Northamptonshire County Council

Document details

Unacceptable or Unreasonable Communications and Behavior Policy

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Document History

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Feedback
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For public access on the Internet YES ☒ NO ☐
For staff access on the Intranet YES ☒ NO ☐
1 INTRODUCTION

1.1 Northamptonshire County Council is committed to dealing with all customers fairly and impartially in a timely manner. Our customer contact is delivered under our Customer Service Standards [here](#).

1.2 Communicating with our customers is usually a straightforward process, and we do not limit the contact between us and the public, but in a minority of cases people contact us in a way that can impede our ability to assist them or present a significant resource issue for the Council. We recognise that it is important to distinguish between people who make a number of contacts, including complaints and/ or genuine requests for information or services, and those who’s persistence and / or continued contact with us extends beyond what is reasonable.

1.3 The strategies proposed in this document are made on the understanding that they are relevant and applicable to all customers their representatives, relatives and carers / staff / partners / former employees and elected members of the organization.

2 PURPOSE

2.1 This policy aims to identify the acceptable steps that may be taken when dealing with unreasonably persistent communicators and unacceptable customer behavior. It also explains what we consider to be unreasonable and unacceptable behavior/s, what is expected of staff when confronted by such behavior, and what options may be applied to manage this, as well as identifying who can authorise the application of this policy.

2.2 Raising legitimate queries or criticisms of the way the Council is dealing with requests, or raising complaints, does not lead to someone being regarded as unreasonable or unacceptably behaved. We acknowledge that especially customers who complain will be often frustrated and therefore it is important to consider the merits of their case rather than their attitude, however we also have a duty to ensure the health and safety of our staff, alongside a responsibility to ensure the best use of public resources. The substantive issues of a complaint should dictate the level of resource dedicated to it, not a customer’s demands or behavior.

3 POLICY STATEMENT

3.1 This policy applies to all customers who meet the definitions below and with specific consideration to customers accessing the Council’s published complaints procedures.

3.2 Our staff work hard and deserve to be treated with the same level of respect and courtesy that our customers may expect to receive.
3.3 We will take action to protect staff and other customers from behavior that is considered to be unreasonable and / or unacceptable. If a customer behaves in a way that is considered unreasonable and / or unacceptable we will follow this policy. Staff safety and wellbeing is paramount when dealing with unreasonable customer behavior.

3.4 We have adopted the Local Government and Social Care Ombudsman’s (LGSCO) definition of ‘unreasonable complainant behavior’ and ‘unreasonable persistent complaints.’ [Guidance on managing unreasonable complainant behavior - Local Government and Social Care Ombudsman](#)

3.5 We define unreasonably persistent and vexatious customers as those people who, because of the frequency and / or the nature of their contact with the Council, hinder our consideration of the issues they or other people raise. The description ‘unreasonably persistent’ or ‘vexatious’ may apply jointly or separately to the communication and / or behavior of a particular customer.

3.6 We do not accept and will not tolerate unacceptable behavior by any customer. Anger and frustration are acceptable and understandable emotions, but not when expressed in an aggressive, violent way or offensive way.

3.7 Examples of what we consider to be ‘unacceptable / vexatious’ behavior may include but are not limited to:

- Verbal abuse, using rude, abusive, racist, homophobic or foul language
- Threatening or physical abuse of staff
- Damage to Council property
- Sending multiple correspondence to a variety of staff or departments – in an attempt to engage / maintain an argument
- Using bullying or coercive behavior, emotional blackmail and / or manipulation to try and get demands met or revisited
- Prolonged and repeated contact beyond the point at which the Council’s processes have been exhausted or actions have already been put in place to address the concerns raised
- Making defamatory / false or inflammatory claims about the Council and / or staff which are not based on any valid evidence
- A failure to comply with arrangements that have been made in line with this policy

3.8 Examples of what we consider to be ‘unreasonable / persistent’ behavior may include but are not limited to:

- refusing to specify the grounds of a complaint or enquiry, despite offers of assistance
- refusing to engage with the Council’s policies and standards including arrangements agreed under this policy
- repeatedly demanding responses within an unreasonable timescale
- demanding responses from several officers on the same subject
- making unjustified complaints about officers who are trying to deal with the issues
- insisting on seeing a certain officer when that is not possible
- Repeatedly attending Council offices to try and discuss the matter without a pre-arranged appointment
- submitting false documentation
- covertly recording meetings or conversations without agreement of those involved
- making serial complaints about various matters or continuing to raise the same or similar matters over and over again
- inundating the Council with emails, telephone calls, or copies of information that have already been submitted or that are irrelevant to the enquiry, request or complaint
- pursuing parallel complaints on the same issue with a variety of organisations
- refusing to follow the Council or Ombudsman procedures or continuing to correspond when the procedures have been exhausted
- refusal to engage in efforts to reach resolution
- introduction of trivial or irrelevant information whilst the complaint is being investigated and expecting this to be taken into account and commented on
- denying statements that have been previously made

4 WHEN THIS POLICY CAN BE USED

4.1 Application of Policy:

This policy may be applied when the ‘business as usual’ management of behavior has not been effective and it is deemed necessary by the relevant Head of Service or Service Manager to formally manage and/ or restrict contact or communication.

4.2 Exceptions:

Where a customer’s behavior is so extreme that it threatens the immediate safety and welfare of the Council’s staff or the public, we will consider other options. These may include, for example, reporting the matter to the Police or taking legal action. In such cases we may not give the customer prior warning of that action.
5 What Customers can expect when this policy is applied:

5.1 What customers treated under this Policy can expect:

In cases where we decide that someone’s behavior is unacceptable or unreasonable in line with this policy, we will write to them to detail why this decision has been made, the restricted contact arrangements (see below) required to manage the situation will be explained and the length of time that these restrictions will be in place. This will be done whether the decision was made at the time of a particular incident or following further consideration by a senior manager. In some cases it may be necessary to apply several restrictions at one time.

Where the customer continues to behave in a way which is unacceptable or unreasonable, the Head of Service, in consultation with the Monitoring Officer and the Complaints Manager may decide to refuse all contact with the customer and (where applicable) stop services.

All decisions will be taken in full consideration of the merits of the customer/s complaint, their individual circumstances, whether the behavior displayed is proportionate to their experience, the customer’s responsiveness and cooperation alongside any jurisdictional or statutory issues that may dictate the way the relationship that they have with the local authority.

5.2 Customers in receipt of statutory services:

This policy may also apply if you are a customer with assessed needs and are in receipt of support / services provided by the Council or one of our providers, regardless of where this care is received (i.e. within the customer’s home, day centre, care home, respite facility). Whilst we have a duty of care to you, we also have a duty of care to our employees to ensure they are treated with courtesy and respect and that they have a safe and healthy working environment.

If a customer and / or their representative / relative or carer intentionally obstructs the provision of their care / support due to unacceptable / unreasonable behaviors as described in this policy then it may be necessary for us to restrict or remove services and look at alternative provisions for meeting any eligible support needs.

Any decisions to change or limit a person/s care provision due to unacceptable / unreasonable behaviors will be taken by the Head of Service in discussion with the Council’s Monitoring Officer and with consideration to the person/s individual circumstances, vulnerabilities and the Council’s statutory duties.

The Council will always refer to the Mental Capacity Act when applying this policy.
5.3 Referring unreasonably persistent or unreasonable complaints to the Local Government and Social Care Ombudsman:

In some cases, the relationship between the Council and the customer may break down while complaints are under investigation, and there is little prospect of achieving a satisfactory outcome. In such circumstances, there may be little purpose in following all the stages of the complaints procedure. Where this occurs, the Ombudsman may be prepared to consider a complaint before the procedure has run its course (under an early referral procedure).

We will try to avoid misdirecting customer to other organisations if it felt that they will not be able to help you. Any decision to make an early referral to the Ombudsman service will be taken in discussion with their office and customers will be notified of our intentions.

5.4 How we record and review a decision of ‘Unacceptable Behavior’:

We record all incidents of unacceptable/unreasonable actions which have resulted in contact being restricted. This log will detail:

- **Who** - the name and address of the customer whose behavior is treated as unreasonable or unreasonably persistent
- **What** - what the restrictions are
- **When** - the restriction came into force and when it ends (or will be reviewed)

Where it is decided to restrict contact, we will detail an entry from the relevant Service Manager in the relevant file and hold a record of this communication. A decision to restrict contact may be shared with other services to ensure it is enforced consistently.

On request, a decision to restrict contact as described above may be reconsidered by a senior manager if the customer has maintained a period of acceptable behavior towards Council officers for the period stated in the decision letter. The circumstances of the restriction being applied will be considered in reviews where the customer has had no reason to contact us for a lengthy period and / or has no reason for an ongoing relationship with the authority.

All decisions to restrict contact will be reviewed every six months by the Head of Service, the Complaint’s Manager and the Council’s Monitoring Officer. We will always write to the customer to let them know the outcome of a review. However, the process of restricting contact may be revisited if this then restarts a cycle of correspondence.

5.5 New complaints from complainants who are treated as abusive, vexatious or persistent:

New complaints submitted from people who have come under effect of this policy will be treated on their individual merits. The Head of Service will decide whether any restrictions which have been applied before are still appropriate or necessary
in relation to a new complaint. We do not support a ‘blanket policy’ of ignoring genuine service requests or complaints where they have foundation.

6 Restriction of contact:

Restriction of contact may take a number of forms:

- restricting the customer from making contact by telephone except through a third party e.g. solicitor/ Councillor/ friend / advocate acting on their behalf
- restricting the customer from sending emails to individual and/or all Council officers and insisting they only correspond by letter
- restricting the customer from using any of the Council’s public facing services e.g. libraries
- restricting the customer from accessing any Council building except by appointment
- requiring contact to take place with one named member of staff only (a single point of contact)
- restricting telephone calls to specified days/ times/ duration
- requiring any personal contact to take place in the presence of an appropriate witness
- letting the customer know that we will not reply to or acknowledge any further contact from them on that specific topic (in this case, the single point of contact will read future correspondence)
- In extreme cases legal mechanisms may be used to restrict a customer’s contact with the Council and / or attendance at our offices

7.0 Single Point of Contact (SPOC):

The use of a Single Point of Contact (SPOC) will be instructed by a Senior Manager with support from the Council’s Monitoring Officer. A specific point of contact is intended to help manage the impacts of a customer’s behavior (as detailed in this document), when all other efforts have failed.

The SPOC will be a single named contact usually within LGSS Law (the Council’s Legal Services provider), who will take receipt of / record and monitor all further contact from the customer & / or their representative.

If the decision is taken that contact will be limited to a SPOC, then the customer will receive an initial ‘warning letter’ explaining why their conduct is causing a problem and explaining the restrictions that may be applied if that behavior persists.

If the customer’s conduct persists or in cases of overt aggression / violence or other unacceptable conduct a ‘notification letter’ will be sent immediately to restrict the customer’s interactions with us to a SPOC. This letter will give the name and contact details of the SPOC, give full reasons for the arrangement, the duration that the restriction’s will apply and or a timescale for the arrangements to be reviewed.
Customers who are restricted to a SPOC will be given the name of a second named person who they may contact if their SPOC is unavailable.

Cases where this restriction is applied will be reviewed every 6 months.

8.0 Refusing all contact:

Where a customer continues to behave in a way which is unacceptable during the complaints process or overrides the restrictions imposed under this policy, the Complaints Manager, in consultation with the Monitoring Officer and having sought legal consideration, may decide to refuse all contact with the customer and stop any investigation into his or her complaint. If this is the case, the complainant will receive a ‘cease and desist’ letter. At this point, the Council may choose to refer the complainant to the Local Government and Social Care Ombudsman as the possibility of resolving the complaint will no longer be available. The Council will notify the complainant in writing that it has responded to the points raised, and has tried to resolve the issues but there is nothing more to add and continuing contact on the matter will serve no useful purpose. This notification should state that correspondence is at an end and that further communications will be acknowledged but not answered.

9.0 Other security measures:

If other security measures are necessary, the office will give consideration to providing all reasonable support to ensure the safety and welfare of the staff member.

Other relevant policies/acts:

If a member of staff or councillor feels that they are unsafe or unfairly treated by a member of the public in dealing with a situation involving a customer then the Health and Safety Policy and Equal Opportunities Policy may also apply in these circumstances.

- The Freedom of Information Act (Section 14) covers vexatious and repeated requests for information. Section 14 of this Act should be referred to in conjunction with this procedure. This Act gives councils the right to refuse information to members of the public on grounds that the request is vexatious or unnecessarily repeated. Staff should seek advice from the council’s legal service before invoking Section 14.