

HABITUAL CONTACT POLICY

How we manage unreasonable, repeated, persistent or aggressive customer contact



THE LONDON BOROUGH

1 | INTRODUCTION & PURPOSE

The Council has responsibility for a wide range of services which can impact on its customers in a variety of ways. We recognise that our customers will not always agree with our decisions or accept the effects of the work we do.

Whilst our staff will always endeavour to respond with patience and understanding, there are occasions when customers do not communicate with the Council in an acceptable way. Regardless of why that might be, we have a duty not only to use our limited resources responsibly but also to protect our staff from repeated, unreasonable or threatening behaviour from those they come into contact with. This document will therefore be read in conjunction with the Council's internal policy on how aggression and violence towards officers will be responded to.

We are clear about the sort of behaviour we find unacceptable and how we will respond if it occurs. This policy sets out how the Council will assess what behaviour is unacceptable and what steps it will take as a result.

If a customer is behaving unreasonably, we will not delay ensuring that the customer understands the standards of behaviour expected of them so they can make the appropriate changes. That customer may choose not to alter their behaviour, but in continuing they will know the possible consequences.

The Council is the only source of support or a service in many circumstances and to limit a customer's contact with us could have a severe impact upon their life and cause significant injustice. We will respond carefully - any restrictions will not be instigated lightly and will be authorised by senior staff only.

The procedures set out in this policy will only be used when it is considered that all possible alternatives have been tried to resolve the dispute with the customer. Nothing in this policy is intended to override a customer's right to seek their own legal advice on their circumstances or the options available to them.

2 | WHEN THIS POLICY WILL APPLY

Concerns about customer behaviour will often arise out of complaints, Freedom of Information requests or other data protection issues, but not always. The customer may well have a genuine dispute with the Council but expresses that disagreement unreasonably in their dealings with the Council. There may or may not be some merit in the points they are making, but it is the way they are making them that is unreasonable.

This procedure will apply to habitual contact with Council staff. For the purposes of this policy, the terms 'staff' shall include employees of the Council, its elected members, service users, partner organisations, volunteers or contractors.

This policy will apply regardless of how the habitual contact is made – whether in person, email, telephone or some other means.

Habitual contact comes in many forms and there is no one-size-fits-all definition. Concerns may arise not only due to the nature of the contact but also due to the effect that behaviour is having on one or more Council staff. Where there is a subjective judgement to be made, that will be the responsibility of the relevant senior manager identified by this policy.

This policy will not usually apply to those Freedom of Information requests considered as vexatious, for which there is a separate process overseen by the Council's Information Governance Manager, unless the conduct of the requestor also brings them within the scope of this policy.

This procedure may not apply in situations where there is an alternative formal process available.

3 | CONSIDERATIONS BEFORE ACTION

Safeguarding Vulnerable Adults

Some customers make repeated contact because of mental health problems. Where this is the case, any concerns that staff may have about vulnerability should be raised in line with the Council's policies and procedures for safeguarding adults, including but not limited to a referral to the Duty Team for urgent attention where appropriate.

Consideration should be given as to how any additional support can be provided. If the customer already receives support from the Council or any agency on its behalf, contact should be made with them in the first instance.

Advocacy groups can be involved at the customer's request.

Confidentiality

Information about those customers made subject to restrictions under this process should only be shared where necessary, respecting the confidentiality of those involved.

A list of those designated under the policy will be kept by the Customer Engagement & Complaints Service.


Current complaints or requests

The Council should be satisfied either that any complaint or information request has already been properly responded to, or that the circumstances justify invoking this policy even though other procedures have not yet been completed.

4 | EXAMPLES OF UNREASONABLE PERSISTENCE

The following is a non-exhaustive list of the sort of contact the Council is likely to consider unreasonably persistent – where a customer...

- Continues to pursue a complaint where the Council's complaints procedure has been concluded, either through a formal response being issued or through the customer being told the complaint will not be considered
- Changes the substance of a complaint, raises new elements to the complaint more than once, or raises substantially the same concerns or questions upon receipt of the Council's formal response
- Uses new complaints/contact to resurrect issues which were addressed in previous complaints
- Is unwilling to accept documentary evidence of services provided as being determinative of the dispute, or unwilling to accept that facts can sometimes be difficult to verify after a long period of time has elapsed.
- Insists they have not had an adequate response in spite of significant correspondence specifically answering their questions/concerns.
- Is unable or unwilling to identify the precise issues they wish to be answered, despite efforts to help them do so by staff and, where appropriate, advocacy groups
- Is unwilling or unable to accept that the concerns identified are not the responsibility of the Council to address
- Focuses on an element of a complaint to an extent which is out of all proportion to its significance and continues to do so
- Makes repeated complaints and contact which appear to the Council to be designed to delay or avoid the payment of monies legally due, where there is no sustainable dispute
- Contacts the Council an excessive number of times, placing unreasonable demands on staff and/or resources
- Makes the same or similar contact with a number of different Council departments or staff, whether directly or through third parties such as elected representatives or external agencies

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- Makes unjustified complaints about staff who are trying to deal with the issues and seeking to have them replaced
 - Seeks to use the Council's constitution in an unreasonable way, including repeated use of questions and petitions
 - Displays unreasonable demands or expectations and fails to accept that these may be unreasonable once a clear explanation has been given (e.g. insisting on the response to a complaint or enquiry being provided more urgently than is reasonable or recognised practice)
 - Insists on using contact numbers or email addresses after having been advised that those contact details are not intended for contact with the public

5 | EXAMPLES OF UNACCEPTABLE BEHAVIOUR

The following is a non-exhaustive list of the sort of behaviour the Council is likely to consider unreasonable – where a customer...

- Displays abusive behaviour over a period of time which, whether intentional or not, may undermine an officer and affect their confidence to deal with that customer
- Is abusive about staff, either repeatedly over a period of time or on a single occasion where the comments are extreme
- Makes unsubstantiated allegations of dishonesty and/or professional misconduct which, whether intentional or not, may undermine an officer and affect their confidence to deal with that customer
- Uses language or behaves in a way that would be considered a hate crime
- Uses swear words in an attempt to abuse, influence or undermine an officer
- Harasses or is personally abusive or verbally aggressive on more than one occasion towards staff, or their families and/or colleagues
- Records meetings or conversations without the prior knowledge and consent of the Council officer/s involved, whether or not that recording meets the definition of a criminal offence
- Acts in a vexatious or vindictive way that causes harm or distress to an officer, contractor, Councillor or their families/colleagues.
- Uses or threatens physical violence towards staff or their families/colleagues

It should be noted that the last of these will automatically lead the Council to invoke the warning stage procedure set out further on in this document and possibly, whether the conduct is sufficiently severe, move straight to the restriction stage.

6 | OUR RESPONSE – WARNING STAGE

When Council staff believe that a customer's persistence or behaviour means that this policy should be invoked, it will be the responsibility of the relevant Director or Assistant Director ('senior manager') to decide whether it is appropriate for the Council to send a formal warning to the customer.

The senior manager should have sight of sufficient examples / details of the customer's conduct for them to be satisfied that a formal warning is appropriate.

That formal warning should, save in exceptional circumstances, be in writing on headed Council notepaper and either emailed and/or posted to the customer. A copy of the warning letter should be retained on the customer's social care file (if appropriate) and also in a register maintained by the Head of the Customer Engagement & Complaints Service.

The warning letter should set out in clear terms the conduct the Council objects to and the steps the Council requires the customer to take to ensure that there is no repeat. It should also provide the customer with a copy of, or a link to, this policy and explain that unless the customer corrects their behaviour, the steps set out in Section 7 below may be taken without further notice.

In sufficiently serious cases the Council may move straight to the Restriction Stage without any advance warning.

7 | OUR RESPONSE – RESTRICTION STAGE

If the customer's unacceptable behaviour continues notwithstanding their receipt of a warning letter, or is of a sufficiently serious nature so as to justify the Council moving straight to this stage, the matter may be referred to the Council's Chief Executive.

The Chief Executive should be provided with sufficient detail of the customer's conduct and of the attempts already made to persuade the customer to desist, as well as (wherever possible) a draft of any letter he is being asked to sign. The Chief Executive should also be provided with a summary of the content and progress of any complaint, information request or other matter that is related to the conduct.

The information provided to the Chief Executive as above should also be provided to the Director of Corporate Services for his awareness and any views on the proposed course of action.

He will consider the information provided and decide if the proposed action is justified and proportionate. If the Chief Executive authorises restrictive action, a letter will be sent from his office informing the customer of the action the Council is taking, the length of time for which those restrictive measures will be in force and (where applicable) the right of the customer to approach the Local Government & Social Care Ombudsman about the fact that their dealings within the Council have been restricted under this policy.

In the event that the Chief Executive is absent or otherwise unavailable, the decision may be taken by a Director who was not involved in any previous decision to send a warning letter.

This letter may be copied to others already involved such as medical practitioners, conciliators, the Citizens Advice Bureau, Members of Parliament, advocates etc. All chief officers will be notified of the action, to allow them to inform staff as necessary.

The restrictive action may include, but is not limited to :-

- Requiring the customer to sign a written agreement (if appropriate, involving the relevant service head) setting out a code of conduct they will adhere to in order for the Council to agree to continue dealing with the individual
- Declining and/or blocking further contact with the customer, or other third parties on their behalf, save that the customer shall be permitted to communicate with the Council through one specific email address and/or

telephone number, when further communication will be acted upon as appropriate but not acknowledged

- Restricting contact to liaison through a third party and/or to specific days or times
- Limiting contact to subjects not specified in the letter
- Requiring any telephone calls or face to face meetings to be recorded
- Informing the customer that the Council has responded fully to the points they have raised, that the Council has nothing more to add, that continuing contact on the matter will serve no useful purpose and the Council will not therefore be doing so
- Informing the customer that the Council reserves the right to refer unreasonable or habitual customers to the Monitoring Officer and/or the police where it appears a criminal offence may have been committed
- Temporarily suspending all contact with the customer, the response to a complaint or information request pending receipt of legal advice or guidance
- Banning the customer from specific Council's buildings, or all of them, if necessary by means of an injunction
- Limiting or regulating the customer's use of the Council's facilities and services, such as libraries or leisure centres

8 | OUR RESPONSE – ADDITIONAL ACTION

If the customer's conduct is deemed sufficiently serious and/or continues after the Council's Chief Executive has issued a letter as provided for above, the Council may do one or more of the following :-

- Refuse all contact from the customer, whether for a set period or until further notice
- Decline to continue with any current complaints, information requests or other services or support
- Report them to the police, whether or not the stage set out in this policy have been exhausted
- Issue civil court proceedings against the customer and/or those acting on their behalf, to include but not limited to seeking an injunction or financial compensation
- Decide to cease responding to a current complaint or information request and approach the Local Government & Social Care Ombudsman, or Information Commissioner's Office as appropriate, with a request that that regulator consider intervening

9 | AFTER RESTRICTIVE ACTION IS TAKEN

Review

The justification for continuing restrictions will be reviewed at the end of the period set out in the Chief Executive's letter or, if that is indefinite, on an annual basis to consider whether a more reasonable approach is being used by the individual and whether restrictive measures should be extended, altered or discontinued.

A summary of the relevant information should be compiled by the Head of the Customer Engagement & Complaints Service, or another officer as deemed appropriate, and considered by him with the Chief Executive, the relevant senior manager/s and any other Council officer considered relevant at the time.

The customer will be informed in writing of the outcome of that review by a senior manager as soon as practicable following the conclusion of that review.

Monitoring

A list should be maintained of those customers currently subject to restrictions by the Customer Engagement & Complaints Service. This will be kept in accordance with the Council's data protection policies. Anonymised information about those restricted under this may be included in reports and, where appropriate, the Council's complaints database may be marked accordingly.

Request to be derestricted

A customer whose dealings with the Council have been restricted under the terms of this policy may write to the Chief Executive requesting that some or all of those restrictions be lifted. The Chief Executive will consult with such staff as he considers appropriate before deciding whether that request should be acceded to.

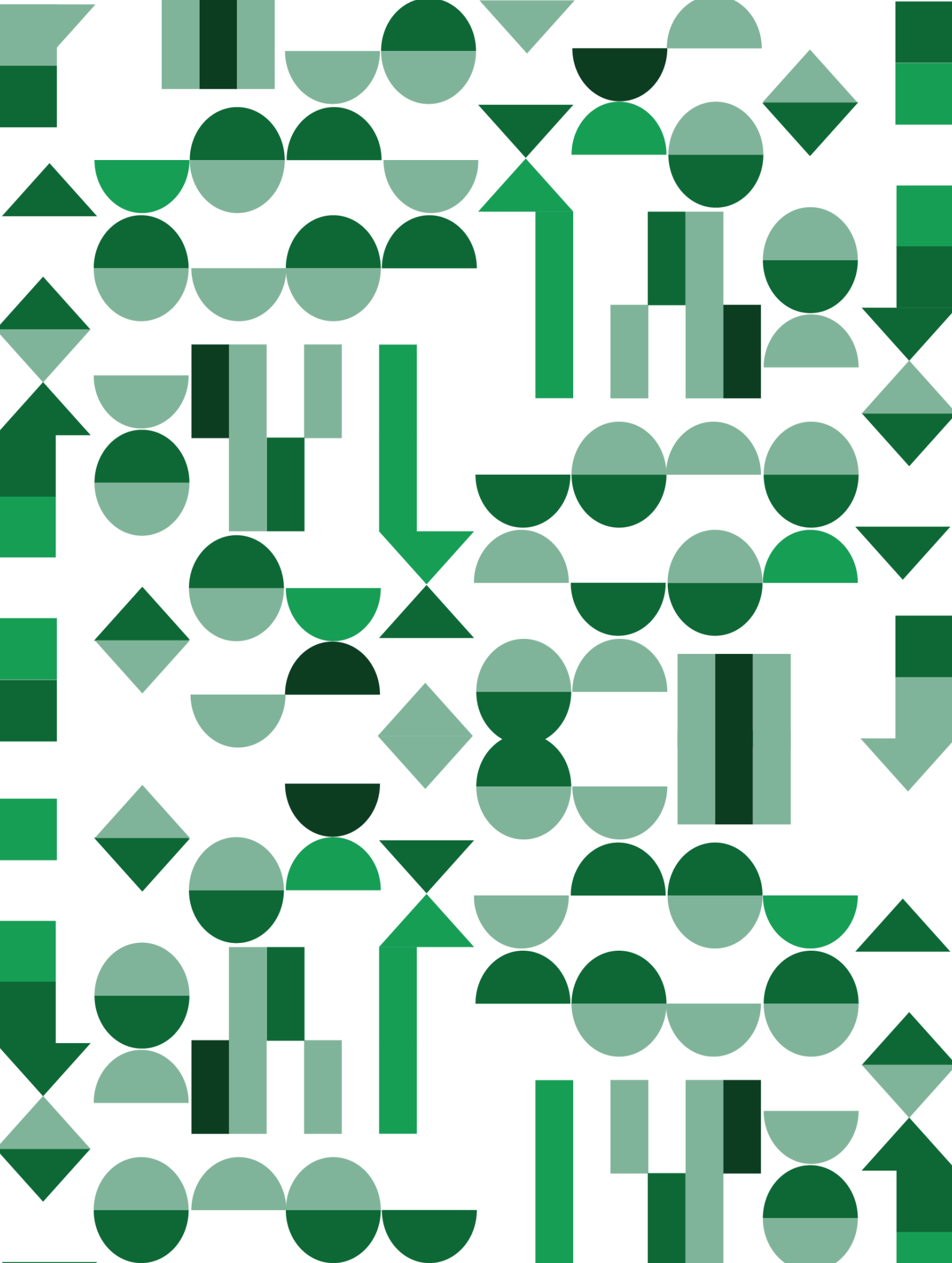
The customer will be informed in writing of the outcome of that review by the Chief Executive's office as soon as practicable following the conclusion of that review.

Save in exceptional circumstances such a request will not be entertained unless at least half the period set out in the Chief Executive's letter has passed or, where the restrictions are to apply indefinitely, until at least one calendar year has passed since the date of the Chief Executive's letter.

Future unrelated complaints

Where the restrictive action arose out of a complaint the customer raised with the Council, the customer will not be automatically barred from raising concerns or complaints on an unconnected matter.

New complaints or requests will be treated on their merits and responsibility for determining whether such a complaint should be accepted and responded to by the Council falls to the Head of the Customer Engagement & Complaints Service.



This version effective from July 2020

A product of the Strategy Performance & Corporate Transformation division

