



Pembroke Dock Town Council

Unreasonably Persistent Communications and Unreasonable Customer Behaviour Procedure

1. Background

- 1.1 Pembroke Dock Town Council is committed to serving all customers impartially and to providing a high quality service to those who communicate with us. As part of this commitment the Council does not normally limit the contact customers have with the Authority. Communication under this policy includes communication by face to face interviews, written correspondence (including emails and faxes) and by telephone.
- 1.2 However there are a small number of members of the public who act in an unreasonable or unacceptable manner when contacting officers in the Council. In some cases, through the frequency and nature of their contact with the Council, they can hinder the consideration of their own or other persons' service requirements. In some instances the sheer number or nature of their contact lead them to be considered as 'persistent' or 'vexatious' in their dealings with Council staff.
- 1.3 In these exceptional cases, where the nature of the contact or the action of the customer is unreasonable or unacceptable, the Council reserves the right to take action to manage contact in order to protect the interest of our staff, the Authority and the wider public it serves.
- 1.4 In taking this action, the Council will ensure that other members of the public or the Council's staff do not suffer any detriment from customer acting unreasonably. However, in doing so it will still enable the person deemed an 'unreasonable customer' to have any legitimate concerns addressed.

2. Why have a procedure?

- 2.1 The Data Protection Act 1998, section 7, the Freedom of Information Act 2000, section 14, and the Environment Information Regulations 2004, Reg.12, have provisions which deal with the concept of persistent and/or vexatious requesters and authorise a reduced level of compliance to such requests and these statutory provisions have a separate system for appeals, which does not include the Council's complaints procedure.
- 2.2 The Local Government Ombudsman's publication "Guidance note on 'unreasonably persistent' complainant and 'unreasonable complainant behaviour' by analogy is applicable. It states:

"Having a policy on unreasonably persistent and unreasonable complainant behaviour and corresponding guidance for staff on procedure should help authorities

deal with complainants in ways which are demonstrably consistent and fair. It also helps staff to understand clearly what is expected of them, what options for action are available, and who can authorise these actions. In the absence of such guidance staff are likely to have greater problems with unreasonable and unreasonably persistent complainants. In addition, it provides a yardstick against which performance can be assessed for monitoring purposes."

- 2.3 It is felt that a similar consideration should apply to customers who are making persistent demands for services or voicing objections to policy considerations which are unreasonable and/or persistent. There are also occasions when the customer's communication with officers falls below the expected standard of respect that everyone is entitled to receive.
- 2.4 The Council as an employer has to provide a safe system of working for its staff and the pressures in workload and stress that can arise from persistent contact can have consequences for the staff and ultimately the Council and its customers.

3. Defining Unacceptable Actions by Customers

- 3.1 Some people may act out of character in times of trouble or distress. There may have been upsetting or distressing circumstances leading up to the contact. Pembroke Dock Town Council does not view behaviour as unacceptable just because a customer is forceful or determined. In fact, it is accepted that such conduct can be a positive advantage when pursuing local resolution of a concern or a request for service. However, the actions of people who are angry, demanding or persistent may result in unreasonable demands or unacceptable behaviour towards staff. It is these actions that are considered unacceptable and that this policy aims to manage. These actions have been grouped under three broad headings listed below. However, particular care must be taken in dealing with customers who have a learning disability or mental health problem whose condition may impact on their behaviour or understanding of council processes or decisions,

3.2 Aggressive or Abusive Behaviour

- (i) 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, offended or abused.
- (ii) Examples of behaviours grouped under this heading include threats, physical violence, personal verbal abuse, unsubstantiated allegations, derogatory remarks and rudeness. It is considered that inflammatory statements and unsubstantiated allegations can be abusive behaviour.
- (iii) Staff are to be treated with courtesy and with respect. Violence or abuse towards any member of staff is unacceptable. Council officers understand the difference between aggression and anger. The anger felt by some customers involves the subject matter of their concerns. However, it is not acceptable when anger escalates into aggression directed towards staff.

3.3 Unreasonable Demands

- (i) A customer may make what are considered to be unreasonable demands 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.
- (ii) Examples of actions grouped under this heading include demanding responses within an unreasonable timescale, insisting on seeing or speaking to a particular member of staff, continual phone calls or correspondence, repeatedly changing the substance of the contact or raising unrelated concerns.
- (iii) These demands are considered unacceptable and unreasonable if they start to impact substantially on the work of the service, such as taking up an excessive amount of staff time to the disadvantage of other customer, customers or services.

3.4 Unreasonable Persistence

- (i) It is recognised that some people will not or cannot accept the outcome of decision on a request for service or other investigations into their concerns. They may submit a complaint through the adopted complaints procedures if they feel that the Council has not dealt with them in a fair manner but if they persist in disagreeing with the action or decision taken or contact the office persistently about the same issue this will be deemed unreasonable persistence.
- (ii) Also within this category is the refusal to accept the Council's decision on a matter of policy or strategy. Objections may be pertinent to the consideration of the matter in the first instance but persistence in continuing such correspondence or other contact can intrude on the Council's normal service delivery, especially when invalid complaints are submitted, and will be deemed to be unreasonable or persistent.
- (iii) Examples of actions grouped under this heading include persistent refusal to accept explanations relating to what can or cannot be done and continuing to pursue the same issue without presenting any new information; seeking to prolong contact by changing the substance their issue or continually raising new issues and questions whilst the first issue is being addressed.
- (iv) The way in which these customers approach the Council may be entirely reasonable, but it is their persistent behaviour in continuing to do so that is not.
- (v) The actions of persistent customers are considered to be unacceptable when they take up what is regarded by a senior manager as being a disproportionate amount of officer time and resources.

4. Managing Unacceptable Actions by Customers

- 4.1 There are relatively few customers whose actions are considered to be unacceptable. How these actions are managed depends on their nature and extent. If it adversely affects the Council's ability to do its work and provide a service to others, the complainant's contact with the office may need to be restricted in order

to manage the unacceptable action. The aim will be to do this in a way, wherever possible, that allows the service provided to the customer to continue to be delivered. Contact in person, by telephone, fax, letter or electronically or by any combination of these may be restricted. Effort will be made to try to maintain at least one form of contact. In extreme situations, the complainant will be told in writing that their name is on a 'no personal contact' list. This means that they must restrict contact with the Council to either written communication or through a third party.

- 4.2 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 will be reported to senior managers and may be reported to the police. This will always be the case if physical violence is used or threatened.
- 4.3 The Council will not deal with correspondence that is abusive to staff or contains allegations that lack substantive evidence. When this happens the customer will be told that their correspondence is considered offensive, unnecessary and unhelpful. They will be asked to stop communicating in such a manner and the member of staff will state that there will be no response to their correspondence if they do not stop. Future contact may be required to be through a third party.
- 4.4 Council staff will end telephone calls if the caller is considered 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.
- 4.5 Where a customer repeatedly phones, visits the office, sends irrelevant documents or raises the same issues, the relevant Council Department may decide to:
 - (i) only take telephone calls from the customer at set times on set days or put an arrangement in place for either a dedicated telephone number or only one member of staff to deal with calls or correspondence from the customer in the future;
 - (ii) 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;
 - (iii) return the documents to the customer or, in extreme cases, advise the customer that further irrelevant documents will be destroyed;
 - (iv) take other action considered appropriate by the Council. However, the customer will always be told what action is being taken and why.
- 4.6 Where a customer continues to correspond on a wide range of issues or pursues a single issue persistently, and this action is considered excessive, then the customer is told that only a certain number of issues will be considered in a given period and asked to limit or focus their requests accordingly.
- 4.7 A customer's action may also be considered unreasonably persistent if after making a formal request for service, all internal review mechanisms have been exhausted

and the customer continues to dispute the decision relating to their request (apart from through the recognised process of the Complaints procedure). The customer will be told that no future phone calls will be accepted or interviews granted concerning this matter. Any future contact by the customer on this issue must be in writing. Future correspondence is read and filed, but **only acknowledged or responded to if the customer provides significant new information relating to the request for service.**

5. Deciding to Restrict Customer Contact

- 5.1 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 policy.
- 5.2 With the exception of such immediate decisions taken at the time of an incident, e.g. aggressive behaviour or threats of violence or abuse, decisions to restrict contact are only taken after careful consideration of the situation by the Personnel Committee of the Council as advised by the Town Clerk. They should consider whether further action is necessary prior to taking the decision to designate the customer as unreasonable or unreasonably persistent, e.g. if no meeting has taken place between the customer and the Personnel Committee and provided that nothing is known about the customer which would make this unadvisable, an offer of a meeting with the Personnel Committee should be considered. Sometimes such meetings can dispel misunderstandings and move matters towards a resolution.
- 5.3 If the customer has disabilities, an advocate might be helpful to both parties: consider offering to help the customer find an independent one.
- 5.4 Before applying any restrictions, the customer should be given a warning that if their actions continue the authority may decide to treat them as unreasonably persistent.
- 5.5 Wherever possible, the customer is to be given the opportunity to modify their behaviour or action before a decision is taken. The customer will be informed in writing why a decision has been made to restrict future contact, the restricted contact arrangements and, if relevant, the length of time that these restrictions will be in place, as well as their right to appeal. A copy of this policy will be enclosed with the letter.

6. Appealing a Decision to Restrict Contact

- 6.1 A customer can appeal a decision to restrict contact or a continuation of restricted contact following a review. The Mayor and two other Councillors (not involved with the original decision) with the Town Clerk as adviser will consider the appeal. They advise the customer in writing that either the restricted contact arrangements still apply or a different course of action has been agreed.

7. Recording and Reviewing a Decision to Restrict Contact

- 7.1 Records are kept of all incidents of unacceptable actions by customers. Where it is decided to restrict contact, an entry noting this is made in the relevant file and on appropriate computer records.

- 7.2 Where a customer has been assessed as persistent, the restriction on contact may be reviewed if, for example, the customer subsequently demonstrates a more reasonable approach or if they submit a different request for service. Staff would previously have used discretion in recommending restricted contact and discretion should similarly be used in recommending that this status be withdrawn.