



CUSTOMER BEHAVIOUR POLICY

Introduction and Aims

- 1 Eastleigh Borough Council is committed to dealing with all customers fairly and impartially and to providing a high-quality service. In return, we expect everyone who comes into contact with our staff to treat them with respect.
- 2 We understand that, in times of trouble or distress, people may act out of character, and, in a very small number of cases, may behave in an unacceptable way despite our best efforts to help. We recognise that sometimes things can go wrong and if they do, we would like to know so that we can try to put them right. We will deal with all complaints fairly and impartially.
- 3 Having a policy on unreasonable and unacceptable customer behaviour helps the Council to work with customers in ways which are transparent, consistent and fair. We also have a duty to protect the welfare and safety of our staff. They should be able to come to work and enjoy time away from work, without fear of violence, abuse, intimidation, harassment or discrimination.

Scope of Policy

- 4 This policy applies to all customers and defines the unacceptable customer behaviour that we will not tolerate towards staff, Councillors and contractors and the actions that may be taken if staff, Councillors or contractors are faced with unacceptable behaviour.

Policy Aim

- 5 The aim of this policy is to define what we consider to be unreasonable and unacceptable customer behaviour and to ensure consistency and fairness when dealing with such behaviour.
- 6 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 and details of their behaviour and restrictions being recorded on their customer account through the use of a flag raised on their account. The aim of the flag is to improve the interaction between customer and staff member as well as protect staff members by bringing awareness to previous negative interactions.

Customer Charter

- 7 Eastleigh Borough Council's Customer Charter is included as Appendix 1 and published on the Council website. It promises the standard of service that can be expected by its customers.

- 8 The Charter also details the level of dignity and respect that the Council expects in return from its customers.

Equality, Diversity and Reasonable adjustments

- 9 All customers will be dealt with fairly, honestly, consistently, and appropriately including those whose actions are considered unacceptable and it is important to recognise that all customers have a right to be heard, understood and respected.
- 10 The policy reflects the requirements of the Equalities Act 2010 and shows due regard for an individual's medical condition and vulnerability such as mental health issues and learning disabilities. Accordingly, any restrictions imposed on a customer's contact should recognise and be appropriate to their individual circumstances.

Legislative, regulatory context and policy

- 11 The Health and Safety at Work etc. Act 1974 is the primary piece of legislation covering occupational health and safety in Great Britain. It sets out the general duties employers have towards their employees and members of the public. The Council acknowledges and accepts its responsibilities under the act and will ensure to control all risks to its employees, contractors and those who may be affected by the work they undertake as low as is reasonably practicable.
- 12 The General Data Protection Regulation (GDPR) and Data Protection Act 2018 govern how personal information is used. The Council complies with the Data protection Legislation in all its personal data processing activities, including the administration of the Council's flags. Individuals are informed about the Council's use of their personal data in relation to the flags through the Councils' privacy notice.
- 13 This policy will be reviewed every 5 years as a minimum.

Definitions

- 14 *"Unacceptable behaviour means acting in a way that is unreasonable, regardless of the level of someone's stress, frustration, or anger. It may involve acts, words or physical gestures that could cause another person distress or discomfort". GOV.UK Unacceptable Behaviour Policy*
- 15 *"...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." Local Government Ombudsman (LGO)*

Types of Customer Behaviour

Unreasonably Persistent Complaints:

- 16 In a minority of cases people pursue their complaints in a way that is unreasonable. They may behave unacceptably or be unreasonably persistent in their contacts and submission of information. This can impede investigating their complaint (or complaints by others) and can have significant resource

implications for the council.

17 Some complainants may have justified complaints but may pursue them in inappropriate ways. Others may pursue complaints which appear to have no substance, or which have already been investigated and determined.

18 Examples of what could be defined as unreasonable behaviour are listed below:

Unreasonable demands:

- asking for responses within a short space of time
- refusing to speak to an employee or insisting on speaking with another.
- refusing to specify the complaint despite offers by the Council to help.
- refusing to co-operate with the investigation while expecting the complaint to be resolved.
- making groundless complaints about employees and demanding they are replaced.
- recording conversations with officers without prior notification

Unreasonable persistence:

- refusing to accept the answer that has been provided.
- continuing to raise the same subject matter without providing any new evidence, continuously adding to, or changing the subject matter of the complaint.
- Overload of communication: letters, calls, emails or contact via social media. This could include the frequency of contact as well as the volume of correspondence received and length of telephone calls.
- Adopting a 'scattergun' approach, i.e., either submitting a complaint or other contact to several different people at the Council (such as the service involved, the complaints team, the Chief Executive, Leader or Chairman) or pursuing a complaint or other contact with the Council while complaining to others (MPs, Ombudsman, Police, Courts etc).

19 Combinations of some or all the above. This list is not exhaustive and persistent complainant behaviour is not limited to one (or a combination of any) of the above.

Aggressive or Abusive Customer Behaviour

20 Aggressive and abusive behaviour is not restricted to acts that may result in physical harm. It also includes behaviour or language that may cause staff to feel afraid, threatened, distressed or abused.

21 In such situations, the Council may resort to involving the Police or taking legal

action to address such behaviour.

22 Examples of aggressive and abusive behaviour include:

- Verbal abuse - Threatening or obscene language face to face or over the telephone
- Hate abuse - Harassment or abuse verbally or physically that is motivated by age, disability, gender, race, religion/belief, or sexual orientation.
- Threat - verbal or written – may include threat using animal violence.
- Property damage or theft - of the property of a member of staff or the Council.
- Physical abuse - attempted assault, with or without a weapon, which does not result in actual physical harm to the member of staff.
- Physical assault - with or without a weapon, resulting in actual physical harm to the member of staff at the level of bruising, cuts, lacerations, hair pulling or more serious injury – may include deliberate animal attack.
- Other - any form of physical or psychological assault or abuse, threats, harassment, or unpleasant behaviour not contained in the above, which the member of staff considers having been sufficiently serious to warrant concern.
- Use an animal to cause fear as a weapon or a threat, (during visits to properties we reserve the right to ask for dogs to be restrained behind a door or in another room).

23 Any of these may be considered unacceptable and unreasonable in isolation or collectively.

Options for Action

24 The precise nature of the action the Council decides to take should be appropriate and proportionate to the nature and frequency of the customer's contacts with the Council.

25 The following is a list of some possible actions for managing a customer's involvement with the Council. (The list is not exhaustive and local case-by-case factors may be relevant in deciding appropriate action):

- Placing time limits on telephone conversations and personal contacts.
- Restricting contact in person, by telephone, letter or electronically or by any combination of these
- Requiring personal contacts to take place in the presence of a colleague.
- Visiting property in pairs, or not visiting property at all.
- Refusing to register/process further complaints about the same matter.

- Reporting the matter to the police or taking legal action. Where such action is necessary the Council may not give warning.
 - Only meeting the customer at Council Offices and by appointment only.
 - Terminating contact through the various mechanisms of contacting the Council.
 - Temporarily or permanently restricting/not allowing access to Eastleigh Borough Council offices.
 - Placing a flag on to the customer's record to alert staff to something that they need to be aware of when dealing with a particular customer, or property.
- 26 Adding a flag is managed by access level and by category – categories can be found in Appendix 2.
- 27 Amber and red flags can only be added following a case review where all information and evidence related to previous contact and incidents will be reviewed and assessed carefully. The case review team will comprise of the Customer Support Manager, a relevant Senior Manager from the service in which the incident took place, and the Corporate Health & Safety Manager. The review should consider the severity of the incident(s) and the frequency of the incidents reported. Access to the reason why an amber or red flag has been added to a customer account is limited to officers who are likely to interact with the customer in question during the normal course of their duties.
- 28 Once a decision has been made to raise an amber or red flag, the relevant Senior Manager will ensure the following information is included on the account:
- Reason for the flag
 - Recommended staff action and control measures put in place when interacting or visiting individuals or property.
 - Responsible Service Manager
 - Review period

Informing the individual and appeals

- 29 Prior to an individual having an amber or red Flag attached to their record, the Customer Support Manager will send the individual a letter informing them of the decision and the resulting actions or restrictions imposed.
- 30 All letters will be signed by the Customer Support Manager. The individual in question will be given 21 days to appeal in writing, the decision to implement a flag to their account. During this period the customer account will show a green flag detailing that a decision regarding an amber or red Flag may be pending and the name of the Senior Manager handling with the case.

- 31 If the individual does appeal within the 21-day timeframe, a final review of the case will be undertaken by the case review team who notify the individual in writing the outcome of the review.
- 32 There may be exceptional cases where it is believed that informing the customer of their flag would create a substantial risk of violent reaction. If the review team considers that they are dealing with a case where it may not be appropriate to notify the individual involved, they must have signed permission from the Legal Services Service Manager. 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.

Records and Access

- 33 Records will be kept within the corporate Customer Records Management (CRM) system when this policy is applied. The information will be treated as confidential and only shared with those who may be affected by the decision. The following records will be maintained by the Customer Support Manager in line with the General Data Protection Regulations (GDPR):
 - When a decision is taken to apply (or not to apply) the policy following a request to do so by a member of staff.
 - The decision taken and by whom; including details of the assessment made and why it is proportionate.
 - The restrictions applied, the timescale and review dates.
 - When a decision is taken to make an exception to the policy after it has been applied.
 - Persistent complainers –
 - When a decision is taken (and the reason) not to put a further complaint from the same complainant through the complaint procedure.
 - When a decision is taken not to respond to further correspondence (having made sure that any further letters, e-mails, etc., from the complainant do not have any significant new information).

Review of Decisions

- 34 All flags and decisions to restrict a customer's contacts will be reviewed annually from the date the flag was added to their account by the Customer Support Manager and the Corporate Health and Safety Manager, and recommendations agreed with the relevant service Senior Manager.
- 35 At the end of the review period for amber and red flags, the Customer Support Manager will notify the customer, in writing, the outcome of their case review as follows:
 - If restrictions are not cancelled, an explanation of the reason(s) why will be provided to the customer. Depending on the circumstances, some flags may

remain in perpetuity.

- Once amber or red flag restrictions are eased, a green flag will remain on the customer account to indicate that an amber or red flag has been removed.

Local Government and Social Care Ombudsman

- 36 A complainant who has a flag raised and has been designated 'unreasonably persistent' or using 'unreasonable behaviour', may make a complaint to the Ombudsman about the way in they have been treated.
- 37 Also in some cases, relations between the Council and the complainant can break down and there is little prospect of achieving a satisfactory outcome. In such circumstances there is often little point in working through all stages of the Council's complaints procedure. Where this occurs, the Ombudsman may be prepared to consider a complaint before the Council's complaints procedure has been exhausted.
- 38 The Ombudsman is unlikely to be critical of the Council's action if it can be shown that the Council's policy has been operated properly and fairly.

Feedback

- 39 Any questions relating to this policy you can be emailed to customerservicecentre@eastleigh.gov.uk, or write to the Customer Support Manager, Eastleigh Borough Council, Eastleigh House, Upper Market Street, Eastleigh SO50 9YN

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