



**Corporate Policy and
Resources**

Thursday 18th July 2024

Unacceptable Customer Action Policy and Guidance

Report by:	Adrian Selby. Director of Operational and Commercial Services Lisa Langdon. Assistant Director – People and Democratic Services
Contact Officer:	Lyn Marlow Customer Strategy and Services Manager lyn.marlow@west-lindsey.gov.uk
Purpose / Summary:	The purpose of this report is to update our current Difficult, Dangerous and Complex (2019) with the Managing Unacceptable Customer Actions Policy reflecting the need for updated processes, changes to how we work and full consideration of the human rights and Equality Act 2010.

RECOMMENDATION:

- a) That Members approve the Managing Unacceptable Customer Actions Policy and appendices within this report to formally adopt and provide the right guidance to employees and customers regarding this matter.
- b) That any future minor housekeeping amendments be delegated to the Director of Commercial and Operational Services in consultation with the Chairmen of the Joint Staff Consultative and Corporate Policy and Resources Committees.

IMPLICATIONS

Legal:

(N.B.) Where there are legal implications the report MUST be seen by the MO

Financial: FIN/46/25/CPR/SL

Those working in frontline roles will require resilience training bi-annually.

Staff have already undertaken resilience training in 2023 therefore budget for this training is already built into the MTFP.

It is anticipated that this training will be provided by an external resource.

Previously this training cost £7.1k for 60 staff for 2 days training which equates to £120 per person.

(N.B.) All committee reports MUST have a Fin Ref

Staffing: Training on the new policy and guidance will be required, this can be provided internally by HR or the determination team.

Resilience training will be required bi-annually as identified above.

(N.B.) Where there are staffing implications the report MUST have a HR Ref

Equality and Diversity including Human Rights:

The amended policy now reflects the need to consider the impact of this policy on different groups, considering their rights under the Equality Act 2010 and customers human rights. The Equality Impact Assessment, which supported previous versions of this policy, has been updated.

Data Protection Implications: There are no Data Protection implications, and the Data Protection officer was consulted on this amended policy during its creation. The Data Protection Impact Assessment, which supported previous versions of this policy, has been updated.

Climate Related Risks and Opportunities: None

Section 17 Crime and Disorder Considerations: None

Health Implications: Mental Health, Well-Being coping strategies, reasoning mechanisms, supporting colleagues and proactive assertiveness form part of the resilience training, we commission.

Title and Location of any Background Papers used in the preparation of this report:

[Councillors' guide to handling harassment, abuse and intimidation | Local Government Association](#)

Risk Assessment:

There is no specific risk assessment for this policy but all services that deal with customers during their duties have individual service risk assessments based on how those services are delivered.

These are created in conjunction with the Councils Health and Safety Officer and reviewed annually or earlier if how the service is delivered changes due to legislation, policy decisions or following a workplace incident/accident.

Call in and Urgency:

Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?

i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman)

Yes

No

Key Decision:

A matter which affects two or more wards, or has significant financial implications

Yes

No

1.0 Executive Summary

- 1.1 The Managing Unacceptable Customer Actions Policy replaces the previously named Complex, Difficult and Dangerous Customer Policy. This policy was last updated in 2019, and to enable the development of this replacement policy we have extensively consulted with our front-line teams and the Joint Staff Consultative Committee.
- 1.2 Unfortunately, it is a fact of life that from time to time we deal with customers who have a variety of challenges in their lives, and this can make those customers difficult to deal with when they are accessing services.
- 1.3 These challenges that come from customers take many forms such as:
- Long, complex, or regular emails, letters, telephone calls or visits to reception
 - Challenging social media posts.
- 1.4 These challenges can and do involve intimidating language, threats to officers, other customers, and threats made by customers about self-harm or worse.
- 1.5 In November 2023, the Institute of Customer Services (ICS) reported that service organisations are still reporting incidents of violent attacks through to virtual abuse, with 60% of staff reporting such abuse, even though 12 months ago the law changed and attacks on service sector staff, physical or verbal, became classed as aggravated assault.
- 1.6 On the 3rd June 2024, the Local Government Chronical reported that a study by the Association for Public Service Excellence (APSE) revealed that four out of five councils had experienced intimidation and harassment towards members, officers or other staff from the public.
- 1.7 Unacceptable actions from our customers are very real and happen on a regular basis and can be in person, over the phone or virtually via email or social media.
- 1.8 The majority of our customers go about their business with the Council in a professional and respectful manner, but for those who display unacceptable actions – dealing with these situations can be time consuming and lead to discourse and delays in delivering services to most of our customers.
- 1.9 It is a regrettable fact of life that we need to have a policy to guide staff on how we deal with unacceptable customer actions when providing services to our customers.
- 1.10 This policy applies to all staff on WLDC contracts.
- 1.11 I therefore ask that Members approve this policy, replacing the previous one, which considers amended guidance from the Local Government Ombudsman and observing Equalities, Diversity and Inclusion and Human Rights.

2. Introduction

- 2.1 It is important that staff can work effectively and without intimidation or fear when delivering services to our customers, sometimes in challenging circumstances.
- 2.2 As highlighted in the executive summary these challenges come in many forms and can make delivering services to those customers lengthy, stressful for staff and customers and difficult to manage going forward if the staff/customer relationship has broken down.
- 2.3 A further factor that must be considered is that dealing with customers who display unacceptable actions can be time consuming and result in other customers not getting the quality of service they should receive.
- 2.4 It is important to acknowledge that it is only a small number of cases where customers will interact in a way that is not reasonable. However, these actions can prevent WLDC from providing services to that individual whilst having the potential of a significant impact on staff wellbeing. These unacceptable actions can occur at any time the customer is in receipt of a service or after the service has concluded.
- 2.5 The decision to restrict access to services, including the ability to raise a complaint, is not taken lightly and we will always be mindful of our need to consider our duties under equality and human rights act legislation. We will not operate a blanket approach to managing challenging actions and will consider the circumstances of each individual case.
- 2.6 The determination team, consists of the Health and Safety Officer, the Customer Experience Manager and the Customer Strategy and Services Lead. We have worked together to update this amended policy and guidance. The amended policy, staff guidance and flow charts are attached as appendices.

3. Principles

- 3.1 Our approach is based on the clear understanding that all customers always:
- are treated with fairness and respect and that customers afford us that same fairness and respect.
 - have rights to access public services.
 - are not precluded from raising a valid issue because of their unreasonable actions.
 - that we appreciate that anger is an understandable emotion, but customers anger should not be expressed through aggression, violence, or the use of offensive or discriminatory language.
 - Staff safety and well-being are paramount when dealing with unreasonable actions.
 - and that the decision to change or restrict a customers access to services because of their actions will only be made in accordance with our clearly defined policies and procedures and is subject to 3 monthly reviews.
 - managers will ensure staff adhere to the relevant systems, policies and procedures that are in place to identify and manage customer interactions when responding to unreasonable actions.

- Any decision to restrict access to services should be proportionate in relation to the impact the unreasonable actions have on WLDC's ability to deliver an efficient service. Any restriction should still allow fair access to mandatory services.

4. Unreasonable Actions

4.1 Unreasonable actions are those which, because of the nature or frequency of contact with us, hinder our ability to deliver services or give due consideration of complaints, it is important that the circumstance of each situation is carefully considered.

4.2 Some unreasonable actions emerge over time as customers become more persistent in pursuit of their request and we need to recognise that customers may act in a legitimate but persistent manner to pursue their request and it is important we recognise the difference between "persistent" and "unreasonably persistent" actions.

4.3 We must also consider whether there are any underlying explanations for unreasonable actions. This could be due to unmet communication or support needs and so it is important that we have regard to our duty to make reasonable adjustments under the Equality Act 2010

5. Unreasonable actions by representatives

5.1 Having a representative can be helpful for many customers. A representative could be a friend or family member or a professional such as an advocate or solicitor. We should ensure a representative has consent or other lawful basis for acting on another individual's behalf.

5.2 We will not place restrictions on representatives unless there are good reasons for doing so. For example, if a customer wants to attend a meeting with a friend or family member for support there is no reason for us to prevent that representative from speaking in the meeting without good reason.

5.3 Some representatives could act in a way that is unreasonable. This can cause difficulties for us and the individual they are representing.

5.4 We can apply our unreasonable actions policy to representatives where this is warranted. However, in doing so we should ensure that the customer they are representing is not disadvantaged by this and to avoid this we can consider taking the following actions:

- Offer to deal with the individual, directly taking account of any reasonable adjustments required or requested under the Equality Act 2010.
- Offer to support the individual to find another representative (e.g. advocacy service).
- Ask the individual to nominate another representative.

6. Examples of Unreasonable Actions

6.1 There is no exhaustive list of actions that may be unreasonable as each case should be judged based on its circumstances. The following are examples of actions which may be considered unreasonable:

- Abusive, threatening or acting in a manner intended to intimidate staff. This includes any use of racist, sexist, homophobic or other discriminatory language.
- Putting, or threatening to put information on social media or websites which includes personal information of our staff without their consent and/or making defamatory statements about staff online.
- Making excessive demands on the time and resources of staff with lengthy phone calls, emails to numerous staff, or detailed correspondence every few days or more often, and expecting immediate responses.
- Submitting repeat contacts or complaints with minor additions/variations which the customer insists make these 'new' enquiries or complaints.
- Refusing to specify the grounds of an enquiry or complaint, despite offers of help.
- Refusing to cooperate with the complaint's investigation process. For example, failing to provide information requested that is important for the investigation.
- Insisting on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.
- Making unjustified complaints about staff who are trying to deal with the issues and seeking to have them replaced.
- Frequently changing the basis of the complaint as the investigation proceeds.
- Raising many detailed but unimportant questions, and insisting they are all answered.
- Providing false information and/or submitting falsified documents from themselves or others.
- Adopting a 'scatter gun' approach: pursuing parallel complaints or contact about the same issue with various services and/or partner organisations.

7. Recording of interactions with the Council by our customers

7.1 Modern digital technology allows individuals to record interactions with organisations more easily.

7.2 A small number of customers may misuse technology and act in a way that is unreasonable. Such as:

- Recording interactions with the Council without good reason.
- Putting recordings online without the consent of those being recorded.
- Live broadcasting interactions with the Council without their consent.
- Manipulating or editing recordings.

7.3 We should, however, not always refuse to allow customers to record interactions. It is important to acknowledge that we ourselves routinely record our interactions with customers for training and monitoring purposes. Customers should not be prevented from making their own recording to have a clear record of matters that were discussed.

We would expect Customers to advise staff members if they intended to record any interactions and the purpose for doing so.

7.4 Having a recording of a meeting or telephone call can be helpful to customers with certain disabilities who may struggle to recollect details of what was said or be unable to read or process written records about any interactions. Staff who deal with the public will be given advice on what action to take if they become aware they are being recorded as they carry out their job.

8. Preventing Unreasonable Actions

8.1 In most cases, unreasonable actions can be prevented by ensuring customers can access services and the information they need easily. The council should ensure information about our services can be accessed in a range of different ways and that we provide a range of channels for customers to use to contact us.

8.2 Our initial interaction with our customers is one of the most important contacts our customer will have and the way we begin this interaction can significantly affect how the customer interacts with us going forward. A customer, who feels listened to, understood, treated fairly and with respect and who has been given a thorough explanation of our processes and what is likely to happen with is more likely to respond positively to staff and the Council.

8.3 Unreasonable actions can also be an indication of an unmet communication or support need. Not all disabilities are visible and therefore we should ask everyone who contacts the Council whether we need to make any changes to service delivery to allow them to access services. This enables customers to tell us if they need any reasonable adjustments under the Equality Act 2010.

8.4 Where a customer's actions are considered unreasonable, it is important to speak with other teams or external partners that have had dealings with this customer and where safeguarding issues are identified it may be acceptable to share information to support the customer in their dealings with the Council.

8.5 Staff will be empowered to warn individuals of the consequences of their actions in the first instance. This may help the customer reflect on their actions and provide an opportunity for them to modify these. Staff will also be able to take immediate action in response to unreasonable actions such as terminating phone calls, asking someone to leave the council building or pausing communications.

8.6 Any immediate steps should be followed by logging of a low-level incident, a discussion with line manager which may result in an informal warning about future conduct or consideration of further action under the Council's unreasonable actions policy.

9. Policy Led Approach

9.1 We want to deal with our customers in ways that are open, fair, and proportionate. A considered, policy-led approach helps staff to understand clearly what is expected of them, what options for action are available, and who can authorise these actions.

9.2 The policy will be shared with our customers on our website and in our face-to-face reception. It will be brought to their attention if they start to act unreasonably. This can help in managing their expectations and their actions, whilst we are dealing with their issues.

10. Informal Warnings

10.1 Staff, will be empowered to give informal warnings to customers who act in an unreasonable way, giving customers an opportunity to modify their actions. Should customers continue to act in an unreasonable way then the matter will be escalated for further consideration by their line manager and if required the determination team. In many cases an informal warning should be given before any further action is taken.

11. Formal Warnings

11.1 If a customer has failed to adhere to any informal warnings from staff, then we will consider issuing the customer with a formal warning based on evidence gathered during the Health and Safety investigation.

11.2 The Determination Team, made up of the Health and Safety officer, the customer experience manager and the customer strategy and services lead, will consider any evidence staff have gathered and following discussions will reach their own conclusion on whether a formal warning is necessary or whether other actions may resolve the cause of any unreasonable actions.

This may include:

- Exploring whether the customer requires any reasonable adjustments under the Equality Act 2010.
- Offer to meet or speak with the customer to understand any concerns that may be causing them to act in an unreasonable way.
- Offer mediation if the customer requires ongoing services from the Council.
- Offer an alternative means of contact at the council where ongoing services are required.

11.3 In most cases any formal warning should be given in writing, although it is accepted that this is not always possible where a customer is homeless. In such cases, a letter will be available at reception to be handed to the customer when/if they next visit.

11.4 All letters should explain:

- Actions the Council considers unreasonable.
- Examples of actions considered unreasonable.
- A period within which future actions will be monitored, when, how and by whom, any restrictions on contact or other actions and when these will be reviewed.
- The consequences of failing to address their actions.
- A check on whether the individual requires any reasonable adjustments under the Equality Act 2010; and
- Details of the Councils Complaint Process if the customer remains unhappy with their warning and/or details of the Ombudsman if the complaint process has been exhausted.

12. Decision to Restrict Contact

12.1 The decision to restrict contact with a customer will be a last resort after attempts at reconciliation and warnings have been exhausted. However, we recognise that in serious cases it may be appropriate to restrict a customer's contact with the council without warnings being given.

12.2 Given the seriousness of restricting a customer's contact, the determination team will take the decision following a full Health and Safety investigation and review of evidence gathered over the course of the unacceptable actions.

12.3 The only exception will be where the unacceptable action, is so serious that immediate action is required, such as:

- a credible threat to harm staff or customers during the customers interactions
- where threats are made to damage council premises
- where the police advice, is to do so.

12.4 Any decision to restrict contact should be given in writing, as identified in 10.4.

13. Reviews

13.1 The decision to restrict contact should be reviewed every 3 months. If there have been no further instances of unacceptable actions then the restriction will be lifted and the customer advised, where possible.

13.2 If a decision is taken to extend the restrictions for a further 3 months, due to ongoing unacceptable actions or a potential threat to staff in carrying out their duties. Where possible the customer will be advised that the restriction has been extended by a further 3 months.

14. Further Action

14.1 In a small number of cases decisions to restrict contact will have no effect on a customer's actions. In most cases, restrictions put in place will help staff to manage the impact this has on services.

14.2 However, in the most serious cases, further action may be necessary, particularly where a customer's actions are having an adverse impact on staff welfare.

14.3 Where this occurs, the Council may consider placing legal restrictions on a customer, decline to provide a service at all and may also involve the police. The Council will seek legal advice before taking any of these actions.

15. Restrictions on Contact

15.1 In most cases, it will be sufficient to restrict access to the service, subject to unreasonable actions.

15.2 Restrictions may include:

- Restricting contact to an individual named officer or generic inbox.
- Placing read correspondence on file without acknowledgement or reply.
- Restricting physical access to Council offices
- Restricting contact to written contact only (having regard to any agreed reasonable adjustments).
- Restricting the length and frequency of telephone calls.
- Restricting access to discretionary services.

15.3 Restrictions will be tailored and proportionate to address the unreasonable actions found in each case.

15.4 We can withdraw mandatory services from customers on grounds of unreasonable actions in certain limited circumstances (e.g. homelessness). Withdrawal, of a mandatory service is a serious step and we will only take this action as a last resort and will always consider wider human rights and equality duties when reaching such a decision.

16. Dealing with Further Communication

16.1 Where the Council decides to place correspondence on file without acknowledgement or reply we will still review the contents to ensure it does not contain significant new information or raise any safeguarding concerns.

16.2 We will not advise the customer that their correspondence contains no new information as this may encourage further unwanted communication.

17. Signposting to the Ombudsman

17.1 The Council will signpost to the Ombudsman after we have completed our formal complaint and appeal process if the customer remains unhappy. In most cases it should be possible for the Council to progress a complaint/appeal through our local processes and manage any unreasonable actions using the Councils unreasonable actions policy.

17.2 Once WLDC has signposted the customer to the Ombudsman we would not envisage any further interaction with the customer on the matter, all contact about the matter will be via the ombudsman.

18. Information for elected officials

18.1 This report is not intended to cover unreasonable actions from individuals directed towards elected officials such as councillors.

18.2 The Local Government Association has produced a guide for councillors on handling harassment, abuse and intimidation which can be found on its website: [Councillors' guide to handling harassment, abuse and intimidation | Local Government Association](#)