



City of
Stoke-on-Trent

**Unacceptable Behaviour and Complex Customers and Cases
Policy (Statement)**

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1.0 Introduction

- 1.1 Stoke-on-Trent City Council is committed to operating in an open, transparent and accessible way that treats everyone fairly and equally. In the vast majority of cases dealing with customers is a straight forward process, however a minority of cases are complex or people persist unreasonably with their cause or complaints in order to make life difficult for the Council rather than genuinely trying to resolve a grievance. This can include tying up the Council with correspondence, calls, information requests or bombarding through multiple channels or in the most extreme cases, subjecting officers and members to unreasonable behaviour.
- 1.2 These actions can occur at various times and may be in the course of routine contact with the Council, complaints, standards complaints, litigation, Freedom of Information (FOI) and Data Protection requests (including Subject Access Requests (SARs)) or a combination of these.
- 1.3 In the course of carrying out its functions, the Council will from time to time identify people or properties that pose a potential risk to the safety of members or officers. This policy sets out how these people and properties will be managed, recorded and this information made available to those who need it.
- 1.4 This policy and the resulting procedure will be used as a last resort after all reasonable measures have been taken to try and resolve issues for customers using normal channels such as the Corporate Complaints, Comments and Compliments Procedure.
- 1.5 Sometimes the situation between the Council and a customer can escalate and the behaviour moves from being unreasonable to abusive, offensive or threatening. The Council will not tolerate unacceptable behaviour from any customer. The Council will act to protect officers and members from all such behaviour.
- 1.6 This policy reflects the “Guidance note on managing unreasonable complainant behaviour” issued by the Local Government and Social Care Ombudsman in October 2017.

2.0 Purpose

- 2.1 To provide guidance on how the city council will deal fairly and effectively with customers who have been identified as having a complex case or as being unreasonably persistent..

2.2 To provide guidance on how the City Council will manage, record and make available information relating to potentially dangerous people and properties, and make this available to those who need it.

3.0 Definition

3.1 Unreasonable customers can be persistent. The City Council classifies persistent customers as:

Customers who, because of the frequency or nature of their contacts with an organisation, hinder the organisation's consideration of their or other people's matters.

3.2 Examples of a persistent customer include:

- Refusing to specify the grounds of a complaint, despite offers of help.
- Making excessive demands on staff time, including contacting other officers about the same matter whilst a complaint is being investigated
- Submitting repeat complaints about issues already investigated
- Refusing to accept the decision once a complaint has been investigated
- Changing the basis of a complaint as the investigation proceeds or introducing trivial information that the complainant expects to be commented on
- Making groundless complaints about staff investigating the complaint and seeking to have the complaint investigated by someone else
- Refusing to accept a complaint is outside the remit of the Complaints Procedure
- Refusing to co-operate with the Complaints Investigation Process.

3.3 They may also be a person who is not seeking to resolve a dispute between themselves and the City Council but is seeking to cause unnecessary difficulties or problems to the council. The City Council classify unreasonable customers as:

An unreasonable customer is one who pursues their issue regardless of its merits, solely to harass, annoy or subdue somebody; something that is unreasonable, without foundation, frivolous, repetitive, burdensome or unwarranted. Such behaviour may be offensive or aggressive.

3.4 Examples of an unreasonable customer include:

- Speaking to the member of staff in a derogatory manner which causes offence.
- Swearing either verbally or in writing despite being asked to refrain from using such language.
- Using threatening language towards council staff which provokes fear.
- Repeatedly contacting a member of staff regarding the same matter which has already been addressed.

3.5 Additionally, some customers have complex issues. The City Council classifies complex customers as:

An issue that spans several service areas, that is using or has used multiple points of access into the authority and resulted in multiple complaints/ Ombudsman enquiries/FOIs/Data Protection requests (including SARs).

3.6 Complex cases may often be felt to fall short of being persistent and/or unreasonable .

4.0 Decision

4.1 Before deciding whether the policy should be applied, we will ensure that:

- The decision is informed and based on facts;
- The issue is being or has been investigated properly through the City Council's Complaints, Comments and Compliments procedure;
- Communications with the customer have been of a suitable standard; and

- The customer is not providing any significant new information that might affect the council's view on the issue.

4.2 The decision to apply this policy will be taken by a Head of Service or Director in consultation with the Customer Feedback Team.

5.0 Actions

5.1 Complex Customers

5.1.1 Where complex customers are identified in accordance with this policy, the relevant Director will call a case conference with representatives from each of the services concerned; this will normally include the Customer Feedback Team, Information Rights, Legal and the services in which the case is concerned. The case conference will be chaired by the relevant Director.

5.1.2 The case conference will begin by receiving a summary of the current open issues and the background to the issue, the case conference will then move on to agree the required actions and who will carry out these actions. The purpose of the conference is to:

- Agree a clear path for the issue
- Minimise future resource allocations to the issue
- Bring about closure to the issue.

5.2 Persistent and/or Unreasonable

5.2.1 The actions that the City Council will take in dealing with persistent and unreasonable customers will be on a tiered basis and will be appropriate to the nature and frequency of the complainant's contacts. Customers will normally only be given persistent and/or unreasonable status with regard to a particular issue, as opposed to access to all services. As a provider of statutory services, the council may not deprive customers of access to services to which they are legally entitled unless there is a legislative basis for this.

5.2.2 The following is a list of possible options that the City Council may consider if a person is deemed to be persistent and/or unreasonable :

- Limiting the complainant to one form of contact e.g. telephone, letter, email and/or requiring the complainant to communicate with only one named member of staff or a dedicated email address;
- Restricting or removing face-to-face contact;

- Refusing to register and process further service requests and complaints about the same matter;
- Where a decision or a complaint has been settled, informing the complainant that future correspondence on the same matter will be read and filed and will not be acknowledged or sent a response;
- Requesting the customer to cease and desist;
- Taking out an injunction against an individual;
- Banning them from entering council premises.

5.2.3 If a decision is taken to apply the policy, the City Council will write to inform the customer.

The customer will be provided with details of the process including how their personal information will be used, shared and retained.

5.2.4 The fact that a customer has been deemed persistent and/or unreasonable and details of any restrictions imposed on that complainant will be recorded on the central persistent and unreasonable database and notified to those who need to know within the City Council.

5.2.5 A person will be deemed to be persistent and/or unreasonable for a minimum of six months. After six months they may write to the Head of Service - Customer Services and ask for this to be reviewed. After three years their status will be reviewed by the Head of Service or Director who made the decision that they were persistent and/or unreasonable.

5.3 Dangerous Persons and Properties

5.3.1 Information will be recorded corporately on potentially dangerous persons and properties when officers become aware. Any information must be factual in nature and avoid personalisation. Information will include any agreed methods of communication and any restrictions imposed.

5.3.2 Entries must be approved by a Head of Service or Director and will be subject to annual review by the Service Manager or Director who approved them.

6.0 Appeal Process

- 6.1 If the customer is unhappy with the decision to class them as persistent and/or unreasonable or place them on the dangerous persons and properties lists, they have 15 working days to appeal against the decision. This should be done in writing setting out the reasons why and addressed to the Head of Service - Customer Services.
- 6.2 In the case of a decision by a Head of Service, the relevant Director will review the decision. In the case of a Director, the relevant Director will review the decision. The customer will be notified of the outcome in writing within 15 working days.
- 6.3 Following the outcome of the appeal, if the persistent and/or unreasonable complainant still does not agree or feels it is unreasonable they may refer the matter to the appropriate Ombudsman either the Local Government and Social Care Ombudsman or the Housing Ombudsman

7.0 Supporting Procedure

- 7.1 This policy will be supported by an Unacceptable Behaviour and Complex Customers and Cases Procedure which will provide comprehensive operational guidance on these areas.