

Management of unreasonable customer behaviour



Contents

	Page
Purpose	3
What is unreasonable customer behaviour?	3
What is a vexatious request?	4
Considerations before action	5
Options for action	6
Review	7
Recording	7
New complaints or requests for information	7
Referring cases to the Local Government Ombudsman and Information Commissioners' Office	7

Slough Borough Council is committed to providing excellent customer service. We know that we do not always get things right and the council uses complaint procedures^{1*} to help customers who are unhappy with our services. We also comply with Freedom of Information legislation.

Unfortunately, in a minority of cases people pursue their complaints or requests for information in a way that is unreasonable. Sometimes this can have a negative impact on the handling of their complaint or request. It can also have a significant impact on our resources and on our ability to provide services to our other customers.

Where a customer's behaviour is so extreme that it threatens the immediate health, safety and welfare of council employees, or employees working on the council's behalf, the council will consider other options, for example reporting the matter to the police or taking legal action. In such cases, the council may not give the customer prior warning of that action.

Purpose

The purpose of this policy is to:

- Define unreasonable customer behaviour.
- Define vexatious requests.
- Explain the process we will follow when dealing with customers who behave in an unreasonable way so that everyone knows what they can expect.
- Explain the process we will follow when dealing with vexatious requests so that everyone knows what they can expect.

What is unreasonable customer behaviour?

Unreasonable behaviour may include one or two isolated incidents; as well as unreasonably persistent behaviour, which is usually an accumulation of incidents or behaviour over a longer period. We differentiate between "persistent" customers and "unreasonably persistent" customers.

In defining unreasonable behaviour, the council has taken into account the Local Government and Social Care Ombudsman (LGSCO) definition of unreasonable behaviour. Namely,

"... unreasonable and unreasonably persistent complainants are those complainants who, because of the nature or frequency of their contacts with an organisation, hinder the organisation's consideration of their, or other people's, complaints".

Some customers may have justified complaints or requests but may pursue them in inappropriate ways e.g. lengthy phone calls, emails expecting immediate responses, detailed letters or emails every few days. Others may pursue complaints or requests which have no substance, or which have already been considered and dealt with. Their contacts with us may be amicable, but still place very heavy demands on staff. Very occasionally customers act deceitfully by providing misleading information, adopting false identities and so on. Such behaviour is unacceptable and managing it can become a distraction from consideration of the original substance of the matter raised. Situations can escalate, and in a few cases complainants become abusive, offensive, threatening or otherwise behave unacceptably.

^{1*}Corporate 3 Stage, Adult Social Care 1 Stage, Children and Families 3 Stage, FOI reviews.

The net effect of the unreasonable behaviour of a customer is sometimes to cause harassment or alarm and other times it undermines the ability of the council to deliver a fair service to others. The council has a duty to protect its staff, contractors and Members and its service provision to all its customers.

Examples of unreasonable behaviour

Examples of what we might consider to be unreasonable behaviour are shown below. The list is not exhaustive, nor does one single feature on its own necessarily imply that the person will be considered as being in this category:

- Use of hostile, abusive or offensive language causing distress to staff or an unreasonable fixation on an individual member of staff.
- Making unjustified complaints about staff who are trying to deal with the issue.
- Refusing to specify the grounds of a complaint, despite offers of assistance.
- Changing the basis of the complaint/request as the matter proceeds.
- Denying or changing statements made at an earlier stage.
- Covertly recording meetings and conversations.
- Submitting falsified documents from themselves or others.
- Making excessive demands on the time and resources of staff with lengthy phone calls, emails to numerous council staff, or detailed letters every few days, and expecting immediate responses.
- Refusing to accept the decision; repeatedly arguing points with no new evidence.
- Persistently approaching the council through different routes about the same issue.
- Persistently seeking an outcome which the council has already explained is unrealistic for policy, legal or other valid reasons.
- Refusing to co-operate with the complaints investigation process.
- Insisting on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.
- Raising numerous, detailed but unimportant questions; insisting they are all answered.
- Adopting a 'scatter gun' approach: pursuing parallel complaints on the same issue with a variety of organisations.
- Refusing to accept the decision; repeatedly arguing points with no new evidence, complaining about outcome and or denying that an adequate response has been given.

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- Making unjustified complaints about staff who are trying to deal with the issue.
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- Changing the basis of the complaint/request as the matter proceeds.
- Denying or changing statements made at an earlier stage.
- Covertly recording meetings and conversations.
- Submitting falsified documents from themselves or others.
- Making excessive demands on the time and resources of staff with lengthy phone calls, emails to numerous council staff, or detailed letters every few days, and expecting immediate responses.
- Refusing to accept the decision; repeatedly arguing points with no new evidence.

What is a vexatious request?

We define a vexatious request as:

"A request that is likely to cause distress, disruption or irritation, without any proper or justified cause" or something that is "manifestly unjustified, inappropriate or improper use of a formal procedure."^{2}*

A vexatious request may include one or two individual requests for information, or may form part of a wider pattern of vexatious behaviour. For example, if there is a wider dispute, or it is the latest in a lengthy serious of overlapping requests.

^{2*} *Information Commissioner vs Devon County Council & Dransfield [2012] UKUT 440 (AAC), (28 Jan 2013)*

However, we will not automatically refuse a request simply because it is made in the context of a dispute, or if it forms part of a series of requests.

In defining unreasonable behaviour, the council has also adopted the Information Commissioner Office's guidance on "vexatious and repeated request". Namely,

"Deciding whether a request is vexatious is a flexible balancing exercise, taking into account all the circumstances of the case. There is no rigid test or definition, and it will often be easy to recognise.

The key question is whether the request is likely to cause distress, disruption or irritation, without any proper or justified cause".

We will consider each request for information on its own merits, and we will not automatically refuse a request because the individual may have caused problems in the past.

We will ensure that we consider whether the request (and not the requester) is vexatious, with our focus being on the request itself.

The Freedom of Information Act 2000 gives rights of public access to information held by public authorities. However, Section 14(1) of the Act protects public authorities from those who might abuse the right to request information.

If a request is vexatious or repeated, we do not have to provide any information, or confirm or deny whether we hold it (however we will issue a refusal notice).

Examples of vexatious requests

The list below is not exhaustive, and for a request to be considered as vexatious it is likely

that more than one of the examples is relevant:

- Submitting repeat complaints with minor additions/ variations that the complainant insists make these 'new' complaints.
- The request is obsessive in nature e.g. a high volume of requests, using requests to open matters that have already been dealt with such as complaints and appeals.
- Requests for information the requester has already seen, or clear intention to reopen issues that have already been considered
- Where complying with the request would impose significant burden on the council in terms of expense, and negatively impact the council's ability to provide service to others. In this situation the council will consider section 12 (exemption where cost exceeds the appropriate limit) of the Freedom of Information Act.
- The request does not serve a serious purpose.
- The request has the effect of harassing the council or distressing staff e.g. use of derogatory language, mingling a request with complaints and accusations.

Considerations before action

We recognise that the decision to classify someone's behaviour as unreasonable, or to classify a request for information as vexatious, could have serious consequences for the individual, including restricting their access to services.

Before deciding to apply any restrictions, we will ensure that:

- The original complaint or request for information has been dealt with properly and in line with the relevant procedures and statutory guidelines **and**

- We have made every effort to satisfy the request or resolve the issue/complaint.

However, where our efforts to resolve matters with the customer have not been successful we may close the case or request. Where appropriate we will advise the customer to contact the Local Government Ombudsman or the Information Commissioners Office. We will advise the customer that we will no longer enter into any correspondence about such cases, unless material new information becomes available.

Each case will be considered on an individual basis. The decision to classify a customer unreasonable or to classify the request as vexatious, will be made by the service lead or director of the relevant service area and by someone who has not been directly involved in the matter.

When new issues are raised, these will be treated on their merits. The council will consider whether any restrictions previously applied are still appropriate and necessary.

Options for action

A customer whose behaviour has been judged to be unreasonable will have restrictions imposed on their contact with the council. The council will ensure that the personal details about the customer and their matter will be managed and stored appropriately in line with data protection and records management policies and procedures.

Any actions that may be imposed on such a customer's contact with the council, will be appropriate and proportionate. When a decision has been taken to apply this Policy, the council will contact the customer to:

1. detail the action we have taken and why.
2. explain what it means for the customer.
3. advise how long the restrictions will last and when the decision will be reviewed.
4. enclose a copy of this policy for the customer's information.

Where the customer continues to behave in a way which is unacceptable, the council may decide to refuse all contact with them, other than to provide any essential services. In extreme cases, involving threats or actual violence to a member of staff or visitor to the council offices, a decision may be taken to ban the customer from the site or utilise other council procedures which manages customer behaviour.

Restrictions will be tailored to deal with the individual circumstances and may include one or more of the following (the list is not exhaustive):

- Placing limits on the number and duration of contacts with staff per week or month.
- Refusing the customer access to any council building except by arrangement.
- Offering a restricted time slot for telephone calls.
- Limiting the customer to one method of contact (telephone, letter, email, etc.)
- Requiring the customer to communicate only with one named member of staff.
- Requiring any personal contacts to take place in the presence of a witness and in a suitable location.
- Refusing to register and process further complaints/requests about the same matter.

- Requiring the customer to make contact by telephone only through a third party e.g. solicitor/councillor/friend acting on their behalf.
- Limiting or regulating the customer's use of the council's services e.g. libraries or leisure centres.
- Informing the customer that further contact on the matter of the complaint/request will not be acknowledged or replied to.

These options are not exhaustive and often local or other factors will be relevant in deciding what might be appropriate action. For instance, any arrangements for limiting a customer's contact will take into account the individual's circumstances, bearing in mind such issues as age, disability, gender, race, religion or belief.

Review

When imposing a restriction on access, the council will have specified a review date. Restrictions will be lifted and relationships returned to normal unless there are good grounds to extend the restrictions. The review will be undertaken at service lead or director level.

We will inform the customer of the outcome of any review. If restrictions are to continue, we will explain our reasons and state when the restrictions will next be reviewed.

Recording

There will be an audit trail of events and decisions made by staff if the council are concerned of a customers behaviour.

New complaints or requests for information

Where a decision on an issue has been made, the council will inform the customer that future correspondence will be read and placed on the file but not acknowledged, unless it contains new information. The service lead or director of the relevant service area will decide whether any restrictions which have been applied before are still appropriate and necessary in relation to the new complaint or request.

Referring cases to the Local Government Ombudsman and the Information Commissioners' Office

There may be exceptional circumstances, where the relationship between us and a customer has broken down to a point where a resolution is not possible. In these cases we may seek to close the case without completing all stages of our complaints policy, or we may expedite the case to a final stage. If this becomes necessary, we will advise the customer of the reasons for this and the options open to them.

Similarly, we may also liaise with the Local Government and Social Care Ombudsman (LGSCO) or Information Commission (IC) and ask them to consider a case before it has exhausted our complaints/FOI process. It will be entirely at the discretion of the LGSCO or IC whether or not they accept the referral.

A customer who has been treated as behaving unreasonably may make a complaint to the LGSCO about it. The LGSCO is unlikely to be critical of the organisation's action if it can show that it acted proportionately and in accordance with its adopted policy.

This document can be made available on audio tape, braille or in large print, and is also available on the website where it can easily be viewed in large print.

Management of unreasonable customer behaviour

If you would like assistance with the translation of the information in this document, please ask an English speaking person to request this by calling 01753 875244.

ਯਦੀ ਆਪ ਫ਼ਸ ਦਸ਼ਤਾਵੇਜ਼ ਮੇਂ ਦੀ ਗੲੰ ਜਾਨਕਾਰੀ ਕੇ ਅਨੁਵਾਦ ਕਏ ਜਾਨੇ ਕੀ ਸਹਾਯਤਾ ਚਾਹਤੇ ਹੈਂ ਤੋ ਕ੍ਰਪਯਾ ਕਸਿੀ ਅੰਗ੍ਰੇਜੀ ਭਾਸ਼ੀ ਕ੍ਰਯਕ੍ਰਤਿ ਸੇ ਯਫ਼ ਅਨੁਰੋਧ ਕਰਨੇ ਕੇ ਲਏ 01753 875244 ਪਰ ਭਾਤ ਕਰਕੇ ਕਹੋ.

ਜੇ ਤੁਸੀਂ ਇਸ ਦਸਤਾਵੇਜ਼ ਵਿਚਲੀ ਜਾਣਕਾਰੀ ਦਾ ਅਨੁਵਾਦ ਕਰਨ ਲਈ ਸਹਾਇਤਾ ਚਾਹੁੰਦੇ ਹੋ, ਤਾਂ ਕਿਸੇ ਅੰਗਰੇਜ਼ੀ ਬੋਲਣ ਵਾਲੇ ਵਿਅਕਤੀ ਨੂੰ 01753 875244 ਉੱਤੇ ਕਾਲ ਕਰਕੇ ਇਸ ਬਾਰੇ ਬੇਨਤੀ ਕਰਨ ਲਈ ਕਹੋ।

Aby uzyskać pomoc odnośnie tłumaczenia instrukcji zawartych w niniejszym dokumencie, należy zwrócić się do osoby mówiącej po angielsku, aby zadzwoniła w tej sprawie pod numer 01753 875244.

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اگر آپ کو اس دستاویز میں دی گئی معلومات کے ترجمے کے سلسلے میں مدد چاہئے تو، براہ کرم ایک انگریزی بولنے والے شخص سے 01753 875244 پر کال کر کے اس کی درخواست کرنے کے لئے کہیں۔