

Policy on dealing with Unacceptable Actions by Customers



City Services / Gwasanaethau'r Ddinas

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1. Introduction

- 1.1 Dealing with a concern or complaint is a straightforward process, but in a minority of cases, people pursue their complaints in a way which can either impede the investigation of their complaint or can have significant resource issues for the Council. This can happen either whilst their complaint is being investigated or once the Council has finished dealing with the complaint.
- 1.2 We are committed to dealing with all complaints equitably, comprehensively, and in a timely manner.
- 1.3 We will not normally limit contact that customers have with Council staff or offices.
- 1.4 We do not expect staff to tolerate unacceptable behaviour by customers. Unacceptable behaviour includes behaviour which is abusive, offensive or threatening and may include:
- Using abusive or foul language on the telephone
 - Using abusive or foul language face to face
 - Sending multiple emails, letters, social media posts
 - Leaving multiple voicemails.
- 1.5 We will take action to protect staff from such behaviour. If a customer behaves in a way that is unreasonably persistent we will follow this Policy.
- 1.6 Raising legitimate queries or criticisms of a complaints procedure as it progresses, for example, if agreed timescales are not met; should not in itself lead to someone being regarded as an unreasonably persistent customer. Similarly, the fact that a customer is unhappy with the outcome of a complaint and seeks to challenge it once, or more than once, should not necessarily cause him or her to be labelled unreasonably persistent.

2. Aim of this Policy

- 2.1 The aim of this Policy is to contribute to our overall aim of dealing with all customers in ways which are demonstrably consistent, fair and reasonable.
- 2.2 The Policy sets out how we will decide which customers will be treated as abusive, unreasonably persistent, and what we will do in those circumstances. The Policy is for the information of staff, staff in Newport's partner organisations and Councillors, as well as customers.

3. Definitions

- 3.1. We define unreasonably persistent customers as those who, because of the frequency or nature of their contacts with the Council, hinder our consideration of theirs or other people's complaints.
- 3.2 Examples include the way or frequency that customers raise their complaint with staff or how customers respond when informed of the decision around their complaint.
- 3.3 Features of an unreasonably persistent customer include the following (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). An unreasonably persistent customer may:
- have insufficient or no grounds for their complaint and be making the complaint only to annoy (or for reasons that he or she does not admit or make obvious)
 - refuse to specify the grounds of a complaint despite offers of assistance
 - refuse to co-operate with the complaints investigation process whilst still wishing their complaint to be resolved
 - refuse to accept that issues are not within the remit of the Complaints Policy and procedure despite having been provided with information about the scope of the policy and procedure, for example, matters where there is a statutory right of appeal in place, decisions made under democratic process or decisions made by other bodies such as Welsh Government
 - refuse to accept that issues are not within the power of the Council to investigate, change or influence (examples could be a complaint about a private car park, or something that is the responsibility of another organisation)
 - insist on the complaint being dealt with in ways which are incompatible with the Complaints Policy or with good practice (insisting, for example, that there must not be any written record of the complaint)
 - make what appear to be groundless complaints about the staff dealing with the complaints and seek to have them dismissed or replaced
 - make an unreasonable number of contacts with us, by any means, in relation to a specific complaint or complaints
 - make persistent and unreasonable demands or expectations of staff and/or the complaints process after the unreasonableness has been explained to the customer (an example of this could be a customer who insists on immediate responses to numerous, frequent and/or complex letters, faxes, telephone calls or emails)

- harass or verbally abuse or otherwise seek to intimidate staff dealing with their complaint, in relation to their complaint, by use of foul or inappropriate language or by the use of offensive and racist language
- raise subsidiary or new issues whilst a complaint is being addressed that were not part of the complaint at the start of the complaints process
- introduce trivial or irrelevant new information whilst the complaint is being investigated and expect this to be taken into account and commented on
- change the substance or basis of the complaint without reasonable justification whilst the complaint is being addressed
- deny statements he or she made at an earlier stage in the complaint process
- electronically record meetings and conversations without the prior knowledge and consent of the other person involved
- adopt an excessively 'scattergun' approach, for example, pursuing a complaint or complaints not only with the Council, but at the same time with a Member of Parliament, other councils, Elected Councillors of this and other councils, Assembly Members, the Council's Independent Auditor, the Police, solicitors, and the Public Services Ombudsman for Wales.
- refuse to accept the outcome of the complaints process after its conclusion, repeatedly arguing the point, complaining about the outcome and/or denying that an adequate response has been given
- make the same complaint repeatedly, perhaps with minor differences, after the complaints procedure has been concluded and insist that the minor differences make these 'new' complaints which should be put through the full complaints procedure
- persistently approach the Council through different routes about the same issue
- persist in seeking an outcome which we have explained is unrealistic for legal or policy or other valid reasons
- refuse to accept documented evidence as factual
- complain about or challenge an issue based on historic and irreversible decisions or incidents
- combine **some** or **all** of these features

4. Imposing restrictions

- 4.1 We will ensure that the complaint is being, or has been, investigated properly according to the Complaints Policy.

- 4.2 In the first instance the Unacceptable Actions by Customers Forum will issue a warning to the customer. The Complaint Resolution Manager will contact the customer either by phone, in writing or by email to explain why this behaviour is causing concern and ask them to change this behaviour. Actions that the Council may take if the behaviour does not change will be discussed.
- 4.3 If the disruptive behaviour continues the Unacceptable Actions by Customers Forum will issue a reminder letter to the customer of previous correspondence and advise that the letter issued constitutes advance notice that a sanction will be applied. The Unacceptable Actions by Customers Forum will make this decision and inform the customer in writing of what procedures have been put in place and for what period.
- 4.4 Any restriction that is imposed on the customer's contact with the Council will be appropriate and proportionate and the customer will be advised of the period of time the restriction will be in place for. In most cases restrictions will apply for between 3 and 6 months but in exceptional cases may be extended. In such cases the restrictions would be reviewed on a quarterly basis.
- 4.5 Restrictions will be tailored to deal with the individual circumstances of the customer and may include:
- Banning the customer from making contact by telephone except through a third party, for example, solicitor/councillor
 - Banning the customer from sending emails to individual and/or all Council officers and insisting they only correspond by letter
 - Banning the customer from accessing individual/any Council building except by appointment
 - Requiring contact to take place with one named member of staff only
 - Restricting telephone calls to specified days/times/duration
 - Requiring any personal contact to take place in the presence of an appropriate witness
 - Restricting access to the Council's social media accounts
 - Letting the customer know that the Council will not reply to, or acknowledge, any further contact from them on the specific topic of that complaint. In this circumstance, a designated member of staff should be identified who will read future correspondence and record it.

- 4.6. When the decision has been taken to apply this Policy to a customer, the Complaint Resolution Manager will contact the customer in writing (and/or as appropriate) to explain:
- why we have taken the decision
 - what action we are taking
 - the duration of that action
 - the review process of this Policy, and
 - the right of the customer to contact the Public Services Ombudsman for Wales about the fact they have been treated as a persistent customer.
- 4.7 The Complaint Resolution Manager will enclose a copy of this Policy in the letter to the customer.
- 4.8 In some circumstances it may be inappropriate to write to the customer. For example, if the Unacceptable Actions by Customers Forum consider that this may exacerbate or provoke further unacceptable behaviour.
- 4.9 Where a customer continues to behave in a way which is unacceptable, the Head of Customer Experience, in consultation with the Head of Law and Regulations, may decide to refuse all contact with the customer and stop any investigation into his or her complaint.
- 4.10 Where the behaviour is so extreme that it threatens the immediate safety and welfare of staff, we will consider other options, for example, reporting the matter to the Police or taking legal action. In such cases, we may not give the customer prior warning of that action.

5. New complaints from customers treated as abusive/persistent

- 5.1. New complaints from people who are registered under this Policy will be treated on their merits. The Unacceptable Actions by Customers Forum will decide whether any restrictions which have been applied previously are still appropriate and necessary in relation to the new complaint. We do not support a “blanket policy” of ignoring genuine service requests or complaints where they are founded.
- 5.2. When a customer is judged to be unreasonably persistent, and if any restrictions are imposed on their contact with the Council; this will be recorded and those who need to know within the Council will be notified.

6. Review

- 6.1. The status of a customer judged to be unreasonably persistent will be reviewed by the Unacceptable Actions by Customers Forum after three months and at the end of every subsequent three months within the period during which the Policy is to apply.
- 6.2. The customer will be informed of the result of this review if the decision to apply this Policy has been changed or extended, unless the act of writing to the customer is deemed to provoke or exacerbate unacceptable behaviour.

7. Referring unreasonably persistent customers to the Public Services Ombudsman for Wales

- 7.1. In some cases, relations between councils and unreasonably persistent customers break down completely whilst complaints are under investigation and there is little prospect of achieving a satisfactory outcome. In such circumstances, there may be little purpose in following all the stages of the Complaints Policy. Where this occurs the Public Services Ombudsman for Wales may be prepared to consider a complaint before the complaints procedure has run its course.

8. Record keeping

- 8.1. Adequate records will be retained by the Complaint Resolution Manager of the details of the case and the action that has been taken.

The Unacceptable Action by Customers Forum will retain a confidential record of

- The name and address of each customer who is treated as abusive or persistent
- When the restriction came into force and ends
- What the restrictions are
- When the customer and departments were advised.

- 8.2. A summary of all compliments and complaints is monitored under the arrangements in the [Compliments, Comments and Complaints Policy](#) – this will include anonymised information about customers who have been treated as persistent as per this Policy.

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