

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL
EXECUTIVE MANAGEMENT TEAM'S REPORT TO THE
CABINET

Date: 22nd May 2013

REPORT TITLE Customer Case Management Policy - Unacceptable Customer Behaviour

Submitted by: Executive Director (Resources & Support Services)

Portfolio: Stronger & Active Neighbourhoods

Ward(s) affected: Non specific

Purpose of the Report

To seek Cabinet approval of the Customer Case Management Policy.

Recommendation

That Cabinet approve the Customer Case Management Policy.

Reasons

- (a) The Council has adopted procedures for dealing with unreasonable complainant behaviour within its Corporate Complaints, Comments and Compliments Policy (3Cs Policy). However, this Policy does not address the small number of customers who make unreasonable demands on the Council either in the way that they behave towards staff and/or Council property, or the resource that is required to deal with their demands.
- (b) The new Policy will enable the Council to deal with customers who display unacceptable customer behaviour and actions in a fair and consistent way, through adhering to industry guidelines and best practice.

1. Background

The Council welcomes the opportunity to hear from and respond to customers, and endeavours to put customers at the heart of all service delivery. To that end, the Council has in place a Complaints, Comments and Compliments Policy (3Cs Policy) that ensures fairness and consistency in our dealings with customers across all service areas. This Policy also provides guidelines with regards to 'vexatious' or serial complainants – now referred to as unreasonable complainants.

2. Issues

- 2.1 From time to time a customer will make unreasonable demands on staff and/or resources or display unreasonable behaviour that is not addressed in the current 3Cs Policy, in that the demands or behaviour are not the result of a complaint being raised. A considered policy-led approach to these customers helps staff to understand clearly what is expected of them, what

options for action are available, and who can authorise these actions. This information can be shared with customers if they start to behave unreasonably and can assist in managing their expectations and their behaviour, as far as possible, while the substance of their issue is addressed.

2.2 The Customer Case Management Policy attached as Appendix A, details the proposed measures to be put into place to ensure the Council deals with unreasonable behaviour in a consistent and fair way. Currently there is no agreed process to manage this kind of contact with customers and therefore there is a risk of consistency and fairness not being maintained across all cases.

2.3 This Policy will be of practicable benefit by providing clear guidance to Members, Senior Managers and customers about how these situations should be dealt with, in order to apply consistency to all cases.

3. Outcomes linked to Sustainable Community Strategy and Corporate Priorities

The outcome supports Becoming a Cooperative Council delivering high quality community driven services, by providing a customer case management policy which enhances transparency and provides consistency in our dealing with customers.

4. Legal and Statutory Implications

Although there are no legal or statutory requirements for the Council to adopt such a policy, it is considered good practice to provide a framework that provides for consistency and fairness in our dealing with this instances.

5. Equality Impact Assessment

An equalities impact assessment was undertaken prior to approval of the Corporate Complaints, Comments and Compliments Policy and this is reviewed regularly. This Policy will operate alongside the Corporate Complaints, Comments and Compliments Policy and the same equality impact assessment will be relevant to both.

6. Financial and Resource Implications

There are no financial or resource implications associated with the approval of this Policy. The implementation of this Policy should reduce the current resource being used to manage cases of unreasonable behaviour by agreeing a framework within which to operate.

7 Major Risks

No major risks have been highlighted.

8 Earlier Cabinet Resolutions

There are none.

9 Recommendation

That Cabinet approve the Customer Case Management Policy, as detailed in the report.

10 List of Appendices

The Customer Case Management Policy for Unacceptable Customer Behaviours and Actions is available as Appendix A.

11 Background Papers

The approved Corporate Complaints, Comments and Compliments Policy is available to view on the Council's Internet site at

http://www.newcastle-staffs.gov.uk/online_content.asp?id=SXE958-A7809B38

Appendix A



Customer Case Management Policy **for Unacceptable Customer Behaviours and Actions**

May 2013

1. Introduction

The Council welcomes the opportunity to hear from and respond to its customers, and endeavours to put customers at the heart of all its service delivery.

To that end, the Council has in place a corporate Complaints, Comments and Compliments (3Cs) Policy that ensures consistency in our dealings with customers across all areas of the Council, and informs service improvements.

The Customer Case Management Policy builds on the existing 3Cs Policy, by providing additional guidance to staff and setting out the process for handling unacceptable customer behaviour throughout the Council.

2. Why have a Customer Case Management Policy?

The Council does not normally limit the contact that people have with us. However, there may be occasions 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, or where service to other customers is impacted as a result of their behaviour.

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 information¹ 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 on which staff need guidance, in order to deal with the effects on the Council and themselves. It is in instances like this these that the Customer Case Management Policy may be invoked to help guide staff in ensuring consistency and fairness in dealing with these matters.

3. What is the scope of the Policy?

This Policy can be applied to any customer of the Council across all services and departments and in conjunction with other relevant Council Policies.

The Policy 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 through Human Resources policies.

4. Equality and Diversity

If we are aware that a particular customer has a disability or may find it difficult to use our services for any reason, we should consider whether this may cause them to exhibit certain types of behaviour which might otherwise be deemed difficult or unacceptable.

¹ This refers to information outside of that covered by the FOI Act. The LGO provides guidance, outside of the scope of this Policy, when dealing with vexatious or unreasonable repeat requests relating to the FOI Act.

If a customer has a disability their behaviour can still be defined as difficult or unacceptable under this procedure. However, we will always use reasonable adjustments when communicating with a customer with disabilities if appropriate.

5. What are Unacceptable Customer Behaviours and Actions?

The following definitions are not intended to cover all possible unacceptable or difficult customer behaviour; however, they are intended to provide a clear guide to support staff.

- Offensive or insulting customer behaviour – behaviour which is rude or unpleasant including repeated use of inappropriate language.
- Abusive or threatening customer behaviour – behaviour which is threatening or intimidating, either through the use of abusive or threatening language or a clearly threatening manner or tone intended to intimidate. Abusive or threatening behaviour is where a member of staff thinks that they have been personally abused or threatened as a result of a customer's behaviour².
- Difficult customer behaviour – this can be exhibited by any customer causing the person dealing with them difficulty for whatever reason. It is important to note that this may not be due to any unacceptable behaviour by a customer. This could be due to a customer refusing to accept a decision made by the Council or not agreeing with a policy which is already in place.
- Unreasonably persistent contact – repeated contact with the Council raising the same issues or a variation of the same issues each time. Taking a 'scatter gun' approach and contacting many different staff, services and other bodies about the same issue. Unreasonably persistent behaviour could include repeat requests for information and unreasonable or inappropriate use of staff resources
- Unreasonable demands – expecting resolution or response within unreasonable timescales, expecting staff to provide administrative support, for example, writing emails or letters on behalf of the customer or taking lengthy messages. Customers who demand to speak with senior members of staff which would not normally be appropriate for that enquiry/contact.
- Discriminatory - failure to afford equal respect to an individual on the basis of disability, gender, race, religion, age, sexuality and marital status.

6. How the Council Manages Unacceptable Customer Behaviours and Actions

Staff members should always refer behaviours which they believe are unacceptable to their line manager who will decide how to address the issue. Staff are not authorised to apply sanctions for this type of behaviour.

To progress the issue, the customer's name and contact details along with an account of numbers/types of contact and behaviours should be brought to the attention of the Head of Service for the department affected. The Head of Service will then meet with the Customer & ICT Services Business Manager and the Executive Director (Resources & Support Services) who will jointly decide whether or not it is appropriate to invoke the Customer Case Management Policy.

² This may include insinuating or libellous behaviour which may be dealt with within other more suitable, existing Council Policies.

Customer Case Management is initiated when the Customer & ICT Services Business Manager writes to a customer (via letter or email if appropriate) to explain why they are being monitored. The following information will be provided to the customer:

- The behaviour that has caused concern;
- The expectations of the Council with regards to future contact and behaviour from the customer;
- The time period for which their contact will be monitored - three months;
- The name and contact details of the person who will be their single point of contact from the date of the letter. This person will be the Customer & ICT Services Business Manager assisted by the Customer Relations Officer;
- The potential outcome, including any sanctions, if the customer's behaviour does not significantly change;
- A copy of the Customer Case Management Policy.

Once the letter has been received, in normal circumstances, the customer will be expected to only contact the Council via the nominated staff member who will monitor the frequency and content of the contact for a period of three months. However there may be instances where, for purposes of service delivery, correspondence may continue between the customer and a designated officer in the service area .e.g .where a customer continues to submit and receive Planning advice regarding an application. Such correspondence will be monitored by the Customer & ICT Services Business Manager for compliance with the Policy.

If after three months, contact has been acceptable, a letter will be written to the customer to thank them for their co-operation and to inform them that their contact will no longer be monitored via the Customer Case Management Policy.

If, after three months, the customer's contact has continued to be unacceptable, the Chief Executive may decide to apply one of the following sanctions:

- Extend the monitoring period.
- Limit the contacts to a certain number per week/month, in a specified form (telephone/email/letter etc.) and during a particular time slot.
- In extreme circumstances ask the customer not to contact the Council for a period of time after which the Customer Case Management Policy will be invoked again to monitor contact for a further period of three months.

The customer must be informed in writing (via letter or email if appropriate) by the Customer & ICT Business Manager of any sanctions.

If the Chief Executive decides they will have no further contact with a customer, the Customer & ICT Business Manager must take all reasonable steps to advise all Council staff and Members of future arrangements for handling that customer.