

# **POLICY ON THE MANAGEMENT OF UNREASONABLY PERSISTENT CUSTOMERS**

## **1. INTRODUCTION**

- 1.1 In general, dealing with complaints is a straightforward process. However, there are a small number of customers who pursue their cases in a way that can impede the investigation of their complaint or have significant resource issues for the Council in dealing with the issues that they raise. For example, the sheer number or nature of their enquiries/ correspondence may lead them to be considered as 'persistent' or 'vexatious'.
- 1.2 The purpose of this policy is to ensure that whilst the Council's services to users are not being restricted or diminished, such unreasonably persistent customers (sometimes referred to as vexatious complainants) are dealt with consistently and fairly across all services. It also ensures that staff and elected Members are aware of the process for identifying such customers, the options available for action and who can authorise them. This policy does not apply to any partnership arrangements.
- 1.3 This policy may be used by elected Members in conjunction with the Protocol for elected Members for dealing with Anonymous Correspondence.

## **2. DESCRIPTION OF AN UNREASONABLY PERSISTENT CUSTOMER**

- 2.1 An 'unreasonably persistent customer' is categorised as such because of the frequency or nature of their contacts or complaint. The customer may take up what the Council regards as a disproportionate amount of time and resources and disrupt service delivery for themselves and others.
- 2.2 In exceptional circumstances action must be considered to limit customer contact with the service concerned. However it is recognised that they may wish to raise other legitimate issues concerning other service areas
- 2.3 Examples of unreasonably persistent customer behaviour are detailed below, may be made in person, by telephone, in writing, by email, or fax and may relate to an individual, a number of individuals, or a group.
  - aggressive, intimidating, threatening behaviour displayed during telephone calls or when visiting Council offices/premises which may upset staff, customers or elected Members.
  - numerous repeat calls which disrupts service delivery and upsets staff.
  - insistence that issues be dealt with by a supervisor/manager.
  - making excessive demands on staff time whilst a complaint is being investigated.
  - submitting repeat issues of concern/complaints.
  - refusing to accept a decision once a complaint has been investigated.
  - changing the basis of a complaint as the investigation proceeds or introducing trivial or irrelevant information for comment.

- making groundless complaints about staff.
- refusing to accept that a complaint is outside the remit of the Council.
- refusing to co-operate with staff dealing with their issues of concern.
- seeking to have a complaint investigated by someone else, once the Complaints Procedure has been exhausted.
- making malicious, unwarranted or defamatory comments against staff or elected Members or making remarks which are a protected characteristic as defined by the Equality Act 2010.

### **3. THREATS TO HEALTH AND SAFETY/ POTENTIAL CRIMINAL ACTION**

- 3.1 If a member of staff feels threatened by contact with a member of the public they will report this to their Service manager in writing, explaining the reason(s) why.
- 3.2 Where there is an imminent risk of harm, the Service manager may immediately temporarily exclude the customer from the premises to prevent escalation of the situation. If the Service manager believes that the customer should be excluded on a long term basis, this requires the agreement of the Head of Service/Service Director, under the provisions of 2.2 above.
- 3.3 The member of staff will complete the appropriate Health & Safety Violence at Work incident report form (HS V1) for the Service manager to formally record the incident and take any necessary action.  
For example:
- i) Head of Service/Service Director to write to the customer concerning their behaviour and if necessary set conditions for further contact with staff, such as restrictions upon attendance at Council establishments.
  - ii) Report the matter to the police.
- 3.4 Threatening, abusive or offensive customer behaviour during a telephone call to staff is unacceptable. When such calls are received by staff they will explain that the call will be terminated if such behaviour continues. When staff terminate a call, a note will be placed on the case file explaining why this course of action was taken.
- 3.5 Repeated calls of this nature may be deemed as harassment and referred by the Service manager to the Head of Service, to be reported to the police. Any physical or verbal assaults on a member of staff or elected Member or any other customer will be reported to police.
- 3.6 There will be no right of appeal against a decision to exclude a person/group from one or more Council buildings where that decision was made for Health & Safety reasons (as set out in HSV1).

### **4. ELECTRONIC RECORDING OF VERBAL COMMUNICATION**

- 4.1 The electronic recording of meetings or telephone conversations by customers with staff or elected Members may be considered as intimidating. If a customer intends recording a conversation by electronic means (e.g. by mobile phone or

Dictaphone), this must be made clear to the other party beforehand and requires their agreement.

4.2 There is no obligation for staff or elected Members to agree to the electronic recording of such conversations/meetings. When a member of staff/elected Member states they are not happy to proceed with a recorded conversation/meeting, the customer will be expected to comply with this, and not undertake any recording.

4.3 If staff or elected Members comply with a recorded conversation, it must only be retained for personal use by the customer, to help with their recollection of the discussion. It must not be shared with any third party for any reason.

4.4 Any covert recording of meetings / telephone calls by customers will be considered unreasonable behaviour and the customer will be subject to appropriate action as outlined in this policy.

## 5. MANAGING UNREASONABLY PERSISTENT CUSTOMERS

5.1 The following two stage process will be used across all Council services for dealing with Unreasonably Persistent Customers.

Stage 1	Stage 1 Service Action	Follow Up/Action
<p>Officer reports customer behaviour to Service manager/ Head of Service, who will determine whether behaviour was unreasonable (as per UPC descriptions in 2.2).</p>	<ul style="list-style-type: none"> <li>• Head of Service in consultation with Service Director, issues warning letter that restricted contact may be introduced if UPC behaviour continues, including details of appeal process (cc to Service F/Back officer).</li> <li>• Head of Service/ Service Feedback Officer notifies Service Director – Legal Services of warning letter issued for a central record and to inform an annual report to Standards Committee.</li> </ul>	<ul style="list-style-type: none"> <li>• If customer appeal is received, the Service Director, Legal Services will:               <ul style="list-style-type: none"> <li>i) notify the relevant Group Director to consider appeal;</li> <li>ii) inform customer whether or not the Group Director upheld the appeal.</li> </ul> </li> </ul>
Stage 2	Stage 2 Service Action	Follow Up/Action
<p>Customer continues to behave unreasonably in his/her dealings with the Service despite receiving a warning letter at Stage 1.</p>	<ul style="list-style-type: none"> <li>• Group Director in consultation with Director of Legal Services or Service Director – Legal Services determines restricted contact arrangements.</li> <li>• Service Director – Legal Services will:               <ul style="list-style-type: none"> <li>i) write to customer of decision regarding restricted contact arrangements/termination of contact.</li> <li>ii) maintain record of decision/action taken for inclusion in annual monitoring report to Standards</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Any further contact from customer will be treated in accordance with this policy. For example:               <ul style="list-style-type: none"> <li>i) repeat/further correspondence will be placed on file.</li> <li>ii) abusive/intimidating telephone calls will be terminated.</li> </ul> </li> </ul>

	Committee in terms of the process applied to the customer and decision determined.	
<p><b>Note:</b> The authority reserves the right to implement this policy immediately at Stage 2 in exceptional circumstances without issuing a Stage 1 warning. In such cases the customer will be notified of the reasons why immediate action was considered appropriate.</p>		

5.2 Any decision on restricting contact will be appropriate to the customer's behaviour and based on their specific circumstances. For example, where customers bombard the Council with correspondence on an issue which has already been addressed, any subsequent or repeat correspondence received will be considered to identify any new issues raised. If none are evident, the correspondence will just be placed on file.

5.3 Group Directors, in consultation with the Service Director – Legal Services or Monitoring Officer will have discretion to impose the following restrictions:

- Restricting contact within manageable and reasonable time restrictions.
- Restricting contact with a specified officer or team, or at a particular time or place.
- Restricting telephone contact to specific days and times.
- Exclusion from one or more Council establishments, due to unreasonable or violent behaviour.
- Restricting contact in a particular form, for example contact by letter only.
- Requiring the customer to enter into an agreement regarding further contact with the Council.
- Complete termination of contact with a customer or permanent exclusion of a customer from Council premises.

5.4 Any decision to restrict contact will be a Service based decision, and will not be applied Council wide. For example, Customer Services may restrict contact in a One4All Centre but this arrangement would not necessarily apply to the same customer at a Leisure Centre.

5.5 Awareness of the decision to restrict or terminate contact with a customer will be circulated to the appropriate service team.

5.6 Exclusions will normally be reviewed and determined on a case by case basis but in extreme cases may be permanent. When a customer exclusion has been imposed but is subsequently ignored, the period of exclusion may be immediately reviewed, extended or possibly made permanent.

## 6. APPEAL PROCESS

6.1 If a customer is unhappy with the decision to identify him/her as unreasonably persistent at Stage 1 of this policy, he/she has 15 working days to appeal against the decision. Appeals should be made in writing setting out reasons why the customer disagrees with the decision. Appeals should be made to:

Service Director - Legal Services,  
Legal Services,  
The Pavilions,  
Clydach Vale,  
Tonypandy,  
Rhondda Cynon Taf.  
CF40 1NY

- 6.2 The Service Director - Legal Services will notify the Group Director of any appeals received at Stage 1 of the process and will inform the customer concerning the decision reached, that their appeal is either “upheld” or “not upheld”.
- 6.3 Further unreasonably persistent customer behaviour will be considered by the Group Director in consultation with the Service Director – Legal Services or Monitoring Officer to determine the level of restricted contact arrangements to be applied.
- 6.4 The Service Director – Legal Services will notify the customer in writing of the decision reached. The Monitoring Officer will report to Standards Committee concerning the process applied to the customer and decisions taken to invoke restricted contact arrangements.

## **7. REVIEW**

- 7.1 A review of the decision to categorise a customer as ‘unreasonably persistent’ will be undertaken no later than 12 months following the date of the decision made to restrict contact.
- 7.2 The review will be undertaken by the Service Director – Legal Services, to ensure a review at cross cutting service level and to consider any relevant contact information for the restriction period.
- 7.3 The Service Director – Legal Services will review each case and recommend whether customer restrictions should continue, or be fully/partially removed. The Service Director – Legal Services will notify the relevant Group Director of the recommendations made following the review.
- 7.4 The Group Director will consider the Service Director – Legal Services recommendations and will notify them as to whether or not they are endorsed. The Service Director – Legal Services will notify the customer accordingly.

## **8. MONITORING ROLE OF THE STANDARDS COMMITTEE**

- 8.1 The Monitoring Officer will present an annual report to Standards Committee summarising all decisions made and action taken in respect of unreasonably persistent customers.
- 8.2 Standards Committee will review each case in order ensure that the Policy has been appropriately administered and adhered to.

## **9. NEW ISSUES ARISING FROM UNREASONABLY PERSISTENT CUSTOMERS**

9.1 Any new issues raised by an unreasonably persistent customer will be treated on their merits. The Group Director concerned will consider whether any restrictions already applied remain appropriate and necessary in terms of any new issue raised.

## **10. OTHER RELEVANT POLICIES / PROTOCOLS**

- Customer Feedback Scheme
- Violence at Work Policy
- Protocol for Elected Members to deal with Anonymous Correspondence.