

Unacceptable Customer Actions Policy

Appendix 1

1. Managing Unacceptable Customer Actions Policy

1.1 Introduction

1.2 West Lindsey District Council (WLDC) is committed to providing a quality service to all our customers. In return, we expect everyone who has contact with WLDC to treat our staff with respect.

1.3 Many of our customers tell us that they are satisfied with our services, but we recognise that sometimes this isn't always the case. To carry out our work we need to make sure we are using our resources in the best way possible, and this may mean that some customers may not always agree with our decisions or ways of implementing a service. This may mean we can't respond to every issue in a way a customer may want, especially where a disproportionate amount of time and resource is used on a single, multiple issue or ongoing case(s).

1.4 We understand that, in times of trouble or distress, people may act out of character, and, in a very small number of cases, may demonstrate unacceptable actions despite our best efforts to help, and this can make it difficult for us to deal with queries or complaints effectively. We also have a duty to protect the well-being of our staff. They should be able to come to work without fear of violence, abuse, harassment, or discrimination.

2. Purpose of this policy

2.1 This policy means we can manage unacceptable customer actions consistently and fairly. It sets out clearly what we consider to be unacceptable and the steps we may take to deal with such behaviour. It applies to everyone who accesses our services and help WLDC protect staff from abuse and harm.

3 Principles

3.1 Customer can expect that WLDC employees will always:

- treated them with fairness and respect.
- ensure customers have a right to access public services.
- customers are not precluded from raising a valid issue because of their unreasonable actions.
- 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.
- ensure customers understand that staff safety and well-being are paramount when dealing with unreasonable actions.
- make the decision to change or restrict a customers access to services because of their actions in accordance with our clearly defined policies and procedures and will be subject to 3 monthly reviews.
- ensure any decision to restrict access to services will be proportionate in relation to the impact the unreasonable actions have on WLDCs ability to deliver an efficient service. Any restriction should still allow fair access to mandatory services.

3.2 In return we expect customers accessing our services to:

- be courteous at all times.
- engage with us in a way that does not hamper our ability to carry out our work effectively and efficiently for the benefit of all.

4 Safeguarding and disclosures

4.1 If, in the course of our work, customers who threaten to harm themselves or others, will be reported to the police and we will make a safeguarding referral.

5 Definition of unacceptable actions.

5.1 Unacceptable action means acting in a way that is unreasonable, regardless of the level of someone's stress, frustration, or anger. It may involve acts, words or physical gestures that could cause another person distress or discomfort.

6 Aggressive or abusive behaviour

6.1 This is actions or language (written or spoken) that could cause WLDC staff to feel afraid, threatened or abused. This includes threatening emails, telephone calls, meetings, and comments on social media or elsewhere.

For example:

- insulting or degrading language, including inappropriate banter, innuendo, or malicious allegations.
- any form of physical violence or threats of physical violence
- comments relating to any personal characteristic as defined within the Equalities Act 2010

7 Unreasonable demands and aggravating complaints

7.1 Customers might make requests that we cannot reasonably accommodate. This may include but is not limited to:

- the amount of information they seek.
- the nature and scale of service they expect.
- the volume of correspondence they generate.
- a remedy or outcome that cannot be achieved.

7.2 We accept that someone who is persistent is not necessarily guilty of unacceptable behaviour. What is seen as an unreasonable demand will depend on the circumstances of each case. We will always consider situation on its own merits.

7.3 However, the behaviour of someone who persistently contacts us about the same issue, when that issue has been dealt with, can, in some circumstances, amount to unreasonable demand. Such behaviour can take up a disproportionate amount of time and resources and can affect our ability to provide a service to others.

7.4 Examples of actions which we consider as unreasonable include but are not limited to:

- refusing to follow our complaints procedure.
- persistently pursuing a complaint where the Council's complaints procedure has been fully and properly implemented and exhausted, but no appeal has been made to the Local Government and Social Care Ombudsman (Ombudsman). Or after the Ombudsman has considered and concluded the case.
- contacting us repeatedly and frequently without giving us enough time to respond to previous correspondence.
- insisting on seeing or speaking to a particular member of staff when a suitable alternative has been offered.
- visiting our offices without an appointment.
- focusing disproportionately on a matter in relation to its significance and continuing to focus on this point despite receiving proportionate responses addressing the matter.
- adopting a 'scatter gun' approach: pursuing parallel complaints about the same issue with different members of staff.
- threatening or using actual physical violence towards staff
- being personally abusive or verbally aggressive towards staff dealing with their issue
- recording meetings or conversations (whether face-to-face or on the telephone) without the prior knowledge or consent of others involved.

8 How we will respond to incidents of unacceptable actions.

8.1 We do not expect staff to tolerate unacceptable actions when communicating with our customers. When this happens, staff have the right to:

- place callers on hold or end the call.
- ask the customer to leave the Guildhall, failure to leave voluntarily may result in customers being escorted from the Guildhall.
- not reply to an abusive email or letter - we will continue to review these communications to ensure no new issues have been raised.

8.2 Before taking such action, we will always warn customers that they are actions are unacceptable and give them the chance to modify their approach. However, a warning will not be given in extreme cases when a physical threat is made. Where these circumstances arise, we will take the following steps:

- ask customers to modify their actions and explain why.
- if the action continues to be unacceptable, staff will remove themselves from the situation. If the communication is by telephone, the caller will be told that the call will be ended.
- staff will inform their manager who will investigate the situation and decide what action to take. This could include limiting a customer's contact with us.

- we will refer the matter to the police where a criminal offence has been threatened or committed.

9 Communication restrictions

9.1 If customers unacceptable actions continue, the Councils independent determination team can put in place a temporary or permanent communication restriction on a customer. If this happens, we will tell the customer that we are doing so, setting out:

- why we consider their actions are unacceptable.
- what action we are taking and if there is a time limit on the restrictions.

9.2 If we decide to limit communication, we will make a note of the limitation in our records.

9.3 Communication may be:

- limited to being conducted in writing.
- limited to a specific individual.
- removed from the Councils social media and be blocked from our accounts.
- limited to a specific email address or telephone number.
- placed on file without a further response if the issued raised in the correspondence has previously been considered.
- limited in other ways which we consider appropriate in the circumstances, in line with this policy.

9.4 In addition, we reserve the right to:

- limit telephone contact to set times on set days.
- restrict contact to a nominated employee who will deal with all future calls or correspondence.
- restrict the issues on which we will correspond.
- block emails or telephone numbers if the number and length of communications sent is excessive.
- refuse to deal with the customer face to face.
- refuse to consider a complaint or any further contact, except in exceptional circumstances.
- take any other action which we consider necessary or appropriate to make this policy effective.

9.5 Where circumstances are serious enough to warrant further restrictions, we may take legal action to prevent further contact.

9.6 In making any decision to take legal action in such cases, we may consider:

- how legal action may affect our staff.

- how legal action may affect the individual (including their personal circumstances and any reasonable adjustments)
- the extent to which we can engage or assist.
- the extent to which the process or subject matter has been exhausted.

10 Review

10.1 We will review, every 3 months, any decision to restrict communications and when appropriate will lift some or all restrictions.

11 How we will take account of our duties under the Equality Act 2010

11.1 We make sure that we meet the requirements of the Equality Act 2010 and our own Equality and Diversity Policy making sure we consider adjustments for people with protected characteristics.

11.2 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.

11.3 If an individual with a protected characteristic becomes the subject of a restriction under this policy, we will consider whether the restriction may affect them more than someone without that characteristic. If this is the case, we may make different arrangements so they can still access services.

12 Local Government and Social Care Ombudsman (Ombudsman)

12.1 The Ombudsman recognises that a small number of people who complain can display unreasonable actions. It recommends that public bodies should have their own arrangements for managing unacceptable actions. However, if customers still feel that they have been treated unreasonably by the Council they can make a complaint to the LGSCO.