

Managing Vexatious and Unreasonable

Customer Behaviour Policy

INTRODUCTION

1. We want to be able to deal with customers in ways that are open, fair and proportionate. A clear policy on dealing with what is considered to be unreasonable behaviour helps staff to understand what is expected of them, what options for taking action are available, and who can authorise such action.
2. Some customers may have justifiable complaints but may pursue them in unreasonable ways. Others may pursue complaints which appear to have no substance, or which have already been exhaustively investigated and determined; their contacts with the council may be amicable but nevertheless will place heavy demands on staff time.
3. Situations can sometimes escalate, and complainants' behaviour may become abusive, threatening, offensive or otherwise unacceptable. We recognise that sometimes, but not always, this is because of underlying health or social issues they are experiencing.
4. We need to balance our commitment to equality and inclusion and to supporting our more vulnerable customers, in accordance with the Equality Act 2010, along with our aim to learn from complaints to improve our services; against the resources that can be consumed dealing with some vexatious or unreasonable customers.
5. We also need to protect the physical and mental wellbeing of our staff and the integrity of our processes.

AIM

6. The aim of this policy is to outline the actions that we may take when customers display vexatious or unreasonable behaviour towards our staff, our councillors or the council generally.

DEFINING UNREASONABLE AND VEXATIOUS BEHAVIOUR

7. Our definition of unreasonable customer behaviour is: those customers who, because of the nature or frequency of their contacts with the councils, hinder the councils' consideration of theirs, or other people's enquiries or consume an unreasonable amount of staff time, and who continue to do so when it has been made clear that it is not possible to achieve the outcome they want.
8. Our definition of vexatious behaviour is: customers who are angry or abusive to staff such that they cause staff to feel physically threatened or impact on their mental wellbeing.
9. Below are examples of actions and behaviours that may be considered unreasonable or vexatious:
 - Abusive, offensive, aggressive, threatening behaviour and/or language.
 - Submitting repeat requests or complaints with minor additions/variations and insisting that these are 'new' matters.
 - Refusing to accept a decision and repeatedly arguing points with no new evidence.
 - Persistence in presenting the details of an enquiry or complaint in a confusing manner or refusing to provide evidence to support their claims, despite offers of help to do so.
 - Making excessive demands on the time and resources of staff. This will include lengthy and/or frequent phone calls, emails or letters to council staff, or repeated visits to the council offices.
 - Adopting a 'scatter gun' approach: pursuing parallel enquiries or complaints on the same issue with more than one service area.
 - Demanding meetings with staff when it is clear this will not achieve what the customer is seeking to achieve or resolve the matter any further.
 - Submitting falsified documentation.
 - Refusing to cooperate with set processes, for example refusing to accept that certain issues are not within the scope of the corporate complaints policy and procedure, or that the matter is not the district councils' responsibility despite being directed to the right organisation.

- Making unjustified complaints about staff who are trying to deal with the issues, including demanding to deal with someone else without good reason.
- Denying or changing statements made at the beginning of an enquiry or complaint.

ACTIONS TAKEN BY THE COUNCILS TO MANAGE UNREASONABLE OR VEXATIOUS BEHAVIOUR

10. If such behaviours are displayed towards a member of staff, we will warn the customer that we may:

- Terminate the phone call if the behaviour does not change.
- Terminate the meeting if the behaviour does not change.
- Decline to provide a further response to an email or letter.
- Request them not to attend the councils' offices further.
- Where behaviour is so extreme that it threatens the immediate safety and welfare of staff, the council will consider other options, for example reporting the matter to the police.

11. If the inappropriate behaviour recurs, the relevant head of service will consider invoking this policy. In making this decision, they will review whether:

- The complaint is being or has been investigated properly and thoroughly, in line with relevant policy and procedures including the councils' formal corporate complaints procedure available at:
www.southoxon.gov.uk/complaints and
www.whitehorsedc.gov.uk/complaint
- Decisions reached or actions taken are logical, fair and reasonable.
- Communications with the complainant have been adequate.
- That sufficient support has been provided to the customer to explain their enquiry or to submit a complaint.

12. Should the head of service decide to invoke this policy, they will write to the complainant advising:

- Why a decision has been taken to invoke the policy.
- What specific restriction(s) have been applied. Please see below.
- How long the restrictions will be in place.
- What they can do to have the decision reviewed by the Chief Executive.
- That they have the right to contact the Local Government and Social Care Ombudsman about the fact that they have been treated as an unreasonable or vexatious complainant.

13. Restrictions may include:

- Advising the complainant that all future requests or complaints on the same matter, not raising anything new, will be read and placed on file but not acknowledged.
- Restrictions on the length or number of telephone calls or personal contact, including visits received from the complainant.
- Restricting the way contact is made for example only by telephone, letter, or email.
- Restricting the complainant to contacting one designated officer.
- Requiring face to face contact to take place in front of a witness.
- Recording of telephone calls, providing the complainant has been made aware that calls may or will be recorded.

14. A record of any decision made, and related correspondence, will be stored on our corporate complaints database.

15. The decision made to invoke this policy will be reviewed by the relevant Head of Service after the agreed period, after which any restrictions in place can be lifted unless there is good reason to extend the limit.