

Unreasonable customer behaviour policy

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1. Purpose

The purpose of this policy is to set out clearly for customers and staff what the council considers to be unreasonable customer behaviour, and the process the council will follow in responding.

2. Introduction

Portsmouth City Council is committed to providing high quality customer services.

The council deals with thousands of telephone calls, letters, emails, web based and face to face enquiries from customers. The council aims to respond to most enquiries first time, and to resolve enquiries to the customer's satisfaction. If the customer is not satisfied with the outcome, they are able to refer their issue to the appropriate complaint's procedure.

From time to time and for a variety of reasons, customers can become upset, angry, or frustrated. Our staff are usually able to manage these situations and resolve issues for our customers.

However, there are occasions where staff are not able to resolve issues to the customer's satisfaction, and the customer's behaviour can become unreasonable to the extent that it takes up a disproportionate amount of time for our staff, takes them away from their normal duties, and impedes their ability to provide a service to other customers.

This policy has been created to establish clearly what the council considers to be unreasonable customer behaviour, and to set out the process the council will follow in managing such behaviour from our customers.

3. Scope

The policy covers unreasonable customer behaviour across all areas of the council, except for areas where specific alternative policies apply.

4. Definition of unreasonable customer behaviour

The Local Government and Social Care Ombudsman (LGSCO) provides the following definition of unreasonably persistent customers in relation to complaints:

"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."

Following the LGSCO's guidance, the council considers the following to constitute unreasonable customer behaviour in relation to contact with the council on matters other than complaints:

"Customer behaviour that, because of the frequency or nature of the contacts with the council, hinders the council's ability to deal with genuine customer enquiries, the consequence of which is to divert resources from providing efficient services for our residents."

This policy outlines examples of behaviour that are potentially considered unreasonable, along with examples of restrictions that can be considered to enable the council to manage this type of behaviour. However, the individual circumstances of each case will be considered before decisions are taken as to whether the behaviour is considered unreasonable in line with this policy, and whether restrictions will be applied. If formal restrictions are imposed, the process outlined in section five of this policy will be followed.

Where a customer's behaviour is so extreme that it threatens the immediate health, safety and welfare of council employees, or employees working on the council's behalf, the council reserves its right without limitation to consider other options, for example reporting the matter to the police, taking legal action, or refusing to engage with the complainant either temporarily or on a permanent basis. In such cases, the council is not obliged to give the customer warning of that action.

4.1. Examples of behaviour that are potentially considered unreasonable

This section provides examples of behaviour that may be considered unreasonable and may lead the council to take action in line with this policy. The examples in this section are illustrative rather than exhaustive.

- Adopting a 'scattergun' approach, for example pursuing an enquiry with several service areas in the council or with other organisations at the same time or contacting a number of individual staff members, councillors and others at the council with the same issue.
- Making unnecessarily excessive demands on the time and resources of employees, for example, telephoning or sending emails daily and/or several times a day to council employees, writing lengthy complex letters frequently, for example every few days.
- Making frequent remarks to employees that could be considered sarcastic, rude, derogatory, discriminatory, or threatening.
- Insisting that an issue is dealt with in a way that is not consistent with council policy.
- Raising numerous detailed but potentially irrelevant or repetitive questions and insisting that they are answered.
- Submitting documents that are potentially falsified or materially irrelevant.
- Unreasonably refusing to accept a council decision after all appeal options have been exhausted.
- Unreasonably refusing to accept that certain issues are outside the council's responsibility and control.
- Unreasonably refusing to accept that certain issues are not within the remit of the council's statutory duty, policy or procedures.
- Making what appear to be groundless complaints about employees and seeking to have them replaced.

- Electronically recording meetings and conversations without prior knowledge and consent of the other parties involved.

It should be noted that a customer raising legitimate queries or criticisms of the council or being unhappy with a council decision and seeking to challenge that decision would not necessarily cause a customer's behaviour to be considered unreasonable. The council will seek to distinguish between customers who make regular contact because they have genuine ongoing or multiple problems and those whose behaviour is unreasonable.

However, if the way a customer behaves in raising their queries, concerns, or seeking to make a challenge, could result in the council deciding that the behaviour is unreasonable.

It is important to note, these sorts of problems happen rarely. This policy exists to ensure that all parties understand how the council will deal with contact of this nature.

5. The process for responding to unreasonable customer behaviour

5.1. Step one: the appropriate manager will try to resolve the issue with the customer

Where it is identified that a customer's behaviour has become or is becoming unreasonable in terms with their contact with the council, the first step in the process is for the appropriate manager to try to resolve the matter by communicating with the customer. The appropriate manager to resolve the situation with the customer will be a senior manager from the service that is most impacted by the customer's unreasonable behaviour.

At this stage in the process, the customer will be offered the opportunity to appoint a representative to contact the council on their behalf.

The communication with the customer at this stage of the process may be in any format (including letters, emails, telephone conversations and face-to-face meetings) but must be confirmed in writing or in such a way as to accommodate any reasonable adjustment required by the customer that is communicated to the council.

The communication will explain the concerns of the council regarding the customer's behaviour and suggest a way forward to manage the issue. This may include proposing a single point of contact (SPOC) for the customer's communications with the council and an agreed method for that communication, for example, agreement for weekly/fortnightly specified contact or any communication style deemed appropriate and proportionate in the circumstances of each individual case, including any agreed reasonable adjustments to be made. The purpose of the communication with the customer will be to seek agreement on a way forwards with the customer.

As part of the communication with the customer, the council will explain that if the situation cannot be resolved, the council will escalate the matter in line with its unreasonable customer behaviour policy and may impose restrictions on the customer's contact with the council.

This information will be confirmed to the customer in writing.

If an agreement cannot be reached with the customer, the matter will be referred to step two of the process for managing unreasonable customer behaviour, set out in 5.2. below.

If agreement is reached with the customer around on-going contact between the customer and the council, the manager will then monitor on-going contact and keep records to ensure the arrangement is adhered to and the behaviour that is considered unreasonable stops.

If the unreasonable behaviour continues, the manager will refer the matter to step two of the process, as set out in 5.2. below.

5.2. Step two: referring the matter to be managed under the unreasonable customer behaviour policy

5.2.1. Referral

If an arrangement cannot be reached between the appropriate manager and the customer in respect of managing the customer's contact with the council, or having agreed an arrangement with the customer, monitoring of contact shows the unreasonable behaviour is continuing, the appropriate manager will refer the matter to the corporate customer service manager in the first instance.

In making the referral, the manager will include details of the behaviour that is considered unreasonable, and evidence of the work undertaken by the service to resolve the situation with the customer, including copies of any correspondence with the customer in relation to managing their contact with the council.

If an arrangement was made with the customer to manage contact, details of the arrangement should be provided, along with evidence of on-going monitoring of the customer's contact.

5.2.2. Assessment

The information provided will be reviewed by the corporate customer service manager, in consultation with the assistant director of corporate services, and will undertake additional enquiries as required to assess the situation.

The corporate customer service manager, in consultation with the assistant director of corporate services and the appropriate service manager, will decide whether the customer's behaviour is unreasonable and whether restrictions to the customer's contact with the council need to be imposed.

5.2.3. Restrictions

Any restrictions imposed will be appropriate and proportionate.

The options (which for the avoidance of doubt are not prescribed or limited) most likely to be considered are:

- Restricting contact with the council to a particular method of communication (for example by letter only).
- Restricting contact with the council to specified days and times.
- Restricting contact with the council to specified volumes (for example, one email per week).
- Restricting contact to a named officer (or deputy in their absence) as a single point of contact (SPOC).
- Notifying the customer that only significant and serious queries will be addressed by the council and all other contact will be filed without being responded to. Such notifying events will be prescribed by the council in its absolute discretion.
- Notifying the customer that only new issues will be dealt with and any issues (that have been previously dealt with) will not be acknowledged or actioned.

5.2.4. Imposing restrictions

Following review and assessment, if it is considered necessary to impose restrictions on the customer's contact with the council, the assistant director of corporate services will contact the customer to explain what action is being taken and why, how long the restrictions/conditions will be in place for and how to appeal against the decision.

The communication with the customer will take whatever form is most appropriate, considering any reasonable adjustments, and will be confirmed in writing.

The decision to impose restrictions/conditions can be reviewed once during the period of contract restrictions, if requested by the customer in writing to the corporate customer service manager, or by the council at any time during the initial period.

The process for review is set out at section 5.2.6.

5.2.5. Managing extreme cases

In extreme cases, the council reserves its right to block telephone calls and electronic contact (including email and social media) with the council, and to take steps to restrict access to council premises.

If this option is considered necessary it will be agreed by the assistant director of corporate services, or the City Solicitor, or appropriate deputy, based on a review of the evidence.

The assistant director of corporate services or the City Solicitor, or appropriate deputy, will contact the customer to communicate the reasons for the sanctions and the length of time the sanctions will be in place for, and how to appeal the council's decision.

5.2.6. Review

At the end of the period of restrictions on the customer's contact, or at any time during the period of restrictions, if the council considers there has been a change to the unreasonable customer behaviour, the council may decide to review the restrictions/conditions imposed.

The customer has the right to request a review of restrictions/conditions on their contact with the council once during the period of contract restrictions. A request for a review should be made to the corporate customer service manager in writing, except in circumstances where a reasonable adjustment requires an alternative method of communication. The request should explain why the customer considers a review is necessary.

The review will be undertaken by the corporate customer service manager, in consultation with the assistant director of corporate services and/or the City Solicitor (or appropriate deputy).

Where necessary the review will consider the personal circumstances of the customer, the circumstances giving rise to the behaviour, the level of service provision needed by the customer, or the level of risk identified to the customer by the restrictions applied.

The aim of the review is to remove any restrictions/conditions as soon as possible, where it can be shown that the behaviour giving rise to council's action has subsided and there is no likelihood of a reoccurrence. However, if further unreasonable behaviour has been exhibited during the period of restrictions to the customer's contact with the council, the outcome of the review may be to extend the restrictions/conditions for a further period, or to impose new or amended restrictions.

If the council carries out a review and makes changes, the council will contact the customer to explain what action is being taken and why, how long the amended restrictions/conditions will be in place for, and how to appeal against the decision.

The communication with the customer will take whatever form is most appropriate, considering any reasonable adjustments, and will be confirmed in writing.

In exceptional circumstances, where it is considered that communication with the customer by the council could insight further unreasonable behaviour from the customer, the council reserves the right not to communicate with the customer. In this situation, the decision will be taken by the assistant director of corporate services and/or the city solicitor or appropriate deputy and the reasons for the decision will be recorded.

5.2.7. Appeal

If a customer disagrees with the council's decision to impose conditions on their contact, the customer can appeal by contacting the corporate customer service manager. Appeals should be made in writing, except in circumstances where a reasonable adjustment requires an alternative method of communication.

Appeals should be made within 28 days. The council reserves the right not to consider appeals made after 28 days and to refer the customer to the review process as set out in 5.2.6.

In making an appeal, the customer should explain why they disagree with the council's decision to impose conditions on their contact.

Information from the customer will be gathered by the corporate customer service manager and passed to the director of corporate services for review. The director of corporate services will consider the information relating to the decision to impose conditions on the customer's contact with the council, as well as the customer's appeal and will decide whether the conditions should be confirmed, amended, or removed.

The council will then contact the customer to confirm the outcome of the appeal. Outcomes of appeals will be communicated in writing, except in circumstances where a reasonable adjustment requires an alternative method of communication.

6. Information retention

Any documents used in the decision-making process of this policy regarding an unreasonable customer behaviour will be retained by the corporate customer service manager for the duration of any restrictions.

The file will then be archived and subsequently destroyed in line with the Council's Retention Policy. The current retention period is for the duration of the imposed restrictions plus six years.



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