

East Renfrewshire Council Unacceptable Actions Policy

Introduction

We aim to deliver high quality customer care across the services we provide. If a customer complains about any aspect of our service, our initial focus is to resolve the matter as efficiently as we can.

We aim to treat everyone fairly and with respect. In return we expect our customers to do the same.

People may act out of character in times of trouble or stress. There may have been upsetting or disturbing circumstances leading up to a person formally contacting us. We will make allowances for such circumstances. We will not, however, accept behaviour from customers (physically, verbally or in writing) which is threatening, abusive or unreasonable. We must protect our employees and elected members' well-being and the delivery of services to other customers. This policy explains how we deal with the very small minority of customers whose actions or behaviours we consider to be unacceptable.

What are unacceptable actions?

We do not view behaviour as unacceptable just because someone is being forceful or determined. But the actions of someone who is angry, demanding, offensive may result in unreasonable demands on the Council or unacceptable behaviour towards employees or elected members.

Unacceptable actions can be contained within direct communication to the Council by written correspondence including letters, texts, tweets and emails, verbal communication either in person or by phone or indirect contact with the Council through comments about the Council and employees on external websites and via social media.

We identify unacceptable actions under three broad headings outlined below. It is these types of actions that we consider unacceptable and which we manage under this policy.

Aggressive or abusive behaviour

We have a zero tolerance policy of violence towards employees and elected members. However, aggressive or violent behaviour is not restricted to acts that may result in physical harm. It can also include behaviour or language (whether verbal or written) that may cause employees and elected members to feel afraid, threatened, humiliated or abused.

This may include:

- violence or threats of violence
- personal abuse, derogatory, slanderous or offensive remarks (verbal or written)
- inflammatory statements (remarks which are intended to cause or provoke anger)
- unsubstantiated allegations

Unreasonable demands

Unreasonable demands can come in a variety of forms. We consider demands to be unreasonable if they start to impact substantially on our work and take up an excessive amount of time to the disadvantage of other customers or functions.

This may include:

- demanding responses within an unreasonable timescale

- insisting on dealing with a particular member or employee, even when it is not possible
- changing the substance of the complaint or raising unrelated concerns

Unreasonable levels of contact

Sometimes an individual will contact us repeatedly about the same or closely related issues. The manner of the interaction may be reasonable in itself, however on occasion it is the **volume and frequency** of their contact may become problematic. We consider levels of contact to be unreasonable when the amount of time responding to, and dealing with the phone calls, visits, correspondence disrupts our ability to handle the complaint and our services to other customers

This may include:

- excessive numbers of phone calls or emails over a short period
- continually visiting offices
- repeatedly raising the same matters with multiple officers across the Council
- inundating us with information which is not relevant to the complaint or has already been provided

Managing unacceptable actions

How we manage unacceptable actions is based on the individual circumstances of each situation. There are a variety of responses which our employees and managers can take, from initial requests to alter behaviour and actions through to managers taking a decision to restrict a customer's contact with the Council. Even when restrictions are applied the customer still has certain statutory rights and that these may be unaffected by the restrictions applied under this policy.

If a decision is taken to put in place any restrictions this will not restrict an individual's rights to request information (e.g., under the Freedom of Information (Scotland) Act 2002 (FOISA)). These requests will be dealt under the Council's existing FOI procedures, although consideration may be given to the "vexatious requests" provision under S14 of the Act.

Before taking any action such as restricting contact we will explain to the customer: why we view their behaviour to be unacceptable and the impact it is causing, and give them due warning that if they are unable to modify their behaviour we will have to put some restrictions in place.

The exception to the issuing of a warning is in instances where a customer is violent, aggressive or abusive we will immediately cease contact with the customer and if necessary contact the police.

For written correspondence, including direct and indirect communication with the Council via social media and external websites

We will:

- tell the customer that we consider their language offensive, unnecessary and unhelpful;
- ask them to stop using such language and confirm that we will not respond to their correspondence if the action or behaviour continues;
- request information is removed from external websites;

For telephone calls, we will:

- end a call if we consider the caller to be aggressive, abusive or offensive;
- end a call, if we suspect a call is being recorded without permission.

If we have to meet a customer who is in breach of this policy we will take appropriate steps to ensure employees' safety.

If a customer's unreasonable behaviour persists a manager can decide to put in place some actions to handle further interaction with the customer. These may include:

- allowing staff to take telephone calls from the customer only at set times on set days or arrange for a named employee to deal with all contact from the customer in future;
- ask the customer to make an appointment to see a named employee before visiting the office or that the customer contacts the office in writing only;
- returning documents to the customer or in extreme cases advise the customer that we will destroy further irrelevant documents;
- managing the customer's communication with the Council through a single point of contact, including a dedicated mailbox; and
- taking any other action that we consider appropriate, which may include blocking emails or in extreme cases, raising legal action.

Where social media and content on external websites is used to abuse, humiliate or threaten employees in public forums, we will request that the author/moderator stop the abuse and remove the comments and take action to ensure that unacceptable comments are not posted in future. If this is not done, we will support employees or elected members of their legal rights to take action.

We will remove any inappropriate comments by the public from our own website and social media platform. We may, if appropriate, support and assist employees with any defamation case they may want to pursue.

Telling the customer what action we will take

We will always explain to the customer why we view their behaviour to be unacceptable and explain the impact it is having. If we have to take action, we will specify what action we are taking and why, across the range of responses to the situation. The exception is where a customer is violent, aggressive or abusive. In these circumstances we will immediately cease contact with the customer and if necessary contact the police.

In all other circumstances we will explain to the customer why their actions are unacceptable and give them due warning that if they do not modify their behaviour we will have to put in place some restrictions. As highlighted even when such restrictions are applied the customer still has certain statutory rights and these may be unaffected by actions applied under this policy.

If a customer does **not** modify their behaviour or actions after they have been given due warning to do so, and a manager makes a decision to restrict contact we will confirm in writing:

- why we have made the decision (describing customer behaviour and impact on service)
- what action we are taking and how the nature of the restriction applied reflects the concerns giving rise to our actions
- how long the restriction applies
- the customer's right of appeal
- the customer's right to contact the Scottish Public Services Ombudsman

We will review the decision to limit or restrict our interaction with a customer in line with individual timescales set.

Customer's right of appeal

A customer can appeal a decision to restrict contact. We will only consider information that relates to the restriction and not to either the complaint made or our decision to close the complaint.

A senior manager, who was not involved in the original decision to restrict contact, will carry out the review and will consider, based on the information available, whether the decision to restrict contact was an appropriate response.

Requests to appeal a decision to restrict contact should be made in writing to the Chief Executive within **5 working days** of the original restriction.

We will acknowledge the appeal request in writing within **3 working days**. We aim to complete a review and respond in writing within **20 working days** of receipt of the appeal request.

Policy Review and Monitoring

The policy will be monitored and reviewed on a regular basis.

Additional Guidance

This policy takes account of the [Scottish Public Services Ombudsman Unacceptable Actions Policy](#) and the [Scottish Information Commissioner's Guidance on Vexatious or repeated requests](#).

Please contact us if you would like this policy in another language or format (e.g. large print, audio or Braille)

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