

**MAE'R DDOGFEN HON AR GAEL YN GYMRAEG / THIS DOCUMENT IS AVAILABLE IN
WELSH**



RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MANAGING UNACCEPTABLE AND UNREASONABLE CUSTOMER BEHAVIOUR POLICY

TREATING OUR STAFF AND COUNCILLORS WITH DIGNITY AND RESPECT

TABLE OF CONTENTS

	PAGE NUMBER
1 INTRODUCTION AND POLICY AIMS	2
2 WHAT IS UNACCEPTABLE OR UNREASONABLE BEHAVIOUR?	3
3 UNACCEPTABLE BEHAVIOUR	4
4 UNREASONABLE BEHAVIOUR	5
5 MANAGING UNACCEPTABLE AND UNREASONABLE CUSTOMER BEHAVIOUR	8
6 MAKING DECISIONS TO MANAGE CONTACT AND INTRODUCE RESTRICTIONS	9
7 REVIEWING DECISIONS TO MANAGE CONTACT/INTRODUCE RESTRICTIONS	11

1. INTRODUCTION AND POLICY AIMS

- 1.1. Rhondda Cynon Taf County Borough Council (the 'Council') provides a vast array of services and is committed to providing excellent customer service and care to everyone who interacts with those services. In doing so everyone is entitled to be treated respectfully, fairly and appropriately. The Council will respond to all customers professionally and courteously.
- 1.2. Council staff and Councillors must be afforded those same rights. As an employer the Council has a duty to safeguard the health and wellbeing of its staff and in respect of Councillors, as the Council's elected representatives.
- 1.3. The Council will communicate with customers with patience and understanding of their needs but there are times when customers make unreasonable demands or behave in unacceptable ways.
- 1.4. The Council does not expect its staff or Councillors to tolerate inappropriate, abusive, threatening, demeaning or offensive behaviour either verbally or in writing or via other sources such as social media or blogs. It has a zero tolerance approach to such matters.
- 1.5. Similarly, the Council does not expect its staff or Councillors to deal with someone who, because of the frequency of their contact, places a strain on time and resources and causes undue stress for staff. Where a customer acts persistently, determinedly or assertively, they usually display this behaviour legitimately in the pursuit of a resolution to their enquiry or complaint.
- 1.6. The Council recognises that customers at times feel under pressure, are distressed or feel that they have to be determined to pursue their concerns. They can also feel angry about a situation. However, there may be times where there is nothing further that can reasonably be done to assist a customer or rectify a perceived problem. In such circumstances the Council recognises there are occasions when matters will need to be drawn to a close, if there is no reasonable way of resolving the situation to everyone's satisfaction.
- 1.7. The purpose of this policy is to explain the appropriate action that the Council will take against those customers deemed to be displaying unreasonable or unacceptable behaviour which can distress Council staff and Councillors, or strain resources with persistent and unrealistic demands.

- 1.8. In dealing with customers, the Council recognises that resources, including staff time, have to be used responsibly and directed where they can provide the most value. This might mean that the Council cannot always respond to every matter in the manner and to the extent that a customer would choose.
- 1.9. Where it is suspected that a customer may have additional needs, a disability or condition which may prevent them from communicating with the Council in a reasonable, coherent or rational manner steps may, if considered appropriate, be taken to access any relevant support services and advice as required to assist the customer. The Equalities, Diversity & Inclusion team may be consulted where a customer who has challenging behaviour may need reasonable adjustments and this should be done before any contact restrictions are implemented. A record should be kept of any reasonable adjustment made.
- 1.10. The core aims of this policy are to ensure equity and fairness, improve efficiency and manage risks to the health and safety of staff and Councillors. It aims to ensure that a consistent and fair approach is taken in relation to:
- a) the type of behaviour that might be regarded as unacceptable or unreasonably persistent;
 - b) how such behaviour is dealt with; and
 - c) the sanctions or restrictions the Council may impose in response to a customer's inappropriate actions or behaviour.
- 1.11. This policy applies to anyone who contacts the Council for whatever reason and includes those persons or organisations acting on behalf of a customer.

2. WHAT IS UNACCEPTABLE OR UNREASONABLE BEHAVIOUR?

- 2.1. Behaviour will be considered unacceptable or unreasonable if, in the Council's view, it adversely affects staff or Councillors wellbeing, service delivery or the Council's ability to manage resources fairly and proportionately. It is difficult to produce a comprehensive list of the actions that would be deemed to be unreasonable and unacceptable behaviour. However, examples are given under two broad headings below. Ultimately it will be a matter for the relevant Service department, following consultation with the Council's Monitoring Officer (or their representatives) to decide whether a particular customer's actions or behaviour are inappropriate, having regard to the circumstances of each case and the stated aims of this policy.

3. AGGRESSIVE, ABUSIVE AND INAPPROPRIATE BEHAVIOUR – CATEGORISED AS UNACCEPTABLE BEHAVIOUR

- 3.1. The Council expects staff and Councillors to be treated with courtesy, dignity and respect. As an employer the Council has a zero tolerance approach towards any harassment or victimisation of Council staff or Councillors. Council staff and Councillors have the right to work in an environment free from aggressive, abusive or offensive language or behaviour at all times.
- 3.2. The Council considers aggressive, abusive and inappropriate behaviour and language (whether conducted verbally, in writing or published via social media/other sources) to include:
- foul, abusive, obscene, indecent, threatening, violent or offensive language or behaviour
 - intimidatory behaviour
 - defamatory, harassing, hateful remarks or accusations against individuals or organisations
 - sending malicious communications
 - over-bearing behaviour; refusing to give staff an opportunity to speak
 - repeated derogatory comments
 - inappropriate sexual or gender-based remarks
 - inappropriate cultural, racial, political or religious references
 - any other comments that are deemed discriminatory based on race, national or ethnic origin, age, religion or belief, gender and gender reassignment, marital status, socio-economic status, physical or mental disability, sexual orientation or use of the Welsh language
 - rudeness or shouting
 - emotional abuse or manipulative behaviour
 - making unsubstantiated allegations
- 3.3. Staff will always try to recognise the difference between aggression and anger. However, it is not acceptable when anger escalates into aggression directed towards staff and Councillors.
- 3.4. Threats of physical violence or harassment to any person are unacceptable, will not be tolerated and will be reported to the Police. The Council will also consider taking its own legal action, for example by way of an injunction to prevent such

behaviour. In some cases, prior warning may not be given to the customer of these actions.

- 3.5. Such behaviour can also include threats or damage to property such as breaking furniture, graffiti on buildings, disrupting Council business and meetings or malicious attacks on Council computer systems.

4. UNREASONABLY PERSISTENT OR DEMANDING BEHAVIOUR – CATEGORISED AS UNREASONABLE BEHAVIOUR

- 4.1. The Council is committed to providing a proportionate amount of time and resources to each customer. Unreasonable demands and persistence may prevent staff and Councillors from fulfilling this commitment. The Council accepts that persistence is not necessarily a form of unreasonable behaviour. What amounts to unreasonable demands will always depend on the circumstances of the complaint and the seriousness of the issues raised by the customer.
- 4.2. The way in which a customer approaches the Council may be entirely reasonable but it is their persistent behaviour in continuing to do so that is not. The actions of persistent or demanding customers are considered to be unreasonable when they take up what the Council regards as being a disproportionate amount of time and resources.
- 4.3. The Council considers examples of such unreasonably persistent or demanding behaviour to include but are not limited to:
 - excessive telephones calls, emails or letters
 - sending duplicate correspondence
 - persistent refusal to accept a decision or explanation
 - continuing to contact the Council, about the same or similar matters, without presenting new or relevant information
 - being unable to identify the precise issues a customer wants the Council to deal with or investigate despite the Council having taken reasonable steps to assist the customer with this task

- being unable to identify a reasonable resolution to an issue the customer wants the Council to deal with or investigate despite the Council having taken reasonable steps to assist the customer with this task
- inappropriate or frequent visits to Council premises in respect of a matter the Council considers concluded
- demanding responses within an unreasonable time scale or information not relevant to a matter
- refusing to cooperate with the Council's complaint handling procedures or procedures for dealing with queries (for example, copying the same correspondence to a number of people at the Council, thereby making it difficult for the Council to provide a co-ordinated response)
- frequently raising peripheral and, possibly, trivial matters that do not relate to the main query, complaint or Council services
- inappropriately changing the substance of a query or complaint while the Council is dealing with it
- adopting a scatter gun approach; pursuing parallel enquiries/complaints on the same issue via more than one channel and/or other organisations
- raising matters that are immaterial to a matter or repeatedly changing the substance of a matter
- persistently copying the Council into correspondence in relation to matters it considers closed or which are not within its remit despite the customer having been informed that this is the case
- repeatedly contacting or insisting to speak to a particular member of staff when a suitable alternative has been offered (if deemed appropriate)
- insisting that the enquiry or complaint should be dealt with in ways which are incompatible with standard procedure or good practice
- refusing to accept documented evidence as factual
- pursuing a complaint after the Council's Complaint Policy has been fully implemented and exhausted

- insisting that the Council has not provided an adequate response to a query or complaint, despite evidence that the Council has provided a comprehensive response.
- covertly filming and/or recording meetings and conversations without the prior knowledge and consent of the other person involved
- naming individual staff members on social media/via blogs/websites
- correspondence is overly legalistic in its content and/or tone
- sharing abusive, obscene, indecent, threatening, violent or offensive content via the Council's, or customer's own, social media channels
- issuing disproportionate threats of legal action
- a customer is highly needy, emotionally demanding or appears to be becoming dependent on a particular member of staff
- misuse of a customer's statutory information rights
- misuse of online meeting platforms

4.4 The Council recognises that customers may use automated tools, including artificial intelligence systems, to generate correspondence or complaints. While the use of such tools is not inherently unacceptable, the Council may treat AI generated content as unreasonable behaviour where its volume, content or nature adversely affects staff wellbeing, service delivery, or the Council's ability to manage resources fairly and proportionately.

4.5 AI generated or automated complaints may be considered unreasonable where, for example:

- large quantities of repetitive or near identical correspondence are submitted in a short period;
- the content includes abusive, threatening, defamatory or offensive material generated by an automated system;
- automated submissions are used to bypass or overwhelm the Council's complaints process or decision making procedures;
- AI generated text is repeatedly submitted without genuine engagement by the customer;
- the automated nature of the correspondence makes it impossible to progress or meaningfully resolve the matter.

4.6 In such cases, the Council may impose appropriate restrictions in line with Section 6 of this Policy, including limiting the method or frequency of contact, requiring communication through a single point of contact, or declining to respond to repetitive or automated submissions.

5. MANAGING UNACCEPTABLE AND UNREASONABLE CUSTOMER BEHAVIOUR

- 5.1 As stated above, the Council operates a zero tolerance approach to unacceptable and unreasonably persistent or demanding behaviour and will protect its staff and Councillors from such behaviour.
- 5.2 If a customer behaves in an unacceptable or unreasonable manner, the Council will follow this policy to manage such behaviour and to control or limit the contact which customers have with Council staff or Councillors.
- 5.3 In certain circumstances the Council will have to consider placing restrictions on how and whether a customer may contact the Council.
- 5.4 Wherever possible the Council will give a customer the opportunity to modify their behaviour or action before a decision is taken in respect of the placement of any restrictions.
- 5.5 In the event that a member of Council staff or Councillor considers a customer's actions to be unacceptable:
 - a) they may immediately inform the customer that their behaviour is inappropriate and politely terminate any conversation or phone call with the customer
 - b) if violence, abuse or harassment is used or threatened the incident may be reported to the Police. This will always be the case if physical violence is used or threatened
 - c) The Council will not deal with correspondence (letter or via email) that is abusive. When this happens the customer will be told that their language is considered offensive and/or inappropriate. They will be asked to stop using such language and the Council will state that there will be no response to their correspondence if they do not stop. The Council may require future contact to be through a third party.
- 5.6 Council staff and Councillors who directly experience such unacceptable behaviour have the authority to deal immediately with that behaviour in a manner they consider appropriate to the situation and in line with this policy.
- 5.7 In some cases, relations between the Council and the customer who has displayed unacceptable behaviour or is being unreasonable may break down completely while complaints are still under investigation and there is little prospect of achieving a satisfactory outcome. In such circumstances, there may be little purpose in following some of or all the stages of the Council's complaints policy. Where this

occurs, early consideration of referring the matter to the Public Services Ombudsman for Wales (where the matter is under their jurisdiction) should be made, as they may be prepared to consider a complaint before the complaint's procedure has run its course within the Council.

6. MAKING DECISIONS TO MANAGE CONTACT AND INTRODUCE RESTRICTIONS

- 6.1 If an officer of the Council is of the opinion that a customer's actions or behaviour are unacceptable or unreasonable they shall, in the first instance, discuss this with their line manager, or in the case of Councillors with the Monitoring Officer (or their representative) in order to consider any informal steps that can be followed to resolve the concerns.
- 6.2 In the event that no informal steps are appropriate or informal attempts to resolve the concerns do not work (such as non-compliance with a warning as to future conduct), the behaviour is seriously or consistently inappropriate (or otherwise adversely affects the Council's or a Councillors' ability to work effectively) staff and Councillors must refer the customer to the Council's Complaints and Engagement team.
- 6.3 The Council's Engagement and Complaints Manager, in consultation with the Council's Monitoring Officer (or their representative), shall then consider whether action(s) should be taken to restrict or manage the customer's behaviour.
- 6.4 The referring staff member or Councillor must produce a written summary of the actions and behaviour that they consider to be inappropriate, what has been tried informally and submit it to the Engagement and Complaints Manager for determination.
- 6.5 If following a review the Engagement and Complaints Manager deems the customer's actions have breached this policy, they will write to the customer to set out:
 - a) the behaviour that is considered to be inappropriate; and
 - b) the action that will be taken as a result of the inappropriate behaviour.
- 6.6 Where a customer has acted inappropriately the Council may impose restrictions and conditions to resolve the problems caused by the inappropriate behaviour, which may include (amongst other considerations) the following steps:

- a) Restricting:
- the manner in which the customer may contact the Council (e.g. via one contact method only)
 - the times at which the customer can contact the Council
 - the people the customer can contact at the Council (which may include the introduction of a single point of contact for all future correspondence)
 - the duration of calls or meetings with the customer (which may be by prior appointment only).
- b) Informing the customer that the Council will not respond to further communication relating to certain matters. Future correspondence would be read to check for safeguarding, legal or service critical content but may then be filed or destroyed without acknowledgement. Emergency contact routes would remain available.
- c) Informing the Council will only respond to communication relating to specific matters
- d) In extreme situations, the customer will be told in writing that their name is on a 'no personal contact' list. This means that they must restrict contact with the Council to either written communication or communication through a third party.
- e) Where a customer continues to correspond on a wide range of issues and this correspondence is considered excessive, the customer may be told that only a certain number of issues will be considered in a given period and asked to limit or focus their requests accordingly.
- f) Taking any other action that the Engagement and Complaints Manager considers appropriate.

6.7 When the Council applies this policy to a customer, the Council will write to them setting out:

- The reasons why the Council believes their behaviour to be unacceptable or unreasonable
- what action the Council has decided to take in response to this behaviour
- how and when the Council will review any decision to restrict access to the Council and the subject matter it will apply to.

A copy of the policy will also be provided to the customer.

- 6.8 When imposing restrictions the aim will be to do this in a way which is reasonable and proportionate. It will balance the interests of the customer with the duty to protect the health, safety wellbeing of Council staff and Councillors.
- 6.9 Any step required to be taken by the Engagement and Complaints Manager under this policy may also be undertaken by any officer that they authorise for that purpose.

7. REVIEWING DECISIONS TO MANAGE CONTACT/INTRODUCE RESTRICTIONS

- 7.1 Twelve (12) months after the Council takes the decision to restrict and/or manage contact with a customer, a review will be carried out by the Engagement & Complaints Officer (or their representative) following consultation with the relevant Service Director. The Council retains a discretion to conduct such a review earlier if in its sole determination it is appropriate to do so.
- 7.2 That officer will then make a recommendation to the relevant Service Director as to whether any restriction(s) should be extended, amended or removed.
- 7.3 Where the customer has changed their behaviour to the extent that the Council does not believe that the policy shall apply, the Council will amend or remove the contact restrictions.
- 7.4 Once the review is completed, the Engagement and Complaints Officer shall write to the customer and advise them of the decision reached if restrictions have been extended and/or amended. There is no need to instigate further contact with the customer if the period of restrictions is simply allowed to expire at the end of the 12 month review period. In some circumstances it may not be appropriate to write to the customer. For example, if the Council considers this may exacerbate or provoke further unacceptable or unreasonable behaviour.
- 7.5 After a period of restriction has expired, the Council hopes that repeated contact about the same issue or concern will cease. However, it is possible that the customer may seek to raise the same issue or concern again. The Council therefore reserves the right to immediately reapply any restrictions that may have been lifted following a review, or apply new restrictions, should the customers behaviour once again become unacceptable or unreasonable.
- 7.6 The Council reserves the right to take into account a customer's previous conduct with the Council should a customer engage with it on a different subject matter to that which contact restrictions may have been imposed previously.
- 7.7 This policy will be reviewed every three years or earlier if required due to legislative or organisational changes.