

# STRONGER together



Lewes District Council



Working in partnership with **Eastbourne Homes**

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<b>Authority(ies) covered:</b>	Lewes District Council Eastbourne Borough Council Eastbourne Homes Ltd
<b>Responsible (Executive Lead):</b>	Linda Farley Head of Customer First
<b>Accountable (Operational Lead):</b>	Tom Bilcock Customer Contact Manager
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## **Unreasonable Customer Behaviour Policy**

### **Purpose of the policy**

1. The aim of this policy is to help customers and staff to understand how the Council manages unreasonably persistent and unreasonable behaviour by customers. It gives clear guidance as to the definition of unreasonable behaviour and explains what actions staff should take when presented with such behaviour or unreasonable requests. This Policy will apply to both Lewes District and Eastbourne Borough Council and associated companies where applicable and has been based on guidance issued by the Local Government Organisation (LGO) and the Information Commissioner's Office (ICO).

### **Summary**

2. Dealing with communications from customers is usually a straightforward process. However, in a minority of cases, people pursue communications in a way that can have significant resource implications for the Council. This policy has been formulated to deal with the small number of customers who make it necessary for special arrangements to be made.
3. We aim to deal with any communications in a way which is open, fair and transparent. We have developed this policy so that staff understand what to do if people start to behave unreasonably.

### **Background**

4. We do not normally limit the contact people have with us. Whether they are making a request for service or seeking help and guidance, we are committed to dealing with all requests fairly and impartially and to providing a high quality of service. We are keen to resolve any dispute and/or complaint as early as possible.
5. Occasionally, the behaviour of some customers can make it very difficult for us to deal with their concerns. In a small number of cases the actions of some customers becomes unacceptable because they involve abuse of staff or processes. When this happens we have a responsibility to our staff to take appropriate steps to limit the customers contact with the Council. On other occasions we have to consider whether a customer's actions are having an impact on our ability to do our work and to provide a service to others.
6. We understand that people sometimes feel frustrated about matters but we will not tolerate behaviour which we deem to be unacceptable, threatening, abusive or unreasonably persistent towards staff or elected members.

## Scope

7. We define unreasonably persistent and unreasonable customers as those customers, who because of the frequency or nature of their contacts with us hinder our consideration of their or other people's issues or complaints.
8. These are generally covered under 2 key areas:-
  - customers who feel that the Council has not dealt with their issue properly and are not prepared to leave it there; and
  - customers may have a justified dispute, complaint, FOI request or grievance, but these are either being pursued in inappropriate ways, or customers may be intent on pursuing the issue which appears to have no substance or which may have already been investigated and determined. Their contacts with the Council may be amicable but still place very heavy demands on employee time, or they may be very emotionally charged and distressing for all involved.
9. Sometimes a situation between the Council and a customer can escalate and the behaviour moves from being unreasonable and unreasonably persistent to behaviour which is unacceptable, for example, abusive, offensive or threatening behaviour.
10. Any decision resulting from the implication of the policy normally applies to the nature of the dispute, complaint or subject matter and not to the customer themselves. However, it is very likely that the customer's previous behaviour will have some bearing on how to proceed with unrelated future correspondence or contact with the Council, particularly where there has been an element of extreme behaviour or verbal abuse.

## Examples of unreasonable behaviour and action

11. The following is a list of some actions and behaviours which can be deemed as unreasonable, unreasonably persistent. The following is by no means exhaustive and is designed to give an indication of the type of behaviour that is considered to be unreasonably persistent.
  - Refusing to use the formal complaints procedure while still wishing their complaint to be resolved;
  - Refusing to accept that certain issues are not within the scope of the Council's complaints procedure despite having been provided with information about its scope;

- Making unjustified complaints about employees who are trying to deal with the issues, and seeking to have them replaced or harbouring personal grudges;
- Denying or changing statements made at an earlier stage;
- Raising numerous, detailed and unimportant questions and insisting they are all fully answered;
- Covertly recording meetings and conversations without the prior knowledge and consent of other persons involved;
- Submitting falsified documents from themselves or others;
- Adopting a 'scattergun' approach: pursuing parallel disputes and/or issues(s) on the same issue with a variety of officers, departments or services;
- Making unnecessarily excessive demands on the time and resources of employees.
- Making excessive telephone calls or sending emails to numerous Council employees, writing lengthy complex letters every few days and expecting an immediate response;
- Submitting repeat FOI requests (after the FOI process has been completed) essentially about the same issue(s), with minor additions/variations which the customer insists make these a 'new' issue;
- Being abusive or using aggressive language;
- Rejecting attempts by the Council to assist and advise and showing no willingness to engage with Council officers;
- Explicitly stating that it is their intention to cause disruption to the Council;
- Refusing to accept the decision; repeatedly arguing points with no new evidence;
- Using other family members to attempt to re-open an issue which has already been dealt with; or
- Combinations of some or all of the above.

## **Steps to be taken**

12. The actions we take will depend upon the nature and extent of their behaviours. Any action taken should be appropriate and proportionate to the nature and frequency of the customer's contacts with the Council. If their persistence adversely affects the Council's ability to do its work, is disproportionately resource intensive and/or adversely affects the Council's ability to provide a service to another, the Council may need to address their behaviour.
13. The Council will carefully consider each individual case before invoking the policy. This is especially pertinent when a customer is a disabled customer; particularly those with mental health or communication difficulties.
14. If interpretation is required for face to face meetings, staff will ensure this is provided at appropriate junctures. Letters will also be translated as necessary.
15. Initially the customer may be sent a letter setting out that their conduct is becoming a concern. The letter will ask that the behaviour exhibited is moderated and will suggest, where appropriate, who the customer should contact within the Council over their concerns.
16. Should this request for not be heeded there are 2 stages which must be followed for a customer to be made unreasonably persistent or their unreasonable behaviour recognised as such.

IT SHOULD BE NOTED – This policy only deals with the *conduct of the customer*, not the substance of the complaint or concerns raised. The adopted procedures relating to the processing of complaints should be followed regardless of whether this policy is engaged, unless it is considered there are reasons for not doing so. If this is the case the customer should be advised of this at the earliest opportunity and if appropriate provided with an alternative route to remedy his complaint, such as referral to the Local Government Ombudsman.

#### Stage 1 (prior warning)

17. If customer ignores the initial letter and is deemed to be unreasonably persistent or demonstrating unreasonable behaviour, the Head of Service will issue a prior warning letter, including the following points:
  - An explanation of why the customer's behaviour is deemed unacceptable;
  - An offer of a meeting, if deemed appropriate by the Council, with an officer from the council to try and resolve the issue and explain to the customer why their behaviour is unacceptable;
  - Advising of a named officer/point of contact for any further correspondence;

- A statement of future intent to apply restrictive action to the customer's contact should their behaviour continue;
  - Referencing and including a copy of the Unreasonable Customer Behaviour policy.
18. Any arrangements for limiting a customer's contact must take account of the customer's individual circumstances however, such actions may include blocking a customer's email address denying the customer the ability to email the Council and/or refusing to take telephone calls from the customer.
  19. The customer's record on W360 should be flagged at this stage with the relevant guidance to staff.

Stage 2 (full implementation of the policy)

20. Full implementation of the policy will be undertaken by the Head of Business Planning and Performance (HoBPP), or nominated representative, in liaison with a member of CMT.
21. Before the policy can be fully implemented, the HoBPP, or nominated representative, must be satisfied that;
  - the customer is behaving in an unreasonable or persistent manner (as per the policy)
  - any formal complaint has been dealt with properly in accordance with the complaints procedure
  - a stage 1, a prior warning letter has been sent to the customer as outlined above
22. Once satisfied, the HoBPP, or nominated representative will take a report (factual and unbiased) to a CMT representative detailing the history and the reasons why the customer's behaviour is felt to be unreasonable or persistently unreasonable, a log of contact with the customer (to include dates, times and nature of contact) and any other related information which is of relevance.
23. The role of the CMT representative is to consider if the customer's contact with the Council is unreasonably persistent. If it is deemed that this is the case;
  - The HoBPP or his nominated representative will write to the customer advising them of this, explaining how long the restrictions will remain in place and what the customer can do to have the decision reviewed;
  - Should a customer raise new issues, these will be reviewed on their own merits and consideration given to any restrictions on the customer which have previously been applied.

- The customer will be added to the Council's register as being declared a persistent complainant, also ensuring relevant officers/Members are made aware (including on the W360 record).

#### If a customer continues to contact the Council

24. A named officer should be appointed to deal with and review any future correspondence or contact from the customer. When reviewing any future correspondence, the officer should consider whether this relates to an existing issue or whether it is a new concern.
25. Where a customer continues to contact us about an existing issue to which this policy has been applied but provides no further new information, no further action will be taken on the issue and a letter will be sent to the customer advising of this and then no further correspondence will be entered into.
26. If a customer raises a new issue the HoBPP or their nominated representative will make a decision as to how this will be dealt with and whether any existing restrictions (as per this policy) are still appropriate.
27. If a customer's behaviour becomes abusive or threatening, we may take the decision to inform the police.
28. Customers should not seek to circumvent this policy by asking someone else who is connected to them, such as a family member, someone of close association, advocate, or simply to submit the same or similar issues on their behalf. Should we consider that someone is acting in place of or with a declared unreasonably persistent customer, the customer who has submitted the duplicate issue will be treated in the same manner.
29. Should a customer seek to circumvent this policy by contacting their local MP or Councillor whilst we will engage with the MP or Councillor we will ask that they assist us in maintaining the customer's status, subject to their own investigations into the matter.
30. Further, should a customer to whom the Policy has been applied, continue to email, write in or telephone officers and Members have the right to not reply or respond to this communication.

#### **Appeals and Review**

31. If a customer is unhappy with the decision the Council has taken under this policy or are unhappy with how they have been treated, they may make a complaint to the Local Government Ombudsman (LGO) about how they have been treated.

32. We will co-operate fully with any investigation the LGO undertakes and will ensure that all paperwork and documentation is available;
33. Where restrictions (in line with this policy) have been applied to a customer, they will normally be in place for a year but will be subject to a review at 6 months by the Head of Service that first requested the restrictions. At the end of this period, the Head of Service will review the case and write to the customer to advise them of the outcome.
34. Where any restrictions are to continue, the customer will be notified of this alongside an explanation of why and when the next review is scheduled to take place.

### **Confidentiality, legal requirements and non-compliance**

35. All personal data provided to the Council will be processed in accordance with the Data Protection legislation. Any breach of the policy may result in the Council being referred to the Local Government Ombudsman.