



## **TORPOINT TOWN COUNCIL**

### **UNREASONABLE BEHAVIOUR POLICY**

**RENEWAL DATE – October 2022**

**NEXT REVIEW DATE – October 2024**

**Reviewing Body: -**

**Finance and Operations Committee**

## **Managing Unreasonable Behaviour Policy**

This policy enables staff to understand the Managing Unreasonable Behaviour Policy and procedures they should follow when applying it. It applies to unreasonable customer contact and may also be applied when customers have made a complaint.

### **Introduction**

The aim of this policy is to identify and manage situations where customer behaviour could be considered unreasonable.

It is important to distinguish between people who make a number of contacts (or complaints) because they think things have gone wrong, and people who are unable or unwilling to accept a decision. We must recognise that customers may sometimes act out of character when anxious or distressed and reasonable allowances should be made for this. We must also recognise that some customers require support when contacting us and provide them with guidance where appropriate.

We do not expect staff to tolerate unacceptable behaviour from customers. Unacceptable behaviour includes behaviour which is abusive, offensive or threatening and may include:

- Using abusive or foul language face to face, on the telephone, in writing or on social media, or
- Making multiple contacts without giving officers reasonable time to respond.

We will deal with our customers politely and with respect and we expect the same in return from them.

The aim of this policy is to ensure that we deal with all customer contact in ways which are demonstrably consistent, fair and reasonable. The policy will help staff to understand what is expected of them, what options for action are available, and who can authorise these actions in relation to complaints. For the purpose of transparency to customers this policy will also be published on the Council's website.

### **Definition of Unreasonable Behaviour**

We use the following terms in our policy:

- Unreasonable customer or complainant behaviour;
- Unreasonably persistent customers or complainants, and
- Vexatious complaints – without sufficient grounds, especially so as to cause annoyance or disruption.

In this policy, the terms 'customer' and 'complainant' are interchangeable.

For us, unreasonable customer behaviour and unreasonably persistent customers are those customers who, because of the frequency or nature of their contacts with the council, hinder the council's ability to deal with other council business, other customer enquiries and/or consideration of their own or other people's complaints.

Vexatious complaints are those complaints made without sufficient grounds but made to cause annoyance or disruption.

Features of customer behaviour and contact that this policy covers can include the following:

- Refusing to give specific information or details which are needed for us to handle the enquiry or refusing to specify the grounds of a complaint despite offers of help.

- Insufficient grounds or no grounds for an enquiry or complaint.
- Refusing to co-operate with requests for clarification or with the complaints investigation process whilst still wanting the matter to be resolved.
- Raising many detailed questions, and insisting they are all answered.
- Submitting falsified documents from themselves or others.
- The customer's expectations exceed the level of service we can offer.
- Refusing to accept that certain issues are not the council's responsibility, not services that we offer, or are not within the scope of the Complaints Policy.
- Insisting on the enquiry/complaint being dealt with in ways which are incompatible with good practice (such as insisting that there should be no written record of the complaint) or council standards, policy, procedure or protocols.
- Making unjustified complaints about staff who are trying to deal with the issues, or to unnecessarily escalate the matter higher. The council will determine which member of staff is the right person at the right level in the organisation to handle the customer's enquiry/complaint.
- Making an unreasonable number of contacts with us, by any means in relation to a specific enquiry/complaint(s) and expecting immediate responses.
- Adopting a 'scatter gun' approach: pursuing parallel enquiries/complaints on the same issue via more than one channel or with various organisations.
- Refuting statements they made at an earlier stage.
- Introducing new information at a later stage in an attempt to get a different answer from someone else or attempting to submit a 'new' complaint to have those details further considered.
- Changing the basis of the complaint as the investigation proceeds.
- Electronically recording meetings and conversations without the prior knowledge and consent of the other person involved.
- Refusing to accept the council's decision; repeatedly arguing points with no new evidence and/or denying that an adequate response has been given.
- Harassing or verbally abusing or otherwise seeking to intimidate staff dealing with their complaint.

The list is not exhaustive, nor does one single feature on its own necessarily imply that the person will be considered as being in this category.

### **What actions can be taken to stop or limit the behaviour?**

The actions we take will depend upon the nature and extent of their behaviours. Any action taken should be appropriate and proportionate to the nature and frequency of the customer's contacts with the Council. If their persistence adversely affects the Council's ability to do its work, is disproportionately resource intensive and/or adversely affects the Council's ability to provide a service to another, the Council may need to address their behaviour.

Initially the customer may be sent an initial letter setting out their conduct is becoming a concern. The letter will ask that the behaviour exhibited is moderated and will suggest, where appropriate, who the customer should contact within the Council over their concerns.

Should this request not be heeded there are 2 stages which must be followed for a customer to be made unreasonably persistent or their unreasonable behaviour recognised as such.

**IT SHOULD BE NOTED** – This policy only deals with the conduct of the customer, not the substance of the complaint or concerns raised. The adopted procedures relating to the processing of complaints should be followed regardless of whether this policy is engaged, unless it is considered there are reasons for not doing so. If this is the case the customer should be advised of this at the earliest opportunity and if appropriate provided with an alternative route to remedy his or her complaint.

### **Stage 1 (prior warning)**

If customer ignores the initial letter and is deemed to be unreasonably persistent or demonstrating unreasonable behaviour, the Town Clerk will issue a prior warning letter, including the following points:

- An explanation of why the customer's behaviour is deemed unacceptable;
- An offer of a meeting, if deemed appropriate by the Council, with an officer from the council to try and resolve the dispute / complaint / issue and explain to the customer why their behaviour is unacceptable;
- Advising of a named officer/point of contact for any further correspondence;
- A statement of future intent to apply restrictive action to the customer's contact should their behaviour continue;
- Referencing and including a copy of the Unreasonable Behaviour policy.

Any arrangements for limiting a customer's contact must take account of the customer's individual circumstances however, such actions may include blocking a customer's email address denying the customer the ability to email the Council and/or refusing to take telephone calls from the customer.

Should such action be necessary the customer's name will be added to the Councils register as having been sent a prior warning letter.

### **Stage 2 (full implementation of the policy)**

- Full implementation of the policy will be undertaken by the Town Clerk or nominated representative with referral to the Finance and Operations Committee;
- Before the policy can be fully implemented, the Town Clerk, or nominated representative, must be satisfied that the customer is behaving in an unreasonable or persistent manner (as per the policy), that the complaint / issue / dispute has been dealt with properly and in accordance with the Complaints Policy and stage 1, a prior warning letter has been sent to the customer as outlined above;
- Once satisfied, the Town Clerk, or nominated representative will take a report (factual and unbiased) to the Finance and Operations Committee detailing a history of the dispute / complaint, the reasons why the customer's behaviour is felt to be unreasonable or persistently unreasonable, a log of contact with the customer (to include dates, times and nature of contact) and any other related information which is of relevance. The role of the Finance and Operations Committee is to consider if the customer's contact with the Council is unreasonably persistent, it will not examine the complaint overall.
- If the Finance and Operations Committee takes the decision to make the customer unreasonably persistent, the Town Clerk will write to the customer advising them of this, explaining how long the restrictions will remain in place and what the customer can do to have the decision reviewed;
- Should a customer raise new issues or complaints, these will be reviewed on their own merits and consideration given to any restrictions on the customer which have previously been applied.
- The customer will be added to the Council's register as being declared by the Finance and Operations Committee as a persistent complainant, also ensuring relevant officers/Members are made aware.

### **What happens if a customer continues to contact the Council?**

The Council should appoint a named officer to deal with and review any future correspondence or contact from the customer. When reviewing any future correspondence, the officer should consider whether this relates to an existing issue or whether it is a new concern.

Where a customer continues to contact us about an existing issue to which this policy has been applied but provides no further new evidence to support their complaint, no further action will be

taken on the issue a letter will be sent to the complainant advising of this and then no further correspondence will be entered into.

If a customer raises a new complaint or provides further new evidence to support their existing complaint, the Town Clerk or their nominated representative will make a decision as to how this will be dealt with and whether any existing restrictions (as per this policy) are still appropriate;

If a customer's behaviour becomes abusive or threatening, we may take the decision to inform the police; and customers should not seek to circumvent this policy by asking someone else who is connected to them, such as a family member, someone of close association, advocate, or simply to submit the same or identical complaints on their behalf. Should we consider that someone is 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.

Should a customer seek to circumvent this policy by contacting their local MP or County Councillor whilst we will engage with the MP or Councillor we will ask that they assist us in maintaining the customer's status, subject to their own investigations into the matter.

Further, should a customer to whom the Policy has been applied, continue to email, write in or telephone officers and Members have the right to not reply or respond to this communication.

#### **What can a customer do to challenge the Council's decision?**

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 make a complaint to the audit, monitoring officer at the principal authority or any statutory authority in a position to deal with the nature of the complaint.

#### **How does the Council review the decision?**

Where restrictions (in line with this policy) have been applied to a customer, they will normally be in place for a year but will be subject to a review at 6 months by the Town Clerk with an interim report to the Finance and Operations Committee. At the end of this period, the Finance and Operations Committee will review the case; and the Town Clerk (or the nominated representative if not appropriate for the Town Clerk to reply) will write to the customer to advise them of the outcome of the Finance and Operations Committee. Where any restrictions are to continue, the customer will be notified of this alongside an explanation of why and when the next review is scheduled to take place.

#### **What actions can be taken to stop or limit the behaviour?**

Where it becomes apparent that the nature of a request or string of requests is potentially making a request vexatious or manifestly unreasonable, consideration should be given to warning the requestor that if they are to submit any further requests on the same issue, it is likely that these requests will be deemed as vexatious under Freedom of Information.

#### **How does the Council review the decision?**

Where a request has been made vexatious or manifestly unreasonable, no further requests to similar matters raised will be considered within a 12 month timeframe. 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 vexatious/manifestly unreasonable.