

# Unreasonable Customer Behaviour Policy

April 2025

## **1. Scope**

This policy sets out how the Council will deal with unreasonable behaviour by customers in relation to the making and pursuit of a complaint against the Council.

## **2. Introduction**

In a minority of cases, customers pursue their complaints in a way that is unreasonable. In some instances, this can have a negative impact on the handling of their complaint or request. It can also have a significant impact on the Council's resources and ability to provide services to other customers.

## **3. Purpose**

The purpose of this policy is to:

- Define and explain what the Council considers to be unreasonable customer behaviour
- Explain the processes the Council will follow when dealing with customers who behave in an unreasonable way

## **4. What is unreasonable customer behaviour?**

The Council has adopted the Local Government and Social Care Ombudsman's definition of unreasonable complainant behaviour:

"Customers who, because of the nature or frequency of their contacts with the Council, negatively impact on the Council's ability to deal effectively with their complaints or the complaints of other customers".

Unreasonable behaviour may include one or two isolated incidents; as well as unreasonably persistent behaviour, which is usually an accumulation of incidents or behaviour over a longer period.

The Council will differentiate between "persistent" customers and "unreasonably persistent" customers.

Customers making a complaint can be "persistent" where they feel that the Council has not dealt with their complaint properly.

However, some customers may have justified complaints or requests but may pursue them in inappropriate ways e.g. lengthy phone calls, emails expecting immediate responses, detailed letters or emails every few days. Others may pursue complaints or requests which have no substance, or which have already been considered and dealt with. Their contacts with the Council may be amicable but still place heavy demands on staff time.

When a customer becomes abusive, offensive, threatening or behave in a way that the Council considers to be unacceptable, the Council has the right to restrict access to Council premises or staff, in order to protect staff from harassment and/or harm.

## 5. Examples of unreasonable customer behaviour

Examples of what the Council might consider unreasonable behaviour are shown below. The list is not exhaustive. In addition, a customer's behaviour that corresponds to a single example of unreasonable customer behaviours will not necessarily mean that the customer will be designated as an unreasonable customer; the Council will consider each case on its merits:

- Refusing to specify the grounds of a complaint, despite offers of assistance
- Refusing to co-operate with the complaint investigation process
- Refusing to accept that certain issues are not within the scope of the complaints procedure
- Insisting on the complaint being dealt with in ways which are incompatible with the complaints procedure or good practice
- Changing the basis of the complaint as it progresses through the complaints procedures
- Denying or changing statements made at an earlier stage
- Covertly recording meetings or conversations, including telephone conversations
- Submitting falsified documents from themselves or others
- Making excessive demands on the time and resources of staff with lengthy phone calls or emails to Council staff, or detailed letters every few days expecting and demanding an immediate response
- Refusing to accept the decision on a complaint by repeatedly arguing a point that the Council has rejected without producing any new evidence that might justify the complaint being reconsidered
- Persistently approaching the Council through different media or different staff about the same issue
- Any conduct or behaviours in the course of a complaint that causes, or is likely to cause, anxiety, alarm or distress to staff or elected members<sup>1</sup>.
- Making unjustified complaints about members of staff who are dealing with a complaint and seeking to have them replaced or disciplined

## 6. Classification as unreasonable

The Council recognises that the decision to classify customer behaviour as unreasonable will have potentially serious consequences for the individual up to and including a restriction on their access to Council services.

Consequently, before making a decision to classify customer behaviour as unreasonable customer behaviour and impose restrictions, the Council will ensure that the complaint has been dealt with in accordance with the Council's adopted procedures and that all reasonable efforts were made to resolve the complaint.

Where appropriate, the customer will be advised to contact the Local Government and Social Care Ombudsman.

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<sup>1</sup> This could include the use of hostile, abusive or offensive language or an unreasonable and personalised fixation on a member of staff (or a Councillor) as the individual perceived to be responsible for the matters that led to the complaint. An example would be making multiple complaints or disparaging remarks about a member of staff questioning their honesty or competence and demanding that they are disciplined, and that the complainant is notified of the disciplinary outcome

## **7. Restrictions**

Each case will be considered on its merits and the decision to classify a customer as unreasonable and to impose restrictions will be made by the Customer and Communications Service Director and communicated to Heads of Service, Service Managers and Councillors. The customer will be informed of the decision in writing and of the review date set by the Director within ten working days of the decision being made.

Restrictions will be tailored to deal with the individual circumstances and may include one or more of the following:

- Placing limits on the number and duration of contacts with staff per week or month
- Offering a restricted time slot for necessary contact
- Limiting the customer to one method of contact (telephone, letter, email)
- Requiring the customer to communicate only with one named member of staff
- Requiring any face-to-face contacts to take place in the presence of a witness and in a suitable location
- Refusing to register and process further complaints about the same matter
- Requiring the customer to make contact by telephone only through a third party e.g. solicitor/ councillor/friend acting on their behalf
- Closing a complaint without completing all the stages of the complaint's procedure<sup>2</sup> or expediting the complaint to a final stage
- Advising the customer/requestor that the Council will no longer enter into any further correspondence on the complaint or request unless materially new or different information becomes available
- Blocking emails

## **8. Duration of restrictions**

Restrictions will continue in place for as long as they are necessary to protect staff from harm and/or preserve the integrity and proper functioning of the service(s) adversely affected by the unreasonable customer behaviour.

## **9. Appealing classification**

The customer may appeal the Council's decision to classify them as unreasonable and to impose restrictions by writing to the Deputy Chief Executive within 14 days of receiving notification of the classification.

The appeal will be conducted by the Deputy Chief Executive, or a Director nominated by them (that will not be the Director applying the restriction) within 20 working days of receiving the appeal. The customer will be informed of the appeal outcome in writing.

## **10. Review Date**

When a restriction is imposed, a date will be set when the restriction is to be reviewed. This will depend on the circumstances of the case but will normally be on a date not earlier than three months or later than 12 months from the date that the customer is notified of the decision to classify their behaviour as unreasonable.

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<sup>2</sup> If this restriction is applied, the customer will be informed of their right to refer the complaint to the Local Government and Social Care Ombudsman

## **11. Conduct of Review**

The review will be conducted on or shortly before the review date by the Customer and Communications Service Director and the relevant service manager(s).

The customer will be notified in writing of the review decision within 10 working days. If the decision is to continue the restriction, the customer will receive a summary of the reasons why the restriction is still in place and the date that the restriction will next be reviewed. The next review date will be no more than six months from the date of the notification.

## **12. New complaints**

The Council will not refuse to register new service requests or different complaints from customers who are classified as unreasonable.

New complaints from customers who have been classified under this policy will be treated on a case-by-case basis. The Service Manager/Customer Engagement Manager will determine whether any restrictions applied are applicable to the new service request or complaint.

## **13. Referring cases to the Local Government and Social Care Ombudsman**

There may be exceptional circumstances, where the relationship between the Council and a customer has deteriorated to the point where there is no possibility of resolution.

In these cases, the Council may seek to close the case without completing all stages of the complaints policy, or the case may be expedited to the final stage. If this becomes necessary, the Council will advise the customer of the reasons for this and the options available to them.

Similarly, the Council may also liaise with the Ombudsman and ask them to consider a case before it has exhausted the various stages of the complaints procedure. It will be entirely at the discretion of the Ombudsman whether or not they accept the referral.

## **14. Record keeping**

A record of decisions made under this policy will be retained by the Customer Complaints team and will include:

- The name and address of each customer who is classified as unreasonable
- What restrictions have been put in place
- The date that the restrictions will be reviewed or next reviewed
- The outcome of any appeal against a restriction