

Southampton City Council

Legal and Governance

**Unreasonably Persistent and Vexatious Customer
Behaviour Policy**

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Unreasonably Persistent and Vexatious Customer Behaviour Policy			
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Purpose

Southampton City Council is committed to providing high quality customer services. The council's charter sets out what customers using council services can expect from its staff and what the council expects from its customers.

The council deals with a large number of telephone calls, letters, emails, web based and face to face enquiries from customers. Most of these are dealt with first time and where customers are dissatisfied they can refer their issue to one of the council's complaints procedures. From time to time, customers can become upset, angry or frustrated over difficult situations and the council prides itself on the way staff resolve these situations.

Occasionally, staff have to deal with unreasonably persistent and/or vexatious customers.

Customer feedback is a valuable tool which is welcomed by the council to help improve services. Raising legitimate queries or criticisms of the council should not in itself lead to someone being regarded as unreasonably persistent or vexatious. Similarly, the fact that a customer is unhappy with a council decision or the outcome of a complaint investigation and seeks to challenge it should not necessarily cause them to be labelled unreasonably persistent.

Scope

The Local Government and Social Care Ombudsman (LGSCO) provides the following definition of unreasonably persistent customers:

Those complainants who, because of the frequency or nature of their contacts with an authority, hinder the authority's consideration of their or other people's complaints.

Based on the LGSCO definition, the council has adopted the following description of an unreasonably persistent or vexatious customer:

Those customers who, because of the frequency or nature of their contacts with the authority, hinder the authority's ability to deal with genuine customer enquiries or complaints, the consequence of which is to divert resources from providing much needed services.

Persistent and vexatious customers can take up a lot of staff time and make unreasonable demands on staff which take them away from their normal duties. In addition the customer's communication can be sarcastic, rude or contain derogatory remarks which can sometimes appear threatening to staff.

These sorts of problems happen rarely. This policy exists to ensure that all parties understand how the council will deal with contact of this nature. Dealing positively with these issues will help free up staff time to deal with genuine customer enquiries, requests and complaints.

This policy outlines examples of behaviour that are considered persistent and/or vexatious, along with examples of restrictions that can be considered to enable the council to manage this type of behaviour. Formal restrictions can only be imposed by the Complaints Resolution Manager (CRM), Complaints Resolution Team, who is independent of all other council service areas.

The council has a separate policy specifically designed to deal with customers who have demonstrated a propensity for violence, abusive or threatening behaviour: Safe Working Procedure- Incident List

(<http://staffinfo.southampton.gov.uk/health-safety/safety-information/>)

Where a customer's behaviour is so extreme that it threatens the immediate health, safety and welfare of council employees, or employees working on the council's behalf, the council will consider other options, for example reporting the matter to the police or taking legal action. In such cases, the council may not give the customer prior warning of that action.

Examples of unreasonably persistent and/or vexatious behaviour

This is not an exhaustive list but illustrates some of the main incidents that arise:

- Adopting a 'scattergun' approach, e.g. pursuing an enquiry with several service areas in the council or with other organisations at the same time or contacting a number of individual staff members, councillors and others at the council with the same issue.
- Making unnecessarily excessive demands on the time and resources of employees, for example, telephoning or sending emails daily and/ or several times a day to council employees, writing lengthy complex letters frequently e.g. every few days
- Making frequent remarks to employees that could be considered sarcastic, rude, derogatory, discriminatory or threatening.
- Submitting repeat complaints, essentially about the same issue, after the council's complaint procedure has been completed.
- Insisting that an issue is dealt with in a way that is not consistent with council policy
- Changing the basis of a complaint as the investigation proceeds
- Introducing trivial or irrelevant new information at a later stage
- Raising numerous detailed but unimportant questions and insisting that they are answered
- Submitting falsified documents
- Refusing to accept a council decision after all appeal options have been exhausted
- Refusing to accept that certain issues are outside the council's responsibility and control
- Refusing to accept that certain issues are not within the remit of the council's statutory duty, policy or procedures
- Making what appear to be groundless complaints about employees and seeking to have them replaced.

- Electronically recording meetings and conversations without prior knowledge and consent of the other parties involved.

Dealing with unreasonably persistent and/or vexatious customers

It is important to distinguish between people who make regular contact because they have genuine ongoing or multiple problems and those that are unreasonably persistent or vexatious.

Where it is identified that a customer has become or is becoming unreasonable with their contact with the council, the manager for the service area most affected by the behaviour will attempt to deal with the matter by communication with the customer. This communication may take any format, but must be confirmed in writing. The communication will explain the concerns of the council regarding the customer's behaviour and suggest a way forward to manage the issue. This may include a single point of contact (SPOC), agreement for weekly/fortnightly specified contact or any communication style deemed appropriate and proportionate in the circumstances of each individual case. The behaviour of the customer should then be monitored for a set period. Log sheets (or electronic alternative) should be kept for this period.

If the service area manager believes that, despite attempts at Local Resolution, the customer continues in their behaviour and therefore is unreasonably persistent or vexatious the matter should be referred to the CRM.

The referring manager should include details of the behaviour, attempts at local resolution, evidence of the behaviour (including any log sheets kept) and details of any other department/area known to be subject of the customer's behaviour.

The CRM will consider the referral, in consultation with the Service lead, Legal Services Partnerships, based on the available evidence. The CRM will instigate any further enquiries deemed necessary.

Any restrictions imposed will be appropriate and proportionate. The options most likely to be considered are:

- Contact with the council only be accepted in a particular form (i.e. letter only);
- Contact will only take place with a named officer (or deputy in their absence);
- Restricting telephone calls to specified days and times;
- Notifying the customer that only significant and serious queries will be addressed by the council
- Notifying the customer that only new issues will be dealt with and any issues (that have been previously dealt with) will not be acknowledged or actioned.
- Extreme cases may lead to the blocking of telephone calls and electronic contact with the council

The CRM will write to the customer to explain what action is being taken and why. The letter will also advise on the duration of the action and give details of how to appeal against the decision.

Review

Any restrictions imposed will be reviewed on a yearly basis by the CRM.

Where necessary the review period will be adjusted given the personal circumstances of the customer, the circumstances giving rise to the behaviour, the level of service provision needed by the customer or the level of risk identified to the customer by the restrictions applied.

The aim of the review(s) is to remove any restrictions as soon as possible, where it can be shown that the behaviour giving rise to council action has subsided and there is no likely hood of a reoccurrence.

If further unreasonably persistent or vexatious behaviour has been exhibited during the review period, the CRM may choose to extend the restrictions (or impose new restrictions) for a further period. Should this occur the customer will be informed of the reasons for the extension and be invited to comment on the proposal to extend the restrictions. This may involve a period of consultation between the CRM and the customer to alter restrictions, to make it easier for the customer to comply.

Should the CRM decide that the original restrictions (or new restrictions) be imposed, then the customer will be informed, in writing, what action is being taken and why. The letter will also advise on the duration of the action and give details of how to appeal against the decision.

Where it is believed that communication with a customer by the CRM, who is no longer deemed persistent or vexatious after a review, could insight the behaviour to recommence then the customer will not be communicated with. The decision will be taken by the CRM in consultation with the Service Lead, Legal Services Partnership and the reasons for it will be recorded.

Information Retention

Any documents used in the decision making process of this policy regarding an unreasonably persistent or vexatious customer will be retained by the CRM for the duration of any restrictions, plus one year.

The file will then be stored and subsequently destroyed in line with the Councils Retention Policy.

Appeal

Appeals are determined by the Council's Service Director, Legal & Governance or nominated officer, who will confirm, amend or remove the decision to restrict access. In all

cases the council will write to the customer to tell them of the results of the review and say what changes (if any) have been made to the decision to restrict access.

Reviewed 24.08.2020