



# **Unreasonable Customer Policy**

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|  |   |
|--|---|
| 1. Policy Statement.....                         | 3 |
| 2. Procedure .....                               | 4 |
| 2.1 Definitions.....                             | 4 |
| 2.2 The Process .....                            | 6 |
| 2.3 Deciding whether the procedure applies ..... | 7 |
| 2.4 What action to take.....                     | 8 |
| 2.5 Information and Record Keeping.....          | 9 |

This document applies to all Directorates

## 1. Policy Statement

We are committed to putting the customer at the heart of everything we do. To support this ambition we are focussing on four key promises to ensure we can respond to the demands of our customers. These promises are that we will:

- **Make it easy for our customers**  
"As a customer, I know what services are available and they are available at a time and a place that suits me. I am able to access a range of professional help from my first point of contact with the council."
- **Treat people with dignity and respect**  
"As a customer, my relationship with the council is based on an understanding of my needs and takes into account how I would like to be treated."
- **Take responsibility**  
"As a customer I am confident that when I contact the council someone will take responsibility and keep me fully informed about the progress and timescales of my enquiry until it is resolved. Where I receive an ongoing service, I will have a dedicated contact to provide continuity."
- **Use customer feedback to improve our services**  
"As a customer, I expect the council to listen, learn and change accordingly."

This policy is not intended to prevent customers from raising legitimate and important concerns, enquiries or requests, or from pursuing them. However, Cumbria County Council has a duty to ensure that it provides value for money services for all its residents and local communities. An unreasonable or unreasonably persistent customer can take up a disproportionate amount of time that can hinder the other work of staff. The Council must therefore ensure that it uses its resources wisely and limits the amount of time spent on queries that it considers unreasonable or unreasonably persistent.

Cumbria County Council is committed to promoting equality of opportunity and diversity, and to challenging discrimination. Staff working for the Council have a right to undertake their work free from all types of discrimination, abuse and harassment. The council has a duty to protect the safety and welfare of its staff. We therefore shall not tolerate what we consider to be unacceptable behaviour by unreasonable or unreasonably persistent customers.

We would not normally limit the contact that our customers may have with the Council. However, in accordance with this policy, we may decide to do so if customers behave unreasonably, or are unreasonably persistent, or if staff experience unacceptable behaviour.

## 2. Procedure

### 2.1 Definitions

For the purposes of this policy unreasonable or unreasonably persistent customers are defined as being those which, because of the frequency or nature of their contact, hinder the authority's consideration of complaints, enquiries or requests. Officers may recognise one or more of the following indicators as characteristic of unreasonable or unreasonably persistent customers. They make complaints, requests, concerns or enquiries that:

- clearly do not have any serious purpose or value
- are obviously vexatious in nature
- are designed solely to cause disruption or annoyance
- have the effect of harassing the Council or its staff or can otherwise fairly be characterised as obsessive or unreasonable
- take up an unreasonable amount of officer time and hinder the other work of the Council

Unacceptable behaviour can include:

- abusive, offensive or threatening behaviour
- behaviour which amounts to bullying or harassment

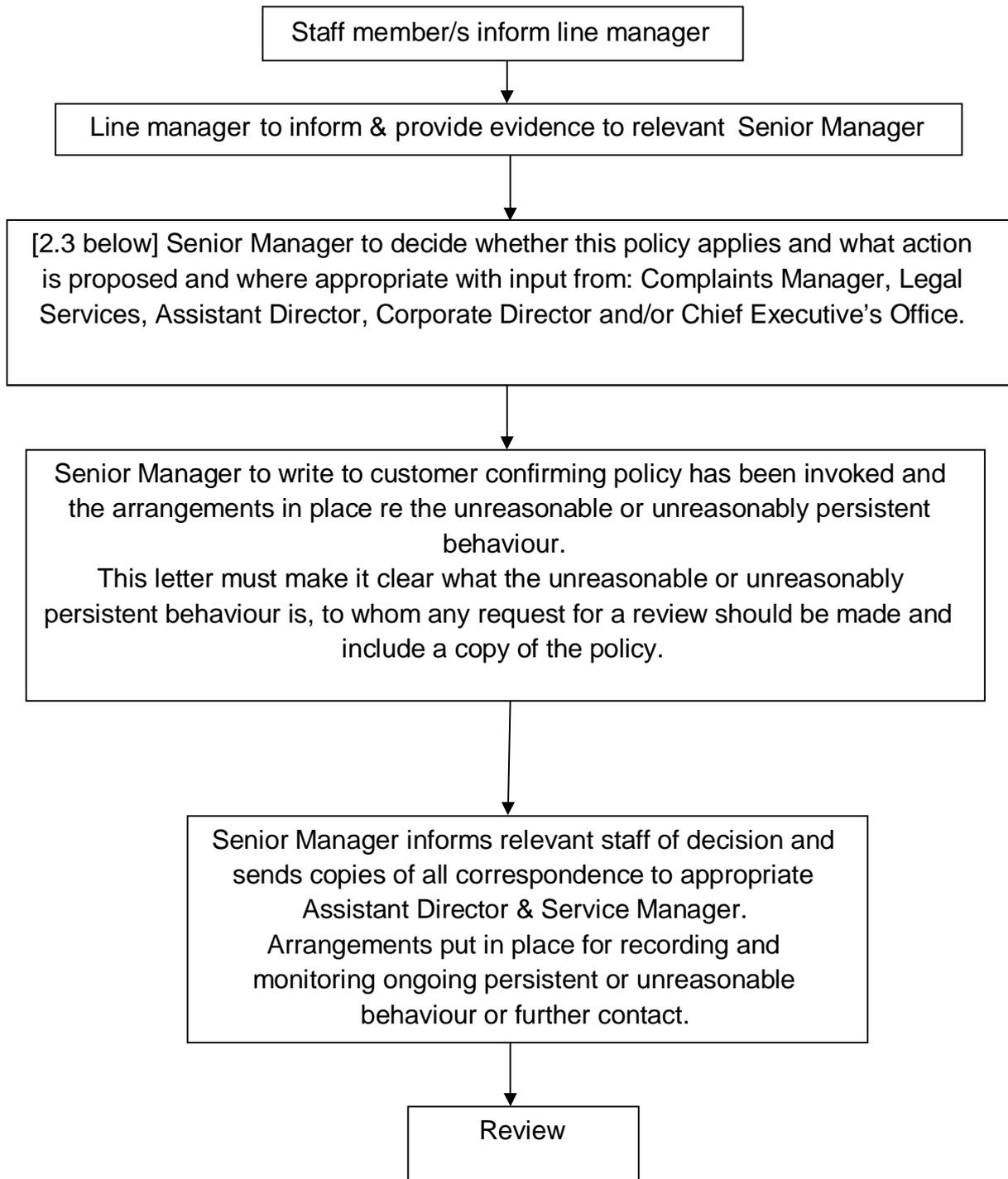
The following customer actions/behaviours can cause this policy to be invoked:

- unwillingness to comply with council procedures
- insisting on issues or requests being dealt with in ways which are incompatible with Council procedures or with good practice
- making unreasonable demands of officers and/or members or setting unreasonable timescales for responses
- making unreasonable requests in relation to who should deal with their complaint, enquiry or request, or how it should be dealt with
- repeatedly being unwilling to accept documented evidence
- insisting that no response has been received or that the response is unacceptable
- sending a high volume of letters, emails and/or phone calls (sometimes to multiple recipients)
- continuing to add new, or making trivial, complaints, requests or enquiries
- repeatedly complaining or making repeat requests about similar issues after they have already been dealt with
- making many complaints, requests or enquiries about different issues in succession

- refusing to specify the grounds of a complaint, despite offers of assistance with this from the Council's staff
- making groundless complaints about the staff dealing with the complaint or request, and seeking to have the staff replaced
- refusing to accept that issues or requests are not within the remit of a procedure despite having been provided with information about the procedures scope; for instance if the customer has been advised that a complaint or request is within the remit of another authority, yet refusing to accept this
- changing the basis of a complaint or request as it proceeds and/or denying statements made at an earlier stage.
- introducing trivial or irrelevant new information which the customer expects to be taken into account, or raising large numbers of detailed but unimportant questions and insisting they are all fully answered
- electronically recording meetings and conversations without the prior knowledge and consent of the other persons involved
- adopting a 'scattergun' approach; pursuing complaints or requests with the authority and, at the same time, with a Member of Parliament/ a Councillor/ legal services / local police/ solicitors/ the Ombudsman
- submitting repeat complaints or requests, with minor variations, after the processes have been completed
- refusing to accept a decision

## 2.2 The Process

If any member of staff experiences one, or a number of, the examples given in the definitions section then they may be dealing with an unreasonable or unreasonably persistent customer. In this instance they are advised to follow the process below:



## **2.3 Deciding whether the policy applies**

It is important to remember that an unreasonable or unreasonably persistent customer may have a valid complaint, concern or request. Before deciding whether the policy should be applied the Council should always be satisfied that:

- the matter has been discussed with the relevant service manager/staff
- any complaint, enquiry or request has been dealt with properly
- any decision reached is the right one
- communications with the customer have been adequate
- the customer is not providing any significant new information that might affect the authority's view

Once satisfied with the points above then the Council should consider whether further action is necessary prior to taking the decision to designate the customer as unreasonable or unreasonably persistent. Examples might be:

- If no meeting has taken place between the customer and officer(s) consider offering the appropriate meeting. Sometimes such meetings can dispel misunderstandings and move matters towards a resolution.
- If more than one team or directorate is being contacted by an unreasonably persistent customer, consider arranging a meeting to agree a cross-directorate approach; and designating a key officer to co-ordinate the authority's response(s).
- If the customer has special needs, an advocate might be helpful to both parties so consider offering to help the customer find an independent one.

Ordinarily, prior communications with any customer who is exhibiting unreasonable or unreasonably persistent behaviour will have included a warning that their behaviour is unacceptable, and so it is important that this is recorded. Where it is obvious from previous correspondence that a warning will have no effect on modifying a customer's behaviour then a Senior Manager should consider invoking the policy and appropriate sanctions.

## **2.4 What sanctions should be considered**

The precise nature of the action that the Council takes must be appropriate and proportionate to the nature and frequency of the customers' contacts with the Council at that time. The Council could choose one or a mix of the following possible options:

- Placing time limits on telephone conversations and personal contacts
- Restricting the number of telephone calls that will be taken (for example, one call on one specified morning/afternoon of any week)

- Limiting the customer to one medium of contact (telephone, letter, email, etc) and/or 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
- Refusing to register and process further complaints or requests about the same matter
- Restrict the customer's contact and / or access to Council offices (to be reviewed after a period of time)

Behaviour considered to be harassment, aggressive or a threat to staff safety and welfare may lead to police involvement or legal action. In such cases, where there is a need or justification for protecting staff, the Council may not need to give the customer prior warning of this action.

If the Council decides to designate a customer as unreasonable or unreasonably persistent, then the Council will communicate to the customer, in accordance with their needs, in the following ways:

- sending a copy of this policy
- explaining why they are applying the policy to the customer
- detailing what it means for their future contact with the Council and how long any restrictions will last
- explain how the customer may challenge this if they disagree with the course of action by means of a request for a review to a senior manager
- the relevant Senior Manager will then inform appropriate staff and managers that this action has been taken

Once the policy is applied a review will be carried out after a period of 6 months.

The customer can challenge the action taken by requesting a review which should be submitted in writing within 14 days of the policy being invoked, setting out the reasons for the review. Any review will be carried out within 28 days from receipt of the request for a review. Reviews will be carried out by an independent senior manager.

In relation to complaints, if the customer has exhausted the Council's complaints procedure, then they can request an independent investigation via the Local Government Ombudsman.

## **2.5 Information and Record Keeping**

Whenever this policy is applied, we will record:

- Any correspondence or interactions with the customer written, verbal (to be documented)
- Full details of the complaint or enquiry, including the customers contact details

Each Directorate will record the number of times this policy was invoked in that directorate, and for what reason.

| <b>DOCUMENT CHANGE HISTORY</b> |             |                             |   |                    |
|--------------------------------|-------------|-----------------------------|---|--------------------|
| <b>Version No</b>              | <b>Date</b> | <b>Issued by</b>            | <b>Reason for change</b>  | <b>Review date</b> |
| v1.0                           | 5 May 2009  | Susan Burke                 | N/A – first 3P issue.   | n/a                |
| v1.1                           | 8 Oct 2010  | Peter Earnshaw              | Reformatted into new template.  | n/a                |
| v2.0                           | 17 Jan 2011 | Susan Burke<br>Andrew Clark | Post titles and directorate name updated. Reference made to Compliments Comments and Complaints EIA. Converted to new format and numbering system – WAS 3Ps 10067 + 20101. Re-approved by Assistant | n/a                |
| v3.0                           | 6 Mar 2011  | Chief Executive's Office    | To make applicable to all customers and all directorates.   | 6 Sep 2012         |
| v4.0                           | May 2013    | Chief Executive's Office    | Following review  | May 2014           |
| V5.0                           | Jan 2016    | Corporate Governance Group  | Following review.   | Jan 2018           |