



## **1. Unacceptable Behaviour**

This Council is committed to dealing with all enquiries and complaints fairly and impartially and to delivering a high quality service. As part of this service we do not normally limit the contact customers have with our service. However, we do not expect our staff to tolerate behaviour by customers, which is unacceptable i.e. abusive, offensive or threatening and Council will take action to protect staff and its members from that behaviour.

Council has a duty to ensure the safety and welfare of its entire staff. Staff should report all incidences in accordance with the Health and Safety Policy to the Clerk who will report them to Council.

When Council considers that a customer's behaviour is unacceptable, it will tell them why their behaviour is found unreasonable and will ask them to change it. If the unacceptable behaviour continues, action will be taken to restrict the customer's contact with the Council Offices and if appropriate to other Council services or facilities.

The decision to restrict access to the Council Offices will be taken by the Council. Any restrictions imposed will be appropriate and proportionate. The options most likely to be considered are:

- Requesting contact in a particular form (for example, letters or email only)
- Requiring contact to take place with a named member of staff for Council.
- Restricting telephone calls to specified days and times; and/or
- Asking the customer to enter into an agreement about their conduct.

In all cases Council will write to tell the customer it believes his or her behaviour is unacceptable, what action is taking place and the duration of that action. Council will also tell them how they can challenge the decision through the appeals process set out in Annex A.

Where a customer continues to behave in a way, which is unacceptable, Council may decide to terminate contact with the customer and discontinue any investigation into their complaint or enquiry.

Where the behaviour is so extreme that it threatens the immediate safety and welfare of Council's staff, The Clerk may consider other options after careful consideration of the evidence i.e. reporting the matter to the Police or taking legal action. In such cases, prior warning may not be given to the customer of that action. All such incidences to be reported to Council.

## **2. Unreasonably Persistent Contact**

This Council is accountable for the proper use of public money and must ensure that the money is spent wisely and achieves value for all our customers. The amount of time spent dealing with an enquiry or several related enquiries on the same issue must be proportionate to the time available to deal with all Council business.

Council is committed to dealing with all customer contact and enquiries fairly and impartially whilst delivering a high quality service. As part of this service we do not normally limit the contact customers have with Council.

However, there are a small number of customers who, because of the frequency of their contact with Council, can hinder Council's consideration of its or other peoples' contact. Council refer to such customers as 'unreasonably persistent' and, exceptionally, will take action to limit their contact with the Council Offices.

The decision to restrict access to the Council Offices will be taken by Council and will normally follow a prior warning to the customer. Any restrictions imposed will be appropriate and proportionate. The options Council are most likely to consider are:

- Requesting contact in a particular form (for example, letters or emails only);
- Requiring contact to take place with a named member of staff or Council;
- Restricting telephone calls to specified days and times; and/or
- Asking the customer to enter into an agreement about their future contact with Council.

In all cases where Council decides to treat someone as unreasonably persistent, it will write to tell them why it believes their behaviour falls into that category, what action Council is taking and the duration of that action. They will also tell them how they can challenge the decision through the appeals process set out in Annex A. If Council decides to carry on treating someone as an unreasonably persistent contact and is still

investigating their complaint or enquiry six months later, Council will carry out a review and decide if restrictions should continue.

If a customer, whose case is closed, persists in communicating with Council about it, Council may decide to terminate contact with them. In such cases, Council will read all correspondence from them, but unless there is fresh evidence, which affects our decision on their contact with Council, will simply acknowledge it or place it on the file with no acknowledgement.

New contacts from people who have come under the unreasonably persistent contact policy will be treated on their merits.

This Policy will be reviewed annually.

Chairman ..... Date .....  
(On behalf of Braunton Parish Council)

## **GUIDANCE NOTE ON 'UNREASONABLY PERSISTENT CONTACT' AND 'UNREASONABLE BEHAVIOUR'**

### **Introduction**

Generally, dealing with a customer contact is a straightforward process, but in a minority of cases people pursue their contact in a way which can either impede the response or investigation or can have significant resource issues. These actions can occur either while their complaint or enquiry is being investigated, or once we have concluded the contact.

This guidance note aims to help staff respond to unreasonably persistent customers and unreasonable/unacceptable customer behaviour based on good practice in dealing with these contacts and violence and aggression at work policies.

This guidance should be read in conjunction with Council's Complaints Policy.

### **Definition**

**Unreasonable and unreasonably persistent customers are those who, because of the frequency or nature of their contacts with Council, hinder our consideration of their, or other people's contact.**

It is important to differentiate between 'persistent' customers and 'unreasonably persistent' customers.

Unreasonable and unreasonably persistent customers may have justified complaints, enquiries or grievances but be pursuing them in inappropriate ways, or they may be intent on pursuing their contact which appears to have no substance or which have already been responded to fully, or in the case of complaints, investigated and determined.

For example a customer may contact members of staff within Council, with each member/staff investigating the issues, causing resource overlap. Alternatively, contact may be so frequent that a member/staff is not given time by the customer to investigate the issues before their next contact.

Their contacts with Council may be amicable but still place very heavy demands on staff time, or they may be very emotionally charged and distressing for all involved.

Sometimes the situation between us and a customer can escalate and the behaviour moves from being unreasonable and unreasonably persistent to behaviour which is unacceptable, for example, abusive, offensive or

threatening. Such customers are in a very small minority, but sometimes staff find themselves in the position of having to restrict access to Council premises or to resort to legal action to address such behaviour, for example, in the form of anti-social behaviour orders or injunctions. Before making any decisions, Council will consider very carefully the evidence and options prior to taking formal legal action.

**This guidance does not address the issues of health and safety, violence and aggression or harassment but sits alongside existing policies as a means of addressing the full spectrum of behaviours that we might have to address.**

This guidance 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, behaviour or contacts over a longer period.

Raising legitimate queries or criticisms of a complaints procedure as it progresses, for example if agreed timescales are not met, should not in itself lead to someone being regarded as unreasonably persistent. Similarly, the fact a customer is unhappy with the outcome of a complaint contact and seeks to challenge it once, or more than once, should not necessarily cause them to be labelled unreasonably persistent. If our procedures are operating properly, then responding to expressions of dissatisfaction and requests for information should not cause Council particular problems.

### **Why have a policy?**

Having a policy on unreasonably persistent customer and unreasonable customer behaviour and corresponding guidance for staff on procedure should help staff deal with all contacts in ways which are demonstrably consistent and fair. It also helps staff to understand clearly what is expected of them, what options for action are available, and who can authorise these actions. In the absence of such guidance, staff are likely to have greater problems with unreasonable and unreasonably persistent customers.

### **Actions and behaviours of unreasonable and unreasonably persistent customers**

These are some of the actions and behaviours of unreasonable and unreasonably persistent customers, which we often find problematic. It is by no means an exhaustive list, but they are examples that frequently come to either our attention.

- Refusing to specify the grounds of their contact, despite offers of assistance with this from 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 the Council's procedures despite having been provided with information about the procedure's scope.
- Insisting on their contact being dealt with in ways, which are incompatible with our adopted procedures or good practice.
- Making what appear to be groundless complaints or comments about the staff dealing with their contact and seeking to have them replaced.
- Changing the basis of their contact as the investigation proceeds and/or denying statements they made at an earlier stage.
- Introducing trivial or irrelevant new information which they expect to be taken into account and commented on, or raising large numbers of detailed but unimportant questions and insisting they are all fully answered.
- Electronically recording meetings and conversations without the prior knowledge and consent of the other persons involved.
- Adopting a 'scattergun' approach: pursuing contacts with the Council and, at the same time, with a Member of Parliament/a Councillor/Council's independent auditor/the Standards Board/local Police/solicitors.
- Making unnecessarily excessive demands on the time and resources of staff whilst their enquiry 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 enquiries, after responses have been made or complaints processes have been completed, essentially about the same issues, with additions/variations which they insist are made 'new' complaints or enquiries which should be addressed from the start again.
- Refusing to accept the decision or response – repeatedly arguing the point and complaining about the decision or response.
- Combinations of some or all of these.

### **Considerations prior to taking action under the policy**

Different considerations will apply depending on whether the investigation of the contact is ongoing or whether it has been concluded. To some extent the latter is easier to deal with. It is in effect the customer simply refusing to take 'no' for an answer, and the Council has the option of ending all communication with them and where appropriate referring them to the Ombudsman or other appropriate body. However, where the complaint or enquiry is ongoing there needs to be some continuing contact with them.

The decision to designate someone as an unreasonable or unreasonably persistent customer is onerous and could have serious consequences for them. Before deciding whether the policy should be applied the Council should be satisfied that:

- Their contact is being or has been investigated and responded to 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 Council's view on their contact.

If the Council is satisfied on these points we should consider whether further action is necessary prior to taking the decision to designate them as unreasonable or unreasonably persistent. Examples might be:

- If no meeting has taken place between the customer and the Clerk to the Council and provided that Council knows nothing about the issue which would make this inadvisable, consider offering the customer a meeting with The Chairman. Sometimes such meetings can dispel misunderstandings and move matters towards a resolution.
- If the customer has special needs, an advocate might be helpful to both parties: consider offering to help the customer find an independent one.
- Before applying any restrictions give the customer a warning that if their actions continue Council may decide to treat them as unreasonably persistent and explain why.

Where the customer is a Councillor, if contact has been fully investigated through the appropriate procedures, before considering action under unreasonably persistent or unreasonable behaviour policies, the case should be discussed with the Monitoring Officer at North Devon Council.

A decision will be taken on whether issues raised should be considered through the existing procedures or with the Code of Conduct.

### **Options for action**

The precise nature of the action Council decides to take in relation to an unreasonable or unreasonably persistent customer should be appropriate and proportionate to the nature and frequency of their contacts with the Council at that time. The following list 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 individual circumstances will be relevant in deciding what might be appropriate action.

- Placing time limits on telephone conversations and personal contacts.
- Restricting the number of telephone calls that will be taken ie one call on one specified morning/afternoon of any week.
- Limiting the customer to one medium of contact ie telephone, letter, email etc, and/or to communicate only with one named member of staff.
- Requiring any face to face contacts to take place in the presence of a witness.

- Refusing to register and process further complaints or enquiries about the same matter.
- Where a decision on the customer has been made, providing them with acknowledgements only of letters, faxes, or emails, or ultimately informing them that future correspondence will be read and placed on the file but not acknowledged. A designated officer should be identified who will read future correspondence.

### **Operating the policy**

If a decision is taken to apply the policy, write to inform the customer that:

- the decision has been taken;
- what it means for their contacts with the Council;
- how long any restrictions will last; and
- what they can do to have the decision reviewed.

Enclose with the letter a copy of the policy.

Keep adequate records of all contacts with unreasonable and unreasonably persistent customers for example:

- when a decision is taken not to apply the policy, when a member of staff asks for this to be done, or to make an exception to the policy once it has been applied; or
- when a decision is taken not to put a further contact from such a customer through its complaints procedure for any reason; or
- when a decision is taken not to respond to further correspondence, make sure any further letters, faxes or emails from the customer are checked to pick up any significant new information.

When unreasonable and unreasonably persistent customers make complaints or enquiries about new issues these should be treated on their merits, and decisions will need to be taken on whether any restrictions, which have been applied before, are still appropriate and necessary.

Reviews of decisions to restrict a customer's contacts or the Council's responses to them should be taken by a member or staff to the person who made the original decision. When reviews are carried out, Council should write to advise the customer of the outcome and, if restrictions are to continue to be applied, when these will next be reviewed.

Keep any restrictions under review. Arrangements should be put in place for a check to be made in, say, six months on whether there has been any further contact from the customer. If a customer to whom the Council has decided the policy will apply has no contact with the authority within that period, the position should be reviewed and a decision taken on whether any restrictions placed on the customer's contacts should be cancelled. The outcome of this review should be noted in the file on and a summary recorded on the

complaint checklist record or unreasonable & persistent log. If the restrictions are cancelled, urgent consideration should be given to re-introducing the restrictions if the behaviour, which led to the original decision, re-commences.

### **Who decides to implement the policy?**

In the case of complaints, the Clerk to the Council should refer all cases, which are considered to fall within the policy and guidelines to Council.

Council will review the case and decide:

- whether the policy will be applied to a customer;
- what restrictions will be placed on contacts and for how long;
- timescales for restrictions; or
- timescales for reviews.

When a decision has been made to invoke the Unreasonably Persistent or Unreasonable Customer Behaviour Policy, the Clerk to the Council will write advising the customer, outlining the reasons, any restrictions which apply with regard to future contact and how to appeal against the decision.

### **Right of Appeal**

Council, ensuring that the panel comprises different members from those who sat originally, will review appeals.

Should a customer wish to appeal further, they may make a formal complaint to the Monitoring Officer at North Devon Council

### **Referring unreasonable and unreasonably persistent complainants to the Local government Ombudsman**

In some cases, relations between the Council and unreasonable and unreasonably persistent customers break down badly while complaints are under investigation and there is little prospect of achieving a satisfactory outcome. In such circumstances there is a little purpose in following through all stages of the Council's Complaints Procedure and where this occurs the Monitoring Officer at North Devon Council may be prepared to consider complaints before complaints procedures have been exhausted. This is the case even in respect of statutory complaints procedures.

A customer who has been designated an unreasonably persistent customer may make a complaint to the Monitoring Officer at North Devon Council about the way in which he or she has been treated. The Monitoring Officer is unlikely to be critical of the Council's action if it shows that its policy has been operated properly and fairly.

### **Monitoring**

All decisions to apply the procedure to customers will be recorded and reported to Council quarterly, together with existing reporting mechanisms outline in the Council's Complaints Policy.

Only members/staff directly involved with investigating the history of dealing with contact from a persistent customer, together with the customer, will be advised of actions to be taken. These actions will be communicated to the relevant Member(s)/staff and dealt with in accordance with Data Protection Act 1998.