

Unacceptable Customer Behaviour

Guidance

February 2008

**This guidance should be read in conjunction with
Policy on Safety from Violence and Aggression**

1. Policy overview

1.1 Why have an Unacceptable Customer Behaviour policy?

This policy and guidance on Unacceptable Customer Behaviour helps staff to deal with customers in a fair and consistent way. It offers definitions of unacceptable behaviour; the procedure to follow; the sanctions available and who can authorise sanctions.

The common view of unacceptable behaviour is when a customer is abusive either verbally or physically. However, there are other behaviours which unreasonably impact on the business of the Council and affects service delivery to other customers. For example, where a customer makes constant requests for complex information without apparent good reason or where they are acting in a manner to cause annoyance without the intention of resolving their query. It is particularly this type of behaviour which staff need guidance in order to deal with the effects on the Council.

It complements the existing policy on dealing with Violence and Aggression from customers. It recognises behaviours which might not fit within the definitions of abusive or violent conduct.

1.2 Policy statement

Devon County Council is committed to putting customers at the heart of service delivery. However, there are occasions when customers can act in a way a staff member might consider unacceptable. Devon Council Council expects its staff to be treated in a respectful manner and whilst it is understood that people sometimes get frustrated we will not tolerate behaviour which is deemed unacceptable, threatening, abusive or unreasonably persistent.

This document provides guidelines for employees to follow when they are faced with difficult situations involving customers. It enables employees to refer to specific comments or behaviours made by a customer that fall within Devon County Council's definition of unacceptable behaviour.

The attached Unacceptable Customer Behaviour Policy Statement sets out the process for handling unacceptable customer behaviour throughout Devon County Council and benefits staff and customers by increasing its transparency through a structured and formal policy.

1.3 Aim of policy

The aim of this policy is to provide guidance to employees and managers on what constitutes unacceptable customer behaviour and how the authority would like employees to deal with this.

1.4 Scope of policy

This applies to unacceptable behaviour by members of the public, including service users, but not by or between staff as this is covered by employees' conditions of service and internal arrangements such as Acceptable Behaviour Policy (staff).

1.5 Link to Policy on Safety from Violence and Aggression

This guidance does not address issues of Health and Safety which are covered in the Council's existing policy on Safety from Violence and Aggression.

2. Practical application

This guidance provides definitions and examples of unacceptable behaviour and how staff should respond to such behaviour. It provides a point of reference for discussion about specific cases of unacceptable behaviour enabling customers, staff members and potentially external arbitrators to established guidelines when discussing decisions made by Devon County Council regarding the nature of customer contact.

As the defined behaviours are open to interpretation the Council operates a staged process for dealing with allegations of unacceptable customer behaviour.

2.1 Definitions

Devon County Council defines unacceptable behaviour as behaviour which shows characteristics of discrimination, harassment, bullying, unreasonableness or vexatious or a combination of these. The table below offers guidance on behaviours which might be construed as unacceptable and sets out the initial stage of the process the matter should be handled:-

Behaviour	Definition	Initial stage
Discrimination	Failure to afford equal respect to an individual on the basis of disability, gender, race, religion, age, sexuality and marital status.	Stage 2 (refer to manager)
Harassment	Behaviour which is unwanted and offensive and affects the dignity of the individual or group of individuals. Harassment is also defined as actions by a customer which because of their frequency or nature, hinder the authority's interaction with the customer.	Stage 1
Unreasonable	Customers who continually request complex information without apparent or good reason may be acting in an unreasonable manner.	Stage 2 (refer to manager)
Vexacious	acting in a manner so as to cause annoyance or irritation without the intention of resolving their query.	Stage 1
Bullying	a type of harassment which consists of persistent actions, criticism or personal abuse in public or private which humiliate, intimidate, frighten or demean the individual	Stage 1

2.2 Application of sanctions

We are a public service and recognise that sometimes we deal with customers who exhibit certain behaviours; or very difficult life circumstance; or may feel very frustrated by our systems and processes. The application of any sanction which denies access to a service should be seen as an action of last resort. All possible efforts should be made to find a resolution which does not deprive service.

For this reason there are different sanctions and conditions available to be used through a stage process. For example, a member of staff taking a call from a customer exhibiting unacceptable behaviour may give a warning to a customer to moderate their behaviour or their call will be terminated. However, that member of staff cannot apply any further sanctions on that customer such as advising the customer that they will only be able to speak to the manager in future.

2.3 Staged process

Like the Council's Customer Feedback Policy (which sets out how a customer can complain, compliment or make a suggestion to the Council) the Unacceptable Customer Behaviour Policy has a three stage process. The staged process ensures that decisions which affect a customer's access to service are made at an appropriate level within the organisation. This is for the protection of both staff and customers and ensures that any action taken is consistent and fair.

Stage one – Local Action (Member of staff)

The member of staff receiving unacceptable behaviour either on the telephone, face-to-face or via email will:-

- Politely explain that the County Council expects its staff to be treated with respect and ask them to moderate their behaviour
- If the behaviour continues the employee will give a warning of further action appropriate to the method of contact (eg warning that the telephone call will be terminated or being asked to leave the premise)
- Staff should clearly explain to the customer why they are terminating contact such as *'I am no longer prepared to continue our conversation as I consider that your behaviour has been inappropriate'*
- If the customer does not moderate their behaviour after this warning the threatened action should be taken

The circumstances of the incident and the date and time should be recorded and reported to the line manager. Any calls which have been recorded should be retained as soon as possible for use should the case be escalated.

If the customer is acting in a **discriminatory** way the contact should be immediately terminated immediately and the staff member should alert their line manager who will deal with the incident under stage 2 of the process.

If the customer is acting in a **violent** or **aggressive** way the staff member will take actions as set out under the [Violence and Aggression Policy](#).

Staff members should always refer behaviours which they believe are **unreasonable** to their line manager as the manager will judge what actions should be taken in these cases. Staff are not authorised to apply sanctions for this type of behaviour.

Stage two(a) – Service Action (Senior Manager)

A senior manager, who was not involved in the initial act of unreasonable behaviour, will:-

- Investigate the case and following discussions with staff member and customer whether further action is required.
- The following sanctions are open to the senior manager:-
- Restricting contact to a particular form (eg telephone). This would mean suspending all contact which is not in the designated form for a period of time.
- Limiting permissible contact to certain times and/or days
- Specifying a named officer to be the sole point of contact for the customer
- Asking the customer to enter into an agreement about their future behaviour
- The manager will notify the customer, in writing, of their decision. They will send a copy of the Council's Unacceptable Customer Behaviour Policy. This letter will also refer the customer to use the Council's Feedback Policy if they disagree with the action. The manager will keep a record of the investigation and its outcome and the call recording if available.

Any subsequent complaint received from the customer will immediately be escalated to stage 2 of the Feedback Policy and should be investigated by a senior manager not involved in the decision to apply sanctions.

Stage two (b) – Service Action (Violent and aggressive behaviour)

If a customer has behaved in a manner which is judged to be violent or aggressive towards a member of staff an employee should:-

- Terminate the interaction with the customer
- Take actions to ensure their own safety and the safety of other staff
- If the behaviour is perceived to be so threatening that the safety of the employee and others is at risk the Police should be contacted
- Complete a “Report of an accident, incident or act of violence or aggression” form, available at <http://staff.devon.gov.uk/accidentreporting.htm>.
- Report the incident to their service manager

With regard to the Council’s Violence and Aggression Policy a manager may decide to:-

- Suspend services to the customer for a specific period of time
- Explore whether further legal action should be taken
- Require the customer to provide a written declaration that they will not act in such a manner again in the future before service is resumed
- Apply any of the other sanctions and conditions of contact as set out in stage 2
- Consider placing a violent warning marker on the customer’s files (refer to paragraph 2.6)

Stage three – Senior Officer Action

In extreme cases where the customer behaves in a persistently unacceptable manner despite sanctions and conditions of contact being applied at service level, a service manager may seek a review by a senior officer.

The senior officer should be a head of service or chief officer from another directorate. They will review the case and make recommendations.

2.4 Manager responsibilities

Management at a local and senior level will be responsible to:-

- Record any incidents which come to their attention
- Investigate incidents – this will involve a discussion with both the customer and member of staff to ensure balance
- Take appropriate action – this could involve discussion with the staff member regarding their handling of the incident or the application of sanctions on the customer appropriate to their level of seniority.
- Refer to the Council's procedures for dealing with Violence and Aggression where staff are '*abused, threatened or assaulted in circumstances relating to their work, involving an explicit or implicit challenge to their safety, well-being or health*'
- Should one of the sanctions imposed on a customer be the appointment of a single point of contact for future interaction the appointed officer must advise staff, including the Customer Service Centre, of the arrangements and ensure that any customer records are updated wherever that is held.
- If a head of service or a chief officer decides they will have no further contact with a customer they must take all reasonable steps to advise DCC staff, including the Customer Service Centre, of future arrangements for handling that customer. This is to prevent staff having to deal with increasingly frustrated customers without means of escalation.

2.5 Employee responsibilities

Employees will be responsible to:-

- Deliver a high standard of customer service and taking all reasonable steps not to escalate potentially awkward situations
- Consider their own behaviour when dealing with customers and ensure their skills relating to handling difficult situations are up to date
- Observe procedures to ensure the health and safety of members of the public, fellow employees and themselves at all times in line with local reporting arrangements.
- Report any incidents where they have applied sanctions to the customer to their line manager

2.6 Violent Incident Markers

Devon County Council has a duty of care to their staff to protect them in the workplace. Sanctions and conditions of contact help to provide that protection. One type of sanction is the use of a Violent Incident Marker on a customer's file. These markers are a means of identifying and recording individuals who pose, or could possibly pose, a risk to the members of staff who come into contact with them. However, these need to be applied with care to ensure compliance with the Data Protection Act 1998.

A master list of markers will be kept at the Customer Service Centre by the CSC Manager. Services areas should inform the CSC Manager each time a customer's file receives such a marker. This will enable the Council to monitor and manage the application of this information.

Appendix 1 is the good practice note from the Information Commissioner's Office on the use of Violent Incident Markers.