



**WELWYN
HATFIELD**

Unreasonably Persistent and Abusive Behaviour Policy

Scope:	This policy applies to all customers living within the borough, including tenants and leaseholders.
Effective Date:	July 2024
Review Date:	June 2027 (or sooner if there are changes to guidance and legislation)
Author:	Assistant Director (Customer Services & Transformation)
Policy Owned by:	Executive Director (Finance & Transformation)
Statute:	Not Applicable
National Standards and Guidance	Not Applicable
Related Policies	Complaints Policy Equality, Diversity and Inclusion Strategy Vulnerability and Reasonable Adaptations Policy

1 Introduction

- 1.1 Welwyn Hatfield Borough Council ('the council') is committed to investigating and responding to all complaints fairly, comprehensively, and in a timely manner. However, there are a minority of cases where a customer contacts us in a way that prevents staff from investigating the complaint; takes up a disproportionate level of resources; or is considered to be unacceptable.
- 1.2 We do not believe that raising legitimate queries, challenges or criticisms of our services or officers should in itself lead to contact being regarded as unreasonably persistent..
- 1.3 However, if a customer behaves in a way that is unreasonably persistent or abusive we will follow this policy. We do not expect our staff to tolerate unacceptable behaviour from customers and we will take firm action to protect them from this.

2 Aims of this policy

- 2.1 This policy aims to deal with abusive or excessive contact from customers and explains the circumstances in which we may treat contact as unreasonably persistent or abusive. It aims to establish a working environment for our staff where their exposure to unnecessary stress or fear of harm due to the unacceptable behaviour of others is managed.
- 2.2 The policy supports the council's commitment to deal with all contacts in a consistent, fair and reasonable way. It is intended for the use of staff, our partner organisations, Members, tenant representatives and customers.
- 2.3 This policy also links to our Staff Protection Policy, which may also be employed in circumstances where our staff are threatened and deemed to be at risk.

3 Examples of Unreasonably Persistent Behaviour

- 3.1 We will treat any behaviour that seeks to harass, verbally abuse or otherwise intimidate our officers as abusive. This can include the use of foul or inappropriate language, verbal threats or the use of offensive and hateful language (such as that which is racist, homophobic or refers to another personal or protected characteristic). Such behaviour may also be dealt with through our Staff Protection Policy.
- 3.2 Abusive behaviour may be demonstrated through:
 - 3.2.1 Using threatening, offensive or foul language on the telephone.
 - 3.2.2 Using threatening, offensive or foul language face to face.
 - 3.2.3 Sending threatening or offensive emails.
 - 3.2.4 Leaving threatening or offensive voicemails.
 - 3.2.5 Threatening to harm yourself or others to get us to take action.
 - 3.2.6 The use of offensive or threatening posts on social networks.
 - 3.2.7 Using passive aggressive communications.

3.2.8 Using any form of communication that is considered intimidating.

3.3 Any actual or perceived threat of violence and harm, or actual violence and harm, will also be addressed under the council's Staff Protection Policy, and will be reported to the Police. In extreme circumstances, we will contact emergency services immediately.

4 Examples of Unreasonably Persistent Behaviour

4.1 Features of unreasonably persistent contact may include the following (the list is not exhaustive, nor does one single feature on its own necessarily imply that the person will be considered as being in this category).

4.2 An unreasonably persistent customer may:

4.2.1 Refuse to specify the grounds of a complaint despite numerous offers of assistance.

4.2.2 Refuse to co-operate with the council's standard procedures, such as the not co-operating with a complaints investigation process, or refusing to appeal a council tax decision in the correct way.

4.2.3 Refuse to accept that issues are not within the remit of the complaints policy and procedure despite having been provided with information about the scope of the policy and procedure.

4.2.4 Refuse to accept that issues are not within the power of the council to change or influence (examples could be contact about a service delivered by another organisation or a decision made based on legislation or policy).

4.2.5 Insist on a request or complaint being dealt with in ways which are incompatible with our procedures or with good practice (insisting, for instance, that there must not be any written record of the complaint).

4.2.6 Make what appear to be groundless complaints about the officers dealing with the complaints and seeking to have the officer dismissed or replaced.

4.2.7 Make an unreasonable number of contacts with us, by any means in relation to a topic.

4.2.8 Make unreasonable demands or expectations of officers (an example of this could be a customer who insists on immediate responses to numerous, frequent and/or complex letters, faxes, telephone calls or emails).

4.2.9 Raise subsidiary or new issues whilst a matter is being addressed that were not part of the contact at the start of the process.

4.2.10 Change the substance or basis of a complaint without reasonable justification whilst the complaint is being addressed.

4.2.11 Electronically record meetings and conversations without the prior knowledge and consent of a council officer or any other person involved.

4.2.12 Continue to adopt an excessively 'scattergun' approach to pursue the same issue through lots of channels after a response has been received, for instance,

continuing to pursue a matter not only with the council, but at the same time with a Member of Parliament, officers of the council(s), elected Councillors, any of the councils' independent auditors, the police, solicitors etc.

- 4.2.13 Refuse to accept the outcome of a process after its conclusion (including the relevant appeals of review processes), repeatedly arguing the point, complaining about the outcome, and/or denying that an adequate response has been given.
- 4.2.14 Make the same contact repeatedly, perhaps with minor differences, after the relevant procedures have been concluded, and insist that the minor differences make these 'new' matters which should be put through the full procedures again.
- 4.2.15 Persist in seeking an outcome which we have explained is unrealistic for legal or policy (or other valid) reasons.
- 4.2.16 Refuse to accept documented evidence as factual.
- 4.2.17 Complain about or challenge an issue based on a historic and irreversible decision or incident.
- 4.2.18 Combine some or all of these features.

5 Dealing with Abusive and Threatening Behaviour

- 5.1 Our officers accept that people under stress or who are feeling angry or upset may react in an abusive or aggressive way to the person with whom they are dealing. However, a balance must be drawn between the ability and desire to assist a customer and what can reasonably be achieved in the circumstances.
- 5.2 The following sections explain how officers should deal with such behaviour based upon the method of customer contact. In all instances of abusive and threatening behaviour, the service manager, should on notification of such contact, consider whether the matter should be handled under the councils Staff Protection Policy

Over the telephone

- 5.3 In situations where the language and content of telephone calls becomes abusive or threatening to officers, it is acceptable for a council employee to terminate a telephone conversation.
- 5.4 In all cases the officer should remain polite and, wherever possible:
 - 5.4.1 Provide the customer with the opportunity to modify their behaviour by informing the complainant that unless they do so, the call will be terminated.
 - 5.4.2 If a call needs to be terminated as a result of the customer's conduct a file record must be kept and the service manager advised immediately.

Face to Face

- 5.5 The personal safety of the council officers is of paramount importance and if during face to face meetings the customer's behaviour becomes aggressive, abusive or displays high levels of distress the meeting should be brought to an end as quickly as possible.
- 5.6 The decision to end a meeting should (if possible) be explained clearly and politely, so that the customer does not feel that they are being dismissed or their matter ignored. Unless it is clearly inappropriate to do so, they should also be informed that it may be possible to continue the conversation at a future meeting when they are less distressed.
- 5.7 If an officer feels their personal safety is in immediate risk, an officer will end the meeting without explanation and if deemed necessary without warning. Where a meeting is terminated because of the conduct of the customer a file note of the incident will be made and the matter brought to the attention of the service manager immediately.

Other correspondence (email, letter etc)

- 5.8 Officers in receipt of abusive or threatening correspondence need not reply to this other than to acknowledge its receipt. All such correspondence should be brought to the attention of the relevant service manager.
- 5.9 The relevant service manager will review the case and may decide to respond to the customer explaining that the tone of their correspondence is unacceptable and that no further correspondence will be entered into unless the complainant amends their tone.

6 When there is a Serious Incident

- 6.1 In extreme cases where there are direct and credible threats or incidents of violence, this will be referred immediately to the police.
- 6.2 All such incidents will additionally be dealt with under the Council's Staff Protection Policy.

7 Imposing Restrictions

- 7.1 In cases where a customer feels that the service they have received has fallen short of the high standards we set for our organisation, their complaint will be investigated in accordance with our published complaints policy and procedure. Where a matter does not meet the definition of a complaint, such as an appeal against a council tax decision, this policy will still apply if the contact is considered to be unreasonably persistent or abusive.
- 7.2 If a customer is persistently abusive when they contact our officers or persistently call to discuss a matter or raise further matters and this is proving time consuming and disruptive, the following steps will be taken to deal with this:
 - 7.2.1 The employee or service manager will contact the customer either by phone, in writing or by email to explain why their behaviour is causing concern and ask them to moderate their behaviour. This contact will explain the actions that we may take if the behaviour does not change.

- 7.2.2 If the disruptive behaviour continues, a service manager will write to the complainant advising them of further actions. The letter will contain information about the procedures that have been put in place to deal with the customer.
- 7.3 Any restriction that is imposed on the customer's contact with us will be appropriate and proportionate and the customer will be advised of the period of time the restriction will be in place for. Restrictions will be tailored to deal with the individual circumstances of the customer and may include:
- 7.3.1 Refusing to take further contact from the customer by telephone except through a third party e.g. solicitor/councillor/friend acting on their behalf.
 - 7.3.2 Refusing to accept emails from the customer insisting instead that they correspond by letter.
 - 7.3.3 Banning the customer from accessing any of our offices except by appointment.
 - 7.3.4 Requiring contact to take place with one named member of staff only.
 - 7.3.5 Restricting telephone calls to specified days / times / duration.
 - 7.3.6 Requiring any personal contact to take place in the presence of an appropriate witness.
 - 7.3.7 Letting the customer know that we will not reply to or acknowledge any further contact from them on a specific topic or complaint (in this case, a designated member of staff should be identified who will read future correspondence).
 - 7.3.8 Restricting or even denying social media users access to our sites.
 - 7.3.9 Refusing to make home visits or making these only by staff attending in pairs.
- 7.4 The fact that a complainant is judged to be abusive, threatening, or unreasonably persistent and has had restrictions imposed on contact previously, will be recorded centrally within the Customer and Transformation Team.

8 Informing process

- 8.1 When the decision has been taken to apply restrictions to a customer, a service manager or above will contact the customer in writing or email (and/or as appropriate) to explain:
- 8.1.1 Why we have taken the decision,
 - 8.1.2 What action we are taking,
 - 8.1.3 The duration of that action,
- 8.2 Where a customer continues to behave in a way which is unacceptable, a member of the Senior Management Team in consultation with the Assistant Director (Customer and Transformation) may decide to refuse all contact with the customer and stop any investigation into the matter raised.
- 8.3 Where the behaviour is so extreme or it threatens the immediate safety and welfare of officers, the council's Staff Protection Policy enables us to consider

other options, for example reporting the matter to the police or taking legal action. In such cases, we may not give the complainant prior warning of that action.

9 New issues from people who have been identified as unreasonably persistent or abusive

- 9.1 New complaints from people who have who have been identified as unreasonably persistent or abusive under this policy will be treated separately. We do not support a “blanket policy” of ignoring genuine service requests or complaints where they are well founded.
- 9.2 However, should a customer demonstrate a pattern of such behaviour, we may decide to take further action. Further restrictions may be imposed from section 7 of the policy, such as all future contact needing to go to one central point for consideration. Any decisions on imposing restrictions on all future contact, will be taken by the Assistant Director (Customer and Transformation) or their management.

10 Review arrangements

- 10.1 The status of a customer judged to be unreasonably persistent or abusive will be reviewed by the service manager after 12 months. If the contact has continued during this period, the duration of restrictions may be extended and the customer will be advised of this.
- 10.2 A central register will be maintained of restrictions imposed to support the review arrangements, and for considering patterns of behaviour of a customer.

11 Referring unreasonable or persistent complainants to the Local Government or Housing Ombudsman

- 11.1 The Ombudsman can support our customers in the following ways:
- 11.1.1 Investigate complaints that have completed our complaints process and the issue has not been resolved.
- 11.1.2 Help if we haven't responded to a complaint or followed our own policy or the Ombudsman's Complaint Handling Codes.
- 11.2 Where a customer takes a case to the Ombudsman, we will work with the Ombudsman to seek swift resolution of the complaint ensuring adherence to any requests for information and within the timeframes required.

12 Record keeping

- 12.1 Records will be retained by the Customer and Transformation Team regarding the action that has been taken. This will include:
- 12.1.1 The name and address of each customer who is treated as abusive, vexatious or persistent

12.1.2 When the restriction came into force and ends

12.1.3 What the restrictions are

12.1.4 When the customer and services were advised

12.1.5 Any measures that the council may put in place when contact is necessary.

13 Responsibility

13.1 The Assistant Director (Customer and Transformation) is responsible for this policy. This includes its implementation and review, ensuring that all related procedural and guidance notes are timely and accurate, co-ordinating the complaints handling procedure, and monitoring performance.

13.2 Managers will be responsible for ensuring that their teams adhere to this policy.