





**Cyngor Sir Powys County Council  
Undesirable Customer Behaviour Policy**

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*For the avoidance of doubt, note that the terms “customer” and “service user” are used interchangeably in this policy. These terms may refer to parents, carers, visitors, etc.*

## **1. Purpose**

- 1.1 Powys County Council (the Council) is committed to putting customers at the very heart of service delivery but there are occasions when customers/service users can act in a way that we deem undesirable. The Council expects its employees to treat customers in a respectful manner and conversely, customers should treat Council employees with respect. Whilst it is acknowledged that customers can get frustrated, the Council will not tolerate behaviour which is deemed unacceptable, threatening, abusive or unreasonably persistent.
- 1.2 This policy and accompanying procedure helps employees to deal with customers in a fair and consistent manner. Undesirable behaviour is defined and the policy outlines the procedure to follow when dealing with unacceptable customer behaviour, the sanctions available and who can authorise these sanctions. It takes account of provisions of the Equality Act 2010 and in particular, the staged process allows managers to deal with undesirable customer behaviour such as harassment.
- 1.3 Most undesirable behaviour occurs when a customer is either verbally or physically abusive but there are other behaviours which negatively impact on the business of the Council and its employees – this can affect service delivery to other customers. By way of example, where a customer makes repeated requests for information without good reason or where they are acting in a manner that causes annoyance or distress without any real desire to resolve the matter, despite attempts by Officers to do so. This policy provides guidelines for employees to follow when they are faced with difficult customer interactions.

## **2. Scope**

- 2.1 This policy applies to all Council employees, as well as employees of services commissioned by the Council to provide care and support. It applies in cases of undesirable behaviour by customers/ service users but not by or between employees – this is covered by the Council's values and would be dealt with under the Council's Grievance and Disciplinary policies.
- 2.2 This policy is introduced as part of the Council's response in relation to its duty of care to employees under applicable legislation.
- 2.3 This policy should be read in conjunction with the Corporate Working Arrangements for Violence and Aggression and the Corporate Complaints Policy..

## **3. Definitions**

- 3.1 The Council defines undesirable behaviour as that which shows characteristics of discrimination, harassment, bullying, unreasonableness or vexation or a combination of these. The definitions below offer some level of guidance as to what behaviour(s) can be viewed as undesirable:
- 3.2 Discrimination: to treat someone less favourably than another person because of a protected characteristic; their age, disability, gender reassignment, marital or civil partnership status, pregnancy, maternity status, race (including colour, nationality and ethnic or national origins), religion or belief, sex and sexual orientation. A person may also be discriminated against because they either associate with someone who does possess a protected characteristic or where others think they possess a protected characteristic.
- 3.3 Harassment: unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual. Third party harassment occurs where a third party, e.g. customer harasses an individual in the course of their employment.
- 3.4 Vexation: acting in a manner so as to cause significant annoyance or significant irritation or personal distress without the intention of resolving the matter. See also section 6 – Habitual and Vexatious Complainants.
- 3.5 Bullying: a category of harassment which consists of persistent actions, criticisms or abuse in public or private, which serves to humiliate, intimidate, frighten or degrade an individual, including their professional standing or status.

#### **4. Unacceptable Customer Conduct - procedure**

##### 4.1 Overview

This policy and procedure serves to clarify what can be described as undesirable customer behaviour and how employees should respond to this. It provides a point of focus for discussion about specific cases of undesirable customer behaviour. The staged nature of the process ensures that decisions which affect a customer's access to services are made at the right level within the Council and will hopefully protect employees from unwanted third party behaviour. This serves to protect both employees and customers and to ensure that any action taken is considered fair, appropriate and in keeping with the provisions of the Equality Act 2010 and in ensuring Council employees are given appropriate support in complying with the Council's corporate obligations of "duty of care", under the Health and Safety at Work Act.

##### 4.2 Application of sanctions

The Council provides public services but realises that sometimes, employees have to deal with members of the public who display hostile behaviours, have difficult life circumstances and/or may feel frustration with the Council's systems

and processes. The application of a sanction that denies or limits access to a service should be seen as a last resort action. Every reasonable effort should be made to resolve a situation which does not deprive services to a customer.

### 4.3 Staged Process

The procedure has three stages which ensure that decisions which affect a customer's access to services are made at the right level within the Council.

#### Stage 1 – Localised Action

If an employee feels that a customer is behaving in a manner which they feel is unacceptable, whether telephonically, face-to-face or by means of written correspondence including e-mail or social media, they may:

- Explain clearly but politely that the Council expects its employees (including those in commissioned services) to be treated with respect and ask them to control their behaviour;
- If the customer persists with their behaviour, they should be warned that action will be taken appropriate to the method of contact. Further action involves terminating the telephone call or asking the customer to leave Council premises. The employee should clearly explain to the customer why they are terminating contact, such as, *"I am not prepared to continue the conversation as I consider your behaviour inappropriate."*
- If the customer persists, the threatened action should be taken.

The details of the incident (including the date and time) should be recorded and reported to the line manager. This information can be retained and should be readily available in cases where the matter is escalated.

If a customer acts in a discriminatory manner as defined in section 3, contact with the customer should be ended without delay and the employee should raise this with their line manager, who should deal with the incident as a Stage 2 issue.

In cases where the customer acts in an aggressive or violent manner, the employee should take action in line with Corporate Health and Safety's Violence and Aggression Working Arrangement.

In cases where employees believe that a customer is being unreasonable, they should refer the matter to their line manager who should assess what action should be taken – employees are not authorised to supply their own sanction for this type of behaviour. Should the line manager conclude that behaviour is unreasonable, then they may respond on behalf of the employee under Stage 1 above, or considered more serious or relates to persistent contact, Stage 2 actions can be applied.

#### Stage 2 – Service Actions

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In situations where customers persist with their unacceptable conduct, it may become necessary to implement supplementary measures. In such cases, the employee's line manager should contact their next level manager (usually a senior manager) who will investigate the matter and then decide whether further action is required. Note that with regard to Social Services service-users, assessment of their conduct should always consider the person's physical and mental health and their mental capacity in the context of their behaviour in order to determine the most appropriate way forward.

Further action may include:

- Limiting the customer's contact to a specific mode of contact, for example, by telephone. This means that all contact which is not by telephone will be suspended;
- Restricting contact to certain times and days;
- Stipulating a named employee to be the sole point of contact for the customer;
- Requesting the customer to enter into an agreement about their future contact with the Council. In Social Services situations, this may mean joint working with the care manager and the person(s) to risk assess and record any agreement about behaviour and how they can be managed so that adequate care and support continue. This agreement should be properly recorded on their care plan.

The senior manager will inform the customer in writing of their decision and should keep a record of the action(s) taken.

If a customer is acting in an aggressive, intimidating or violent manner, the employee should bring this to the attention of their line manager and the Violence and Aggression Working Arrangement should be followed.

### Stage 3 – Head of Service/ Chief Officer Action

In rare situations where the customer persists in displaying unacceptable conduct in spite of the sanctions in place, the Head of Service may be requested to review the matter and make recommendations, which may include the suspension of services to the customer for a defined period as well as referral of the matter to the Legal Department.

## **5. Unacceptable conduct involving violent and aggressive behaviour**

- 5.1 If a customer has acted in a manner which is considered to be violent or aggressive, the employee should immediately report the matter to their line manager and the matter should be handled under the Corporate Working Arrangements for Violence and Aggression.

Furthermore, the employee should:

- Terminate interaction with the customer;
- Report the matter to their line manager and Head of Service;
- Take any reasonable action to ensure their own safety and that of colleagues, which may include contacting the Police;
- Complete a violent incident report on the IR1 incident reporting system.

5.2 The Head of Service, in consultation with the line manager may decide to:

- Suspend services to the customer for a specified period of time;
- Explore whether further legal action should be taken;
- Require the customer to provide a written declaration that they will not act in such a manner in the future before normal service is resumed with the customer;
- Apply any of the sanctions detailed in stage 2; and
- Consider placing the customer on the Personal Safety Register.

## 6. Habitual/ Vexatious Complainants

6.1 For the purposes of this policy, the term “habitual” means “done constantly or as a habit”. The term “vexatious” is recognised under UK law and means, “denoting an action or the bringer of an action that is without sufficient grounds for winning, purely to cause annoyance to the defendant”.

6.2 Note that it is not necessary for a complaint to have become a stage 3 complaint for a complainant to be assessed as a habitual/ vexatious complainant.

6.3 Examples of habitual/ vexatious complainants are as follows; where a complainant:

- Persists in pursuing a complaint when a complaint has been thoroughly and fully investigated and a response/outcome given;
- Is unwilling to accept documented evidence of action;
- Is unwilling to accept that the Council has reached a final decision on a particular course of action;
- Denies receiving an adequate response in spite of evidence (e.g. documentation) specifically answering their queries;
- Persists in pursuing a matter when they have already exhausted all statutory mechanisms of appeal;
- Does not clearly identify the precise issues which they require to be investigated, despite reasonable efforts in helping them specify their concerns;
- Continues to seek to pursue a complaint where the concerns raised are not within the remit of the Council to investigate;
- Focuses on a trivial matter to an extent which it is out of proportion to its significance and continue to focus on this point. (However, it is recognised

that determining what is a 'trivial' can be subjective and careful judgement must be applied);

- Has used or threatened physical violence towards staff at any time – this will in itself mean that personal contact with the complainant, or their representative, will be discontinued and the complaint will only be continued through written communication;
- Has harassed or been personally abusive or verbally aggressive on more than one occasion towards staff dealing with the complaint. It must be recognised however, that complainants may be sometimes act out of character in times of stress, anxiety or distress and reasonable allowance should be made for this. All incidents of harassment, abuse or aggression should be documented;
- Is known to have recorded meetings or face-to-face/ telephone conversations without the prior knowledge and consent of other parties involved;
- Makes unreasonable demands on the staff, for example, insisting on responses to complaints or enquiries being provided more urgently than is reasonable, or when outside of the Complaints procedure or recognised practice.

## **7. Dealing with Habitual/ Vexatious Complainants**

- 7.1 Where complainants have been identified as habitual or vexatious under the scope of this policy, taking account of the above criteria, the responsible officer (usually a Head of Service), in consultation with any relevant Member(s), will determine what action to take. That person will implement such action and will notify complainants, in writing, of the reasons why they have been classified as habitual or vexatious and what action will be taken. They will also be notified of the review procedure, as outlined below.
- 7.2 This notification may be copied for the information of others already involved in the complaint or matters closely related to it, e.g. Head of Service, Members, staff, Members of Parliament, Members of the Welsh Government. A record must be kept, including on the complaints database, for future reference of the reasons why a complainant has been classified as habitual or vexatious, as well as for reporting purposes.
- 7.3 The responsible officer may decide to deal with complainants in one or more of the following ways:
- Withdraw contact with the complainant either in person, by telephone, by email, by fax, by letter or any combination of these, provided that at least one form of contact is maintained.
  - To restrict contact to liaison through a designated officer.
  - Notify the complainant in writing that the Council has responded fully to the points raised and has tried to resolve the complaint but there is nothing more to add and continuing contact on the matter will serve no useful purpose. The complainant should be notified that any form of contact, either orally or in writing, in relation to their complaint, or further complaints

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relative to the same period of time, or the same or similar issues as an earlier complaint, is at an end, and if appropriate that further contact received will be acknowledged but not answered. Depending upon the persistent nature of such contacts, future acknowledgements may cease.

- Temporarily suspend, for a period to be specified to the complainant, all contact with the complainant, provided that the Council shall not, without the consent of the Monitoring Officer, withdraw or not provide any services to which the complainant or his/her family are entitled to receive.
- In extreme circumstances, inform the complainant that the Council reserves the right to pass unreasonable or vexatious complaints to the Council's Legal Services, which may result in legal action being taken against the complainant.

7.4 Note that it is important that the respective Councillor is advised when a constituent is likely to be regarded as a vexatious/ habitual complainant by the Council.

7.5 Once a complainant has been designated as a vexatious/ habitual complainant, such status must be regularly reviewed and if appropriate, withdrawn. It is considered reasonable to review this status every six months and to communicate the decision reached to the complainant. If the person categorised as habitual/ vexatious is not satisfied with the decision reached by the responsible officer, they may request that the decision is reviewed by the Chief Executive. Such requests for review may only be received once in any 6-month period. The review is conducted by the respective Director in consultation with the Monitoring Officer. As far as reasonably possible, notice of the decision will be provided within 15 working days of receipt of the request.

## 8. Responsibilities

### 8.1 Manager responsibilities:

Line managers and senior managers will be responsible to:

- Record any incidents which come to their attention;
- Investigate incidents – this will usually involve a discussion with both the customer and employee;
- Appropriate action – this involves discussion with the employee regarding their handling of the incident and/or the application of sanctions on the customer, in accordance with this policy;
- Refer to the Council's Health and Safety Working Arrangement on Violence and Aggression when required;
- If a sanction imposed on a customer is the appointment of a single point of contact for future interactions, the appointed officer must advise colleagues, including Customer Services, of the arrangements and ensure that any customer records are updated, wherever they are held;
- If a Head of Service or a Chief Officer decides that the Council will have no further contact with a particular customer, they must take

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every reasonable care to inform Council employees of the arrangements and that records are updated accordingly.

## 8.2 Employee responsibilities:

Employees will be responsible to:

- Deliver a high standard of customer service and taking every reasonable care to deal effectively with potentially difficult customers without escalating the matter;
- Have regard for their own behaviour when dealing with customers;
- Observe the procedures in this policy to ensure the health and safety of members of the public, colleagues and themselves at all times;
- Ensure that any incident relating to the unacceptable conduct of a customer is reported to their line manager.

## 9. Policy History

Policy Date	Summary of change	Contact	Version/ Implementation Date	Review Date
July 2020	New policy.	HR (S Holcroft)	15 September 2020	August 2022

## Hints and Tips - Dealing with Undesirable Customer Conduct

### When dealing with a difficult customer make sure that you:

- Listen;
- Understand;
- Know your facts;
- Keep the situation calm;
- Explain;
- Help;
- Be pleasant and kind but firm;
- Be aware of their issues;
- Be courteous;
- Be fast acting and fast thinking;
- Be diplomatic; and
- Show discretion.

### Guidance on Dealing with Verbal Abuse on the telephone

- Stay calm and maintain a professional and polite attitude;
- Do not make the situation worse by reacting in the same way;
- Record the call;
- Listen – once the person's anger is spent they may wish to discuss things rationally;
- If a rational attitude is not forthcoming, advise them that you are not prepared to continue the conversation if the abusive behaviour continues;
- If it does continue then you can advise the caller that you are terminating the call;
- Advise your supervisor of the circumstances;
- Each member of staff must complete an Incident Form immediately after any incident if it was of a serious nature.

### Guidance on Dealing with Face-to-Face Verbal Abuse

- Stay calm and maintain a professional and polite attitude;
- Do not make the situation worse by reacting in the same way;
- Listen – once the customer's anger is spent they may wish to discuss things rationally;
- If a rational attitude is not forthcoming, advise them that you are not prepared to continue the conversation if the abusive behaviour continues;
- If it does continue then you can ask the customer to vacate the premises, if the abuse continues explain that you will call the police if they do not calm down or leave – if it further continues press the alarm/ call the police and retreat to safety;
- Advise your supervisor of the circumstances;
- Each member of staff must complete an Incident Form immediately after any incident.