



BRENTWOOD BOROUGH COUNCIL PERSISTENT AND UNREASONABLE BEHAVIOUR POLICY

**Dealing with abusive, vexatious or persistent
complaints, complainants and customers**

April 2019



Introduction

The majority of individuals who contact Brentwood Borough Council communicate with us in a polite and courteous manner. This policy underpins the Council Complaints Policy September 2018 and outlines how we manage the relatively few individuals whose actions we consider unreasonable.

The Council has an obligation under the Health and Safety at Work etc. Act and the Management of Health and Safety at Work Regulations 1999 to, where practicable, protect the safety and well-being of its employees. When a member of the public contacts Brentwood Borough Council they should be treated with courtesy and respect by the Council and its staff, and Council staff must have the same rights as customers in return. We expect our customers to treat our staff with courtesy and respect at all times.

The Council also has a duty to responsibly protect its public fund; persistent and/or unreasonable contact or complaints can drain officer time and ultimately impact on service delivery for other customers.

Purpose of the policy

Our objectives under this policy are:

- to define the behaviours that are not acceptable to the Council
- to ensure our staff have a safe working environment without being adversely affected by those who behave in an unreasonable manner
- to empower Council staff to deal confidently and effectively with persistent and/or unreasonable behaviour
- identify what action can be taken to restrict this behaviour

Who does this policy apply to?

This policy applies to all members of the public and all those who deal with the Council.

What behaviour is unreasonable?

Some behaviours that may be considered unreasonable are listed below. This list is not exhaustive but aims to identify the types of behaviour the Council may deem to be unreasonable.

Aggressive and/or abusive behaviour, including:

- threats
- verbal abuse



- intimidation
- racist or sexist language
- derogatory remarks
- offensive language
- rudeness
- unsubstantiated allegations

Unreasonably persistent or vexatious behaviour i.e:

- refusal to co-operate with the complaints investigation process
- refusal to specify grounds of a complaint
- refusal to accept that issues are not within the power of the Council to investigate
- excessive demands on the time and resource of staff whilst an enquiry or complaint is being investigated
- malicious or unfounded allegations about staff
- refusal to accept the outcome of an enquiry or complaint
- repeated issuing of the same enquiry or complaint, perhaps with minor variations, after a conclusion has been reached or repeatedly arguing points with no new evidence
- adopting a 'scatter gun' approach; excessively pursue the same issue or complaint with the Council and other third parties i.e, MP, Councillors, LGO, police etc.

How we will manage unreasonable and/or persistent behaviour

The Council takes a zero-tolerance approach to threats or abuse against its employees. This behaviour may be reported to the police. The Council may restrict communication with customers whose behaviour is unacceptable, providing we have asked them to amend their behaviour. If this warning does not resolve in acceptable behaviour, we may take steps to restrict the communication we have with them. All staff have the authority to terminate a service (i.e. a phone call) when dealing with unreasonable behaviour.

Where behaviour is deemed to be persistent or vexatious, the Council may decide to place measures that limit how and when a customer contacts us.

We will ensure we are clear on our expectations of a customer when implementing restrictions and will explain our reasons for doing so. We will also ensure the level of restriction is proportionate, taking into account customers individual circumstances, such as disability, mental health, age, race or religion and other factors set out in the Equality Act.

Some of the options the Council may consider are set out below:



- place limits on the number and duration of contacts with staff per week or month
- offer a restricted time slot for necessary calls
- terminate telephone calls where a customer is aggressive, abusive or offensive (we will always provide a warning before terminating the call)
- terminate telephone calls where issues that have been responded to are persistently raised (we will always provide a warning before terminating the call)
- limit contact to only one form (telephone, letter, email etc)
- require communication with only one named member of staff (single point of contact)
- require any personal contacts to take place in the presence of a witness and in a suitable location
- refuse to register or process further enquiries or complaints about the same matter
- ban access to Council premises
- refer to relevant Ombudsman/regulator
- consider legal action if appropriate

Implementing this policy

Using evidence provided by the relevant service, the Chief Operating Officer will take responsibility for deciding whether to implement this policy.

If a decision is taken to limit contact, we will write to explain why the decision has been taken, what limits have been put in place, how long the limits will last and how the decision can be reviewed.

Appealing a decision

Appeals must be requested within 10 working days of the decision to limit contact. While the appeal is considered, the restricted contact arrangements will remain in force. An appeal can be made in writing, by email or telephone, depending on if methods of contact have been restricted. Appeals should be sent to: Complaints Co-ordinator, Town Hall, Ingrave Road, Brentwood, CM15 8AY.

A relevant Senior Officer (independent to the original decision) will consider the appeal within 10 working days and will write to the customer with the outcome.

Reviewing a decision

Decisions to restrict contact will be reviewed on a quarterly basis by a panel of Senior Officers. Following this review, the panel can decide whether to remove the restrictions or extend them. Customers will be written to informing them of the outcome of the review. A review of this decision can be requested by following the appeals procedure set out above.

Maintaining confidentiality

The Data Protection Act 2018 regulates the way in which organisations can use personal information. The Council will maintain the confidentiality of all personal information and not disclose it outside of the Council without your permission unless the Council is legally obliged to do so.

More information on how Brentwood Borough Council protects personal data can be found at www.brentwood.gov.uk/privacy.