

# Fife Council

## Unacceptable Actions Policy

<b>Version No:</b>	2	<b>Date valid from:</b>	1 <sup>st</sup> June 2021	<b>Author:</b>	Diarmuid Cotter, Customer and Online Services
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### 1 Introduction

- 1.2 This Policy sets out Fife Council's approach to the relatively few customers whose actions or behaviour we consider unacceptable. The policy is based on the Scottish Public Services Ombudsman's approach for dealing with unacceptable actions by complainants.
- 1.3 Please note this Policy also covers customers contacting Fife Council with any issue, whose behaviour may become unacceptable in terms of being unreasonably persistent. There are separate policies which deal with other unacceptable customer behaviours such as violence and aggression. Associated policies and procedures are detailed in Section 8.

### 2 Policy Aims

- 2.1 To deal fairly, honestly, consistently and appropriately with all customers, including those whose actions we consider unacceptable. We believe that all customers have the right to be heard, understood and respected. We also consider that Fife Council staff have the same rights (see Fair Treatment at Work Policy).
- 2.2 To provide services that are accessible to all customers. However, we retain the right, where we consider a customer's actions to be unacceptable, to restrict or change access to our services (where it is appropriate to do so).
- 2.3 To ensure that other customers and Fife Council staff do not suffer any disadvantage from customers who act in an unacceptable manner.
- 2.4 To ensure that the Council's effectiveness is not compromised by customers who act in a manner which makes excessive and unacceptable demands on Council resources.

### 3 Defining Unacceptable Actions

- 3.1 People may act out of character in times of trouble or distress. We do not view behaviour as unacceptable just because a customer is forceful or determined. However, the actions of customers who are angry, demanding or persistent may result in unreasonable demands or unacceptable behaviour towards Fife Council staff. It is these actions that we consider unacceptable and aim to manage under this Policy. Fife Council has grouped these actions under three broad headings:

#### 3.2 Aggressive or Abusive Behaviour

- 3.2.1 Violence is not restricted to acts of aggression that may result in physical harm. It also includes behaviour or language (whether oral or written) that may cause staff to feel afraid, threatened or abused.
- 3.2.2 Violence or abuse towards staff is unacceptable. For more information on how to deal with violent or abusive behaviour please see the Violence at Work Policy and Procedures.

### **3.3 Unreasonable Demands**

- 3.3.1 Customers may make what we consider unreasonable demands on the Council through the amount of information they seek, the nature and scale of service they expect or the number of approaches they make. What amounts to unreasonable demands will always depend on the circumstances surrounding the behaviour and the seriousness of the issues raised by the customer.
- 3.3.2 Examples of actions grouped under this heading include demanding responses within an unreasonable timescale, insisting on seeing or speaking to a particular member of staff, continual phone calls or correspondence, repeatedly changing the substance of their issue or raising unrelated concerns.
- 3.3.3 We consider these demands as unacceptable and unreasonable if they start to impact substantially on the work of the Council, such as taking up an excessive amount of staff time to the disadvantage of other customers or functions.

### **3.4 Unreasonable Persistence**

- 3.4.1 We recognise that some customers will not or cannot accept that Fife Council is unable to assist them further or provide a level of service other than that provided already. Customers may persist in disagreeing with the action or decision taken in relation to their issue or contact the Council persistently about the same.
- 3.4.2 Examples of actions grouped under this heading include persistent refusal to accept a decision made in relation to their issue, persistent refusal to accept explanations relating to what Fife Council can or cannot do and continuing to pursue their issue without presenting any new information. The way in which these customers approach the Council may be entirely reasonable, but it is their persistent behaviour in continuing to do so that is not.
- 3.4.3 We consider the actions of customers to be unacceptable when they take up what Fife Council regards as being a disproportionate amount of time and resources.

## **4 Managing Unacceptable Actions**

- 4.1 There are relatively few customers whose actions we consider unacceptable. How we aim to manage these actions depends on their nature and extent. If it adversely affects our ability to do our work and provide a service to others, we may need to restrict contact with the Council in order to manage the unacceptable action. We may restrict contact in person, by telephone, fax, letter or electronically or by any combination of these. We try to maintain at least one form of contact. In extreme situations, we tell the customer in writing that their name is on a 'no personal contact' list. This means that they must restrict contact with the Council to either written communication or through a third party.
- 4.2 We do not deal with correspondence (letter, fax or electronic) that is abusive to staff or contains allegations that lack substantive evidence. When this happens we tell the customer that we consider their language offensive, unnecessary and unhelpful. We ask them to stop using such language and state that we will not respond to their correspondence if they do not stop. We may require future contact to be through a third party.
- 4.3 Fife Council staff will end conversations and telephone calls if the caller is considered aggressive, abusive or offensive. The staff member conversing has the right to make this decision, tell the customer that their behaviour is unacceptable and end the conversation if the behaviour does not stop.
- 4.4 Where a customer repeatedly phones, visits a Council office, sends irrelevant documents or raises the same issues, we may decide to:
- Only take telephone calls from the customer at set times on set days or put an arrangement in place for only one member of staff to deal with calls or correspondence from the customer in the future.
  - Require the customer to make an appointment to see a named member of staff before visiting a Council office or to contact the Council in writing only.
  - Return the documents to the customer or, in extreme cases, advise them that further irrelevant documents will be destroyed.
  - Take other action that we consider appropriate.

We will, however, always tell the customer what action we are taking and why.

- 4.5 We also view the use of social media networks, such as Facebook, Twitter and YouTube to be covered by this policy (list is not exhaustive).
- 4.6 Where a customer continues to correspond on a wide range of issues, and this action is considered excessive, then they are told that only a certain number of issues will be considered in a given period and asked to limit or focus their requests accordingly.
- 4.7 Customer action may be considered unreasonably persistent if all internal review mechanisms have been exhausted and they continue to dispute the Council's decision. The customer is told that no future phone calls will be taken, nor interviews granted concerning their issue. Any related future

contact must be in writing. Future correspondence is read and filed, but only acknowledged or responded to if the customer provides significant new information relating to their issue.

## **5 Deciding to Restrict Customer Contact**

- 5.1 Decisions to restrict contact with the Council are only taken after careful consideration of the situation by a senior manager. Wherever possible, we give a customer the opportunity to modify their behaviour or action before a decision is taken. Customers are told in writing why a decision has been made to restrict future contact, the restricted contact arrangements and, if relevant, the length of time that these restrictions will be in place.

## **6 Appealing a Decision to Restrict Contact**

- 6.1 A customer can appeal to the Chief Executive concerning a decision to restrict contact. A senior manager who was not involved in the original decision considers the appeal. They advise the customer in writing that either the restricted contact arrangements still apply or a different course of action has been agreed.

## **7 Recording and Reviewing a Decision to Restrict Contact**

- 7.1 We may record any incidents of unacceptable actions by customers. Where it is decided to restrict contact, an entry noting this is made in the relevant file and on appropriate computer records. We may also share details of restrictions so that Services (where relevant and appropriate) are aware.
- 7.2 A decision to restrict contact may be reconsidered if the customer demonstrates a more acceptable approach. Any evidence of their refreshed approach can be reviewed ad hoc by senior managers.

## **8 Associated documents and references**

- Violence at Work Policy and Guidelines
- HR Grievance Policy / Bullying & Harassment Guidance
- CC01 Code of Conduct for Council Employees
- Social Media House Rules
- Fife Council Customer Charter
- Corporate Complaints Procedure
- Unacceptable Actions Process Map
- Unacceptable Actions Leaflet
- Template Email Text Abusive Language
- Template Letter Text Restricting Contact