

Report to: Personnel and General Purposes Sub-Committee, 28th February 2024

Report of: Corporate Director - Planning and Governance

Subject: UNREASONABLE CUSTOMER BEHAVIOUR POLICY

1. Recommendation

That the Sub-Committee:

1.1 Approves the new Unreasonable Customer Behaviour Policy attached at Appendix 1.

2. Background

- 2.1 The Council engages with customers across a wide range of services and channels. At a service level, teams have local protocols in place for dealing with customers whose behaviour is, or becomes, unreasonable. The Council does not currently have an overarching corporate policy in place, however; while there is a section on unreasonable or persistent behaviour within the Council's complaints policy, naturally this only applies to complaints, a similar regime applies to information requests under the Freedom of Information Act.
- 2.2 This report recommends adopting a new overarching Council-wide policy to support anyone acting on behalf of the Council, to deal consistently and fairly with a customer's behaviour when it is considered to be unreasonable. It aims to provide clarity for customers on what they can expect and where possible to provide mechanisms for de-escalation and review.
- 2.3 Feedback from frontline staff and their managers has highlighted a demand for a corporate standard approach to help manage increased trends for customers to present with behaviour which adversely impacts either other customers, or staff. Councillors and volunteers for the Council have also reported concerns. Those representing the Council are generally reluctant to restrict customers' access to services or terminate contacts, which can in some cases lead to protracted and stressful situations for those concerned.
- 2.4 Unreasonable customer behaviour can take a number of forms. At one end of the scale there is the challenge of dealing with persistent or excessively lengthy contacts, which may not be threatening or offensive to others but may consume substantial resources. At the other end of the scale, there can be instances of verbal abuse and occasionally physical assault. In between, there may be a range of other potentially unreasonable behaviours.

- 2.5 Since 2020 the Council has recorded an annually increasing trend in the frequency and severity of abusive and aggressive customer interactions; incidents are reported through in the quarterly health and safety report to the Joint Consultative and Safety Committee.
- 2.6 Behaviour which is non-threatening can still have an adverse impact on Council resources. This may include for example, customers choosing to make repeated contacts to the Council when they are not requiring services, or where a service request has been dealt with, or customers choosing to bypass the given channels or processes in order to continue to pursue issues which the Council considers that it has dealt with.
- 2.7 There are a number of legal considerations for the Council in managing and acting on unreasonable customer behaviour. In some instances the Council will need to find appropriate means of continuing to deal with those customers. In other cases it may be reasonable for the Council to withdraw access to services and/or sites completely. Occasionally the customer may have additional needs or requirements relating to their mental or physical health. In relation to behaviour which threatens harm to others, the Council has a duty of care to those who are acting on its behalf, and those who are seeking its services, to provide a safe working environment.

3. Preferred Option

- 3.1 The preferred option is to approve the new Unreasonable Customer Behaviour Policy, as set out in **Appendix 1**.
- 3.2 This policy has been subject to consultation with frontline staff and managers to ensure it aligns with current best practice within the Council. It also draws from examples found at other councils and from guidance from the Local Government and Social Care Ombudsman.
- 3.3 The policy applies to anyone acting as a representative of the Council, which includes employees, volunteers, councillors and suppliers. The policy defines a customer as anyone seeking or receiving contact from the Council.
- 3.4 Three types of unreasonable behaviour are described for the purposes of the policy: unreasonably persistent or vexatious; unreasonable; high risk. The ways in which the Council expects to deal with these behaviours are then described in the policy.
- 3.5 The policy supplements a number of other relevant Council policies, the key ones of which are listed at the end of the document. Where action is taken to restrict customers' access to services or sites, these decisions will be made at a senior officer level ie Head of Service.

4. Alternative Options Considered

- 4.1 The alternative option, to not adopt a Policy, is not recommended for the reasons set out above.

5. Implications

5.1 Financial and Budgetary Implications

None identified.

5.2 Legal and Governance Implications

As set out above.

5.3 Risk Implications

The risk of not reviewing and updating the Council's policies periodically is that they become difficult to enforce or apply consistently and fairly.

5.4 Corporate/Policy Implications

If the new Policy is approved it will be publicised on the Council's website as well as to employees, councillors, volunteers, contractors, and suppliers.

As a new policy, it will be reviewed after one year of operation based on experiences.

5.5 Equality Implications

As set out above.

5.6 Human Resources Implications

As set out above.

5.7 Health and Safety Implications

None identified.

5.8 Social, Environmental and Economic Implications

None identified.

Ward(s): All
Contact Officer: Sian Stroud, Corporate Director - Planning and Governance, 01905 722019 sian.stroud@worcester.gov.uk

Background Papers: None

Appendix 1: Unreasonable Customer Behaviour Policy