

Argyll and Bute Council

Procedure on Unacceptable Actions by Customers

1. Introduction

- Argyll and Bute Council employees are committed to providing excellent customer service. We will do all we can to help and support our customers and ask them to work with us in making this possible.
- This Procedure sets out the Council's approach to the relatively few customers whose actions or behaviour we consider unacceptable. In this context the term customer includes anyone acting on behalf of a customer or who contacts the Council in connection with any matter.
- The Council has a zero tolerance approach to violence and aggression towards employees.

2. Procedure Aims

- To make it clear to all customers, both at initial contact and throughout their dealings with the Council, what we can or cannot do in relation to the matter they have contacted us about. In doing so, we will have empathy with their position and will be open and transparent but not to raise hopes or expectations that we cannot meet.
- To deal fairly, honestly, consistently and appropriately with all customers, including those whose actions we consider unacceptable. We believe that all customers have the right to be heard, understood and respected. We also consider that all Council staff have the same rights.
- To provide a service that is accessible to all customers. However, we retain the right, where we consider customers actions to be unacceptable, to restrict or change their access to our services.
- To ensure that other customers and Council staff do not suffer any disadvantage from customers who act in an unacceptable manner.

3. Defining Unacceptable Actions by Customers

People may act out of character in times of trouble or distress. There may have been upsetting or distressing circumstances leading up to them deciding to contact the Council. We do not view behaviour as unacceptable just because a customer is forceful or determined. In fact, we accept that being persistent can be a positive advantage when pursuing for example, a complaint.

However, the actions of customers who are angry, demanding or persistent may result in unreasonable demands on Council staff or unacceptable behaviour towards them. It is these actions that we consider unacceptable and aim to manage under this Procedure. The Council has grouped these actions under three broad headings:

Aggressive or Abusive Behaviour

- Violence is not restricted to acts of aggression that may result in physical harm. It also includes behaviour or language (whether oral or written) that may cause staff to feel afraid, threatened or abused.
- Examples of behaviours grouped under this heading include threats, physical violence, personal verbal abuse, harassment, derogatory remarks and rudeness. We also consider that inflammatory statements and unsubstantiated allegations can be abusive behaviour.
- We expect our staff to be treated courteously and with respect. Violence or abuse towards staff is unacceptable. Staff will recognise when a customer is angry and will attempt to deal with them appropriately, however, it is not acceptable when anger escalates into aggressive or abusive behaviour directed towards staff.

Unreasonable Demands

- Customers may make what we consider unreasonable demands on staff resources through the amount of information they seek, the nature and scale of service they expect or the number of approaches they make. What amounts to unreasonable demands will always depend on the circumstances surrounding the behaviour and the seriousness of the issues raised by the customer.
- Examples of actions grouped under this heading include demanding responses within an unreasonable time-scale, insisting on seeing or speaking to a particular member of staff, continual phone calls or letters, repeatedly changing the substance of the matter they have raised with us or raising with us an unreasonable level of unrelated concerns.
- We consider these demands as unacceptable and unreasonable when they start to impact substantially on the work of Council staff, such as taking up an excessive amount of staff time to the disadvantage of other or functions.

Unreasonable Persistence

- We recognise that some customers will not or cannot accept that the Council is unable to assist them further or provide a level of service other than that provided already. Customers may persist in disagreeing with an action or decision taken or contact the Council persistently about the same issue.
- Examples of actions grouped under this heading include persistent refusal to accept a decision made in relation to a the matter they have raised with us, persistent refusal to accept explanations relating to what the Council can or cannot do or for example, continuing to pursue a complaint without presenting any new information. The way in which these customers approach Council staff may be entirely reasonable but it is their persistent behaviour in continuing to do so that is not reasonable.
- We consider the actions of persistent customers to be unacceptable when they take up what the Council regards as being a disproportionate amount of time and resources, eg, where they continue to contact us in relation to a particular matter

- when we have directed them to an external agency, ie, stage 2 complaint response referring them to the SPSO.

4. Managing Unacceptable Actions by Customers

- There are relatively few customer actions we consider unacceptable. How we aim to manage these actions depends on their nature and extent. If it adversely affects our ability to do our work and provide a service to others, we may need to restrict customer contact with the Council in order to manage the unacceptable action.
- We may restrict contact in person, by telephone, letter or electronically or by any combination of these. We will try to maintain at least one form of contact. In extreme situations, we tell the customer in writing that their name is on a 'no personal contact' list. This may mean that they must restrict contact with the Council to either written communication to a particular person or only through a third party.
- The threat or use of physical violence, verbal abuse or harassment towards staff is likely to result in the ending of all direct contact with the customer. Incidents may be reported to the police, if the member of staff considers it appropriate to do so. This will always be the case if physical violence is used or threatened.
- We will not deal with correspondence (email, letter) that is abusive to staff or contains allegations that lack substantive evidence. When this happens we tell the customer that we consider their language offensive, unnecessary and unhelpful. We will ask them to stop using such language and state that we will not respond to their correspondence if they do not stop. We may require future contact to be through a third party.
- Where an abusive email is received by the Customer Service Centre they will acknowledge receipt of e-mail as per current procedure and advise the customer that we deem content of the e-mail to be inappropriate when dealing with the Council, however, their communication has been passed to the relevant service in order that they may consider how to respond.
- Council staff will end telephone calls if they consider that the caller is aggressive, abusive or offensive. The staff member taking the call has the right to make this decision, tell the caller that the behaviour is unacceptable and end the call if the behaviour does not stop.
- Where a customer repeatedly phones, visits the office, sends irrelevant documents or raises the same issues, we may decide to:
 - only take telephone calls from the customer at set times on set days or put an arrangement in place for only one member of staff to deal with calls or correspondence from the complainant in the future.
 - require the customer to make an appointment to see a named member of staff before visiting the office or that the customer contacts the office in writing only.
 - return the documents to the customer or, in extreme cases, advise the customer that further irrelevant documents will be destroyed.
 - take other action that we consider appropriate, we will, however, always tell the customer what action we are taking and why.

- Where a customer continues to correspond on a wide range of issues, and this action is considered excessive, the customer will be told that only a certain number of issues will be considered in a given period and asked to limit or focus their requests accordingly. Also see 'unreasonable persistence' at paragraph 3.1 above.
- Customer actions may be considered unreasonably persistent if all internal review mechanisms have been exhausted and the customer continues to dispute the decision relating to the matter they have raised with us. The customer will be told that no future phone calls will be accepted or interviews granted concerning the matter. Any future contact by the customer on this issue must be in writing. Future correspondence will be read and filed, but only acknowledged or responded to if the customer provides significant new information.

5. Deciding to Restrict Customer Contact

- Council staff who directly experience aggressive or abusive behaviour from a customer have the authority to deal immediately with that behaviour in a manner they consider appropriate to the situation and in line with this Procedure.
- The member of staff must inform their manager of the circumstances that lead to their decision to refuse to deal further with the customer. The Manager should consider whether the incident requires to be recorded as a PER/S/100 incident and advise the member of staff of the Council's counselling service.
- With the exception of such immediate decisions taken at the time of an incident, decisions to restrict contact with the Council will only be taken after careful consideration of the situation by a senior member of staff (3rd tier manager and above) and they should discuss the matter with their Head of Service before any formal action is taken and wherever possible, we will give a customer the opportunity to modify their behaviour or action before a decision is taken.
- If a decision is taken to restrict the Customers contact with the Council they will be told in writing why a decision has been made, the restricted contact arrangements and, if relevant, the length of time that these restrictions will be in place.
- The Head of Service must ensure that the Governance Unit are advised of the decision, in order that it can be logged centrally and other services are made aware of the restriction, if appropriate.

6. Appealing a Decision to Restrict Contact

- A customer can appeal a decision to restrict contact to the Executive Director of the relevant Department and must be advised in the letter confirming the restriction of their right to appeal.

7. Recording and Reviewing a Decision to Restrict Contact

- Where it is decided to restrict customer contact, an entry noting this will be made in the relevant file(s) and on appropriate computer records and will be recorded centrally by the Governance Unit.
- A decision to restrict customer contact may be reconsidered if the customer subsequently demonstrates a more acceptable approach. In such circumstances, the relevant Head of Service will review the position.

8. Procedure Availability and Review

- A copy of this Procedure is available on request and will be reviewed every 2 years.