

# DEALING WITH UNREASONABLY PERSISTENT COMPLAINANTS AND UNACCEPTABLE CUSTOMER BEHAVIOUR

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## INTRODUCTION

This policy sets out our approach to the relatively few customers whose actions or behaviour we consider to be unacceptable or unreasonably persistent.

We aim to deal fairly, honestly, consistently and appropriately with all customers, but we retain the right to restrict or change access to our services where we consider their actions and/or behaviour to be unacceptable or unreasonable.

Our aim in doing this is to ensure that customers or other service users and our staff do not suffer any disadvantage from customers who act in an unacceptable manner.

This policy will not affect anyone's rights under the Data Protection Act 2018 or the Freedom of Information Act 2000.

## DEFINING UNACCEPTABLE ACTIONS

People may act out of character when under stress and we do not view behaviour as unacceptable just because a customer is forceful or determined. However, the actions of customers who are angry, demanding or persistent may result in unreasonable demands on workloads and cause stress to staff. Such actions have been grouped under three headings:

### 1. UNREASONABLE PERSISTENCE

Unreasonable and unreasonably persistent complaints are those customers who, because of the nature or frequency of their contacts with us hinder our ability to consider their or other people's complaints.

#### Examples include:

- Refusing to specify the grounds of a complaint, despite offers of assistance with this from the authority's staff.
- Refusing to co-operate with the complaints investigation process while still wishing their complaint to be resolved.
- Refusing to accept that issues are not within the remit of a complaints procedure despite having been provided with information about the procedure's scope.
- Insisting on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.
- Making what appear to be groundless complaints about the staff dealing with

the complaints, and seeking to have them replaced.

- Changing the basis of the complaint as the investigation proceeds and/or denying statements he or she made at an earlier stage.
- Introducing trivial or irrelevant new information which the complainant expects to be taken into account and commented on, or raising large numbers of detailed but unimportant questions and insisting they are all fully answered.
- Raising many detailed but unimportant questions, and insisting they are all answered.
- Electronically recording meetings and conversations without the prior knowledge and consent of the other persons involved.
- Adopting a 'scattergun' approach: pursuing a complaint or complaints with the authority and, at the same time, with a Member of Parliament/Councillor/the authority's Independent Auditor/ local police/solicitors/the Ombudsman.
- Making unnecessarily excessive demands on the time and resources of staff whilst a complaint is being looked into by, for example, excessive telephoning or sending emails to numerous Council staff, writing lengthy complex letters every few days and expecting immediate responses.
- Submitting repeat complaints, after complaints processes have been completed, essentially about the same issues, with additions/variations which the complainant insists make these 'new' complaints which should be put through the full complaints procedure.
- Refusing to accept the decision – repeatedly arguing the point and complaining about the decision.
- Combinations of some or all of these.

When we find a complainant to be unreasonably persistent, we will tell them why and ask them to change their behaviour.

## **2. AGGRESSIVE OR ABUSIVE BEHAVIOUR**

The Council recognises that customers, who feel dissatisfied with the service they

have received, may feel angry about their treatment. However, the Council has a duty of care towards the safety and welfare of its staff.

Examples of unacceptable behaviour include any action or series of actions which are perceived by the staff member to be abusive, threatening or offensive whether they are delivered verbally or in writing or a combination of the two. This includes not only behaviour directed at them, but also their families or associates.

If a staff member feels threatened by a complainant they should report their fear and the reason for them, to their line manager. The line manager will record the details and as part of the action arising from his/her investigation will consider:-

- Writing to the perpetrator requiring no repetition of the behaviour and, if necessary, setting conditions and restrictions for further contact with staff.
- Whether to report the matter to the police.
- Requesting the perpetrator is added to the Customer Alert list.

If dealing with such behaviour in a telephone conversation, the staff member should tell the complainant that they will terminate the call if the behaviour continues. If despite this warning the behaviour continues, the contact should be terminated and a note placed on the case file recording the circumstances of the termination. Staff will respond to repeated calls in the same way.

Repeated calls may be deemed to be harassment which, after consultation with the Corporate Director, may be reported to the police.

## **3. UNREASONABLE DEMANDS**

Complainants may make unreasonable demands through the amount of information they seek, the nature and scale of service they expect or the number of approaches they make. What amounts to unreasonable demands will depend on the circumstances surrounding the behaviour and the seriousness of the issues raised by the complainant.

Examples might include demanding responses within an unreasonable

timescale, insisting on speaking to or seeing a particular member of staff, continual phone calls or letters.

We consider these demands to be unreasonable if they start to impact substantially on the work of staff, such as taking up an excessive amount of staff time to the disadvantage of other customers or services.

Actions falling within this category will be dealt with as set out in "Unreasonable Persistence" above.

#### 4. CYBER ABUSE

Staff may become targets of cyber abuse, which may include threats both direct and indirect, harassment, embarrassment,

humiliation, defamation, impersonation, general insults or prejudice based abuse e.g. homophobic, sexist, racist or other forms of discrimination.

Channels include email, mobile phones websites and social networking sites such as Facebook and Twitter etc.

Cyber abuse can occur at any time and intrude into the victim's private life. These activities can be criminal offences.

Such incidents will be investigated and appropriate action taken from writing to the perpetrator requesting they cease and all delete all offending material to reporting the matter to the police.

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## IMPLEMENTATION OF THE POLICY

In cases where this becomes necessary, we will write to the customer saying why we believe their behaviour is unacceptable, what action we are taking and the duration thereof.

If the customer does not change their behaviour the Corporate Director will need to be satisfied that:

- The customer is being or has been investigated properly.
- Any decision reached on the complaint or behaviour is the right one.
- Communications with the complainants have been adequate.
- The customer is not now providing any significant new information that might affect the Council's view on the customer/service request.

If the Corporate Director concludes that the customer's behaviour continues to be unreasonable, we will take action to restrict the complainant's contact with the Council. Any such restrictions will be appropriate and proportionate after consideration by the appropriate Corporate Director. The most likely options would be:-

- a) requesting contact in a particular form (eg by letter/email only)
- b) requiring contact to take place with a named member of staff and by prior appointment

c) restricting telephone calls to specific days and times; and /or

d) asking the complainant to enter into an agreement about their contact.

e) where a) to d) fail to stem unacceptable behaviour to advise the complainant that all further correspondence and complaints on or closely related to the same subject will be read and filed without acknowledgement and no further response will be sent by officers of the Council.

We will also tell them how to challenge the decision if they disagree with it and to whom such an appeal should be addressed.

When imposing a restriction on access a review date will be specified. Limits should be lifted and relationships returned to normal unless there are good grounds to exceed them. The complainant should be advised of the outcome of the review, If limits are to continue, the reasons why will be explained and state when the limits will next be reviewed.

The council will keep adequate records to show:

- When a decision is taken not to apply the policy when a member of staff asks for this to be done, or
- When a decision is taken to make an exception to the policy once it has been applied, or

- When a decision is taken not to put a further complaint from this complainant through our complaints procedure for any reason, and

- When a decision is taken not to respond to further correspondence, make sure any further letters, faxes or emails from the complainant are checked to pick up any significant new information.

New complaints from customers who have been regarded as unreasonable persistent complainants will be treated on their merits.

Where a complainant continues to behave in an unacceptable manner, the Corporate Director may authorise staff to terminate contact with the complainant on the subject of the complaint(s) and discontinue any further investigation.

Any further contacts, regarding the

complaint, in writing will be read and placed on file without acknowledgement. Telephone calls will be terminated and logged.

In taking the action described above, it is emphasised that this policy will only be used as a last resort and after all other reasonable measures have been taken to resolve complaints following the appropriate procedure.

Judgment and discretion will need to be applied to ensure that contacts from the complainant about matters other than the complainant are not ignored and that as a result there is a failure to respond to a request for service or other information.

Withdrawal of any action taken under this policy must be undertaken in consultation with the Corporate Director who authorised the policy.

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## REVIEW

The continued use of contact management and the inclusion of an individual within the remit of the Policy will be

reviewed on a six-monthly basis by the Council and the decision and reasons for it recorded.

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## APPEALS PROCEDURE

A complainant can appeal a decision to restrict contact.

Appeals should be made in writing to the Corporate Director within 10 days of the letter advising the complainant that contact is being restricted. A senior

member of staff who was not involved in the original decision will consider the appeal. They will then advise the complainant in writing that either the original decision has been upheld or if a different course of action has been agreed.

# APPENDIX 1

## **GUIDANCE NOTE – MANAGING UNACCEPTABLE CUSTOMER BEHAVIOUR**

### **What should I do if a customer becomes aggressive/abusive?**

Aggressive or abusive behaviour is clearly unacceptable however, an attempt to understand the issue from the customer's perspective and show empathy may help in trying to diffuse a potentially escalating situation.

The customer should be advised that their complaint will be addressed but that their behaviour must be modified during this and any future contact with the council.

If attempts to diffuse the situation or requests for the individual to modify their behaviour fail, it is appropriate and expected that staff will terminate the interview or telephone conversation.

Employees are expected to recognise that vulnerable or disabled people, particularly those with certain mental health conditions may require additional consideration and support to assist them with making service requests.

Strategies to help diffuse a situation where a customer becomes abusive or aggressive?

The following strategies could be employed:

- Acknowledge the customer's disappointment with the service they have received.
- Reassure the customer that their complaint will be addressed.
- Explain how you can assist them with their service request or complaint.
- Confirm the timescales the customer can expect.
- Advise the customer that their behaviour is unacceptable and must stop.
- Remain calm and in control of the situation.

### **When is it be appropriate to terminate an interview/telephone conversation with a customer?**

If a customer is behaving in an unacceptably aggressive or abusive manner and fails to modify their behaviour when requested, it is appropriate to politely terminate the interview/telephone call.

However, if there is a risk to personal safety or the safety of others it would be appropriate to terminate the interview/telephone call immediately.

### **Will I be disciplined for terminating a customer interview or telephone conversation?**

If you feel threatened or uncomfortable when involved in a one-to-one interview or telephone conversation with a customer, then you have the right to decide to advise the customer that their behaviour is unacceptable and to end the interview/call if that behaviour continues.

You will not be disciplined for doing so, but you should report the matter to your line manager as soon as possible.

### **I have been threatened /assaulted by a customer and I want to press charges.**

Where a customer has been threatening and/or violent towards an employee, the council will support that employee in reporting the matter to the Police if they wish to do so.

### **What training does the council provide to assist employees to manage unacceptable behaviour?**

The council provides a range of training options which may help employees to anticipate difficult situations, prevent them from arising or escalating if possible and

diffuse them when they occur such as:

- Dealing with sensitive conversations
- Giving and receiving feedback
- Assertiveness
- Managing Positive Relationships at Work
- Personal Safety Awareness
- Managing contacts with customers with additional needs

Employees who feel that additional training would assist them in managing difficult situations and unacceptable behaviour should discuss the matter with their line manager.