for example, if they are repeatedly telephoning, shouting, or swearing at council employees.
40. The Head of Service or Director of the service affected by the unreasonable contact is required to propose additional managed or restricted contact arrangements and justify the reasons for placing the customer under stage 2 of the policy.
41. The proposals will be considered by the Director of Governance for a final decision which will be recorded on the corporate Managed Customer Contact Register.
42. The options we may consider at this stage include:
 - a. Diverting the customer's emails to a single point of contact (SPOC)
 - b. Terminating all telephone calls from the customer to the council, after requesting they email the SPOC with their enquiry.
 - c. Requiring any contacts to take place face-to-face in the presence of a third party
 - d. Restricting any face-to-face contacts to designated council premises
 - e. Asking the customer to contact us through an advocate
 - f. Instigating formal legal action such as issuing a Community Protection Warning
43. This list is not exhaustive, and we may include other measures appropriate to the circumstances.

Right of appeal

44. There is no right of appeal to the council at either Stage 1 or Stage 2 of the policy. The managed contact arrangements will be reviewed after the monitoring period expires and the customer will be informed of the outcome in writing.
45. If the customer disagrees with the implementation of managed contact arrangements, they may escalate their complaint to the Local Government and Social Care Ombudsman.

Climate change and air quality

46. The work noted in this report has an overall negative/positive impact on the Councils Carbon emissions and the wider Climate Emergency and sustainability targets of the Council.

Equality and diversity

47. An Impact Assessment been completed to consider any positive or negative impacts this new policy may have for our residents. (Appendix B).

Risk

48. If managing unreasonable behaviour is mishandled this could lead to legal challenges or damage the council's reputation. The policy sets out a clear process how the council will manage unreasonable customer. This alongside staff training and internal operational guidance on the policy will mitigate this risk.

Comments of the Statutory Finance Officer

49. There are no direct financial implications of this report.

Comments of the Monitoring Officer

50. The adoption of a policy provides clear approach to what is classed as unreasonable behaviour and how it will be managed and escalated. This provides clarity for staff and the public and enables transparent decision making and fair treatment.

Background documents

There are no background papers to this report

Appendices

Appendix A Draft policy for managing unreasonable customer behaviour

Appendix B Equality Impact Assessment

Report Author:	Email:	Telephone:	Date:
Alison Wilding (Head of Customer Services)	alison.wilding@chorley.gov.uk	01257 515151	9 August 2024

This decision will come into force and may be implemented five working days after its publication date, subject to being called in in accordance with the Council's Constitution.