

Maidstone Borough Council

Unreasonable and Unreasonably Persistent Customer Contact Policy

1. Introduction

- 1.1 The Council's Unreasonable and Unreasonably Persistent Customer Contact Policy has been developed to ensure the Council is proportionate and fair in the way it defines this type of customer contact and in the manner it deals with it. It reflects the Local Government Ombudsman's "Guidance note on management of unreasonable complainant behaviour" (revised 2011) and compliments the Council's Complaints Policy and other departmental policies.
- 1.2 Customer contacts cover a multitude of customer enquiries and issues raised with the Council. Customer contacts can be face to face, by telephone, letter, email or via online forms. They will primarily be dealt with in accordance with the relevant service policy. Most customers with a problematic issue or concern behave in a reasonable manner. In a minority of cases a customer may continue with their contact with the Council in a way that is unreasonable. This type of behaviour can impede the investigation of the issue raised (or those of other customers) and can have significant resource issues. This type of behaviour can occur either while the issue is being investigated or once the Council has finished its investigation.

2. Definition of 'Unreasonable or Unreasonably Persistent'

- 2.1 'Unreasonable behaviour' may include one or two isolated incidents; as well as 'unreasonably persistent behaviour', which is usually a build-up of incidents over a longer period of time. The Local Government Ombudsman defines 'unreasonable' and 'unreasonably persistent' by the nature or frequency of contacts with an organisation that hinder the organisation's consideration of theirs or other people's contacts.

4. Examples of Unreasonable or Unreasonably Persistent contact

- 4.1 Outlined below are examples of trigger actions or behaviours which may cause the Unreasonable and Unreasonably Persistent Contacts policy to be applied. Please note this list is not exhaustive:

- Adopting a 'scatter gun' approach: i.e. persistently pursuing parallel enquiries on the same issue with a variety of departments/officers and/or external organisations.
- Making excessive demands on the time and resources of staff with frequent and or lengthy, phone calls, emails, or letters.
- Submitting repeat enquiries or complaints or introducing trivial or irrelevant new information at a later stage in an investigation that is underway.
- Refusing to accept the decision or response;
- Refusing to specify the grounds of an issue, despite offers of assistance.
- Refusing to accept the Council's timescales or processes.
- Covertly recording meetings and conversations.
- Submitting falsified documents from themselves or others
- Offensive remarks and in particular in relation to any of the 9 protected characteristics: Age, Disability, Gender Reassignment, Race, Religion or Belief, Sex, Sexual Orientation, Marriage & Civil Partnership, and Pregnancy & maternity.
- Unwanted physical contact or assault.
- Intimidation.
- Threats.
- Excessive swearing or foul language.

4.2 Maidstone Borough Council is responsible under the Public Sector Equality Duty to show due regard in eliminating unlawful discrimination, harassment and victimisation and other conduct prohibited by the act. The Council is committed to maintaining a working environment for all staff where harassment and threatening or abusive behaviour is unacceptable; therefore the types of behaviour listed at paragraph 4.1, above, would also be deemed trigger actions or behaviours which may cause the Unreasonable and Unreasonably Persistent Contacts Policy to be invoked.

5. Options the Council can take if customer contact is unreasonable or unreasonably persistent

5.1 The Council will always endeavour to resolve a customer enquiry or issue in an efficient and effective manner. In circumstances where the customer's contact with the Council becomes unreasonable or unreasonably persistent, the Council will look to manage this behaviour with a view to improving it. Any actions taken will be proportionate to the nature and frequency of the customer's current contact. The following actions may be considered depending on the individual and the circumstances:

- Not registering further enquiries or complaints about the same issue.
- Placing time limits on telephone conversations.
- Restricting the number of telephone calls that will be taken.
- Limiting the customer's contact to one method of contact.

- Designating a single point of contact for the customer communicate with.
- Informing the customer that future correspondence will be read (by the designated officer only) and placed on file with no further response given unless a new issue is raised.

6. Applying Unreasonable or Unreasonably Persistent Contact Policy

- 6.1 A decision will be taken by the Head of Policy, Communications and Governance on whether to take action under this policy. A request to take action can be made by a Manager or another Head of Service within their area. Members of staff identifying a customer as unreasonable would be expected to inform their manager so a decision can then be made by the Head of Policy, Communications and Governance.
- 6.2 The decision to designate someone as an unreasonable or unreasonably persistent is onerous and could have serious consequences for the individual. Before deciding whether the policy should be applied the Head of Policy, Communications and Governance should be satisfied that:
- The issue is being or has been investigated properly;
 - Communications with the customer have been adequate; and
 - The customer is not now providing any significant new information that might affect the Council's view on their issue or complaint.
 - There is a clear evidence base to support the decision apply the unreasonable or unreasonably persistent in line with the behaviours and actions outlined in this policy.
- 6.3 Prior to taking a decision to apply the policy the Council should warn the customer that if contacts continue in the same manner the Council may decide to treat him/her as an unreasonable or unreasonably persistent contact. If a decision is taken to apply the policy, the Head of Policy, Communications and Governance will write to the customer with a copy of the policy to explain:
- Why the decision has been taken;
 - What it means for his or her contact with the organisation;
 - How long any restrictions will last; and
 - What they can do to have the decision reviewed.
- 6.4 The Unreasonable and Unreasonably Persistent Contacts Policy will be applied for an initial three month period. The length of time that restrictions should be applied; will be based on the actualities of each case. In making this decision the Council will take into consideration the following:
- The nature of the ongoing behaviour and contacts with the Council.
 - It will look at the behavioural cycles i.e. whether or not there is an established pattern of unreasonable and unreasonably persistent contacts.

7. Records of decisions taken and review

- 7.2 Records will be reviewed every three months thereafter by the Policy and Information team to ensure that:
- Restrictions are not in place any longer than necessary.
 - Customer records are not kept for an extended period past their use.
- 7.3 When contact is made with the Council about a new issue, a decision will be taken on whether any restrictions that have previously been applied are still appropriate and necessary in consultation with the Head of Policy, Communications and Governance.
- 7.4 Customers will be informed, at the time the policy is applied that an electronic record (as detailed below) will be kept by the Head of Policy, Communications and Governance and maintained by the Policy and Information team. It will hold details on all customers whose contact with the Council have been considered as unreasonable or unreasonably persistent and have been reviewed against the policy.

Unreasonable and Unreasonably Persistent Contacts				
Name and contact details	Warning given (please provide date, method this was communicated to the customer and any initial measures put in place)	Unreasonable and Unreasonably Persistent Contact Policy applied (please include decision date, the date this was communicated to the customer, and the single point of contact going forward)	Date last reviewed	Case Notes (please include any cyclical unreasonable contacts identified, this will help determine how long the policy should be applied)

8. Rights of Appeal

- 8.1 Appeals against a decision or restrictions attached to a decision will be considered by the Director of Finance and Business Improvement.

9. Who will be informed within the Council?

- 9.1 Details of the restriction will be disseminated to managers whose teams may have contact with that individual.