

Customer Behavioural Policy

Introduction

Everyone has the right to be treated with respect and to feel safe.

At Swindon Borough Council, we ask all customers to refrain from unacceptable behaviour when contacting or receiving a service from us. We do not expect any of our staff to tolerate persistent and/or unreasonable behaviour from any of our customers. This type of behaviour might occur face-to-face, on the phone, online (including social media) or in writing.

We appreciate that customers can sometimes experience frustration or anger about situations they are facing, and that this may result in raised voices and loss of temper. However, such behaviour will be regarded as unacceptable if it persists or becomes abusive, violent, threatening or harassing.

Unacceptable or unreasonable behaviours

Examples of unacceptable behaviour may include:

- Being verbally abusive (verbal abuse such as personal insults)
- Being physically abusive (such as inappropriate contact)
- Being threatening (making threats to an individual, property or other person)
- Swearing (using foul language in any form of communication)
- Being offensive (being hostile, degrading or using intimidating behaviour/language about age, gender, disability, ethnicity, religion/belief or sexual orientation, including hate speech)
- Being persistent and/or harassing staff (unreasonable and frequent contact such as sending multiple emails, leaving multiple voicemails and sexual harassment)
- Making unreasonable and excessive demands
- Falsifying information
- Slander (spreading malicious rumours and making malicious comments)

We may deem complainants as persistent or unreasonable where previous or current contact with them shows that their behaviour meets one or more of the following criteria:

- Persist in pursuing a complaint where it has been fully investigated and full action has already been taken following the Council's procedure, but the complainant will not acknowledge this.
- Display unreasonable demands or expectations and fail to recognise that these are unreasonable. For example, insisting on responses to be provided more urgently than is reasonable, or sooner than the timescale stated in our complaints policy.
- Change the main issue of their complaint or continually raise new issues to prolong contact whilst the original complaint is still being addressed. The

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Council will always take care not to discard new issues, which may be significantly different from the original complaint.

- Are unwilling to accept documented evidence to support an adequate response.
- Continue to focus on a 'trivial' matter to an extent that it is out of proportion to its significance. It is recognised that defining 'trivial' is subjective and careful judgment must be applied and recorded.
- Consume a disproportionate amount of time and resources.
- Make excessive telephone calls or send excessive numbers of emails or letters to members of staff.

Customer Rights

Like the Council's staff, customers have the right to be respected and feel safe. The Council is committed to abiding by the standards described in this policy, and train staff to communicate with customers in an appropriate way.

If you are unhappy about the service you have received, please refer to our Feedback Policy or ask a member of staff for the Council's Feedback Policy.

Unacceptable and Persistent Customer Behaviour Procedure

If a customer or complainant behaves in a way that is unacceptable, persistent or unreasonable and meets the above criteria, the Council may need take necessary action to protect our staff. In such cases, we will follow the below procedure.

Depending on the type of behaviour and our legal obligation to provide a service, we may need to:

- ask you to try to control your behaviour
- end our contact with you
- restrict who you can contact or how you can contact them
- involve the police

Please note that this procedure will only be used as a last resort and after all reasonable measures have been taken to try to resolve complaints in line with Council's Corporate Customer Feedback Policy.

We are able to use discretion when applying the above criteria, which identify potential 'persistent and vexatious' customers/complainants, and will decide on the appropriate action to be taken. The procedure will only be implemented following careful consideration by the Head of Customer Service and with the authorisation of the director of the business unit concerned, along with the relevant cabinet member.

Where customers/complainants have been identified as "persistent or vexatious" in accordance with this policy, the director will determine what action should be taken. They will circulate their decision to staff who have been involved with the customer or complainant. At this stage, it should be considered whether the council wishes to

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suspend all contact with the customer or complainant whilst seeking advice from the Chief Legal Officer.

Should it involve the customer or complainant only being allowed to contact us through written correspondence, we will inform all front line service areas and security staff affected. We will keep a record on the relevant systems of the reasons why the customer or complainant has been deemed “persistent or vexatious” under the criteria.

The Head of Customer Service may decide to deal with the complaints in one or more of the following ways:

- Try to resolve matters before invoking this procedure, by drawing up an agreement with the complainant, which sets out a code of acceptable behaviour on the part of the Council and the complainant. This is in order for the Council to continue to investigate the complaint or customer’s request(s).
- Specify how future contact will be maintained between the Council and the complainant.
- Notify the complainant that the Council has fully investigated and responded to all issues and that continuing contact on the same matter has no further purpose. The complainant will also be notified that any further correspondence on the same matter will be acknowledged but not answered, unless any significant new matters are raised in writing.

The Council will notify the complainant in writing that they have been considered “persistent or vexatious” under the Council’s Customer Behaviour Policy and that, this sanction has been invoked as a last resort in order to conclude the matter. The notification should also include information on the customer’s right of appeal to the Standards Committee and state the period in which this decision will be reviewed.

Imposing Restrictions

Swindon Borough Council will ensure that the complaint is being, or has been, investigated properly according to the adopted complaints procedure.

In the first instance, the Head of Customer Services will issue a warning to the Complainant either in writing, or by e-mail, to explain why this behaviour is causing concern and ask them to change this behaviour and outline the actions that the Council may take if they do not comply.

If the disruptive behaviour continues, the Head of Customer Services will issue a reminder letter to the complainant advising them that the way in which they will be allowed to contact the Council in future will be restricted. The Head of Customer Services will make this decision in consultation with the Director and Cabinet Member for the relevant Service area, and inform the complainant in writing of what procedures have been put in place and for what period.

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Any restriction that is imposed on the complainant's contact with the Council will be appropriate and proportionate and the complainant will be advised of the period of time over which that the restriction will be in place. In most cases, restrictions will apply for between three to six months, but in exceptional cases this may be extended. In such cases, the restrictions would be reviewed on a quarterly basis.

Restrictions will be tailored to deal with the individual circumstances of the complainant and may include:

- Banning the complainant from making contact by telephone except through a third party.
- Banning the complainant from sending emails to individuals and/or all Council Officers and insisting they only correspond by postal letter.
- Requiring contact to take place with one named member of staff only.
- Restricting telephone calls to specified days and/or times and/or duration
- Requiring any personal contact to take place in the presence of an appropriate witness.
- Letting the complainant know that the Council will not respond to or acknowledge any further contact from them on the specific topic of that complaint (in this case, a designated member of staff will be identified who will read future correspondence).

When the decision has been taken to apply this policy to a complainant, the Head of Customer Services will contact the complainant in writing to explain:

- Why the decision has been taken.
- What action has been taken.
- The duration of that action.

The Head of Customer Services will enclose a copy of this policy in the letter to the complainant.

Where a complainant continues to behave in a way that is unacceptable, the Head of Customer Services, in consultation with the Director and Cabinet Member for the relevant Service area, may decide to refuse all contact with the complainant and stop any investigation into his or her complaint.

Where the behaviour is so extreme or it threatens the immediate safety and welfare of staff, other options will be considered, e.g. the reporting of the matter to the police or taking legal action. In such cases, the complainant may not be given prior warning of that action.

New complaints from complainants who are treated as abusive, vexatious or persistent

New complaints from people who have come under this policy will be treated on their merits. The Head Customer Services in conjunction with the Director and Cabinet Member for the relevant Service area will decide whether any restrictions that have

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been applied before are still appropriate and necessary in relation to the new complaint. A blanket policy is not supported, nor ignoring genuine service requests or complaints where they are founded.

The fact that a complainant is judged to be unreasonably persistent or vexatious, and any restrictions imposed on Council's contact with him or her, will be recorded and notified to those who need to know within the Council.

Review

The Head Customer Services in conjunction with the Director and Cabinet Member for the relevant Service area will review the status of a complainant judged to be unreasonably persistent or vexatious after three months and at the end of every subsequent three months within the period during which the policy is to apply.

The complainant will be informed of the result of this review if the decision to apply this policy has been changed or extended.

Record Keeping

The Head of Customer Services will retain adequate records of the details of the case and the action that has been taken. Records will be kept of:

- The name and address of each member of the public who is treated as abusive, vexatious or persistent, or any other person who so aids the complainant.
- When the restrictions came into force and ends
- What the restrictions are
- When the person and Council were advised.

The Cabinet Member for Customer Services will be provided with a regular report giving information about members of the public who have been treated as vexatious/persistent as per this policy.

After review

If the complainant subsequently demonstrates a more reasonable approach, the relevant director and cabinet member will consider this and decide whether to withdraw the status. If the Council decides to withdraw the status, then we will inform the complainant of this decision in writing and allow them full contact accordingly.

Please note: we may also keep records about you and your behaviour in line with our Privacy Notice.

Restraint Policy

There may be occasions when the Council's security team needs to use appropriate action to restrain a customer, in accordance with our Restraint Policy. However, we may tolerate certain situations where medical conditions or medication cause

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inappropriate behaviours (for example, a customer who has had a stroke and cannot control their swearing).

More information can be found via our Restraint Policy