

Managing Unreasonable Customer Conduct

January 2025

| | | |
|------------|-------------------------------------------------|-----|
| 1.0 | What is unreasonable customer conduct? | 2 |
| 1.1 | The impact of unreasonable conduct | 2 |
| 1.2 | When does customer conduct become unreasonable? | 2 |
| 2.0 | How the process will be applied | 2-4 |
| 2.1 | Rights of review or appeal | 4 |
| 2.2 | Other relevant policies/acts | 4-5 |
| | | |
| Appendix A | Unreasonable Conduct | 5-6 |

Royal Borough Kingston Council

Managing Unreasonable Customer Conduct

Foreword

Our staff are there to help and we have a responsibility to protect them and ensure all our publicly funded resources are used appropriately. In a minority of cases people pursue their complaints in a way that is unreasonable. They may behave unacceptably towards staff for example or be unreasonably persistent in their contacts and submission of information. This can impede investigating their complaint (or complaints by others) and can have significant resource issues. These actions can occur either while their complaint is being investigated, or once the complaint investigation has concluded. The aim of the Guidance that is in place regarding managing unreasonable behaviour therefore is to ensure that all complaints are dealt with in an open, fair and proportionate way but to also ensure that we protect our staff and our resources.

Before proceeding with this guidance, we have fully considered where we need to take into account any potential disability or communication requirements that may be relevant to any behaviour that could be considered 'unreasonable' and the entire approach in this guidance is based on the clear understanding that:

- All customers and staff alike are to be treated with fairness and respect.
- In the absence of very good reasons to the contrary, all customers have a right to access public services.

1.0 What is unreasonable customer conduct?

Unreasonable conduct by a customer can be defined as any behaviour by a customer, because of its nature or frequency, which raises substantial health, safety, resource or equity issues for the council. Unreasonable conduct by a customer can happen anywhere. Please refer to Appendix A for examples.

Using the term 'unreasonable conduct' allows us to focus on the problematic behaviour and respond to it openly and transparently and without the worry that we might be incorrectly or offensively labelling someone.

This guidance covers 'unreasonable complainant behaviour' which may include one or two isolated incidents, as well as 'unreasonably persistent behaviour' which is usually a build-up of incidents or behaviour over a longer period.

Some complainants may have justified complaints but may pursue them in inappropriate ways. Others may pursue complaints which appear to have no substance or which have already been investigated and determined. These contacts with organisations may be amicable but still place heavy demands on staff time, or they may be emotionally charged and distressing for all involved.

1.1 The impact of unreasonable conduct

Although customers who behave unreasonably are very few in number, their behaviour can have profound effects on the organisation's resources and efficiency levels, and the productivity, safety and wellbeing of its staff. In some cases a customer's unreasonable conduct can be a major source of stress for the staff members who have to deal with it.

1.2 When does customer conduct become unreasonable?

The following points (not exhaustive) can assist in our assessment as to whether a customer's conduct is, or has become, unreasonable.

- The merits of the enquiry - is there substance or value in the matter?
- The customer's circumstances – e.g. personal issues, disability or communication requirements; e.g. mental health, visual impairment.
- Proportionality – is the customer's behaviour or demands on time and resources proportionate to the matter?
- The customer's responsiveness – is this the customer's first time they have displayed this type of conduct or have they previously been warned?
- Personal boundaries - have personal boundaries been crossed? For example, do our staff feel unusually stressed, anxious, threatened or otherwise uncomfortable when interacting with the customer?
- Conduct that is unreasonable and unacceptable under all circumstances - does the Conduct involve aggression, insults, harassing words or actions, threats, violence or assault which should not be tolerated under any circumstances?

2.0 How the process will be applied

Where contact has been deemed to become unreasonable, In the first instance, the officer involved with support from the Customer Care Manager will send a written warning to inform the customer that if their actions continue the council may decide to take appropriate action. If a verbal warning is given this will also be followed by a written warning.

If the customer persists, the Council may seek to take the following actions, either alone or in combination depending on the circumstances of the case and whether the complaint process is on-going or concluded:

- Writing to the customer setting out responsibilities for the parties involved if the Council is to continue processing the complaint. If terms are contravened, consideration will then be given to implementing other actions such as those outlined further below:
- Notifying the customer, in writing, that the council has responded fully to the points raised and has tried to resolve the complaint but there is nothing more to add and continuing contact on the matter will serve no useful purpose. The complainant will also be notified that the correspondence is at an end. They may be advised that they will be treated as a persistent or vexatious complainant and as such the council does not intend to engage in further correspondence dealing with the complaint.
- Placing limits on the number and duration of contacts with staff per week or month.
- Declining contact with the customer either in person, by telephone, by letter, by e-mail or; any combination of these, provided that one form of contact is maintained.
- Nominating a named officer as the only point of contact (with a named deputy in their absence). The customer will be notified of this person.
- Informing the customer that in extreme circumstances the council will seek legal advice on persistent or vexatious complaints.
- Temporarily suspending all contact with the customer, in connection with the issues relating to the complaint being considered persistent and/or vexatious, while seeking advice or guidance from its solicitor or other relevant agencies, such as the Local Government Ombudsman

This is not an exhaustive list and in all cases, we would work with the customer to ensure that communication channels remain open whilst not being to the detriment of our resources and staff. Similarly, any action taken must be proportionate to the nature and frequency of the complainant's current contacts.

The decision to apply the process and to take appropriate action will be made by an Executive Director and any decision would normally be time limited; however for some situations it may be appropriate to continue indefinitely (for example, where a specific matter has been considered previously and there is no material to alter a further investigation into the matter).

Before deciding whether the guidance should be applied, the Executive Director must be satisfied that:

- the customer enquiry is being or has been investigated properly;
- any decision reached is the right one;
- communications with the customer have been adequate; and
- the customer is not now providing any significant new information that might affect the authority's view on the matter.

If a decision is taken to apply the procedure, the customer will be provided with a copy of the process and informed in writing that:

- the decision has been taken;
- what it means for his / her contact with the council;
- the time period for which the restrictions will last; and
- what they can do to have the decision reviewed.

2.1 Rights of review or appeal

Customers have the right of appeals against a decision or restrictions and these will be considered by an independent Executive Director. In addition, when any restrictions on access are imposed, there will be a specified review date whereby limits should be lifted and relationships returned to normal unless there are good grounds to extend them.

When reviews are carried out, the customer will be advised of the outcome and, if restrictions are to continue to be applied, when these will next be reviewed. If the restrictions are removed, urgent consideration should be given to re-introducing the restrictions if the conduct which led to the original decision re-commences.

The customer may also contact the Local Government Ombudsman to request an independent investigation. The Ombudsman is unlikely to be critical of the council's action if it can show that its procedure has been operated properly, fairly and with appropriate consideration given to individual needs.

2.2 Other relevant policies and legislation

- If a member of staff or Councillor feels that they are unsafe or unfairly treated by a member of the public in dealing with a situation involving a customer then the Health and Safety Policy and Equal Opportunities Policy may also apply in these circumstances.
- The Freedom of Information Act (Section 14) covers vexatious and repeated requests for information. Section 14 gives councils the right to refuse information to members of the public on the grounds that the request is vexatious or

unnecessarily repeated..

- The ICO's guidance on Dealing with Vexatious Requests can be found here: <https://ico.org.uk/media/for-organisations/documents/1198/dealing-with-vexatious-requests.pdf>
- The Data Protection Act is important when storing and processing information about customers and must be referred to for reference. Information can only be stored on customers for the necessary period of time.
- Some incidents should be reported to the Health & Safety team as non-physical violence.

Appendix A - Unreasonable Conduct

Any behaviour which places people at immediate risk should be referred to the police immediately.

If a customer is threatening self-harm/suicide this should be referred to the police immediately so that they can visit the customer to carry out a welfare check.

If a customer states that they have taken an overdose an ambulance should be called immediately.

Whilst not an exhaustive list, examples of unreasonable behaviour include the following:

Unreasonable persistence

This includes customers persisting with their issues even though they have been dealt with to finality, refusing to accept final decisions and sending excessive amounts of correspondence. Adopting a 'scattergun' approach: pursuing parallel complaints on the same issue with various organisations, making excessive demands on the time and resources of staff with lengthy phone calls, emails to numerous council staff, or detailed letters every few days, and expecting immediate responses, submitting repeat complaints with minor additions/variations the complainant insists make these 'new' complaints. Refusing to accept the decision; repeatedly arguing points with no new evidence.

Unreasonable demands

This includes customers insisting on outcomes that are unattainable, moving the goalposts or demanding to have their matters dealt with in particular ways, refusing to accept that certain issues are not within the scope of a complaints procedure,

insisting on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice. Raising many detailed but unimportant questions, and insisting they are all answered.

Unreasonable lack of cooperation

This includes customers providing disorganised, excessive or irrelevant information, being unwilling to consider other valid viewpoints, or refusing to specify the grounds of a complaint, despite offers of help, refusing to cooperate with the complaints investigation process.

Unreasonable arguments

This includes customers seeing cause and effect arguments where there are clearly none, holding conspiracy theories unsupported by evidence, making unjustified complaints about staff who are trying to deal with the issues and seeking to have them replaced, and irrationally interpreting facts or laws and refusing to accept other more reasonable interpretations.

Unreasonable behaviours

This includes aggression, abusive and derogatory language, threats or other threatening and/or violent conduct.