



Unreasonable Behaviour Policy

(Customer Alert List - CAL)

Document Control			
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Version Control			
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2.0	Sara Barratt	November 2020	Updated officers in CAL signatory and appeal roles
1.0	Sara Barratt	April 2019	Addition to s4.7 - review - to include positive/ neutral behaviour. Update title of Head of Customer Services, Marketing & Communications throughout.
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If any updates are required, please submit to the Head of Customer Services, Marketing and Communications for inclusion and approval.

Contents

1	Purpose and scope	4
2	What is “unreasonable behaviour”?	6
2.1	Examples of unreasonable behaviour	6
2.2	Persistent vs unreasonably persistent behaviour	7
2.3	Equality of access	7
3	Customer Alert List (CAL)	9
3.1	CAL markers	9
3.2	CAL roles and responsibilities	10
3.3	Council representatives without CAL access	11
3.4	Managing contacts with individuals on the CAL	11
4	CAL procedure	12
4.1	Reporting an incident	12
4.2	Reporting new incidents for customers already on the CAL	12
4.3	Updating customer contact details	12
4.4	Warning	12
4.5	Restrictions	13
4.6	Appeal	14
4.7	Review	14
5	Policy review	15
6	Appendices	15

1 Purpose and scope

East Suffolk Council provides wide ranging services in office, customer facing and off-site environments. As a result, officers, councillors and contract or partner staff meet and deal with members of the public in many different situations. The Council aims to deal with all customers in a way that is open, fair and proportionate.

Throughout this document, the term “Council representatives” will be used to refer to officers, councillors, contractors and partners.

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).

In order to do this, the Council maintains a Customer Alert List (CAL) of individuals who meet any of the above criteria.

The policy:

- defines unreasonable or unreasonably persistent contact;
- provides Council representatives with a mechanism for dealing with threatening, violent, stressful and distressing contact;
- defines the actions and restrictions available to deal with customers on the CAL;
- explains to staff when to advise customers of the policy and when and how to use it;
- ensures a fair, transparent and consistent approach to customers and members of the public via the policy;
- ensures that a small number of unreasonable complainants do not take up a disproportionate amount of Council resource;
- defines the appeal process;
- defines the review process.

The policy replaces the separate policies:

- Customer Alert List Policy; and
- Unreasonable Complainants Policy.

The policy relates to ALL channels of contact including social media.

The policy and procedure cover both:

- unreasonable customer behaviour, which may include one or two isolated incidents; and
- unreasonably persistent behaviour, which is usually an accumulation of incidents or behaviour that takes place over a longer period of time.

The policy is based on the Local Government and Social Care Ombudsman (LGSCO) guidance on managing unreasonable complainant behaviour and covers both customers engaged in the Council's formal complaints process and those who are not.

This document sits alongside policies, processes and standards including:

- CAL protocol;
- Equality and Diversity Policy;
- Customer Service Standards and Customer Service Charter;
- Compliments, Comments and Complaints Policy;
- Data Protection policy, privacy notices and Information Asset Registers;
- East Suffolk Style Guide.

2 What is “unreasonable behaviour”?

Part of the role of Council representatives is to try and resolve issues with customers who may be angry, frustrated or distressed and these contacts need to be handled in an appropriate way.

This does not mean that Council representatives should be subjected to abusive or threatening behaviour, or submitted to such a volume of contact from one individual that it becomes stressful or a disproportionate amount of time is spent handling their contacts, to the detriment of other work. The Council calls these types of contacts “unreasonable”.

2.1 Examples of unreasonable behaviour

- Verbal or written abuse of a personal nature including, but not limited to, racist or homophobic language.
- A threat directed at any Council representative, 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. 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 or threatening.

- Prolonging a phonecall, 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.

- Making unjustified complaints about Council representatives who are trying to deal with the customer’s issue, and seeking to have them replaced.
- Refusing to specify the grounds of a complaint, despite being offered assistance.
- Refusing to cooperate with the Council’s processes and policies (this includes objecting to the Council logging a complaint when the issue falls within the Council’s definition of a complaint.)

- Insisting on the issue being dealt with in ways which are incompatible with Council procedures or with good practice.
- Refusing to accept that certain issues are not within the scope of the Council’s duties and responsibilities.
- Changing the basis of the issue or complaint as the investigation proceeds.
- Submitting repeat enquiries or complaints with minor additions/variations that the customer insists make these 'new' issues.
- Denying or changing statements made at an earlier stage.
- Submitting falsified documents.
- Introducing trivial or irrelevant new information at a late stage.
- Refusing to accept the Council’s decision; repeatedly arguing points with no new evidence.
- Covertly or overtly recording meetings or conversations other than for keeping a private record.

2.2 Persistent vs unreasonably persistent behaviour

The LGSCO says that it is important to recognise the difference between “persistent” and “unreasonably persistent” behaviour. Individuals may be persistent for justifiable reasons.

A persistent customer may have a genuine reason for complaining and although they behave in a persistent manner this is not unreasonable. For example it is not unreasonable for a customer to criticise the Council’s procedures when the standards set out are not met, or to continue to contact the Council if they have not received an acknowledgement or an estimate of how long it will take to resolve an issue.

Some customers may have genuine complaints but pursue them in an unreasonably persistent way.

Others may pursue complaints that appear to have no substance, or, which have already been investigated and closed. Their contacts may be politely worded and friendly in tone but will still place very heavy demands on the time of Council representatives.

Some may be very emotionally charged resulting in multiple contacts that become distressing for all those involved.

2.3 Equality of access

Council representatives come into contact with a diverse population, including vulnerable individuals.

Any restrictions imposed must take into account the customer's individual circumstances and ensure that customers are not prevented from accessing essential services as a result of being on the CAL. The policy and procedure not a "one size fits all" approach.

Some customers, particularly those with mental health issues, medication that makes them forgetful, or dementia, may become fixated on a particular issue or not remember that they have already contacted the Council.

While the Council needs to avoid "diagnosing" customers, a sensitive approach is needed to ensure that the Council is acting appropriately in the way it is dealing with the customer, and not making its services inaccessible

There is an Equality Impact Assessment document in respect of this policy and the accompanying procedure.

3 Customer Alert List (CAL)

The Customer Alert List (CAL) is a list of customers who are considered to present some kind of risk to Council representatives.

The CAL is maintained to inform, support and protect all Council representatives when interacting or preparing to interact with customers who may pose a risk.

Customers are informed, wherever possible, of their inclusion on the CAL. They have a right of appeal against the decision to include them on the list.

Each CAL entry is reviewed at 6-monthly intervals and updated or removed, as appropriate. Customers are informed, where possible, of any extension to their entry or removal from the list.

3.1 CAL markers

The Council keeps a single version of the CAL. This is available via the Council's intranet.

The CAL **must not** be reproduced, saved or separate lists or records kept by any individual or team.

Teams may add a marker on their own ICT systems to the customer record for an individual who is on the CAL. This **MUST** be a marker that can be toggled on and off or removed with no record of it having been added. The team receives a notification when a customer is added to or removed from CAL.

Notes about a customer's CAL status must not be added to customer records unless they can be deleted at the time the customer is removed from CAL.

3.2 CAL roles and responsibilities

Role	Responsibilities
All officers, councillors, contractors and partners	<ul style="list-style-type: none"> • Log incidents promptly • Log updates promptly • Follow guidance • Support colleagues
Service Managers	<ul style="list-style-type: none"> • Support Council officers • Ensure incidents are logged promptly • Ensure police are informed if appropriate. • Request CCTV footage if appropriate • Investigate incidents • Recommend appropriate sanctions/ actions based on policy and procedure • Ensure any training needs are identified and met
Customer Experience Manager*	<ul style="list-style-type: none"> • Signatory to CAL letters • Review and approve complex/ sensitive cases recommended for CAL entry
Head of Customer Services, Marketing and Communications (HoCS)	<ul style="list-style-type: none"> • Policy Owner • Handle customer appeals
Customer Experience Team (CE Team)	<ul style="list-style-type: none"> • Manage CAL entries and removals • Set and remove CAL marker on Customer Services system • Draft and send customer letters on behalf of HoCS • Refer complex/ sensitive cases to HoCS & send finalised letters • Report to Health and Safety (H&S) committee
Health and Safety Adviser	<ul style="list-style-type: none"> • Provide advice and guidance • Liaise with Health & Safety Committee
Health and Safety Committee	<ul style="list-style-type: none"> • Discuss and approve reviews/ removals
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

* in the absence of a Customer Experience Manager, or where they are the target of the unreasonable behaviour the HoCS carries out their role and the Chief Executive considers appeals.

3.3 Council representatives without CAL access

Some Council representatives do not have access to the CAL but still need to be aware of any concerns or restrictions in place and to report incidents.

This includes:

- councillors who may not readily have access to the intranet when not in the office;
- partner organisations such as Norse;
- contractors working on the Council's behalf, including those carrying out work in tenants' homes.

3.3.1 Checking CAL

Before visiting or meeting with a customer, councillors must check the CAL or ask Democratic Services team to do this for them.

3.4 Managing contacts with individuals on the CAL

- Follow advice on the CAL when handling contact with individuals on the CAL.
- If there are restrictions and the customer has visited the office or phoned when banned, use the guidance in the **CAL customer contact protocol (Appendix 1)**.
- The protocol also gives guidance when customers are restricted to contacting a specific Council officer but contact a different officer.
- When submitting reports or requests for service for customers on the CAL to partners and contractors, include a brief note of any restrictions and cautions in place.

4 CAL procedure

The full CAL procedure is described in the **CAL procedure document and process flow charts (Appendices 2 - 5)**.

4.1 Reporting an incident

The policy and procedure are designed to support and protect Council representatives and not intended to replace emergency procedures. In cases of threat or injury, contacting the emergency services must be the first priority.

When an incident occurs, the affected Council representative completes the Accident and Incident Report form (“incident form”) which is available through the Council intranet or DASH. There is an option to include multiple witness statements to support the report.

The report must be completed as soon as possible after the incident and include supporting evidence where available, such as witness statements, copies of correspondence or CCTV footage. It is important that if the Council needs to contact a customer regarding their behaviour that this is done in a timely manner.

Council representatives without access to the intranet report the incident to someone appropriate within the Council as soon as possible, with as much detail as possible for the incident to be reported on their behalf.

4.2 Reporting new incidents for customers already on the CAL

A new incident form is completed for each repeat incident. If the “incident” is unreasonably persistent contact, then a single report can be completed covering multiple individual contacts.

Without evidence of further incidents, the customer will be removed from the CAL at their review date.

4.3 Updating customer contact details

When a service team becomes aware that the contact details of an customer on the CAL change, they complete the CAL update form.

4.4 Warning

In many cases the first action will be informal - letting the customer know that their language or behaviour is inappropriate and asking them to modify it. If this is successful, the action is noted on the customer record for in the relevant service area. The customer can be directed to the Customer Service Charter.

If the informal approach does not work and the Council representative completes an incident form, the first formal stage of the process will usually be to send the customer a warning letter, without imposing restrictions. In the case of violence or serious threats, the warning stage will be bypassed.

4.5 Restrictions

Before imposing any restrictions it is important to consider all the circumstances including whether the customer has a current formal complaint with the Council or has completed the complaints process.

If the customer is unreasonably persistent with one service area but acts reasonably with another service area, this may either indicate that there is a genuine issue with the service provided or that any restrictions should only apply to contact with that service area.

The Council writes to the customer clearly explaining:

- the incident(s) leading to the restrictions;
- what restrictions are in place;
- the reasons why the decision has been made;
- what actions the Council will take if the customer does not abide by the restrictions;
- the right of appeal and the appeal procedure;
- when the decision will be reviewed.

4.5.1 Restriction periods

Incident	Expiry
Warning letter	6 months
Unreasonably persistent contact (not abusive or threatening)	1 year
Ongoing personal circumstances posing a potential risk to Council representatives	1 year
Verbal <u>abuse</u> where a person reasonably fears for their own or another's safety	1 year
Verbal <u>threat</u> where a person reasonably fears for their own or another's safety	1 year
Physical <u>violence</u> where there no injury but a person reasonably fears for their own or another's safety (for example, damage to property)	2 years
Physical <u>assault</u>	4 years

Restrictions for serious incidents have a longer expiry as the potential risk to Council representatives is higher.

Each CAL entry is reviewed 6-monthly in line with LGSCO recommendations.

4.5.2 Actions that can be taken

The actions that can be taken include:

- Placing limits on the number and duration of contacts with staff per week or month.
- Offering a restricted time slot for necessary calls.
- Limiting the customer to one form of contact only (for example: telephone, letter, email).
- Ensuring that officers only visit the customer's home in pairs.
- Requiring the complainant to communicate only with one named member of staff or email address.
- Suggesting that the customer contacts the Council via their support worker.
- Requiring any personal contacts to take place in the presence of a witness, and in a suitable location.
- Banning the customer from visiting any Council offices and Customer Service points.
- Blocking a customer's social media account so that they are unable to tag or comment on Council posts.
- Refusing to register and process further correspondence about the same matter.
- In the case of unreasonably persistent contact, with restrictions on channel of contact, future correspondence will be read and placed on the file but not acknowledged, unless it contains new and material information AND comes via the channel specified in the restrictions. New contact via other channels will be filed but not read or actioned.

4.6 Appeal

Customers have the right to appeal the decision to add them to the CAL, including an external review by the LGSCO.

The CAL entry and restrictions remain in place until the outcome of the appeal is decided. A note is added to the CAL entry to denote that the appeal is in progress.

For more details **see the CAL procedure and appeal process (*Appendices 2 & 4*)**.

4.7 Review

Each entry on CAL has a review date. If there have been no new incidents reported, the CAL entry will be removed at or around review date, following the agreement of the Health and Safety Committee.

Where customers are listed on the CAL because of ongoing vulnerabilities or special circumstances rather than particular incidents, the service team that originally raised

the report should provide a justification for retaining the customer's CAL entry, and consider whether the current restrictions are the most appropriate.

The LGSCO expects that all decisions to retain a customer's details and restrictions on a Customer Alert List should be reviewed at least every 6 months.

Any positive or neutral contact with the customer should be considered when reviewing their entry, to support removal.

When a customer is removed from the CAL, details of previous reports and CAL status will be retained by the Customer Experience Team for a period of 6 months to provide background in case of a repeat incident. Following the 6 month period the information will be deleted.

For more details see the full **Review process chart (Appendix 5)**.

5 Policy review

The policy and appendices will be reviewed annually by the Health and Safety Committee.

6 Appendices

- Appendix 1: CAL customer contact protocol
- Appendix 2: CAL procedure
- Appendix 3: CAL process chart
- Appendix 4: CAL appeal process chart
- Appendix 5: CAL review process chart