

Managing customer contact in a fair and positive way

Introduction

We aim to deal fairly and consistently with all our customers, including those whose actions we consider unacceptable. We believe that all customers have a right to be heard, understood and respected. We aim to provide a service that is accessible to all and will make every effort to accommodate the needs of our customers.

The behaviour or actions of customers using our service can sometimes make it difficult for us to deal with their issue or complaint.

This policy explains how we treat customers in a fair and positive way while managing actions that result in unreasonable demands on our services or on our staff.

The policy is required to address a very limited number of cases where actions become unacceptable as they involve abuse of our staff, stop us doing our work or providing a service to other customers.

This policy explains how we may restrict or change access to a service when we consider a customer's actions to be unacceptable. This is to ensure we can protect our staff and the services we provide to our customers.

Unacceptable actions are grouped under the following four headings with further details below:

- **aggressive or abusive behaviour**
- **unreasonable demands**
- **unreasonable levels of contact**
- **unreasonable use of the complaints process**

Unacceptable actions

Aggressive or abusive behaviour

- We understand that many customers can be angry about the issues they have raised in their complaint. If that anger leads to aggression towards our staff, we consider that unacceptable and operate a “zero tolerance” approach.
- Violence or abuse is not restricted to physical harm. It also includes behaviour or language, verbal or in writing, that may cause staff to feel afraid, threatened or abused. This includes threats, personal verbal abuse, offensive remarks and rudeness.

Unreasonable demands

- A demand becomes unacceptable when it starts to, or would start to, impact greatly on our work and provision of services. For example, if the demand takes up an excessive amount of staff time which results in other customers being disadvantaged.
- Examples of unreasonable demands include:
 - Repeatedly demanding responses within an unreasonable timescale;
 - Insisting on seeing someone or speaking to a particular member of staff when that is not possible;
 - Repeatedly changing the substance of a complaint or raising unrelated concerns.

Unreasonable levels of contact

- The volume and duration of contact made to us by an individual can cause problems. This can occur over a short period, such as a number of phone calls in one day, or it may occur over the lifespan of the complaint or issue.
- Examples of unreasonable levels of contact include:
 - The customer making long telephone calls to us;
 - The customer inundating us with copies of information which have been sent to us already or which are irrelevant to the complaint or issue.
- We consider that contact has become unacceptable when the amount of time dealing with it impacts on our ability to deal with that complaint or issue, or impacts on the service we provide to other customers. Contact time may involve time spent talking to a customer on the phone; responding to and reviewing emails; or written correspondence.

Unreasonable use of the complaints procedure

- Customers have the right to complain about our services through a range of means. They also have the right to complain more than once about an organisation if further incidents occur.
- Examples of unreasonable use of the complaints procedure include:

- When repeated complaints result in the harassment of staff, or
- The repeated complaints prevent us from pursuing a legitimate aim or from implementing a legitimate decision.

How we deal with unacceptable actions

- **Managing Aggressive and Abusive Behaviour**
 - We operate a “zero tolerance” approach to aggression towards our staff. Incidents may be reported to the police and this will always be the case if physical violence is used or threatened.
 - We will not accept any correspondence that is abusive to staff. We will tell the customer that we consider their language offensive, unnecessary and unhelpful and ask them to stop using such language. We will state that we will not respond to their correspondence if the action or behaviour continues.
 - Our staff will end phone calls if they consider the caller aggressive, abusive or offensive. Our staff have the right to make this decision, to tell the caller that their behaviour is unacceptable and to end the call if the behaviour continues.
 - In extreme cases, we will inform the customer that their name is on a Restricted Contact list. This means that we will limit contact with them, for example, to written communication or to contact through a third party.
- **Dealing with the other categories of unreasonable behaviour**
 - We have to take action when unreasonable behaviour impairs the functioning of our services. We will ensure that any action we take is the minimum required to solve the problem, taking into account any personal circumstances including the seriousness of the complaint or issue and the needs of the customer.
 - We consider access to a complaints system as a vital element of our service and it will only be in exceptional circumstances that we would consider such repeated use as unacceptable. We reserve the right to restrict access in those rare occasions.
 - Where a customer repeatedly phones, visits, raises the same issues, or sends large numbers of documents where their relevance is not clear, we may decide to:
 - Limit contact to telephone calls from the customer at set times on set days.
 - Restrict contact to a nominated member of staff who will deal with future correspondence from the customer
 - See the customer by appointment only
 - Restrict contact from the customer to writing only

- Return any documents to the customer or, in extreme cases, advise the customer that further irrelevant documents will be destroyed.
- Take any other action that we consider appropriate.
- Where we consider continued correspondence on a wide range of issues to be excessive, we may tell the customer that only a certain number of issues will be considered in a given period and ask them to limit or focus their requests accordingly.
- We will always tell the customer what action we are taking and why. Except where a “zero tolerance” approach is required, customers will be advised that their behaviour is giving cause for concern, to provide them with the opportunity to change their behaviour in advance of any restriction being applied. A written warning informing customers of our policy for dealing with problem behaviours will be sent and will:
 - Identify the unacceptable behaviour
 - Explain why it is inappropriate
 - Explain the steps we have taken
 - Advise the customer that, if they do this again, restrictions will be put in place
 - Advise the customer on how to challenge the decision.

How we make decisions about unacceptable behaviour

- Any member of staff who directly experiences aggressive or abusive behaviour from a customer has the authority to deal immediately with that behaviour in a manner they consider appropriate and in line with this policy.
- With the exception of such immediate decisions taken at the time of the incident, decisions to restrict contact with the Council are only taken after careful consideration of the situation by a senior member of staff. Wherever possible, we will give the customer the opportunity to change their behaviour or action before a decision is taken.

How to appeal a decision to restrict contact

- If restrictions are placed on a customer then they have the right to appeal this decision. They will be provided with the contact details in which to appeal and this should be done within 20 working days. If they do this, we will only consider arguments that relate to the restriction and not to the actual complaint or issue.
- Customers will be required to tell us why they wish to appeal against the decision. Grounds for an appeal could include, for example, a customer telling us that:
 - Their actions were wrongly identified as unacceptable
 - Restrictions were disproportionate
 - Restrictions will have a negative impact on them because of personal circumstances
- A Review Panel will consider the appeal. They are responsible for considering any appeal over a decision to restrict contact. A senior member of staff will chair the Panel. The other members of the Panel will be independent of the service(s) involved in the initial decision to restrict contact with the customer. Neither the customer nor the Council service imposing the restrictions will be expected to attend the appeal.
- The Review Panel will have the discretion to overturn or change the restrictions on the basis of what they think is fair and reasonable.
- If the customer remains unhappy with the decision made by the Review Panel they will be referred to the SPSO. The SPSO's role is to ensure the Council followed the correct process when implementing the Unacceptable Actions Policy. This is the final stage in the appeals process.

What happens next

- The customer will have their restrictions reviewed within 3 months. However, this can be shortened if the service feels they have changed their behaviour in such a way that the restrictions are no longer appropriate.
- If the customer has not changed their behaviour within this time then the service can extend these restrictions by another 3 months.
- Cases where restrictions have been in place for 6 months will automatically be referred to the Review Panel for consideration.

Definitions

Complaint: an expression of dissatisfaction by one or more members of the public about the organisation's action or lack of action, or about the standard of service provided by, or on behalf of, the organisation.

Customer: a customer is anyone the Council works with, provides a service to, or supports. This includes residents, businesses, visitors, or someone acting on behalf of a customer e.g. a Councillor, MSP or relative.

SPSO: Scottish Public Services Ombudsman (SPSO) is the body which manages the final stage for complaints about all councils in Scotland.

Unacceptable actions: people may act in ways which are out of character when they are in trouble or distressed. There may have been upsetting circumstances in the lead up to a complaint coming to us. We do not view behaviour as unacceptable just because a customer is forceful or determined.

Review Panel: the Panel is responsible for considering any appeal over a decision to restrict contact. The Panel will be chaired by a senior member of staff and members of the Corporate Complaints Management Group. The Panel members will only be selected from services not directly involved in the initial decision to restrict contact with the customer.