

# **Policy for Dealing with Persistent and Vexatious Customers**

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# Dealing with Persistent and Vexatious Customers

## 1. Introduction / Definition

1.1 Conwy County Borough Council believes that all customers have the right to be heard, understood and respected. It is also considered that Conwy staff and Elected Members should be afforded the same rights. Managing just a handful of persistent and vexatious customers can take up considerable staff time and resources.

1.2 A customer in the context of this policy relates to the relatively few individuals whose actions or behaviour is considered unacceptable, persistent or vexatious by the Council. The policy is aimed at anyone who contacts the Council for whatever reason - not just transactional business.

1.3 This Policy sets out the approach to managing these individuals whilst paying full regard to their human rights and not restricting their opportunity to access Council Services.

1.4 Where it is suspected that the customer may have a mental health problem, learning difficulties, long term disability or condition which may prevent them from communicating with the Council in a coherent or rational manner, steps may, if considered appropriate by the Council, be taken to access relevant support services as required in order to manage them appropriately. Liaison will take place with Social Services regarding what appropriate action will be taken, by whom and when.

## 2. Policy Aims

2.1 To make it clear and in an open manner what Conwy will or will not do in relation to contact by persistent and vexatious customers and managing their expectations.

2.2 To ensure that all customers, including those whose actions are considered unacceptable, are dealt with fairly, honestly, consistently and appropriately.

2.3 To ensure that other customers and Conwy staff / Elected Members do not suffer any disadvantage from customers who act in an unacceptable manner.

## 3. Defining Persistent and Vexatious Customers

3.1 The actions of customers who are persistent or vexatious can result in unreasonable demands on the Council or unacceptable behaviour towards staff and Members. It is these actions that are considered unacceptable and which this policy aims to manage. For this purpose these actions are grouped under three broad headings:

### 3.1.1 Aggressive or Abusive Behaviour

3.1.1.1 Violence is not restricted to acts of aggression that may result in physical harm. It also includes behaviour or language (whether oral or written) that may cause staff / Members to feel afraid, threatened or abused.

3.1.1.2 Examples of behaviour grouped under this heading include being under the influence of alcohol / drugs, along with threats, physical violence, personal verbal abuse, derogatory remarks and rudeness, or complaints designed to cause disruption or

annoyance. It is also considered that inflammatory statements and unsubstantiated allegations can be abusive behaviour.

3.1.1.3 We expect our staff and Elected Members to be treated courteously and with respect. Violence or abuse towards staff is unacceptable. Our staff / Members will always try to recognise the difference between aggression and anger. However, it is not acceptable when anger escalates into aggression directed towards staff / Members.

### **3.1.2 Unreasonable Demands**

3.1.2.1 Customers may make what are considered to be unreasonable demands on Conwy staff / Members through the amount of information they seek, the nature and scale of service they expect or the number of approaches they make. What amounts to unreasonable demands will always depend on the circumstances surrounding the behaviour and the seriousness of the issues raised by the customer which could trigger further consideration/action.

3.1.2.2 Examples of actions grouped under this heading include demanding responses within an unreasonable time-scale, persistently demanding to see or speak to a particular member of staff, continual phone calls or letters, repeatedly changing the substance of the content or raising unrelated concerns, and complaints which clearly do not have any serious purpose or value.

3.1.2.3 These demands are considered unacceptable and unreasonable if they start to impact substantially on the work of the Council, such as taking up an excessive amount of staff / Member time to the disadvantage of other customers or functions, or staff / Members starting to feel the demands are bordering on harassment.

### **3.1.3 Unreasonable Persistence**

3.1.3.1 It is recognised that some customers will not or cannot accept that Conwy is unable to assist them further, will not accept a response already given or provide a level of service other than that provided already. Customers may persist in disagreeing with the action or decision taken in relation to their concern or contact the Council persistently about the same issue.

3.1.3.2 Examples of actions grouped under this heading include persistent refusal to accept a decision made in relation to a contact, persistent refusal to accept explanations relating to what the Council has or has not done, can or cannot do, or continuing to pursue a concern without presenting any new information. The way in which these customers approach the Council may be entirely reasonable, but it is their persistent behaviour in continuing to do so that is not.

3.1.3.3 The actions of persistent customers are considered to be unacceptable when they take up what Conwy regards as being a disproportionate amount of time and resources.

## **4. Managing Persistent and Vexatious Customers**

4.1 There are relatively few customers whose actions are considered by Conwy to be persistent and/or vexatious. How these actions are managed depends on their nature and extent. If it adversely affects our staff's / Members' ability to do his or her work and provide a service to others, or if the persistence merely results in our time having to be spent on the same issue without any foundation to the requests, customer contact with the Council may need to be restricted in order to manage the situation. The aim will be to do this in a way, wherever possible, that allows any outstanding issue to be resolved.

4.2 Contact in person, by telephone, letter or electronically (eg via email) or by any combination of these will be restricted. Efforts will be made to try to maintain at least one form of contact. The customer will be told in writing by the relevant Head of Service that their name is on a 'Customers with a single point of contact' list. This single point of contact for all services will be the Corporate Complaints Officer who has been appointed the SPOC for the Authority with the exception of Social Services who have their own Statutory Complaints Officer. This means that all communication with the Authority will be channelled via the Single Point of contact by letter or email. Conwy may also insist that contact should be through a third party if required. Conwy, however reserves the right to contact the complainant via other officers by other methods than letter or e-mail should there be a requirement to do so. The complainant may also be allowed by prior consent to use a designated telephone number should it be necessary to do so, for example, to make any outstanding payments owed to the authority.

4.3 The threat or use of physical violence, verbal abuse or harassment towards Conwy staff / Members is likely to result in the ending of all direct contact with the customer. Incidents may be reported to the police. This will always be the case if physical violence is used or threatened.

4.4 Conwy will not deal with correspondence (letter or email) that is abusive. When this happens the customer will be told that their language is considered offensive and/or inappropriate. They will be asked to stop using such language and Conwy will state that there will be no response to their correspondence if they do not stop. Conwy may require future contact to be through a third party.

4.5 Conwy will not deal with correspondence (letter or email) that contains allegations which lack substantive evidence.

4.6 Conwy staff taking calls always have the option of transferring a difficult call to another more appropriate officer. However, staff and Members both have the right to make a decision regarding whether a caller's behaviour is unacceptable. They will inform a caller should this be the case and say that the call will be terminated if the behaviour does not stop. If the behaviour continues, staff can terminate the call (indicating that they will put the phone down before actually doing so).

4.7 Where a customer repeatedly phones, visits the office, sends irrelevant emails/ documents or raises the same issues, Conwy may decide to:

- Record calls with the customer using the available technology
- Only take telephone calls from the customer at set times on set days or put an arrangement in place for only one member of staff to deal with calls or correspondence from the customer in the future (single point of contact).

- Require the customer to make an appointment to see a named member of staff / Member before visiting the office or require that the customer contacts the office in writing only.
- Return the documents to the customer or, in extreme cases, advise the customer that further irrelevant documents will be destroyed.
- Take other action that we consider appropriate. **Conwy will, however, always tell the customer what action is being taken and why.**

4.8 Where a customer continues to correspond on a wide range of issues, and this action is considered excessive, then the customer will be told that only a certain number of issues will be considered in a given period and asked to limit or focus their requests accordingly.

4.9 Customer action may be considered unreasonably persistent if all internal review mechanisms have been exhausted and the customer continues to dispute the decision made. The customer will be told that the Council will not enter into any future correspondence. Future correspondence from the customer will be read and filed, but only acknowledged or responded to if the customer provides significant new information relating to the contact.

## **5. Deciding to Restrict Customer Contact**

5.1 Conwy staff / Members who directly experience aggressive or abusive behaviour from a customer have the authority to deal immediately with that behaviour in a manner they consider appropriate to the situation and in line with this policy.

5.2 With the exception of such immediate decisions taken at the time of an 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 give a customer the opportunity to modify their behaviour or action before a decision is taken. Customers are told in writing why a decision has been made to restrict future contact, the restricted contact arrangements and, if relevant, the length of time the restrictions will be in place.

5.3 Where the Authority suspects a member of the complainant's family or a friend are taking up the same issues on behalf of the complainant, the Authority reserves the right to include them in the Single Point of Contact

## **6. Recording and Reviewing a Decision to Restrict Contact**

6.1 Conwy Council records incidents of unacceptable actions by customers. Where it is decided to restrict customer contact, an entry noting this should be made in the relevant file and on appropriate computer records. A corporate file will be kept which lists all Customers with a Single Point of Contact.

6.2 Corporate Complaints staff will review the file of Customers with a Single Point of Contact on an annual basis. A decision may be taken to lift the designation if the customer has demonstrated a more acceptable approach. This review will be done in conjunction with the Head of Regulatory & Housing Services and Law & Governance

6. Any complaints submitted by a customer that has been declared Persistent and Vexatious will be examined by the relevant Head of Service and only taken forward through the corporate complaints procedure if they feel there is any merit in doing so.

## **. Freedom of Information Act 2000 / Environmental Information Regulations 2004**

.1 All requests for information have the potential of being subject to the requirements of FOI / EIR legislation

.2 Section 14 of the FOI Act provides for dealing with vexatious or repeated requests. It is important to bear in mind that in this context it is the "request" that is to be considered as vexatious or repeated, and not the customer.

.3 There may however come a time whereby the volume and frequency of requests from a customer becomes such that this policy (Managing Persistent and Vexatious Customers) is invoked, provided it does not affect the statutory rights of the individuals concerned (eg accessing the Statement of Accounts).

**Figure 1**

Procedures to declare a customer persistent / vexatious within a Service or Corporately (Elected Members should approach Member Services in the first instance to make these arrangements)

