

# Unreasonable Customer Behaviour Policy

## (Personal Safety Register – PSR)

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1.2	Beth Cordingley	24/09/2021	Update to include properties of risk on the PSR.
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0.2		November 2019	Feedback from Legal Services

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If any updates are required, please submit to the Customer Services Manager, for inclusion and approval.

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## 1 Purpose and scope

Cheltenham Borough Council provides wide ranging services in office, customer facing and off-site environments. As a result, officers, councillors and contract or partner staff meet and deal with members of the public in many different situations.

The Council is committed to providing the highest levels of customer service delivery and doing so in a way that gives all members of the public the right to be heard and respected.

Most contact with customers is a positive experience for everyone; however there are occasions when a customer acts in a way that is not acceptable to the Council and its representatives. This policy is intended to support and protect Council representatives when dealing with members of the public who the Council considers:

- are verbally threatening or abusive;
- are physically threatening or abusive;
- are threatening or abusive in writing – including electronic or social media;
- are unreasonable or unreasonably persistent in their contact with the Council;
- have been brought to the attention of the Council by another official agency such as the police; or
- whose personal circumstances mean that officers need to take care in contact (for instance, customers whose mental health fluctuates and can sometimes be unintentionally abusive).

In order to do this, the Council maintains a Personal Safety Register (PSR) of individuals who meet any of the above criteria.

The policy:

- provides Council representatives with a mechanism for dealing with threatening, violent, stressful and distressing contact;
- defines the actions and restrictions available to deal with customers on the PSR;
- explains to staff when to advise customers of the policy and when and how to use it;
- ensures a fair, transparent and consistent approach to customers and members of the public via the policy;
- ensures that a small number of unreasonable complainants do not take up a disproportionate amount of Council resource;
- defines the appeal process;
- defines the review process.

The policy relates to ALL channels of contact including social media.

Throughout this document, the term “Council representatives” will be used to refer to officers, councillors, contractors and partners.

This document sits alongside policies, processes and standards including:

PSR protocol

Equality and Diversity Policy

Customer Service Standards and Customer Service Charter

Compliments, Comments and Complaints Policy

Data Protection policy, privacy notices and Information Asset Registers

Loan Working and Safety Policy

## **2 What is “unreasonable behaviour”?**

The Council takes its customer services responsibilities extremely seriously and part of our job is to try and resolve issues with customers who may be angry, frustrated or distressed and these contacts need to be handled in an appropriate way. However, this does not mean that Council representatives should be subjected to inappropriate, abusive or threatening behaviour. The Council calls these types of contacts “unreasonable”.

### **2.1 Examples of unreasonable behaviour**

#### **2.1.1 Unreasonable behaviour against individual Council representatives**

- Verbal or written abuse of a personal nature including, but not limited to, racist or homophobic language.
- A threat directed at any Council representative, the Council itself or any other person present at the time of the contact (for instance, if the customer threatens other customers during a visit to a Council Customer Service point).
- Aggressive or threatening manner, which continues after the customer has been asked to change their behaviour or attitude.
- Swearing. Swearing on its own will not usually make for unreasonable contact - many people swear as part of their day to day conversation. Swearing should only be considered unreasonable if it is abusive or threatening.

#### **2.1.2 Unreasonable behaviour regarding Council procedures and policy**

- Insisting on the issue being dealt with in ways which are incompatible with Council procedures or with good practice.
- Refusing to accept that certain issues are not within the scope of the Council’s duties and responsibilities.
- Refusing to cooperate with the Council’s processes and policies.
- Expecting immediate responses.
- Submitting falsified documents.

#### **2.1.3 Unreasonably persistent behaviour**

- Contacting multiple officers about the same issue - using a “scattergun” approach.
- Making excessive demands on the time and resources of staff with lengthy telephone calls, multiple contacts or detailed letters.
- Raising many detailed but unimportant questions; insisting that they are answered.
- Changing the basis of the issue or complaint as the investigation proceeds.
- Refusing to specify the grounds of a complaint, despite being offered assistance.
- Prolonging a phone call, meeting or visit when the Council has given all the information.
- Submitting repeat enquiries or complaints with minor additions/variations that the customer insists make these 'new' issues.
- Denying or changing statements made at an earlier stage.
- Introducing trivial or irrelevant new information at a late stage.
- Refusing to accept the Council’s decision; repeatedly arguing points with no new evidence.
- Making unjustified complaints about Council representatives who are trying to deal with the customer’s issue, and seeking to have them replaced.

## **2.2 Persistent vs unreasonably persistent behaviour**

The Local Government and Social Care Ombudsman (LGSCO) says that it is important to recognise the difference between “persistent” and “unreasonably persistent” behaviour. Individuals may be persistent for justifiable reasons.

A persistent customer may have a genuine reason for complaining and although they behave in a persistent manner this is not unreasonable. For example it is not unreasonable for a customer to criticise the Council’s procedures when the standards set out are not met, or to continue to contact the Council if they have not received an acknowledgement or an estimate of how long it will take to resolve an issue.

Some customers may have genuine complaints but pursue them in an unreasonably persistent way.

Others may pursue complaints that appear to have no substance, or, which have already been investigated and closed. Their contacts may be politely worded and friendly in tone but will still place very heavy demands on the time of Council representatives.

Some may be very emotionally charged resulting in multiple contacts that become distressing for all those involved.

## **2.3 Equality of access**

Council representatives come into contact with a diverse population, including vulnerable individuals.

Any restrictions imposed must take into account the customer’s individual circumstances and ensure that customers are not prevented from accessing essential services as a result of being on the PSR. The policy and procedure are not a “one size fits all” approach.

Some customers, particularly those with mental health issues, medication that makes them forgetful, or dementia, may become fixated on a particular issue or not remember that they have already contacted the Council.

While the Council needs to avoid “diagnosing” customers, a sensitive approach is needed to ensure that the Council is acting appropriately in the way it is dealing with the customer, and not making its services inaccessible

### 3 Personal Safety Register (PSR)

The Personal Safety Register (PSR) is a list of customers and/or addresses that are considered to present some kind of risk to Council representatives.

The PSR is maintained to inform, support and protect all Council representatives when interacting or preparing to interact with customers who may pose a risk.

Customers are informed of their inclusion on the PSR. They have a right of appeal against the decision to include them on the list.

Each PSR entry is reviewed at 6-monthly intervals and updated or removed, as appropriate, following approval from the Governance Group. Customers are informed of any extension to their entry or removal from the list.

#### 3.1 Properties of Risk

The list of properties that are considered to present some kind of risk to Council representatives are recorded in a separate tab on the PSR.

Property information is provided to the Council by Gloucestershire Police in accordance with the partnership between the Neighbourhood Team, Solace and Gloucestershire Police, and in line with the data sharing agreements in place.

The properties of risk list does not contain personal data. The owners or occupiers of the properties are not notified of the addresses' inclusion on the PSR.

The properties of risk data will be added and removed in accordance with the Police recommendations. The list will be reviewed every 6 months.

#### 3.2 PSR markers

The Council keeps a single version of the PSR.

The PSR **must not** be reproduced, saved or separate lists or records kept by any individual or team.

Teams may add a marker on their own ICT systems to the customer record for an individual or property that is on the PSR. This marker is an indicator that the PSR needs to be referenced; personal information from the PSR must not be copied. This **MUST** be a marker that can be toggled on and off or removed with no record of it having been added. The team receives a notification when a customer is added to or removed from PSR.

**Notes about a customer's PSR status must not be added to customer records unless they can be deleted at the time the customer is removed from PSR.**

#### 3.3 Council representatives without PSR access

Some Council representatives do not have access to the PRS but still need to be aware of any concerns or restrictions in place and how to report incidents.

This includes:

- councillors who may not readily have access to the intranet;
- partner organisations such as Cheltenham Borough Homes, Publica and Ubico;
- contractors working on the Council's behalf.

##### 3.3.1 Checking PSR

Before visiting or meeting with a customer, councillors can ask Democratic Services to check the PRS for them.

### 3.4 Managing contacts with individuals on the PSR

- Follow advice on the PSR when handling contact with individuals on the PSR.
- If there are restrictions and the customer has visited the office or phoned when banned, use the guidance in the **PSR Protocol: Managing customers who are on the PSR (Appendix 1)**.
- The protocol also gives guidance when customers are restricted to contacting a specific Council officer but contact a different officer.
- When submitting reports or requests for service for customers on the PSR to partners and contractors, include a brief note of any restrictions and cautions in place.

### 3.5 PSR roles and responsibilities

Role	Responsibilities
All officers, councillors, contractors and partners	<ul style="list-style-type: none"> <li>• Log incidents promptly</li> <li>• Log updates promptly</li> <li>• Follow guidance</li> <li>• Support colleagues</li> </ul>
Service Managers	<ul style="list-style-type: none"> <li>• Support Council officers</li> <li>• Ensure incidents are logged promptly</li> <li>• Ensure police are informed if appropriate.</li> <li>• Request CCTV footage if appropriate</li> <li>• Investigate incidents</li> <li>• Recommend appropriate sanctions/ actions based on policy and procedure</li> <li>• Ensure any training needs are identified and met</li> </ul>
Customer and Support Services Manager (CSSM)*	<ul style="list-style-type: none"> <li>• Policy Owner</li> <li>• Signatory to PSR letters</li> <li>• Review and approve complex/ sensitive cases recommended for PSR entry</li> </ul>
Executive Director of People and Change	<ul style="list-style-type: none"> <li>• Handle customer appeals</li> </ul>
Customer Relations Officer	<ul style="list-style-type: none"> <li>• Manage PSR entries and removals</li> <li>• Set and remove PSR marker on Customer Services system</li> <li>• Draft and send customer letters on behalf of CSSM</li> <li>• Refer complex/ sensitive cases to CSSM &amp; send finalised letters</li> <li>• Report to Governance Group committee</li> </ul>
Health and Safety Adviser	<ul style="list-style-type: none"> <li>• Provide advice and guidance</li> <li>• Liaise with Governance Group</li> </ul>
Governance Group	<ul style="list-style-type: none"> <li>• Discuss and approve reviews/ removals</li> </ul>
HR	<ul style="list-style-type: none"> <li>• Provide staff training</li> <li>• Provide staff support</li> </ul>
One Legal	<ul style="list-style-type: none"> <li>• Provide legal guidance on a case by case basis when required</li> </ul>
Cheltenham Borough Homes (CBH) Contact	<ul style="list-style-type: none"> <li>• Provide updates from the CBH PSR</li> <li>• Receive updates from the CBC PSR</li> </ul>



Role	Responsibilities
Neighbourhood Team Leader	<ul style="list-style-type: none"> <li>• Liaise with Gloucestershire Police/Solace to receive information regarding properties of risk. Refer updates to the Customer Relations officer.</li> <li>• Review the full list of Properties of Risk every 6 months to ensure the data is up to date.</li> </ul>

\* in the absence of a CSSM, or where the CSSM is the target of the unreasonable behaviour the Executive Director of People and Change carries out their role and the Chief Executive considers appeals.

## **4 PSR procedure**

The full PSR procedure is described in the **PSR procedure document and process flow charts (Appendices 2 - 5)**.

### **4.1 Handling difficult contacts and when to use the policy**

The policy and procedure are designed to support and protect Council representatives and not intended to replace emergency procedures. In cases of threat or injury, contacting the emergency services must be the first priority.

When an incident occurs, the affected Council representative completes the Violence Abuse Report form ("incident form") which is available through the Council intranet. There is an option to include multiple witness statements to support the report.

The report must be completed as soon as possible after the incident and include supporting evidence where available, such as witness statements, copies of correspondence or CCTV footage. It is important that if the Council needs to contact a customer regarding their behaviour that this is done in a timely manner.

Council representatives without access to the intranet report the incident to someone appropriate within the Council as soon as possible, with as much detail as possible for the incident to be reported on their behalf.

Unreasonable customer behaviour can be brought to the attention of the council by other agencies; this information should be recorded using the **Third party report form (see appendix 7)**.

### **4.2 Reporting new incidents for customers already on the PSR**

A new incident form is completed for each repeat incident. If the "incident" is unreasonably persistent contact, then a single report can be completed covering multiple individual contacts.

Without evidence of further incidents, the customer will be removed from the PSR at their review date.

### **4.3 Updating customer contact details**

When a service team becomes aware that the contact details of a customer on the PSR change, they complete the PSR update form which is available from the Customer Relations Officer.

### **4.4 Warning**

In many cases the first action will be informal - letting the customer know that their language or behaviour is inappropriate and asking them to modify it. If this is successful, the action is noted on the customer record for in the relevant service area.

If the informal approach does not work and the Council representative completes an incident form, the first formal stage of the process will usually be to send the customer a warning letter, without imposing restrictions. In the case of violence or serious threats, the warning stage will be bypassed.

### **4.5 Restrictions**

Before imposing any restrictions it is important to consider all the circumstances including whether the customer has a current formal complaint with the Council or has completed the complaints process.

If the customer is unreasonably persistent with one service area but acts reasonably with another service area, this may either indicate that there is a genuine issue with the service provided or that any restrictions should only apply to contact with that service area.

The Council writes to the customer clearly explaining:

- the incident(s) leading to the restrictions;
- what restrictions are in place;
- the reasons why the decision has been made;
- what actions the Council will take if the customer does not abide by the restrictions;
- the right of appeal and the appeal procedure;
- when the decision will be reviewed.

#### 4.5.1 Restriction periods

Incident	Expiry
Warning letter	6 months
Unreasonably persistent contact (not abusive or threatening)	1 year
Ongoing personal circumstances posing a potential risk to Council representatives	1 year
Verbal <u>abuse</u> where a person reasonably fears for their own or another's safety	1 year
Verbal <u>threat</u> where a person reasonably fears for their own or another's safety	1 year
Physical <u>violence</u> where there no injury but a person reasonably fears for their own or another's safety (for example, damage to property)	2 years
Physical <u>assault</u>	4 years

Restrictions for serious incidents have a longer expiry as the potential risk to Council representatives is higher.

Each PSR entry is reviewed 6-monthly in line with LGSCO recommendations.

As part of their responsibility to review and approve complex/ sensitive cases the Customer and Support Services Manager may recommend an altered restriction period.

#### 4.5.2 Actions that can be taken

Any reported incident must be reviewed by a manager who was not involved in dealing with the customer. The manager can then decide if further action needs to be taken and whether the Council representative needs any support following the incident.

Actions that can be taken include:

- Adding or amending the PSR appropriately.
- Limiting access to days and times.
- Requiring the complainant to communicate only with one named member of staff or email address.
- Ensuring that officers only visit the customer's home in pairs.
- Agreeing with the customer their future behaviour on Council premises.
- Banning the customer from visiting any Council offices and Customer Service points.

- Blocking a customer's social media account so that they are unable to tag or comment on Council posts.

#### **4.6 Appeal**

Customers have the right to appeal the decision to add them to the PSR, including an external review by the LGSCO.

The PSR entry and restrictions remain in place until the outcome of the appeal is decided. A note is added to the PSR entry to denote that the appeal is in progress.

For more details **see the PSR procedure and appeal process (Appendices 2 & 4).**

#### **4.7 Review**

Each entry on PSR has a review date. If there have been no new incidents reported, the removal will be discussed at the quarterly Governance Group meeting, following approval the entry will be removed from the PSR.

Where customers are listed on the PSR because of ongoing vulnerabilities or special circumstances rather than particular incidents, the service team that originally raised the report should provide a justification for retaining the customer's PSR entry, and consider whether the current restrictions are the most appropriate.

The LGSCO expects that all decisions to retain a customer's details and restrictions on a Personal Safety Register should be reviewed at least every 6 months.

Any positive or neutral contact with the customer should be considered when reviewing their entry, to support removal.

When a customer is removed from the PSR, details of previous reports and PSR status will be retained by the Customer Relations Officer for a period of 6 months to provide background in case of a repeat incident. Following the 6 month period the information will be deleted.

For more details see the full **Review process chart (Appendix 5).**

#### **4.8 CBH PSR Updates**

A data sharing agreement is in place to allow CBC and CBH to share the information on their respective PSRs. Communication will be sent via TLS encrypted emails.

The customer relations officer will notify the CBH contact when there are updates to the PSR and vice versa.

### **5 Data Protection Considerations**

The Council will comply with the Data Protection Legislation at all times when administering the PSR. The quantity of personal data added to the PSR will be limited to what the Council considers necessary to meet the stated purposes of the PSR.

The Council limits representatives that have access to the PSR, giving access only those who need the information to safely carry out their job

### **6 Policy review**

The policy and appendices will be reviewed annually; managed by the Customer Relations Officer.

## **7 Appendices**

- Appendix 1: PSR protocol: Managing customers who are on the PSR
- Appendix 2: PSR procedure
- Appendix 3: PSR process chart
- Appendix 4: PSR appeal process chart
- Appendix 5: PSR review process chart
- Appendix 6: Template letters
- Appendix 7: Third party report form

The appendices contain supporting operational guidance reflecting the detail set out in the policy. This information has been produced for Council staff and is not published externally.