Unacceptable Behaviour Policy

Introduction

This policy and procedure sets out how the Council will deal with unreasonable customer behaviour or vexatious complainants

The Council is committed to putting customers at the heart of service delivery, to provide what you need, in the way you want and to the standard you expect.

Dealing effectively with service requests, providing advice and information and dealing with complaints is an essential part of what we do.

Most of the contact the Council has with customers is positive. However in a minority of cases the contact is not positive and customers pursue their requests for a service or complain in a way that is unreasonable. This can have a negative impact on the way their request or complaint is handled. It can also have a negative impact on the Council's ability to provide services to other customers.

Purpose

This document explains the Council's:-

> Definition of unreasonable customer behaviour
> Definition of a vexatious request
> Process for dealing with offensive or abusive comments made on social media
> Process for dealing with customers who behave in an unreasonable way
> Process for dealing with vexatious requests

What is unreasonable customer behaviour?

We define this as:-

behaviour that, because of the nature or frequency of contacts with the Council, negatively impacts on our ability to deal effectively with the matter or other customers' issues or complaints.

Examples of unreasonable behaviour

- Causing distress to Council officers which may include use of hostile, abusive or offensive language, making threats or unjustified complaints about officers who are trying to deal with issues. This includes racist comments, harassment, personal insults or threat of physical harm
- Excessive demands on the time and resources of officers with the expectation of an immediate response... Examples of this would be frequent and lengthy telephone calls, emails to numerous Council staff or letters every few days
- Making personal derogatory comments via social media about officers of the Council

- Visiting the Council offices demanding to see a specific officer immediately or expecting complex issues to be resolved immediately that will take up an unacceptable amount of time and where an appointment would be more suitable
- Contacting the Council through different routes about the same issue in a persistent manner, with a 'scattergun' approach. This may also include other parties, such as Councillors or Ombudsman Services
- Refusing to accept a decision; repeatedly arguing points with no new evidence and not following agreed complaint procedures
- Changing the basis of the complaint or request as the matter proceeds

What is a vexatious request?

The Council defines this as any request that is likely to cause distress or disruption, without any proper or justified cause.

Examples of vexatious requests

- Requests for information that has already been provided, or to reconsider issues that have already been dealt with
- Where complying with the request would impose significant burden on the Council in terms of expense and negatively impact our ability to provide service to others. In this situation we will also consider section 12 (exemption where cost exceeds the appropriate limit) of the Freedom of Information Act 2000
- High volume of correspondence, or combining requests with accusations and complaints

What the Council will consider before taking action

Deciding that someone's behaviour is unreasonable, or to classify a request as vexatious, can result in the Council limiting the amount and type of contact that they have with us.

Before a decision on limiting contact is made the Council will make sure that:-

- The request or complaint has been dealt with properly, in line with Council procedures and/or statutory guidelines

And

- Every effort to satisfy the request or resolve the issue has been made
- For complaints, this will include exhausting both stages of the Council's complaints procedure

A decision to classify a customer's behaviour as unreasonable or a request as vexatious, will be considered by a senior manager on an individual basis.

Options the Council will consider include:

- Limits on the number and duration of contacts with officers per week or month
- Offering a restricted time slot for necessary calls
- Limiting the type of contact to one method only for example telephone, email, pre-arranged appointment

- Restricting contact to one named officer
- Refuse request to deal with further complaints/requests about the same matter
- Contact with officers to be made via a third party such as a solicitor/councillor/friend
- Baring access to any Council building

Where a decision is taken to treat a customer's behaviour as unreasonable or a request as vexatious, a senior manager will write to the customer to:-

- Detail what action will be taken and why
- Explain what this means in terms of contact with the Council
- Advise how long any restrictions will be in place and when they will be reviewed
- Enclose a copy of this policy and relevant Council procedures
- Explain consequences of not complying with Council instructions

Social Media

The Council will remove, without notice, offensive or abusive posts from our social media channels. This includes posts that contain swearing or libellous statements. Additionally, the Council reserves the right to take any action we consider necessary where derogatory comments are made about officers of the Council.

Review

Reviews wills will be based on the individual circumstances of the case but could typically be for a period of 6 months, dependent on the severity of the situation.

Where the Council is satisfied we have done everything we can to resolve the matter, we may close the case or request and advise the customer to contact the Local Government Ombudsman, Housing Ombudsman or Information Commissioners Office, if appropriate. We will advise the customer that we will no longer enter into any correspondence about the case, unless new information is made available to us.

New complaints/requests for information

We will not ignore service requests or complaints from customers previously classified as unreasonable or vexatious. New complaints or requests will be treated on their merits. A senior manager from the relevant service area will decide if any restrictions which have been applied before are still appropriate and if necessary in relation to the new complaint or request.

Decision Records

If, following an incident of unreasonable behaviour, the Senior Principal Officer decides that access to Council services will be restricted in some way, they will also consider whether the customer will pose a risk to staff. If they decide the customer **could** pose a risk, they will notify the Customer Services Manager and Complaints Team, and if necessary the SPO for any other front facing team, who is **likely** to come into contact with **that customer.** Under the Human Rights Act 1988, this assessment must be proportionate, balancing the risk to officers against the rights of the customer's reputation.

This notification will be targeted at the minimum number of officers who need to know. There will be no general list or Council wide circulation. When the customer's contact arrangements are reviewed, the SPO must review the risk notification and withdraw it if necessary.

Actions the Council may take if a customer does not comply with terms of restricted access

If a customer disregards/ignores the revised contact arrangements that have been put in place, the Council will consider what further action is necessary.

This could include removal from the Council offices by a senior manager or the police if the behaviour is considered a public nuisance offence.

Local Government Ombudsman/Information Commissioner

This document has been written in line with guidance provided by the Local Government Ombudsman/Information Commissioner's Office.

Author	
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Policy created by	Complaints and Information Assurance Officer
Policy review due	May 2018

Appendix A: Process flow for Unreasonable Customers or Vexatious Requests

Complaint or Request for Information being dealt with by service area

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Service area believes customer is behaving unreasonably or request is vexatious and that this meets criteria set out in procedure

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Service area refers case to senior manager for review with:-

- ➢ Actions taken so far
- ➢ Summary of complaint or request
- ➢ Examples of customer behaviour / why they believe request is vexatious
- ➢ Rationale to support request
- ➢ Recommended restrictions / proposed review date

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Senior Manager reviews case –

- ➢ Has complaint / request been dealt with properly in line with relevant policies and procedures?
- ➢ Have we made every effort to resolve the complaint / issue?
- ➢ Does the customer demonstrate sufficient behaviours or the request meet the criteria as outlined?
- ➢ Are the recommended restrictions appropriate?

Decision made

Customer is to be classified as unreasonable / vexatious

Customer / request is not to be classified as unreasonable / vexatious – case returned to service area to deal with complaint / request

Senior manager approves / amends recommended restrictions and sets review date

Senior manager writes to:-

- ➢ Detail action taken and why
- ➢ Explain what it means for customer's contact with us
- ➢ Advise how long restriction will apply and review date
- ➢ Enclose a copy of this procedure for reference

Other teams notified in line with policy guidance