



POLICY ON MANAGING UNREASONABLE AND VIOLENT CUSTOMER BEHAVIOUR

Managing Unreasonable Customer Behaviour

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Contents

1. Introduction and purpose
2. Definition of unreasonable behaviour
3. Violent or abusive behaviour
4. Dealing with unreasonable behaviour
5. Sanctions
6. New complaints or requests
7. Referring cases to the Local Government Ombudsman
8. Notifying customers of decisions
9. Notifying staff and third parties of decisions
10. Reviewing decisions
11. Legal responsibilities
12. Appeals

Title	Policy on Managing Unreasonable and Violent Customer Behaviour
Owner	Head of Customer Services, Improvement and Performance
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Introduction and purpose

The aim of this policy is to make customers aware of how the Council defines and manages incidents of unreasonable behaviour and the possible/actual consequence of this behaviour.

The policy provides details on the options available to the council when dealing with such behaviour, explaining the process we will follow and the possible consequences to the customer.

As a responsible employer the council has a duty of care to ensure that its employees and Councillors have a safe environment in which to work, free from intimidation, threats, and aggression (either verbal or physical).

The council will not tolerate abusive, violent, offensive, threatening, deceitful or other forms of unreasonable behaviour.

The policy defines and categorises incidents of unreasonable behaviour, abuse or violence and provides guidance on options available to deal with such incidents to ensure we comply with our legal responsibility under Health and Safety legislation to protect the health, safety, and welfare of all staff.

A small number of customers act in an unreasonable way when accessing council services, or if they have a complaint, pursue their complaint in a way that can impede the investigation of their complaint, or take up a disproportionate amount of council time and resources, impacting on our ability to provide service to other customers.

This policy should be read in conjunction with the council's [Complaint Policy](#). Any complaints about Basingstoke and Deane Borough Council are managed in accordance with the council's Complaint Policy.

The policy ensures

That all customers are treated equitably and on an individual basis

Personal information of customers is processed in accordance with the relevant data protection legislation, namely the General Data Protection Regulation (GDPR) and Data Protection Act 2018.

Definition of unreasonable behaviour

The Council has adopted [The Local Government Ombudsman and Social Care Ombudsman](#) (LGSCO) definition of unreasonable complainant behaviour:

"For us, unreasonable and unreasonably persistent complainants are those complainants who, because of the frequency or nature of their contacts with

an authority, hinder the authority's consideration of their, or other people's complaints".

This policy therefore covers behaviour which is unreasonable, which may include one or two isolated incidents, as well as unreasonably persistent behaviour, which is usually an accumulation of incidents or behaviour over a longer period.

Unreasonable and unreasonably persistent complainants may have justified complaints but pursue them in inappropriate ways, or they may pursue complaints that have no substance or have already been investigated and determined. Contact with the council might be amicable but take up a disproportionate amount of limited officer time. Or contacts may be clearly unacceptable in their nature, causing distress to council staff, Councillors, third parties with whom we work and other council customers.

Unreasonable behaviour can include but is not limited to one or a combination of the following actions which are therefore 'triggers' for council staff to consider whether the policy is applicable:

Using foul or abusive language or making threats to council staff

Causing distress to council staff, this may include use of hostile, abusive, condescending, sarcastic or offensive language which is intended to belittle or intimidate

Contact, which may be amicable, but which places very heavy demands on staff time or may be very emotionally charged and distressing for all involved

Making unnecessarily excessive demands on the time and resources of staff whilst a complaint or allegation is being investigated, for example, excessive telephoning or sending emails to numerous council staff, writing lengthy complex letters every few days and expecting immediate responses

Refusing to specify the grounds of a complaint/allegation, despite offers of assistance from council staff

Refusing to co-operate with the investigation process while still wishing their complaint/allegation to be resolved

Refusing to accept that issues are not within the remit of the council's complaints procedure despite having been provided with information about the procedure's scope

Insisting on the complaint/allegation being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice

Making unjustified complaints/allegations about the staff dealing with the complaints/allegations and seeking to have them replaced

Changing the basis of the complaint or allegation as the investigation proceeds and/or denying statements made at an earlier stage

Introducing trivial or irrelevant added information which the customer expects to be considered and commented on or raising large numbers of detailed but unimportant questions and insisting they are all fully answered

Adopting a 'scattergun' approach: pursuing a complaint(s) or allegation(s) with the council and, at the same time, with a variety of organisations

Submitting repeat complaints/allegations, after processes have been completed, essentially about the same issues, with additions/variations which the complainant/customer insists make these 'new' complaints or allegations which should be thoroughly investigated

Refusing to accept the council's or Ombudsman's decision and repeatedly arguing the point or complaining about the decision. This can include continuing to correspond with stakeholders on the same issue after the final decision has been reached or insisting that the council has not dealt with the issue to their satisfaction

Refusing to accept the decision - repeatedly arguing the point and complaining about the decision, with no new evidence

Acting in a deceitful manner by providing misleading or falsified documents/evidence, or adopting false identities

Demanding to speak to the Chief Executive, Executive Directors, or Head of Service without following the complaint procedure

Harassing, trolling, verbally abusing, swearing or being aggressive towards council staff, Councillors, or third parties with whom we work

Filming or recording meetings or face to face/telephone conversations without the prior knowledge and consent of other parties involved.

Social media is a form of communication that the council uses in service delivery and to build relationships with residents of the borough. When used appropriately, social media can provide many benefits for the council and public alike. However, this form of communication can sometimes be used in an unreasonable or inappropriate way, content may include threats, abuse, personal comments that may be regarded as defamatory or malicious, information encouraging criminal activity, or other material that could reasonably offend someone on the basis of race, age, sex, disability, religion or beliefs, disability, sexual orientation, or any other characteristic protected by law.

If a member of the public posts such unreasonable or inappropriate content on social media, the council will, where possible take steps to have the content removed and initiate other action in accordance with this policy.

Violent or abusive behaviour

There may be circumstances where a customer's behaviour exceeds the definition for unreasonable and becomes threatening, violent, or abusive.

The following definition applies to the term violent or abusive behaviour:

Any incident, in which an employee is verbally abused, intimidated, threatened, or assaulted by a member of the public in circumstances arising out of the course of his or her employment. This includes racially or sexually abusive language, threatening behaviour and any written communication which contains abusive language or threats of violence

This policy will be applied to all persons, who display aggression including physical attacks that may or may not result in pain or injury; verbal abuse or threats either face to face, over the telephone or within written communications; threatening behaviour or any action that causes anxiety, fear or concern and physical attacks on property.

In such cases, if necessary, the customer will be added to the council's Potentially Violent Persons List (PVPL).

The decision to add a customer to the council's PVPL will be made by the relevant Head of Service in consultation with an Executive Director. Other sanctions, as previously described, may also be considered.

All incidents of physical violence, racial or homophobic abuse will be reported to the Police.

Dealing with unreasonable behaviour

In most cases before any action is taken under this policy, we will explain to the customer by letter or email why their behaviour is unacceptable and ask them to cease their behaviour, a copy of this policy will be included. They will also be warned that if their behaviour continues, they may be considered as unreasonable and the likely action the council will take.

Where behaviour is so extreme that it threatens the immediate safety and welfare of council staff, Councillors, contractors, or third parties with whom we work action may be taken without first having issued a warning.

We have a zero-tolerance approach regarding violence or threatening behaviour towards Council staff and will always report such incidents to the Police.

We recognise that any decision to classify a person's behaviour as unreasonable could have serious consequences for them, including restricting their access to services. We will, therefore, seek to ensure we are appropriate and proportionate in the application of this policy.

The Head of Service for the relevant area will decide whether to class a customer as displaying unreasonable behaviour and apply this policy.

Before making this decision, the following must be considered:

Ensure the complaint/issue has been dealt with properly and in line with relevant council procedures and statutory guidelines

Is the customer now providing any significant new information that might affect our view or decision

Any decision reached has been reviewed and found to be appropriate

The personal circumstances of the customer and any characteristics protected by law have been understood

Should any reasonable adjustments be considered or could any organisations or support agencies such as the Citizens Advice Bureau aid the customer in accessing service/pursuing their issue in a reasonable manner

Is there unmistakable evidence that the customer has acted in such a way that this policy should be invoked

Has the customer been displaying the same/similar behaviour with other service areas across the council or organisations delivering services on behalf of the council

Whether, depending on the circumstances, legal advice should be sought.

Sanctions

The following list is a 'menu' of possible options for managing a customer's involvement with the council from which one or more might be chosen and applied if warranted.

It is not exhaustive and often local factors will be relevant in deciding what might be appropriate action.

Placing time limits on telephone conversations and personal contacts

Restricting the number and/or length of telephone calls that will be taken (for example, one call on a specified morning/afternoon of any week)

Limiting the customer to one medium of contact (telephone, letter, email) and/or requiring the customer communicate only with one named member of council staff

Requiring any personal contacts to take place in the presence of a witness and in a suitable location at an appointed time

Requiring the customer to make contact only through a third party, for example a solicitor, Councillor or friend acting on their behalf

Refusing to register and process further complaints/allegations about the same matter

Informing the customer that further contact on the matter of the request/complaint will not be acknowledged or replied to. (If this option is chosen all correspondence will be read to ensure no new matters are being raised).

If none of the options listed above offer the protection that staff are entitled to, other options may be available. In exceptional circumstances, it may be appropriate to apply for a civil injunction against the customer. Such action will be considered on a case-by-case basis in consultation with Legal Services.

New complaints or requests

We will not ignore service requests or new complaints from customers who are classified as unreasonable. All such requests will be considered on a case-by-case basis; however, the relevant Head of Service may decide whether any restrictions are still appropriate and necessary in relation to the new complaint or request.

Referring cases to the Local Government Ombudsman

There may be exceptional circumstances where the relationship between the council and an individual has broken down to a point where a resolution is not possible.

In these cases, we may seek to close the case without completing all stages of our complaints procedure or we may expedite the case to a final stage. If this becomes necessary, we will advise the customer of the reasons for this and the options open to them.

In some cases, the council may be able to refer a case directly to the Ombudsman. However, it should be noted that this can only be done with the consent of the customer.

Notifying customers of decisions

Once a decision has been made to class a person's behaviour as unreasonable, or to add a person to the PVPL under this policy, the relevant Head of Service will: -

Write to the customer informing them of the decision:

- the reasons for it
- what it means for their future contacts with the council, setting out the ways the customer can contact the council about new issues or to request a service, but making it clear existing issues will not be revisited or responded to
- the length of the restrictions and when the decision will be reviewed
- how long the individual will remain on the PVPL and when this inclusion will be reviewed
- how a request can be made to have the decision reviewed and the time limit within which to make a request (this will most likely relate to the inclusion in the PVPL)
- who we will inform about our decision – this is likely to be frontline staff and visiting officers (whether in the affected service area or not), senior managers and may include other organisations with whom we work and Ward Councillors of appropriate
- enclose a copy of the policy with the letter to the customer
- there may be extreme cases where it is believed that informing the customer of their inclusion on the PVPL would, create a substantial risk of violent reaction. In these circumstances the customer will not be informed but a clear record must be made providing evidence as to why this decision was taken.

Notifying staff and third parties of decisions

Depending on the incident and/or sanctions imposed on unreasonable customers, it may be necessary to notify front line staff, Councillors or third parties with whom we work.

The decision to notify third parties will be taken on a case-by-case basis and will be made by the Head of Service in consultation with the relevant line manager.

Reviewing decisions

When any restrictions are put in place a review date must be set based on the circumstances of the case.

At the point of the review the relevant Head of Service will decide whether the sanctions will either be re-imposed, amended or removed. The Head of Service will write to the customer to notify them of the review outcome. If it is decided to retain the classification, the customer must be informed why this decision has been taken.

Relevant staff and other organisations who were informed of the restrictions should be advised of the outcome of the review.

If the customer continues to behave unreasonably and or fails to comply with restrictions previously imposed under the policy, then the council may take further action, including legal action and reporting the matter to the Police where the behaviour may amount to a criminal offence.

Legal responsibilities

If there are any legal or statutory issues the Head of Service must involve Legal Services to ensure that all duties and responsibilities have been fulfilled and that all relevant decisions made are well founded and robust.

All complaints issued from solicitors or legal firms on behalf of a complainant must be discussed with Legal.

Appeals

Where a valid request has been made to review a decision within the appropriate time limit, an Executive Director will conduct the review as they see fit; including considering any relevant documents that informed the original decision, the decision letter and the information provided in the request for review.

The Executive Director has discretion to:

- Uphold the decision/restriction
- Uphold the decision but amend the restriction
- Or quash the decision entirely.

The customer will be notified of the decision in writing. If the appeal is rejected the customer will be advised that they can make a complaint to the relevant Ombudsman.