

EAST RENFREWSHIRE COUNCIL

CABINET

2 October 2014

Report by Deputy Chief Executive

REVISED POLICY ON UNACCEPTABLE ACTIONS BY CUSTOMERS

**PURPOSE OF REPORT**

1. The purpose of this report is to present a proposed updated policy for consideration on the Council's approach to dealing with unacceptable actions from customers. It aims to provide updated guidelines and a safeguard for employees, elected members and other representatives acting on behalf of the Council when dealing with the very small minority of customers whose actions or behaviours are considered to be unacceptable. The draft policy is attached at Annex 1.

**RECOMMENDATIONS**

2. It is recommended Cabinet consider and approve the proposed updated policy on unacceptable actions by customers.

**BACKGROUND**

3. The Council introduced an Unacceptable Actions Policy in October 2013. The policy required to be reviewed to reflect the increase in the use of social media and internet communication. It also sought to provide more concise guidance to assist employees, elected members and other representatives to deal with actions or behaviours from customers and others engaging with the Council that are deemed unacceptable, whether directed at them verbally, in writing or by social media and the internet.

4. The proposed updated policy has been widened out to reference elected members, along with employees and other representatives working on behalf of the Council.

**POLICY**

5. The Council's procedure for dealing with the majority of complaints and complainants is set out in the Complaints Handling Procedure and supporting guidance. It is important to emphasise from the outset that the Council is committed to providing high standards of customer care, and it is only in exceptional circumstances that the terms of this updated Unacceptable Actions policy will be implemented.

6. There are relatively few customers whose actions the Council considers unacceptable. The nature and extent of these actions will determine how the Council will manage them.

7. In summary, the key provisions of the Unacceptable Actions Policy include:

- Defining unacceptable actions
- Managing unacceptable actions
- Deciding on restricting access and the process of appeal
- Reviewing the decision to restrict contact

## **FINANCE & EFFICIENCY**

8. There are no specific financial implications arising from this report.

## **CONSULTATION**

9. The Corporate Management Team, Legal Services, Human Resources Communications team and Health and Safety were invited to provide comments on the revised policy. Unions have also been consulted.

10. The Chief Executive will promote the revised policy to employees and elected members on the Intranet. We will also advertise the revised policy on our external website for our customers.

## **IMPLICATIONS OF REPORT**

11. The policy accords with the Council's commitment to the safety of employees, elected members and others acting on behalf of the Council and seeks to ensure they do not suffer any disadvantage from those who act in an unacceptable manner.

## **RECOMMENDATIONS**

12. It is recommended Cabinet consider and approve the proposed updated policy on unacceptable actions by customers.

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## **BACKGROUND PAPERS**

- Unacceptable Actions Policy 2013
- East Renfrewshire Council Complaints Procedure  
<http://www.eastrenfrewshire.gov.uk/CHttpHandler.ashx?id=9956&p=0>

## **KEY WORDS**

This report details the approach to dealing with unacceptable actions from customers. The keywords are: unacceptable actions, unacceptable behaviour, complaints.

# Unacceptable Actions Policy

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## **1.0 INTRODUCTION**

The Council's procedure for dealing with the majority of complaints and complainants is set out in the Complaints Handling Procedure and supporting guidance. It is intended that the following procedures will only be implemented in exceptional circumstances.

This policy details East Renfrewshire Council's approach for dealing with the very small minority of customers whose actions or behaviours are considered to be unacceptable.

The term 'customer' includes any person who engages with any aspect of the Council's services or anyone acting on behalf of such a person. The principles set out in this Policy apply to the Council's dealings with its customers in all circumstances. The policy is based on the Scottish Public Services Ombudsman approach for dealing with such customers.

It is important to emphasise from the outset that the Council is committed to providing high standards of customer care, and it is only in exceptional circumstances that the terms of this policy will apply. A key determinant of how responsive we are as a Council is ensuring that we have a positive approach to dealing effectively with our residents' and service users' complaints and using management information derived from such complaints to monitor performance and improve our services.

## **2.0 POLICY AIMS AND OBJECTIVES**

The objectives of the policy are:

- 2.1 To deal fairly, honestly, consistently and appropriately with all customers, including those whose actions the Council considers unacceptable. The Council believes that all customers have the right to be heard, understood and respected. The Council also deems that our employees, elected members and other representatives acting on behalf of the Council have the same rights.
- 2.2 To ensure that Council employees, elected members, other representatives acting on behalf of the Council and other customers are not disadvantaged by the actions or behaviours of customers who behave in an unacceptable manner.
- 2.3 To make it clear to all customers and others engaging with the Council at all stages of their dealings with the Council, the types of actions and behaviours the Council considers to be inappropriate and to set out how the Council might manage such actions.
- 2.4 To provide a service that is accessible to all customers and others engaging with the Council. However, where the Council considers a customer's actions to be unacceptable, the Council retains the right to restrict or change access to our employees and/or services.
- 2.5 To support employees, elected members and other representatives working on behalf of the Council in dealing with actions or behaviour from customer's and others engaging with the Council that is deemed to be unacceptable whether directed at them verbally, in writing or by social media and the internet.

- 2.6 To support Health and Safety arrangements in particular dealing with violence towards employees, elected members and other representatives acting on behalf of the Council in the workplace.

### **3.0 DEFINING UNACCEPTABLE ACTIONS**

People may act out of character in times of trouble or stress. There may have been upsetting or disturbing circumstances leading up to a person formally contacting the Council. We do not view behaviour as unacceptable just because an individual is being forceful or determined. However, the actions of individuals who are angry, demanding, offensive or persistent may result in unreasonable demands on the Council or unacceptable behaviour towards Council employees, elected members and others representatives acting on behalf of the Council. It is these actions that we consider unacceptable and aim to manage under this policy. The Scottish Public Services Ombudsman has defined various aspects of unacceptable behaviour under four broad categories as detailed below.

As previously indicated, unacceptable actions may take the form of written correspondence including letters, texts and emails; verbal communication either in person or by phone and inappropriate comment on and use of social media and content on the internet.

#### **3.1 Aggressive or abusive behaviour**

Aggressive or violent behaviour is not restricted to acts that may result in physical harm. It also includes behaviour or language (whether verbal or written) that may cause employees, elected members and other representatives acting on behalf of the Council to feel afraid, threatened, humiliated or abused.

The Health and Safety definition of a violent incident is:

*Any incident, in which an employee is abused, threatened or assaulted in circumstances arising out of or in connection with his or her work. This will include not only physical attacks, but threats and fear of violence, verbal abuse, racial, religious and sexual harassment, or humiliating behaviour, likely to undermine self confidence and cause employees to suffer anxiety or stress related disorders.*

Examples of behaviour grouped under this heading include threats, physical violence, personal verbal abuse, derogatory, slanderous, offensive or libellous remarks, either verbal or written, and rudeness. We also consider that inflammatory statements and unsubstantiated allegations can be abusive behaviour.

#### **3.2 Unreasonable demands**

Customers may make what we consider unreasonable demands on the Council through the amount of information they seek or the nature and scale of the service they expect. What amounts to unreasonable demands will always depend on the circumstances surrounding the behaviour and the seriousness of the issues raised by the customer or their representative, including organisations that may contact us on behalf of their clients.

Examples of actions grouped under this heading include demanding responses within an unreasonable timescale, insisting on seeing/speaking to/corresponding with a particular member of staff, repeatedly changing the substance of the complaint, raising unrelated concerns, or raising the same matters with different officers in either the same or other departments.

The Council considers these demands unacceptable and unreasonable if they start to impact substantially on the work of the Council, such as taking up an excessive amount of staff time to the disadvantage of other customers or functions.

### **3.3 Unreasonable levels of contact**

Some customers will not or cannot accept that the Council are unable to assist them further or provide a level of service other than that already provided. Customers may persist in disagreeing with the action or decision taken in relation to their complaint or issue.

We consider the actions of customers making persistent levels of contact to be unacceptable when the amount of time spent talking to a customer on the telephone, responding to e-mails and written correspondence, or responding to other forms of electronic communications impacts on our ability to deal with that issue or other customer's issues, and causes distress to either staff or other customers.

### **3.4 Unreasonable persistence**

As highlighted above some customers cannot or will not accept that the Council is unable to assist them further or provide a level of service other than that already provided. This can result in unreasonable persistence. Unreasonable persistence is continued, incessant and unrelenting conduct that has a disproportionate and unreasonable impact on the Council's employees, elected members, other representatives acting on behalf of the Council and Services' time and / or resources.

Examples of actions grouped under this heading include:

- unreasonable use of the complaints process;
- persistent refusal to accept a decision made;
- persistent refusal to accept an explanation without presenting any new information;
- sending multiple emails to many members of staff or elected members;
- persistent use of social media or the internet to draw attention to a particular issue repeatedly

The Council considers the actions of persistent enquirers or serial complainants to be unacceptable when they take up what the Council considers to be a disproportionate amount of time and resources or have a negative impact on our employees. The actions set in sections 4 and 5 below may be invoked.

#### **4.0 MANAGING UNACCEPTABLE ACTIONS**

There are relatively few customers whose actions we consider unacceptable. How we aim to manage these actions depends on their nature and extent. If it adversely affects our ability to do our work and provide a service to others, we may need to restrict the individual or group's contact with the Council in order to manage the unacceptable action. We aim to do this in a way that wherever possible allows the issue to be resolved, or for the service to be provided through the Council's normal processes for the matter that is the subject of the complaint or enquiry.

##### **Written Correspondence**

We do not deal with correspondence that is abusive to employees, elected members or other representatives acting on behalf of the Council or that contains allegations that lack substantive evidence. When this happens we will tell the customer that we consider their language offensive, unnecessary and unhelpful. We will ask them to stop using such language and advise that we will not respond to their correspondence if the action or behaviour continues. In certain cases we may block email addresses and emails.

These actions will also be used in situations where social media is used to direct abuse or offensive messages to an individual or group of employees, elected members and other representatives working on behalf of the Council.

##### **Telephone communication**

Council employees, elected members and others representatives working on behalf of the Council will end telephone calls if the caller is considered to be aggressive, abusive or offensive. If they suspect calls are being recorded without permission then these telephone calls may also be terminated. The employee, elected Member or other representatives taking the call have the right to make this decision, tell the caller that the behaviour is unacceptable and end the call if the behaviour does not stop.

##### **Meetings**

In the event that Council employees, elected members and other representatives working on behalf of the Council have to meet with customers in the terms of this policy, appropriate steps will be taken, prior to the meeting, to ensure staff safety.

##### **Further actions**

Where an individual repeatedly phones, visits the office, sends emails, sends irrelevant documents, raises the same issues or uses social media inappropriately, we may decide to:

- only take telephone calls from the individual at set times on set days or put an arrangement in place for only one member of staff to deal with calls or correspondence from the individual in future;
- ask the individual to make an appointment to see a named member of staff before visiting the office or that the individual contacts the office in writing only;
- return the documents to the complainant or in extreme cases advise the complainant that further irrelevant documents will be destroyed;



- take other action that we consider appropriate, which may include blocking emails or in extreme cases, raising legal action;
- in cases where social media is repeatedly used to abuse, threaten, etc in public forums, despite Council requests for such abuse to stop or comments to be removed, the Council will advise and support the employee, elected Member or any other representatives working on behalf of the Council of their rights in Law to take action against the perpetrators. In cases of employees, elected members or other representatives acting on behalf of the Council being subjected to excessive critical social media comments, the Council may, if appropriate, support and assist with any defamation case the individual wishes to pursue. Relevant managers will contact the communications section and/or legal services for further advice on the appropriate course of action. This may result in contacting the administrator of social media sites and asking them to remove any abusive or defamatory comments.
- The Council shares information, images and video with the public through external social media websites. Comments made by the public to these sites are reviewed and, while comments will not be edited by council employees, a comment may be deleted if it is offensive, abusive or threatening to employees, elected members or any other representative working on behalf of the Council.

**We will, however, always tell the customer what action we are taking and why.**

Where the customer continues to correspond via any method on a wide range of issues that is considered to be excessive, the customer would be told that only a certain number of issues will be considered in a given period and to limit or focus their requests accordingly.

An individual with a complaint about Council services may be considered unreasonably persistent if all stages of the Council's Complaints Handling Procedure have been exhausted and the complainant continues to dispute the Council's decision relating to the complaint. In this instance, the complainant will be told that no future phone calls will be accepted, interviews granted or correspondence responded to concerning this complaint. They will be told if there is a further review procedure outwith the Council they could invoke (e.g. SPSO). Any future contact by the complainant would be read and filed, but only acknowledged or responded to if the complainant provides significant new information relating to the complaint.

**5.0 DECIDING TO RESTRICT CUSTOMER CONTACT**

Council employees, elected members and any other representatives acting on behalf of the Council who directly experience aggressive or abusive behaviour from customers have the authority to deal immediately with that behaviour in a manner they consider appropriate to the situation and in line with this policy. Employees should report the incident to their supervisor/Line Manager and record this on the council online Accident Incident reporting system (AIRS) or the Datix system for CHCP. If appropriate a marker may be placed against a customer in accordance the Data Sharing (Violent Warning Markers) Policy.

Elected members should notify the Head of Democratic and Partnership Services who will make arrangements to record the incident. Other representatives working on behalf of the Council should notify their line manager.

If the concerning behaviour is not acceptable but is not considered to be serious enough to be recorded on the system, a warning letter to the individual may be issued. This letter will state the nature of the unreasonable behaviour and will tell the individual that it should not continue.

With the exception of such immediate decisions taken at the time of an incident, customers will be made aware of the policy and given the opportunity to change their behaviour before it is applied. Decisions to restrict contact with Council employees, elected Members and other representatives acting on behalf of the Council are only taken after careful consideration by a member of Senior Management from the relevant Department.

### **Restricted contact following violent incidents**

When a violent incident occurs, it is the individual employee who has been involved in the incident's responsibility to contact their line manager as soon as possible. The incident should then be added to the council online reporting system, (AIRS) or the Datix system for Community Health and Care Partnership (CHCP). The Violent Warning Marker (VWM) Coordinator will review the incident details and decide if this merits a violent warning marker.

In this instance, and in line with the Council's Data Sharing (Violent Warning Markers) Policy, we may restrict contact, in person, by telephone, fax, letter or electronically or by any combination of these and advise the complainant that a violent warning marker has been applied to them. In extreme situations, we will tell the complainant that we will make no personal contact with them. This means in practice they must restrict contact with the Council to either written communication or through a third party.

Where contact is restricted, this will be recorded on our Customer Relationship Management (CRM) system by adding a case note to the complaint. The threat or use of physical violence, verbal abuse, insulting language or harassment towards Council staff is likely to result in ending all direct contact with the complainant. Incidents may be reported to the police. This will always be the case if physical violence is used or threatened.

## **6.0 HOW WE LET CUSTOMERS KNOW WE HAVE MADE THE DECISION TO RESTRICT CONTACT**

We will always tell the customer or group what action we are taking and why. When a staff member makes an immediate decision in response to aggressive or abusive behaviour, the customer is advised at the time of the incident.

When a decision has been made by Senior Management to restrict contact the customer will be told in writing why the decision has been made and, if relevant, the length of time the arrangements will be in place. If appropriate, the customer will also be advised who this information will be shared with and recorded on our CRM system.

A customer can appeal a decision to restrict contact. If they do this, we will only consider arguments that relate to the restriction and not to either the complaint made or our decision to close a complaint.

## **7.0 REVIEWING THE DECISION TO RESTRICT CONTACT**

The decision to limit or restrict our interaction with a customer, within the terms of this policy, will be reviewed in line with individual timescales set or when the customer demonstrates a more acceptable approach.

## **8.0 RELATED POLICIES AND PROCEDURES**

This policy should be read in conjunction with the following supporting documents:

- Health and Safety, Violence to Staff: Personal Safety and Security guidance
- Violent Warning Marker System guidance
- Complaints handling procedure

## **9.0 POLICY AVAILABILITY AND REVIEW**

We will review this policy on a regular basis to ensure that the aims are being achieved. This policy will be made available in other languages and formats (such as large print or Braille) as required.

If you require further information on any aspect of this procedure please contact the Policy and Improvement Unit on ext 3660 or [policyandimprovement@eastrenfrewshire.gov.uk](mailto:policyandimprovement@eastrenfrewshire.gov.uk).