

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

CABINET

19 June 2019

Report of the Assistant Chief Executive and Chief Digital Officer – Mrs Karen Jones

Matter for Decision

Wards Affected: All Wards

Unreasonable/Unacceptable Customer Behaviour Policy

Purpose of the Report

1. The purpose of this report is to ask Members to consider and approve the inclusion of additional information to help manage arrangements that need to be made when customers behave in an unreasonable or unacceptable manner.

Executive Summary

2. The Corporate Comments, Compliments and Complaints Policy was approved by the Policy and Resources Scrutiny Committee and Cabinet Board on 31 March 2016 and was updated in November 2016 to include the Unreasonable/Unacceptable Customer Behaviour Policy.
3. The Unreasonable/Unacceptable Customer Behaviour Policy makes reference to unacceptable actions by complainants and how the Council will deal with the few customers who are unreasonable or persistent in their behaviour.
4. A further inclusion to the existing Unreasonable /Unacceptable Customer Behaviour Policy is needed and this is referenced in points 3.1 to 3.4 of Appendix 1 in this report. This addition is required to help officers of the Council manage situations that may arise in relation to the use of covert recordings and when customers behave unreasonably in this respect.

Background

5. Occasionally there are times when customers make unreasonable demands or behave in an unacceptable manner. The addition of information to the existing Policy is to help customers and staff understand how the Council manages unreasonably persistent and unreasonable customer behaviour in relation to the use of covert recordings.
6. 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 will be addressed
 - c) restrictions the Council will impose in response to a customer's inappropriate actions or behaviour

Financial Impact

7. No implications.

Integrated Impact Assessment

8. A first stage impact assessment has been undertaken to assist the Council in discharging its legislative duties (under the Equality Act 2010, the Welsh Language Standards (No.1) Regulations 2015, the Well-being of Future Generations (Wales) Act 2015 and the Environment (Wales) Act 2016.

The first stage assessment has indicated that a more in-depth assessment is not required. A summary is included below.

The report to the Policy and Resources Cabinet Board on 2 November 2016 considered there were no equality impacts at that time. On further review and completion of the first stage impact assessment, the inclusion of the covert recording statements to the existing policy agreed in 2016 also confirmed that a full stage assessment is not required.

However, data on protected characteristics will be collated in future when complaints are made to evidence that the council takes its equality related responsibilities seriously.

Valleys Communities Impacts

9. No implications.

Workforce Impacts

10. In a small number of cases the actions of some customers becomes unacceptable because they involve abuse of staff or processes. When this happens the Council has a responsibility to staff and Members to take appropriate steps to limit the customers contact with the Council and to meet the Council's employment policies.
11. 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.

Legal Impacts

12. There are no legal impacts associated with this report.

Risk Management

13. There are no risk management issues associated with this report.

Consultation

14. There is no requirement for external consultation on this item.

Recommendations

15. That Members approve the amendment to the Unreasonable/ Unacceptable Customer Behaviour Policy.

Reasons for Proposed Decision

16. To enable the Authority to undertake its statutory duties and duty of care to employees and Members.

Implementation of Decision

17. The decision is proposed for the 3 day call in period.

Appendices

18. Appendix 1 – Unreasonable/Unacceptable Customer Behaviour Policy
19. First Stage Impact Assessment

Officer Contact

20. Mrs Karen Jones Assistant Chief Executive and Chief Digital Officer
k.jones3@npt.gov.uk Tel :01639 763284
21. Mrs Jayne Banfield Principal Officer Policy and Democratic Services
j.banfield@npt.gov.uk Tel: 01639 686165

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

1. BACKGROUND

- 1.1 Neath Port Talbot Council (the Authority) is committed to serving all of its customers impartially, aiming to provide a high quality service to everyone who communicates with us.
- 1.2 The contact that customers have with the Authority is not normally limited by us. Occasionally however, customers act in an unacceptable or unreasonable manner and in some instances the frequency and nature of their contact with the Authority can hinder the consideration of their own or other people's enquiries. In some instances the sheer number or nature of their enquiries lead them to be considered as persistent, unreasonable or vexatious in their manner.
- 1.3 In these instances the investigation of their complaint can have significant resource implications for the Authority with non-exhaustive examples of this type of conduct set out in paragraph 2.3 below.
- 1.4 This policy will be invoked either when there has been a single serious incident of unreasonable/unacceptable behaviour or where a customer repeatedly behaves in an unreasonable manner.
- 1.5 In exceptional cases the Authority reserves the right to take action to manage contact in order to protect staff interests, councillors and the wider public it serves. Whilst managing future contact, the Authority will aim to still resolve any legitimate concerns that may be raised.

2. WHAT IS UNREASONABLE BEHAVIOUR/CONDUCT?

- 2.1 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 below. 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.
- 2.2 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.

2.3 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 for a co-ordinated response to be provided);
- 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 the original matter;
- 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 that the Council has not provided an adequate response to a query or complaint, despite evidence that the Council has provided a comprehensive response.

ELECTRONIC RECORDING OF ORAL COMMUNICATION

- 3.1 Covertly recording meetings and conversations without the prior knowledge and consent of the persons involved can be considered intimidating to staff or Councillor. If a customer intends electronically recording a conversation by any means e.g. dicta phone or mobile phone, that must be made clear to the other party beforehand.
- 3.2 There is no obligation for a member of staff/Councillor to agree to the electronic recording of conversations/meetings. If they are unhappy to progress with an electronically recorded conversation the customer will be expected to agree not to record the conversation/meeting.
- 3.3 If the member of staff/Councillor is happy to continue with an electronically recorded conversation/meeting, the recording must only be retained for personal use by the customer to help with their recollection of the discussion. Electronic recordings must not be shared with any third party for any reason.
- 3.4 Any covert recording of telephone calls/meetings by customers will be considered as unreasonable behaviour and the customer will therefore be subject to appropriate action as outlined in this policy.

MANAGEMENT OF UNACCEPTABLE BEHAVIOUR

- 4.1 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.
- 4.2 In the event that no informal steps are appropriate or informal attempts to resolve the concerns do not work, the officer may make a request 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.
- 4.3 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.

4.4 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 when 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, Assembly Member (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.

REVIEWING THE DECISION

- 5.1 Where a request has been made about vexatious or unreasonable behaviour 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 as vexatious/manifestly unreasonable.
- 5.2 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.
- 5.3 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.

APPEALS/CHALLENGING THE COUNCIL'S DECISION

- 6.1 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 for consideration.

SUMMARY

This policy seeks to ensure that the rights of customers, staff and council Members are respected and undertaken in an appropriate and reasonable manner.