



Unreasonable Customer Behaviour Policy

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1. Introduction to the Unreasonable Customer Behaviour Policy

- 1.1. The SSA offers a wide range of services across numerous contact channels, including face to face, phone, email, and webchat. As an organisation we always aim to deal with all our residents and customers in an appropriate, respectful and open way.
- 1.2. On occasions staff come into contact with customers who absorb a disproportionate amount of resources when dealing with their enquiry, or consistently act in an abusive or aggressive manner. This is despite in some instances there being nothing further that can reasonably be done to assist them or rectify a real or perceived problem. In these situations, the decision may be made to classify the customer as an **Unreasonable Customer**.
- 1.3. Managing unreasonable customers can be difficult and time consuming. While staff are expected to respond professionally and to be sensitive and empathetic to the needs of all; unreasonable customers can, by their approach or behaviour, cause staff to have additional workload, or feel threatened or abused. Therefore, staff will need to be supported and guided in how best to respond in these situations.
- 1.4. This policy is intended to support and protect Council representatives when dealing with customers who:
 - are verbally threatening or abusive;
 - are physically threatening or abusive;
 - are threatening or abusive in writing;
 - are unreasonable or unreasonably persistent in their contact with the Council;
 - have been brought to the attention of the Council by another official agency such as the police; or
 - whose personal circumstances mean that officers need to take care in contact (for instance, customers whose mental health fluctuates and can sometimes be unintentionally abusive).
- 1.5. This policy can be used in conjunction with the council's [Unreasonable Complainants Behaviour Policy](#) and provides a framework to aid the decision-making process when the person may be thought to be an unreasonable complainant. Both policies stress the importance of discretion prior to policy application and the importance of balancing the rights of the individual to have contact, access services, raise issues or have their complaint(s) addressed thoroughly and appropriately with the rights of staff involved to be treated reasonably.
- 1.6. The Policy will provide an official mechanism for the exclusion or restricting contact from customers who are consistently unable to meet set standards when interacting with Council staff. This framework will also show how

corporate monitoring, oversight and coordination of all actions taken under the policy shall be undertaken. This will include a review process to evaluate excluded customers and allow for this to be lifted or continued dependent on agreed factors.

- 1.7. The introduction and implementation of a policy to manage interactions with unreasonable customers is required as this was a specific recommendation by the Local Government Ombudsman.

2. Aims

While implementing this policy the Council's aims should remain to:

- Deal fairly, respectfully and consistently with all members of the public that contact the Council. This includes customers whose behaviour is considered unreasonable;
- Provide accessible services for all customers. However, we retain the right to manage a person's contact with our services where we conclude that their behaviour is unreasonable; and
- Support staff to be able to manage unreasonable behaviour and to ensure that people who act in an unreasonable manner do not impact the physical or mental well-being of staff, other customers or themselves;
- Have a consistent, fair and reasonable method for review of ongoing measures taken against customers; and
- Consider the Councils' responsibility to meet individual service needs for customers who are vulnerable or disabled. Particular care needs to be taken for those with hidden disabilities that could impact on how they interact with Council officers such as mental health, Autism, or Tourette's. Where possible efforts should be made to provide alternative options or non-direct contact channels such as voicemail or email. This should follow the guidance set down in the [SSA Equalities Policy](#), with reference to the guidance for Reasonable Adjustments for Service Users, Corporate Customer Standards and Data Protection policy.

3. Scope

- 3.1. It is important to define what is within the purview of this policy. This will cover all services that are provided directly by the Councils; however, it will not cover those services that are outsourced such as Achieving for Children and Licensing. These organisations should have their own processes for managing such matters.
- 3.2. Interactions with certain groups should not be covered under this policy for safeguarding reasons, e.g. child protection cases.
- 3.3. This policy does not include Members' contact; there are separate provisions in place for this, including the Councillor Code of Conducts and the Member and Officer protocols.

- 3.4. Training and direct support for staff well-being will not be specifically provisioned by this policy. But there should be clear and direct links to support provided by HR, such as training, learning and development, and the Employee Assistance Programme.
- 3.5. There are existing systems for monitoring and checking before visits for potentially violent customers. This policy should link in with but not replace these existing processes.

4. What is Unreasonable Behaviour

Unreasonable behaviour can be defined as:

- 4.1. **Unreasonable and persistent demands upon staff** - Repeated instances of contact are likely to be the most common occurrence of unreasonable behaviour. These occur where people cannot or will not accept a decision (or the explanation or position offered) by the Council to them. Such customers will persistently complain or contact staff, either to overturn an existing, final, decision or to attempt to have a level of service increased.

Examples are likely to include customers who:

- make repeated requests for the same information;
- have made excessive contact (in person, by phone, in writing or by email) with staff, or make contact requesting the same information;
- make the same enquiry repeatedly (with minor differences), but never accept the outcomes;
- raise issues again which have already been addressed by the Council;
- prolonging a phone call, meeting or visit when the Council has given all the information;
- contacting multiple officers about the same issue - using a “scattergun” approach;
- making excessive demands on the time and resources of staff with lengthy telephone calls, multiple contacts or detailed letters;
- raising many detailed but unimportant questions; insisting that they are answered;
- expecting immediate responses to complex queries or those needing further investigation;
- may refuse to identify the exact issues that they want investigated;
- refuse to follow an appropriate course of action (including approaching the Ombudsman or accepting the Ombudsman's position as final);
- have regular and high levels of contact with senior management, Councillors or MPs, the press or other interest groups;
- repeat information and refuse to provide new information;
- contact a wide range of staff or organisations and generate confusion between staff or organisations;
- have a history of making other unreasonably persistent enquiries; and

- insisting on the issue being dealt with in ways which are incompatible with Council procedures or with good practice.

4.2. **Aggressive or abusive behaviour** - Instances where customers display aggressive or abusive behaviour that would be considered excessive. This includes language (oral or written) or behaviour that may cause staff to feel threatened or abused.

Examples are likely to include (but not limited to):

- A threat directed at any Council Staff, the Council itself or any other person present at the time of the contact (for instance, if the customer threatens other customers during a visit to a Council Customer Service point);
- Aggressive or threatening manner, which continues after the customer has been asked to change their behaviour or attitude;
- Swearing, although swearing on its own will not usually make for unreasonable contact - many people swear as part of their day to day conversation. Swearing should only be considered unreasonable if it is abusive, threatening or unnecessarily persistent or vulgar;
- Verbal abuse;
- Discriminatory comments such as racist, sexist, or homophobic language;
- Derogatory remarks;
- Offensive language;
- Making inflammatory statements; and
- Raising unsubstantiated allegations.

Definitions that specify what is meant by and could be categorised as one of the above behaviours can be found in, Appendix 1: Definitions of Unreasonable Behaviour.

- 4.3. The Council has a zero-tolerance policy towards threatening or prejudicial behaviour towards any member of staff. Whilst we accept that those in contact with us may feel angry, it is not considered acceptable when that anger manifests aggression directed to staff or other customers.
- 4.4. When experiencing such behaviour, staff are obliged to raise this with their managers, record it using the incident form and alert other staff and Human Resources as appropriate. Consideration may be given by managers to reporting matters to the police. This customer may then be placed on the Check Before Contact Register (CBCR).
- 4.5. **Other considerations** - Customers displaying unreasonable behaviour may genuinely believe that the Council has failed to meet their needs or deal with their issues. Some customers have historical grievances for which they continue to hold the Council responsible. Additionally:

- It is not unreasonable for customers to raise legitimate queries or criticisms regarding the Councils' response to their requests and enquiries;
- Where unreasonable behaviour does occur, this does not automatically mean that the customer cannot raise a concern, nor that their concern is invalid;
- Customer conduct must be put in context (i.e. is a customer's behaviour drawn from reasonable distress to a loss or wrong that they have experienced);
- The customer's circumstances must also be taken into account. Staff should consider and take into account health issues (including mental health concerns), language/comprehension difficulties or services that they may be receiving as these may impact on their behaviour; and
- Care must be taken when classifying behaviour as aggressive or abusive. This should not include general rudeness or raised voices.
- Where there is evidence of mental health, substance misuse or learning disability issues, advice on potential support and appropriate pathways should be sought from the relevant social care services: Mental Health and Substance Misuse or Learning Disability.

5. Reporting and gathering evidence

- 5.1. Instances where customers have displayed unreasonable behaviour should be reported to the responsible manager for that service area. An Accident or Incident Report should then be completed on The Loop, either by the staff member involved or their line manager. **Please note Customer Services are in the process of adapting the existing Accident or Incident Reporting forms, until further notice please log any Unreasonable Customer Behaviour by emailing James.Kocher@richmondandwandsworth.gov.uk.**
- 5.2. The information supplied via this e-form will automatically be forwarded to the manager responsible for the area in which the incident arose. It will also be recorded centrally by the Customer Service Team for the purposes of monitoring, oversight and coordination of all actions taken under the policy.
- 5.3. Evidence of the unreasonable behaviour is necessary, and it is important to note that the policy will not be invoked if there is insufficient evidence to support the Councils' actions.
- 5.4. Evidence such as a contact logs, file notes, emails, social media, screen shots etc. can be used to demonstrate the unreasonable behaviour on the part of the customer or resident.

For example:

- If the customer or resident has used inappropriate language in an email or letter, retain a copy of the email or letter;

- If the customer has been abusive during a phone call to Call Centre staff, retain a copy of the recording;
- If a customer has been abusive during a phone call which has not been recorded, then the officer or councillor involved should make a written record of the phone call.

6. Invoking the Policy

- 6.1. Any officer in the Council can request that customer behaviour is considered through this procedure. In the first instance they should raise this with their line manager and Head of Service to discuss the issues.
- 6.2. Customer Services should be contacted to review if consultation is required with other services, in case there are other instances or concerns that have already been raised about this customer. A decision will then be made as to whether this requires escalating the matter to senior management (Assistant Director). Who will consider the evidence gathered in terms of unreasonable customer behaviour, along with recommendations for managing contact with the customer going forward.
- 6.3. Each case will then be considered on an individual basis by the Assistant Director of the relevant service area. The decision to classify a customer as unreasonable and the application of restrictions 8a to 8e below, will then be made by the Assistant Director and/or Director. The application of such restrictions will be reviewed on a 6 monthly basis by panel of senior managers to review cases, make any recommendations to ensure consistency, strategic oversight and appropriate application of the policy. The Panel will include the Monitoring Officer from each council and will also receive legal input. The Panel will also have oversight of cases that as set out below are more substantive and require review and final sign off by the South London Legal Partnership (SLLP).
- 6.4. However, where there are threats of violence or more substantive restrictions (such as banning customers from premises, suspending contact or threats of physical violence, 8f to 8i below) are to be recommended by the service, it is recognised an independent review and input at the point of the services' decision would be beneficial. This might be to ensure that other intervention avenues have been covered, for example, informal legal action. The relevant service would be responsible for referring such cases to the Corporate Complaints Team who will gatekeep input from the South London Legal Partnership (SLLP) for such review. The application of this approach would only be in exceptional circumstances
- 6.5. Please note relevant services are encouraged to seek legal advice were appropriate and at the earliest opportunity. Also, restriction 8i can be invoked in parallel of SLLP undertaking a review in extreme cases.

- 6.6. A decision to invoke this policy must be made on the basis of documented evidence that demonstrates that a customer's unreasonable behaviour has taken place. This information may be subject to an information request (FOI or SAR) reinforcing the importance of robust and accurate records management.
- 6.7. Good judgement and discretion must be used in applying the criteria to identify a potential unreasonable customer and in deciding what action to be taken in specific cases.
- 6.8. It must be taken into account that the decision to classify someone's behaviour as unreasonable, or to classify a request for information as unreasonable, could have serious consequences for the individual, including restricting their access to services.
- 6.9. It must also be noted that although the decision might be made to apply the policy to a customer demonstrating unacceptable behaviour to a specific area of the council's business, their dealings with other services – for example social care - might be deemed acceptable. In these circumstances, a blanket application of the policy might not be appropriate. However, where a person is in receipt of care and support services and behaves in a threatening way as outlined in section 4, they will added to the Check Before Contact Register (CBCR).

7. Warnings

- 7.1. In most instances before any action is taken under this policy, we will explain to the customer in writing what aspects of their conduct has given cause for concern and ask them to change it. The customer will be warned that if the conduct persists, their case may be considered under the Unreasonable Customer Behaviour policy. A copy of the Policy will be included with the warning letter. Template letters will be made available to managers.
- 7.2. Where the behaviour is so extreme that it threatens the immediate safety and welfare of an employee, we will report the matter to the police and/or consider taking legal action. In such cases, we may not issue a warning letter.
- 7.3. The Council will only restrict communication with the customer if they have informed them that their behaviour is unreasonable and have asked them to modify their behaviour (excepting cases covered in option 8i). The Council will explain what action will be taken if the warning is ignored. If they do not modify their behaviour, the Council will take steps to restrict communications with the customer. The Council can use several options, and these are set out in the next section of this policy.

8. Options for restricting service

- 8.1. If the Assistant Director decides a restriction is appropriate, they will consider which of the options best fits the circumstances. The level of restriction that the Council apply will be proportionate, taking into account the nature, extent and impact of the customers behaviour on Council staff and other customers. As set out in section 6 more substantive restrictions (8f to 8i) will require review and sign off by SLLP.
- 8.2. Options for restricting service may include one of the below or a combination:
- a. **Decline contact with the customer except through a designated person, team or independent advocate.** This will include contact in person, by telephone, letter, e-mail, or any combination of these provided.
 - b. **Decline contact with the customer except through a dedicated voicemail.** This voicemail will be monitored by the Corporate Customer Services team and any contact will be actioned as appropriate.
 - c. **Restricting telephone calls to specified days and limited times.**
 - d. **Asking the customer to make an agreement about their issue and contacts.** This might take the form of organised mediation and/or a signed agreement with the customer (and if appropriate involving the relevant social worker or key worker in a two-way agreement). This will set out a code of behaviour for the parties involved if the Council is to continue processing the enquiry. If these terms are contravened, consideration would be given to implementing other action as indicated in this section.
 - e. **Restricting the issues we will correspond with the customer on.** The customer will be notified that the Council will not accept further communications and correspondence on this issue, and these communications will not be answered.

More substantial restrictions such as those listed below will require a review and final sign off from SLLP before being applied.

- f. **Ask that in future any further allegations the customer submits are supported by an independent third party such as the Citizens Advice Bureau, a legal representative or an advocate.** This can be used when the customer makes a large number of reports that prove to be unfounded, to ensure that in future staff resources are spent in a proportionate way.
- g. **Banning the customer from Council premises.** This may take the form of a temporary or permanent restriction and can be applied on relevant offices or facilities as appropriate (but must always be

proportionate – for example, a ban which prevents a member of the public from exercising their ability to input to the democratic process might not be considered proportionate)

- h. Temporarily suspend all contact with the customer**, seeking guidance from HR or other relevant departments, or more specific advice from the council's legal team to ensure the individual's rights under the equalities act are being duly observed.
- i. Inform the customer that, in appropriate circumstances, the council reserves the right to pass reports of serious unreasonable behaviour and threats of physical violence to the police.**

9. Notifying and recording the decision

- 9.1. If the Council decides to impose a restriction, the Assistant Director will make this decision and inform the customer in writing of what arrangements have been put in place and for what period. Where more substantive restrictions are proposed the communication from the Assistant Director will include reference to the review and decision of SLLP.
- 9.2. The written notification will explain to the customer what restrictions the Council are putting in place, the reasons for doing so, how long the restriction will apply, and information about the customers right of appeal.
- 9.3. In most cases restrictions will apply for between 3 and 6 months but in exceptional cases may be extended. In such cases the Council will review the restrictions on an annual basis and they will be considered by the Panel of senior officers responsible for oversight of application of this policy alongside the relevant Assistant Director.
- 9.4. The service area will be responsible for ensuring that key staff are aware of these customers. They will also be responsible for informing staff of any changes in the status and/or management of these individuals.
- 9.5. The Corporate Customer Services Team will ensure that service restrictions are on the Council's CRM system as an Alert and (if appropriate) on the Check Before Contact Register (CBCR) record.
- 9.6. The Customer Service Team will ensure that other service areas that have direct contact with this customer are also informed of any restrictions if relevant to their service area.
- 9.7. The Customer Service Team will note the decision and place copies of this and any letters sent to the customer in a central file, to be retained for future reference.

- 9.8. The file record will also include a date of the decision to categorise the customer as unreasonable, when the status will be reviewed and when it is due to end. This will normally be a period of between 3 and 6 months although the exact date will depend on the nature of the incident. Please note that unreasonable status may be reviewed, and a person placed back on the register if there is sufficient justification and it is deemed necessary to do.
- 9.9. The service area will be responsible for ensuring that any member of their staff distressed by an incident are supported and the services of the Staff Counselling Service or any other support service made available.
- 9.10. However, the customer must at all times conduct themselves in an acceptable and courteous manner and not verbally harass to cause offence to Council staff and other service users.

10. Right of Appeal

- 10.1. When a letter is sent to a customer advising them of a restriction imposed on them, the letter will include information about the customer's right of appeal against the decision including the contact details of the Councils Monitoring Officer.
- 10.2. All appeals must be made in writing, either via email or letter.
- 10.3. If the customer decides to appeal the Council's decision, the appeal will be reviewed independently by the Councils Monitoring Officer. The result of the appeal which is final will be communicated to the customer in writing.

11. Withdrawing the unreasonable status

- 11.1. Once customers have been determined as unreasonable, there needs to be a mechanism for withdrawing this status at a later date. Reasons for this might, for example, be where customers subsequently demonstrate a more reasonable approach.
- 11.2. Staff who have recommended the unreasonable behaviour status at the outset should similarly recommend that this status be withdrawn when appropriate.
- 11.3. The Customer Service Team will also have recorded the date for a review of the status of any customer categorised as unreasonable. The relevant service and Assistant Director that imposed the restrictions will be responsible for undertaken regular reviews of such cases and ensuring the central log kept by Customer Services is updated with any changes to status. Any withdrawals of unreasonable status will also be reported to and

monitored by the panel of senior officers responsible for overseeing the application of this policy. SLLP will have final sign off on the withdrawal of unreasonable status in relation to any cases where more substantive restrictions are in place.

11.4. Subject to approval, normal contact with the customer will then resume.

12. Failure to adhere to the restrictions

12.1. If the customer continues to behave unreasonably or does not adhere to the restrictions placed on them, the Council may decide to take further action. There are various possibilities depending on the nature and extent of the behaviour in question.

This may include:

- Preventing incoming calls into the Council by “blocking” their number, this will stop calls to a specific extension number(s).
- Customers who have entered Council facilities in violation of an exclusion should be asked to leave. If they do not comply then the Police can be called to remove them.
- The service area may decide to end any form of contact with them. This action must be discussed and agreed with the Head of Service, and the Assistant Director and SLLP as the Council must ensure that it is not in breach of any contractual duties to the customer or any safeguarding issues.
- Reporting to the police where the behaviour may be a criminal offence.

12.2. It should be noted that a customer who is deemed to be unreasonable under this policy has the right to make further new enquiries if they so wish. However, these will not be considered if they relate to something that has already been fully investigated or proves to be unfounded and was simply an attempt to prolong contact with the council. Any new query should therefore be forwarded to the service Senior Manager or designated person if one is assigned for consideration and to ensure the customer is treated fairly.

13. Record keeping and sharing information

13.1. Adequate records will be retained by the relevant service and a copy sent to the Customer Service Team of the details of the case and the action that has been taken (see “Reporting and gathering evidence”).

The information retained will include:

- The name and address of each customer who is treated as unreasonable.
- When the restriction came into force and when it ends.

- What the restrictions are.
- When the customer, Councils' departments and any other services were advised of the restrictions.

13.2. The fact that a customer is judged to be unreasonably persistent, and any restrictions imposed on the Councils' contact with them, will be recorded and notified to those who need to know within or outside of the Councils.

13.3. When making a decision to share information within the Councils and with third parties, the Councils will always be guided by the provisions of the Data Protection Act (DPA) and the General Data Protection Regulation ("GDPR") and will ensure that the customer's rights to have their information processed in accordance with the statutory requirements.

14. Roles and Responsibilities

14.1. The below roles and responsibilities are examples drawn from other local authorities and would need to be reviewed once decisions have been made on key aspects such as the policy owner, where responsibility for decision making, review, appeals and the team responsible for central monitoring of this policy etc.

Role	Responsibilities
Chief Executive Group and Resources directorate	<ul style="list-style-type: none"> • Policy Owner
Council Officer directly involved or their line manager	<ul style="list-style-type: none"> • Log incidents promptly • Log updates promptly • Gather appropriate sufficient and appropriate evidence, • Follow guidance • Support colleagues
Service Managers / Heads of Service	<ul style="list-style-type: none"> • Support Council Officers • Ensure incidents and updates are logged promptly • Investigate incidents • Ensure sufficient and appropriate evidence is gathered and retain copies of relevant correspondence • Ensure police are informed if appropriate • Escalate to Senior Manager (Assistant Director/Director and recommend appropriate sanctions / action based on policy and procedure • Ensure any training needs are identified and met • Ensure legal advice is sought where appropriate

	<ul style="list-style-type: none"> • Prior to application of UB status and restrictions that a warning letter and copy of the Unreasonable Customer Behaviour Policy is set out to the customer
Service Assistant Director / Directors	<ul style="list-style-type: none"> • Make decision on application of the policy and restrictions, draft and sent out Unreasonably Behaviour (UB) letters • To refer cases where threats of violence or more substantive restrictions (8f to 8i) are being considered to the Corporate Complaints Team who will gatekeep input from the South London Legal Partnership.
Complaints Team	<ul style="list-style-type: none"> • To act as gatekeepers for referrals to the South London Legal Partnership in cases where threats of violence or more substantive restrictions (8f to 8i) are being considered
Panel of senior officers	<ul style="list-style-type: none"> • Convene on regular basis (every 6 months) ensure consistency, strategic oversight and appropriate application of the policy
Monitoring Officer	<ul style="list-style-type: none"> • Update Customer Service of any appeals • Undertake appeals and communication findings to the customer
Customer Services	<ul style="list-style-type: none"> • Manage UB entries and removals • Set and remove UB marker on Customer Services system • For new cases review if any previous or existing UB concerns have been raised with other services • Ensure other service with direct contact are informed of any restrictions • Retain a central log of relevant correspondence • Draft templates • Report to senior manager panel on cases, updates, changes to status, reviews and appeals
HR	<ul style="list-style-type: none"> • Provide staff training • Provide staff support
Legal Team	<ul style="list-style-type: none"> • Provide legal guidance on a case by case basis when required • Review and approve complex / sensitive cases recommended for UB entry (application of 8f to 8i restrictions)

Appendix 1: Definitions of Unreasonable Behaviour

- *Verbal Abuse*: any verbal abuse issued with the intent of creating distress, fear or intimidation to another individual, or group of individuals.
- *Physical Abuse*: any intentional movement of the body which may include touching, gesturing, pushing, striking, stalking, spitting, any unwanted intrusion of “reasonable space” of an employee or an intentional use of any object towards an individual.
- *Creating a Hostile Working Environment*: any intentional non-physical action that can be considered intimidating or harassing or which involves the explicit or implicit challenge to the safety, well-being or health of an individual.
- *Discriminatory comments*: This includes but is not limited to, direct and indirect comments which relate to ethnicity, gender, sexuality, religion, age and disability.
- *A Hate Crime*: any criminal offence, perceived by the victim or any other person, as being motivated by hostility or prejudice based upon the victim's disability, race, religion or belief, sexual orientation or gender identity. This could include verbal abuse, physical assault, damage to property, threats, intimidation or harassment. If no criminal offence is committed it will be recorded as a hate incident.