



St Ives Town Council

**POLICY ON THE MANAGEMENT
OF UNREASONABLE, VEXATIOUS
AND AGGRESSIVE CUSTOMER
BEHAVIOUR**

Policy / File Status

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Review Record

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1 INTRODUCTION

- 1.1 St Ives Town Council is committed to providing customers with excellent, value for money services. We want to keep improving and, hopefully, exceed the expectations of our customers. To this end, the Council welcomes feedback, both positive and negative.
- 1.2 We recognise that there are times when our service may not meet the high standards we set ourselves and understand that customers will at times feel frustrated. However, the Council has a zero tolerance approach to behaviour which is deemed to be unacceptable, abusive, threatening or violent to our staff, volunteers, councillors or any other person.
- 1.3 All complaints about the service provided by the Council will be dealt with in line with our published complaints procedure.
- 1.4 Unfortunately, in a minority of cases customer contact with the council is carried out in a way that is unreasonable. Sometimes this can have a negative impact on the handling of their complaint or request. It can also have a significant impact on our resources and on our ability to provide services.
- 1.5 In addition, as the extent of statutory services at the Town Council level is limited, often the issues, which customers are angry or upset about, relate to service delivery performed by another organisation or outside of the Town Council's control and the Council cannot resolve them.
- 1.6 In extreme cases, unreasonable behaviour can extend to threats of violence, verbal abuse and/or actual violence against staff.
- 1.7 This policy defines and categorises incidents of unreasonable behaviour, abuse or violence and provides guidance on options available to deal with such incidents in order to ensure we comply with our legal responsibility under Health and Safety legislation to protect the health, safety and welfare of all staff.

2 PURPOSE AND OBJECTIVES

- 2.1 The purpose of this policy is to define what we consider to be unreasonable, vexatious or violent customer behaviour and to ensure consistency and fairness when dealing with such behaviour.
- 2.2 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 which may include having restrictions imposed on their contact with the council or, in the case of threats of or actual violence, being placed on the Potentially Violent Persons List (PVPL)

2.3 The policy ensures

- that all customers are treated equitably and on an individual basis;
- personal information of customers is processed in accordance with relevant data protection legislation, namely the General Data Protection Regulation (GDPR) and Data Protection Act 2018.

3 DEFINITION OF UNREASONABLE CUSTOMER BEHAVIOUR

3.1 Unreasonable behaviour 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.

3.2 In defining unreasonable behaviour we have taken into account the Local Government Ombudsman's (LGO) definition:

"...unreasonable and unreasonably persistent complainants are those complainants who, because of the nature or frequency of their contacts with an organisation, hinder the organisation's consideration of their or other people's complaints."

3.3 Behaviour which may lead to a customer being considered as unreasonable may include one or more of the issues listed below. Please note this list is not exhaustive:

- Making excessive demands on the time and resources of staff by, for example, excessive and lengthy phone calls, emails or letters, or detailed letters/emails every few days and expecting immediate responses
- Repeated and obsessive pursuit of a complaint or issue which appears to have no substance or which has been investigated and determined
- 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
- Escalation of behaviour which is unacceptable, for example, abusive, aggressive or threatening behaviour
- Refusing to specify the grounds of a complaint or give appropriate details
- Changing the basis of the complaint/request whilst it is under investigation
- Denying or changing statements made at an earlier stage
- Acting in a deceitful manner by providing misleading or false information or documents, or adopting false identities
- Recording informal meetings and conversations with staff

- Introducing irrelevant or trivial issues into their complaint
- Refusing to accept the decision; repeatedly arguing points with no new evidence
- Persistently approaching the council through different routes, or getting others to do so, about the same issue
- Persistently seeking an outcome which the council has already explained is unrealistic for policy, legal or other valid reasons
- Adopting a 'scatter gun' approach; pursuing parallel complaints on the same issue with a variety of organisations
- Refusing to co-operate with the complaints investigation process while still wishing their complaint to be resolved
- Causing distress to staff. This may include the use of hostile, abusive, condescending, sarcastic or offensive language (including racial or sexist terms) which is intended to belittle or intimidate
- Making unjustified complaints about staff who are trying to deal with the issues and/or asking that they be replaced or escalating a complaint to a more senior officer after receipt of a response with which they disagree (unless this is part of the formal complaint escalation process).
- Submitting further complaints, after the complaints process has been completed, about the same or substantially the same issue
- Refusing to accept the Council'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

4 DEALING WITH UNREASONABLE BEHAVIOUR

4.1 We recognise that any decision to classify a customer's behaviour as unreasonable could have serious consequences for them. We will, therefore, seek to ensure our decisions are appropriate and proportionate. However, we have a zero tolerance towards violence or threatening behaviour towards our staff and will always report such incidents to the Police.

4.2 Before deciding to apply any restrictions we will ensure that:

- We have considered and ensured we understand a customer's circumstances, how and why they feel as they do and what it is that would resolve the matter for them. We must be sure that we have given them the right opportunity to express their views and opinions and that we have listened and given appropriate thought and effort to resolving and explaining the position and our actions;

- The issue or complaint has been dealt with properly and in line with relevant council procedures and any statutory guidelines
- Any decision reached has been reviewed and is found to be appropriate
- The complainant is not now providing any significant new information that might affect our view or decision on the complaint
- There is not another, more specific path for the complainant to follow, for example an appeal process if they are complaining about a decision taken that directly affects them, such as an employment tribunal appeal process
- Staff who are experiencing difficult customer behaviour should: at all times respond to customers courteously and focus on trying to resolve the customers' query;
- Staff should stay calm and not respond in kind.

4.3 If staff feel threatened by a customer they should report their concerns and the reason for those concerns to their manager and log any incidents

4.4 Where our efforts to resolve matters with the customer have not been successful and the complaints procedure has been exhausted, we will close the case. We will also inform the customer that we will no longer enter into any correspondence on the same issue.

4.5 Each case will be considered on its merits and any decision to classify a customer as unreasonable will be referred to the Town Clerk. If the Town Clerk has been directly involved with, or is the subject of the complaint, then the decision will be referred to the Finance and General Purposes Committee. Where this would not result in a timely decision, the Committee shall delegate this decision to the Chairman and Vice-Chairman of the Finance and General Purposes Committee with decisions being reported back to the next meeting of the Committee.

4.6 Some customers displaying unreasonable behaviour, may have a specific circumstance or difficulty, such as a mental health condition or other disability. Staff shall be mindful of this and any concerns that they may have about a customer's vulnerability must be raised immediately with their line manager. The manager will then determine how that the customer's needs can continue to be met and any support, which may be available. In such circumstances an alternative solution should be found, for example, it may be possible to suggest an advocate might be helpful to both parties.

4.7 Actions available may include restrictions on the customer's contact with the council or with named staff, such as:

- Placing limits on the number and duration of contact with staff in a given time period (eg per week or month)
- Offering a restricted time slot for necessary calls

- Limiting the customer to one method of contact (for example telephone, letter or email);
- Providing the customer with a named single point of contact for all communication. This should be a senior officer with relevant training and experience. Requiring any personal contact to take place in the presence of a witness and at a suitable location;
- Refusing to register and process further complaints/requests about the same matter;
- Informing the customer that further contact on the matter of the complaint/request will not be acknowledged or replied to. Please note, if this option is chosen, all correspondence must be read to ensure no new issues are being raised
- Requiring the customer to make contact only through a third party, for example a solicitor/councillor/friend acting on their behalf
- Refusing the customer access to any council building except by appointment
- 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 the Council's legal advisors.

4.8 Any restrictions must take into account the customer's individual circumstances, bearing in mind such issues as age, disability, gender, race, religion or belief, etc.

4.9 The decision to restrict or stop a customer's access to the council's offices and officers can only be taken by the Town Clerk. If necessary, and depending on the circumstances, legal advice should be sought.

4.10 If any action is chosen which restricts the customer's access to council services, it is important to ensure there is an identified and clearly communicated method of contact available for the customer.

5 NEW COMPLAINTS OR REQUESTS

5.1 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 manager may decide whether any restrictions are still appropriate and necessary in relation to the new complaint or request.

6 VIOLENT OR ABUSIVE BEHAVIOUR

6.1 There may be circumstances where a customer's behaviour exceeds the definition for unreasonable and becomes threatening, violent or abusive. In such cases the following procedure will apply and, if necessary, the customer will be added to the council's potentially violent persons list.

6.2 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

6.3 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.

6.4 The decision to add a customer to the council's potentially violent persons list will be made by the Town Clerk in consultation with the Chairman and Vice- Chairman of Finance and General Purposes Committee. In the event that this officer is unavailable, the decision will be made by the Deputy Clerk or relevant service manager.

6.5 Where it is considered the risk posed by the customer to staff is significant, a risk assessment must be carried out and suitable precautions should be put in place to protect staff.

7 PROCEDURE FOR DEALING WITH INCIDENTS OF VIOLENT OR ABUSIVE BEHAVIOUR

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

7.2 All incidents of abuse or violence should be logged by the member of staff affected.

7.3 Awareness of the specific needs of disabled people, particularly those with certain mental health conditions is raised to guide the staff response to inappropriate or violent behaviour. This should be targeted at staff who meet customers on a face to face basis (either in the office or off site), as well as staff whose main contact is via the telephone.

7.4 In addition, it is important that staff who only have contact with customers via email or letter are able to identify unreasonable, abusive or threatening language and follow this policy and procedure.

7.5 If a customer is abusive or threatening whilst in the office or on the telephone members of staff should clearly state that such behaviour will not be tolerated. If the behaviour continues, the customer should be asked to leave the building and, if safe to do so, the member of staff should remove themselves from the situation. For

telephone calls, members of staff should advise that they are going to disconnect the call if the behaviour continues. In cases of abusive correspondence, via letter or email, the customer should be written to by the Town Clerk, to advise that their behaviour and/or language is unacceptable and will not be tolerated. Their manager should be notified of the situation and will assess any on-going risk to remaining staff and the public.

- 7.6 For face to face situations managers must ensure frontline staff are familiar with safety procedures. Staff working off site should be aware of the Lone Worker Policy.
- 7.7 If the Police are called, it is important to note that a member of staff must first ask the customer to leave the premises before the Police are able to do so. If the customer refuses to leave in Police presence the Police may then ask the customer to leave. If the customer still refuses the Police have the authority to escort the customer from the premises.
- 7.8 Staff must not use physical force in any circumstances, including to remove customers from the premises. Additional members of staff or the public must not be allowed to enter the scene of an incident, especially in a hostage situation. The Facilities Team, subject to having received appropriate training can be used to prevent members of the public from entering the scene if applicable, although staff must not knowingly put themselves at risk.
- 7.9 If a manager receives a phone call in which a panic code is used they must immediately telephone the Police.
- 7.10 After the event the relevant manager must inform the Town Clerk or other senior manager of any incident as soon as possible.
- 7.11 The line manager must debrief the member of staff as soon as is practicable, depending on the severity of the incident. The debrief should ascertain if any further action is required and when that action will take place. For example:
- Taken home or to hospital (may be before debrief)
 - Report incident to Police (if non-attendance) and obtain a crime reference number. The member of staff subject to the violence or abuse must be the person who makes the report to the Police. However, staff can be supported by their managers through this process, upon request.
 - Training
 - Considering whether appropriate support, such as and/or occupational health report, to be provided
 - Short break from work
 - Change of job or responsibilities in the short term

8 INCIDENTS OFF SITE

- 8.1 All members of staff who work off site, either in the community or visiting customers at home, must be aware of and follow the procedure set out in the council's Lone Worker Policy. If appropriate, service specific lone worker procedures should be produced and communicated to staff.
- 8.2 It is particularly important that:
- Risk assessments are carried out
 - Office based staff are aware of the whereabouts of staff working off site
 - Staff working off site must have a way of contacting the office in an emergency, together with an agreed emergency 'code word' which, if used, will result in the Police being called
 - Staff working off site who are faced with a potentially violent incident should telephone the Police immediately

9 INCLUSION ON THE POTENTIALLY VIOLENT PERSONS LIST (PVPL)

- 9.1 Where an employee is the victim of a violent incident the matter must be reported and recorded. All reports will be forwarded to the employee's line manager and Town Clerk who can confirm the requirement to add the individual to the PVPL.
- 9.2 The final decision as to whether an individual should be added to the PVPL will be taken by the Town Clerk, in consultation with the Chairman and Vice
- 9.3 If it is necessary to add an address to the PVPL, then the Violent Incident Report Form should be completed. This form should also be used by temporary or contract staff. This may be relevant in circumstances where there is a known risk associated with the property, rather than the occupants of that property. For example, if dangerous dogs are at the property or the resident of the property and any visitors have been targeted by a third party. In these instances, staff should be made aware that they should not visit the property alone or should check the current situation before visiting.

10 NOTIFYING CUSTOMERS OF DECISIONS

- 10.1 Once a decision has been made to classify a customer's behaviour as unreasonable, or to add the customer to the PVPL, the Council will write to the customer to:
- Detail the action we have taken and why
 - Advise whether there is a right to appeal and what this provision involves (this will most likely relate to the inclusion in the PVPL)
 - Explain what it means for the customer's future contacts with the council
 - Set out ways the customer can contact the council about new issues or to

request a service, but making it clear that existing issues will not be revisited or responded to

- Advise how long any restrictions will last and when the decision will be reviewed
- Advise how long the customer will remain on the PVPL and when this inclusion will be reviewed
- Explain who we will inform about our decision – this is likely to be frontline staff and visiting officers (whether in the affected business unit or not) and senior managers and may include other organisations with whom we work
- Enclose a copy of this policy for the customer's information.

10.2 There may be extreme cases where it is believed that informing the customer of their inclusion on the PVPL would in itself 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.

11 NOTIFYING STAFF AND THIRD PARTIES

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

11.2 The decision to notify third parties will be taken on a case by case basis and will be the Town Clerk in consultation with the relevant line manager.

11.3 If sanctions have been imposed which restrict customer access in some way, it is likely to be necessary to notify frontline and/or visiting staff who may come into contact with the customer concerned. Any such notification should be to managers who will advise their staff accordingly.

11.4 If the decision has been made to add a customer to the council's PVPL, it may be necessary to consider notifying the following members of staff. The decision to notify staff must be taken on a case by case basis and should be based on the risk the customer poses and the likelihood of any potential contact. As a general rule, consideration should be given to notifying the following members of staff:

- Reception and other office based staff who have face to face contact with customers
- The Facilities and Amenities Team
- Civil Enforcement Officers
- Staff in Cornwall Council services, such as Environmental Health, Planning, Building Control, Property Services and Legal who may visit customers as part of their job.

11.5 Ward Members should be notified if there is a potential risk of them visiting the individual

- 11.6 Third parties who may be notified may include:
- Contractors working on the council's behalf, although this will depend on the role of the contractor and any likelihood that they may come into contact with the individual
 - Other agencies, such as Housing Associations
 - Cornwall Council or other town and parish councils if, as part of a shared service, staff may be likely to come into contact with the individual
- 11.7 The decision to notify third parties should be documented and the individual concerned should be advised who we have notified

12 ENFORCING DECISIONS

- 12.1 It is important to ensure consistency with customers, particularly if restrictions on their contact with the council have been imposed.
- 12.2 Managers must ensure all relevant staff and/or other organisations, as identified in 12 above, are aware of such restrictions.
- 12.3 If a single point of contact has been nominated it is important that another member of staff is aware of the issue and is available to take a message if the single point of contact is away from their desk. If the single point of contact is likely to be away from the office for any period of time, the customer must be informed so as to avoid causing them frustration. If necessary a replacement point of contact should be allocated to cover the absence and the customer advised of who this will be
- 12.4 If restrictions on the type of contact have been imposed (for example, the customer has been asked to make all contact via email or letter only) and this is not adhered to, staff should be informed that they have the right to refuse to speak to the customer. However, it is important that the customer is reminded of the restrictions and asked politely to put their request or concerns in that format.
- 12.5 If a customer has been asked not to attend the council office without an appointment and persists in turning up, a nominated manager or the single point of contact should attend to remind the customer of the restrictions, offer to make an appointment for them and ask them to leave the premises. The manager should not engage in any discussions with the customer about their complaint.
- 12.6 If a customer refuses to leave the premises, but is not causing a disturbance, the manager should leave, but the situation should be monitored.
- 12.7 If the customer becomes abusive, threatening or violent, either to staff or other customers, the Police should be called.

13 **REVIEWING DECISIONS**

- 13.1 When any restrictions are put in place a review date must be set. This will be based on the circumstances of the case, but it is suggested a minimum period of three months would be appropriate.
- 13.2 The status of the customer should be reviewed by the senior officer who made the decision, in consultation with the relevant Committee chairman, to classify the customer as unreasonable and will take into account and future contact or new issues which have been raised.
- 13.3 The decision of the review will be communicated to the customer. If it is decided to retain the classification, the customer must be informed why this decision has been taken.
- 13.4 Relevant staff and other organisations who were informed of the restrictions should be advised of the outcome of the review.

14 **RECORD KEEPING**

- 14.1 If the decision is made to place a customer on the PVPL, a copy of all documentation should be saved on the confidential area for Violence at Work on Sharepoint.
- 14.2 It is important that records of all contact with the customer are kept, together with detailed notes relating to the decision to classify as unreasonable. Such notes should include where a decision is taken:
- not to apply this policy when a member of staff asks for this to be done
 - to make an exception to this policy once it has been applied
 - not to put a further complaint from the complainant through the corporate complaints procedure for any reason

All notes should be retained by a manager of the team experiencing the unreasonable behaviour.

- 14.3 If customers are abusive or threaten officers or councillors, a formal written record must be kept by all relevant staff of all contact made by the customer. The record must note any abusive behaviour or threats, if possible, recording actual words used. It is important that such records are factual and officers do not provide their personal views.
- 14.4 All instances of abuse, threatening or violent behaviour should be recorded by the member of staff subject to the abuse and notified to their line manager, via email. Where this is not possible, and in cases involving councillors they shall ask a member of the support services team to record it on their behalf.
- 14.5 Statistical information on instances of abuse, threatening or violent behaviour will be reported to the Council's Health & Safety Working Group to consider any necessary revisions to the policy or procedures.

15 **DATA PROTECTION**

15.1 All personal information must be processed in line with the requirements of the General Data Protection Regulations (GDPR) and Data Protection Act 2018. This includes personal information:

- being accurate and up to date;
- being adequate and not excessive for the purpose;
- only being retained for as long as is necessary; and
- kept secure.

15.2 Details of customers who have been added to the council's PVPL should only be retained for as long as that customer remains on the list.

15.3 For all other sanctions, details of the circumstances which resulted in the sanction being applied should be retained for the length of time the sanction remains in place and then for a further six months.

15.4 Customers have the right to request a copy of their personal information held by the Council.

16 **LEGAL RESPONSIBILITIES**

16.1 If there are any legal or statutory issues the Council shall involve their legal advisors to ensure that all duties and responsibilities have been fulfilled and that all relevant decisions made are well founded and robust.

16.2 All complaints issued from solicitors or legal firms on behalf of a complainant **must** be discussed with the Council's solicitors.

17. **MONITORING AND REVIEW**

17.1 The implementation and operation of the policy will be monitored by the Finance and General Purposes Committee and reviewed annually.