

Appendix 1

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Neath Port Talbot County Borough Council Unreasonable/Unacceptable Customer Behaviour Policy

1. Introduction

The Council has a corporate complaints policy which enables members of the public to raise concerns they may have about the way in which the Council has responded to their request and/or concerns about the quality of the service provided.

Occasionally, there are times when customers make unreasonable demands or behave unacceptably. This policy sets out our approach to the relatively few customers whose behaviour is considered to be unacceptable.

In this policy the term 'customer' includes anyone acting on behalf of a customer.

2. Purpose of the Policy

This aim of this policy is to help customers and staff to understand how the Council manages unreasonably persistent and unreasonable behaviour by customers. This policy aims to ensure that a consistent and fair approach is taken in relation to:

- a. the type of behaviour that might be regarded as inappropriate;
- b. how inappropriate behaviour is addressed;
- c. restriction(s)the Council imposes in response to a customer's inappropriate actions or behaviour.

3. Summary

In a minority of cases some people pursue contact with the council in a way that can impede the investigation of their complaint or can have significant resource implications for the Council. This policy has been formulated to deal with customers who make it necessary for special arrangements to be made. This policy has been developed so that customers who complain and the staff who manage those complaints understand what to do if people start to behave unreasonably.

4. Background

We do not normally limit the contact people have with us being keen to resolve any complaint and or dispute as early as possible and in accordance with our existing complaints policy. Occasionally however the behaviour of a small number of customers becomes unacceptable because it involves abuse of staff or processes.

5. What is unacceptable behaviour?

It is difficult to produce a comprehensive list of the actions that would be deemed inappropriate but some examples of unacceptable behaviour are further explained under two broad headings below. Initially the relevant Head of Service will decide whether a particular customer's actions or behaviour are inappropriate, having regard to the circumstances of each case.

a. Examples of unreasonable behaviour

The Council expects staff to be treated with courtesy and respect. The Council also understands the difference between aggression and reasonable annoyance that a customer may feel in connection with a complaint. Reasonable annoyance

in relation to a service failure or inability to provide a service is to be expected, but when this turns into inappropriate behaviour or aggression it is not acceptable. Violence, threats or abuse towards staff (or anyone else) is always unacceptable.

Examples of behaviour that would fall under this heading include:

- shouting;
- making threats;
- using physical violence or intimidation;
- verbal abuse;
- derogatory remarks;
- inflammatory statements; and
- un-substantiated allegations.

Violence includes acts of aggression that may result in physical harm; it also includes behaviour or language that may cause staff to feel afraid, threatened or abused. It can also include acts or threats against property, such as breaking furniture or sending computer viruses.

b. Unreasonable Demands

The Council accepts that persistence is not necessarily a form of unacceptable behaviour. Customers may create unreasonable demands on the Council through the amount of information they seek, the nature and scale of service they expect or the volume of correspondence they generate. What amounts to unreasonable demands will always depend on the circumstances of the complaint and the seriousness of the issues raised by the customer.

Examples of behaviour that would fall within this heading include:

- inappropriate frequent visits, phone calls, emails or letters;

- insisting on seeing or speaking to a particular member of staff when a suitable alternative has been offered;
- routinely ignoring the procedures for dealing with queries or complaints (for example, copying the same correspondence/emails to a number of people at the Council, thereby making this scattergun approach difficult to provide a coordinated response);
- demanding a response within an unreasonable timescale;
- not accepting that the issues raised are not within the Council's remit despite having been informed that this is the case;
- 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;
- changing the basis of the complaint while the Council is dealing with it;
- frequently raising peripheral and, possibly, trivial matters that do not relate to the main query, complaint or Council services;
- pursuing a complaint after the Council's Complaints Policy has been fully implemented and exhausted;
- insisting the Council has not provided an adequate response to a query or complaint, despite evidence that the Council has provided a comprehensive response.

6. What happens when a customer's behaviour is deemed unacceptable by the Council

There are relatively few customers whose actions are considered by the Council to be unacceptable. How these actions are managed depends on their nature and extent. In the event of an officer of the Council considering 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 and/or may result in the customer being added to the Council's list of potentially violent persons. This will always be the case if physical violence is used or threatened.

If the behaviour is seriously or consistently inappropriate (or otherwise adversely affects the Council's ability to do its work effectively) an officer may refer the customer to the relevant Head of Service and/or Director who will then consider whether action should be taken to restrict or manage the customer's behaviour.

7. Management of unacceptable behaviour

If an officer of the Council is of the opinion that a customer's actions or behaviour are unacceptable they shall, in the first instance, discuss this with their line manager in order to consider any informal steps that can be followed to resolve the concerns.

In the event that no informal steps are appropriate or informal attempts to resolve the concerns do not work, the officer may make an application for formal steps to be taken. In such circumstances the officer will produce a written summary of the actions and behaviour that they consider to be inappropriate and submit it to the Monitoring Officer for determination.

The Head of Service and/or service Director shall consider the report and provide a written response indicating whether the customer's actions have been deemed inappropriate by the Council. If the customer's actions are deemed inappropriate, the Head of Service and/or service Director shall 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.

Where a customer has acted inappropriately the Head of Service and/or Director may impose restrictions and conditions to resolve the problems caused by the inappropriate behaviour including the following steps:

- a. Restricting the manner in which the customer may contact the Council, times which the customer can contact the Council, the people the customer contacts at the Council and the duration of calls or meetings with the customer.
- b. Informing the customer that the Council will not respond to further communication relating to certain matters or that the Council will only respond to communication relating to specific matters that only directly concern/ affect the complainant or family personally and in a certain format. In extreme situations, the customer will be advised in writing that they must restrict contact with the Council to written (hard copy) communication only.
- c. Customers should not seek to circumvent this policy by asking someone else to submit the same or identical complaints on their behalf. This includes family members, someone of close association, A.M., Local Member or advocate. If we consider that someone acting in place of or with a declared unreasonably persistent complainant the customer who has submitted the duplicate complaint will be treated in the same manner.
- d. Should a customer seek to circumvent this policy by contacting their local A.M. or Member we will ask that they assist us in maintaining the customer's status. Should a customer to whom the policy has been applied continue to email, write or telephone officers and Members they have the right to not reply or respond to the communication.
- 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 Head of Service and /or Director considers appropriate and advising the customer what action is being taken and why.

When imposing restrictions the aim will be to do this in a way, wherever possible, that allows a complaint to progress to completion.

How does the Council review the decision?

Where a request has been made vexatious or unreasonable no further requests to similar matters raised will be considered within a 12 month time frame. Any new request will be reviewed within this timeframe and a decision will be taken as to whether this is a new request (and dealt with as a fresh request) or falls within the subject matter made vexatious/manifestly unreasonable.

Any restriction/protocol imposed shall be subject to regular review (at least every 12 months) and the timing of such reviews will be set out when the Head of Service and/or service director writes to the customer to explain the restrictions.

Any step required to be taken by the Head of Service and/or service Director under this policy may also be undertaken by any officer that they authorise for that purpose.

What can a customer do to challenge the Council's decision?

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 raise this with the Public Services Ombudsman Wales (PSOW) about how they have been treated and we will cooperate fully with any investigation the PSOW undertakes and will ensure that all relevant paperwork/documentation is available.