



## Exeter City Council

### Policy for Dealing with Unacceptable Customer Behaviour

This policy should be read with the Exeter City Council guides for managers and employees

This policy can be made available in large print and other formats such as printed on yellow paper, taped, Braille etc. as requested.

#### Policy development and Version details

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<b>Title</b>	Policy for dealing with unacceptable customer behaviour
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<b>Owner</b>	David Bartram, Director
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## 1. Policy statement

- 1.1 Exeter City Council is committed to dealing with customers fairly and impartially and to providing a high quality service. As part of this service the Council does not normally limit the contact that customers<sup>1</sup> have with its officers.
- 1.2 Occasionally, the behaviour of some customers can make it very difficult for Council staff<sup>2</sup> and elected members to deal with their enquiry or concern. In a small number of cases the actions of some customers become unacceptable because they involve abuse of people or processes. When this happens we have to take appropriate steps. 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.
- 1.3 People may act out of character in times of trouble or distress. We do not view behaviour as unacceptable just because a person is forceful or determined. However, we do consider actions that result in unreasonable demands on our workers to be unacceptable. It is these actions that we aim to manage under this policy.

## 2. Aggressive, abusive or violent behaviour

- 2.1 We define abusive or aggressive behaviour as any behaviour which produces damaging or hurtful effects, physically or emotionally on other people. This definition is not exhaustive but would include:
  - verbal abuse including name calling
  - bullying, shouting or swearing
  - assault – resulting in injury or not
  - assault using a weapon or other instrument including broken bottles, hypodermic needles etc.
  - sexual assault
  - injury caused by pets, e.g. dogs
  - threat of harm to property or family
  - racist or sexual abuse
  - harassment during or outside of work
  - threat or any of the above
- 2.2 We appreciate that customers' behaviour can be borne out of frustration with their own situation or the processes which must be followed in order for the Council to assist them. However, when this frustration escalates into aggression, abuse or bullying behaviour towards our officers, we consider that unacceptable. Any aggression, abuse or violent behaviour directed towards our officers will not be tolerated.
- 2.3 Aggressive or abusive behaviour includes language (whether verbal or written) or actions that may cause officers to feel afraid, threatened or abused and may include threats, personal verbal abuse, inflammatory statements, remarks of a racial or discriminatory nature, maliciously unsubstantiated allegations, derogatory remarks and use of obscenities.

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<sup>1</sup> A customer is any person who comes into contact or interacts with Council officers and operatives. This includes partner agencies where they are seen as 'customers'.

<sup>2</sup> Council staff includes employees, secondees, internships, volunteers, temporary staff and contractors

## 2.4 How we will deal with this type of behaviour.

- Immediate action can be taken by the employee in direct contact with the customer. All employees are trained to 'Step Away from Violence and Aggression' as per the related policy and guidance.
- The threat or use of physical violence, verbal abuse, intimidation or harassment towards our officers is likely to result in the termination of all direct contact with the customer who may also be banned from Council premises. Such incidents may be reported to the police. This will always be the case if Council officers believe that a criminal offence has taken place.
- Council officers may take reasonable steps to remove the customer from Council offices. The Council may also take legal action to prevent a customer from entering Council Offices, or contacting Council workers.
- The Council may place a restriction on the way we communicate with the customer, for example, restricting face-to-face contact to within the Council buildings, requiring more than one officer to be present at any meeting, including meetings at statutory or partner agency offices, limiting contact to written formats only.
- Where correspondence (either letter, fax or electronic) that is abusive to officers or contains allegations that lack substantive evidence is received, we will inform the sender that we consider their communication offensive, unnecessary and unhelpful and ask them to stop using such language. We will ask that the sender edit their correspondence to remove any offensive text and resend it, otherwise it will not be responded to.
- Officers will end telephone calls if they consider the caller to be aggressive, abusive or offensive in line with the Council's Step Away Policy and Guidance. Our workers have the right to make this decision, to tell the caller that their behaviour is unacceptable and to end the call if the behaviour then persists.
- The Council may take any other reasonable steps not noted here to ensure the safety of its workers.
- A record of the incident may need to be made on the Council's Accident/Incident reporting system and possibly entered on the Employee Protection Register. A record will also be made on the customer file.
- A communication will be sent to all staff and elected members to alert them to the new entry on the Employee Protection Register.
- Staff will also need to consider whether the aggressive, abusive or violent behaviour affects other relationships that the customer might have with the Council. For example if the customer is also a taxi or private hire vehicle licensed driver, their behaviour may be taken into account by the Licensing Committee as to whether they are a fit and proper person to hold such a licence.
- If the incident does not warrant an entry on the Employee Protection Register, but a restriction has been made on the customer's contact with the Council, the Safety of Employees Review Group (SERG) will give the individual a risk rating and services will be advised accordingly.
- Tier 4 managers will be responsible for writing to the individual being placed on the Employee Protection Register.

### **3. Behaviour that places unreasonable demands on our workers**

3.1 Behaviour can become unreasonable when it starts to impact excessively on the work of our officers or when dealing with the matter takes up an excessive amount of officer time and in so doing, disadvantages other customers or service users.

3.2 Examples may include, but are not limited to:

- Refusing to specify the grounds of a complaint or enquiry, despite offers of assistance.
- Repeatedly demanding responses within an unreasonable timescale.
- Demanding responses from several officers on the same subject.
- Making unjustified complaints about officers who are trying to deal with the issues, and seeking to have them replaced.
- Insisting on seeing or speaking to a particular officer when that is not possible.
- Refusing to deal with you and unreasonably wanting to 'jump the queue' and speak to a more senior officer.
- Overtly or covertly recording meetings and conversations.
- Submitting falsified documents from themselves or others.
- Impersonating someone else or falsifying their identity.
- Repeatedly changing the substance of an enquiry or complaint or raising unrelated concerns.
- Making serial complaints about different matters, or continuing to raise the same or similar matters over and over again.
- Repeatedly asking a question, when a satisfactory response has already been given.
- Inundating the council with emails, telephone calls or copies of information that have already been submitted or that are irrelevant to the enquiry, request or complaint.
- Making long telephone calls regarding matters that have already been discussed or that are irrelevant to the enquiry, request or complaint.
- Pursuing parallel complaints on the same issue with a variety of organisations;
- Refusing to follow the Council or Ombudsman complaint procedures or continuing to correspond when these procedures have been exhausted.

#### 3.3 How we will deal with this type of behaviour

3.4 We may:

- Limit contact to telephone calls from the customer at set times on set days.
- Restrict contact to a nominated Council officer who will deal with future calls or correspondence.
- See the customer by appointment only and possibly only with another officer in attendance.
- Restrict contact to written correspondence only.
- Refuse to deal with further correspondence and return any documents or advise the customer that further irrelevant documentation will be destroyed.
- Tell the customer that only a certain number of issues will be considered in a given period and ask them to limit or focus their requests accordingly.

3.5 If a customer presents themselves while under the influence of any substance such as alcohol or drugs which has a detrimental effect on their ability to undertake an interview with an officer then the officer can refuse or terminate the interview until such time that the customer is coherent.

3.6 The above are only examples of action we may take and we reserve the right to take any other action that we consider appropriate in the circumstances.

3.7 Where the correspondence relates to a complaint and we have told the customer that they may not have contact with us, we will continue to read any future correspondence. However we will not log, acknowledge or act on the correspondence unless it is submitting new evidence related to the complaint or making a normal request for a service outside of the complaint process.

#### **4. How we make a decision about unacceptable behaviour**

- 4.1 Any Council officer who directly experiences aggressive or abusive behaviour from a customer, has the authority to deal immediately with that behaviour in a manner they consider appropriate to the situation and which is in line with this policy.
- 4.2 With the exception of such immediate decisions taken at the time of an incident, decisions on unacceptable behaviour and the Council's response are only taken after careful consideration of the circumstances by a Tier 4 Manager or Nominated Deputy and referral to SERG is made for 'risk rating' of the individual. This must be informed by evidence provided by the relevant officer, team or team leader.
- 4.3 The Tier 4 manager will take into consideration whether the unacceptable behaviour is related to one specific issue such as a complaint, or whether it is likely to represent the customer's overall behaviour towards the Council.

#### **5. How we inform people of our decision**

- 5.1 When a decision has been made to restrict future contact, this will be communicated to the customer explaining why a decision has been made, the restricted contact arrangements and the length of time that these restrictions will be in place. This will be done whether the decision was made at the time of the incident or following consideration by a senior manager. The customer will also be told the process for appealing the decision. This ensures that the customer has a full record of the decision and the reasons behind it.
- 5.2 There are exceptions to this where it is felt that contacting the customer could put the worker at further risk. These are detailed in the Employee Protection Register Guidance.
- 5.3 The decision will be communicated in a way taking into account the customer's preferred method of communication. This may mean involving a third party or advocate to ensure the customer understands the decision that has been made. This will always be backed up with a written communication.

#### **6. How we will handle an appeal to the Council's decision**

- 6.1 Where a customer has been informed that their behaviour is unacceptable and advised of the action the Council is taking, they will be advised that they have the right of appeal.
- 6.2 If the customer wishes to appeal a restriction on their contact with the Council they can do this in writing or verbally or through a nominee or representative such as a support worker or advice worker, depending on the nature of the restriction imposed. Where legal proceedings are being taken against the customer, arising from the behaviour in question, the right of appeal will be suspended until those proceedings are concluded.
- 6.3 The appeal will be considered by a Tier 3 Manager or Nominated Deputy. It will be for the appeal officer to make arrangements to conduct the appeal, but this would normally provide for (1) oral or written submissions to be made by or on behalf of the customer; (2) disclosure of the evidence to the customer upon which the Council based its original decision; (3) provide advice to the customer on seeking independent legal advice; and (4) consideration as to whether reasonable adjustments should be made to the process due to the relevant or otherwise of the Equality Act 2010.
- 6.4 The appeal officer will have discretion to reverse the original decision; uphold the original decision or vary or amend the mitigating actions imposed; or increase the mitigating actions or the period of time for which the mitigating actions will apply. However, the appeal officer's decision is final, and there is no further internal right of appeal against that final decision.
- 6.5 The customer will be notified by whichever form of communication is appropriate to them and backed up by a written communication, of the outcome of the appeal within 15 working days of

receipt of the request for appeal, or whatever other period of time may have been agreed between the appeal officer and the customer or customer's representative or nominee.

- 6.6 If the customer is dissatisfied with the outcome of the appeal they may ask the Local Government Ombudsman or Housing Ombudsman (if the case relates to housing management) to investigate the case.

## **7. How we record and review a decision on unacceptable behaviour**

- 7.1 We record all incidents of unacceptable actions which have resulted in contact being restricted.
- 7.2 Where it is decided to restrict contact, an entry noting this is made by the Tier 4 in the relevant customer file and on appropriate computer records. Executive Support will also hold a record of the restriction. A decision to restrict contact may be shared with other services to ensure it is enforced consistently.
- 7.3 On a request from the customer, or from other agencies involved with that customer, a decision to restrict contact as described above will be reconsidered by a senior manager. Grounds for that reconsideration will need to be provided to support the request, and it will be a minimum requirement that the customer has maintained a period of acceptable behaviour towards Council officers for either the period stated in the decision letter or for one which the senior manager considers sufficient to establish the customer's intentions for the future. The senior manager's decision is final and there is no right of appeal.
- 7.4 All decisions to restrict contact will be reviewed by the Executive Support annually. We may not always communicate this decision to the customer to let them know the outcome of the review, even it is decided to lift the restriction, if we feel that doing so is likely to re-start a cycle of correspondence.

## **8. Freedom of Information**

- 8.1 Complaints related to Freedom of Information (FOI) are dealt with through the Corporate Complaints Procedure up to and including Stage 2. If they continue after Stage 2, instead of being referred to the Local Government Ombudsman, FOI complaints are referred to the Information Commissioner's Office.
- 8.2 The FOI policy officer will need to be involved in any discussions with Tier 2 and Tier 3 Managers around contact restriction with FOI complainants.
- 8.3 For further information see Freedom of Information Process, Procedure and Guidance

## **9. Safeguarding Adults and the Equality Act 2010**

- 9.1 Some customers that the Council considers to be behaving unreasonably may be doing so because of underlying issues that impact on the customer's ability to communicate or cope with the stresses and strains of life or dealing with a large organisation, for example, mental health issues, disability, or drug or alcohol dependency.
- 9.2 The Council has a duty under the Equality Act 2010 to make reasonable adjustments to its practices and procedures where customers (or indeed Council staff) have one or more of the protected characteristics set out in the Equality Act 2010. The Council also takes note of the Public Sector Equality Duty imposed by the Equality Act 2010.
- 9.3 In reaching decisions under this Policy, the decision maker must always have regard to the above duties and will need to illustrate when making a decision, that this has been done, and in such a way that shows in substance, and with due rigour, that it influenced the final decision reached. That holds true for the original decision and any decision made on appeal or by way of a review. All

decision makers must make a written record of their decision, the reasons for reaching that decision, and the evidence upon which they relied.

- 9.4 Where officers have concerns about a customer and their vulnerability, this must be raised with a Tier 3 Manager in line with the Safeguarding Policy.

## **10. Policy Review**

- 10.1 This policy and guidance will be reviewed by members of the Safety of Employees Review Group (SERG) for onward review and authorisation by the Health and Safety Committee every three years, or sooner should the risk profile of the organisation in respect of unacceptable behaviour change. The Corporate Risk Register will inform the organisational risk profile in respect of unacceptable behaviour monitoring as will Health and Safety Committee and Health and Safety Reps Committee.