MONK SHERBORNE PARISH COUNCIL
VEXATIOUS CUSTOMERS POLICY

Rights of Public Access

The Council recognises that in the absence of good reasons to the contrary, members of the public have a right of access to the Council to seek advice help or services that the Council offers.

Criticism of and complaints against the Council are a welcome legitimate and necessary part of the relationship between the Council and its local community.

They are a valuable means of reflecting on the operations of the Council and improving both those operations and the quality of the Council's relationship with its local community.

Nobody, no matter how much time and effort is taken up in responding to their complaints and concerns shall be unconditionally deprived of the right to have those complaints or concerns addressed.

However the Council also has an obligation to use its resources efficiently and effectively and has obligations to its staff as an employer.

Accordingly the Council has decided that there are circumstances in which it will limit the nature and scope of its responses to difficult customers.

Difficult/Vexatious Customers

There are various types of difficult customers and this policy shall apply to them all other than to those that are aggressive. (*See: Aggressive behaviour*.)

Categories of difficult and vexatious customers:

1.1.1 Those **who cannot let go -** people who

- make excessive phone calls, or
- seek to exercise excessive personal contact, or
- engage in lengthy correspondence

1.1.2 Those **who cannot be satisfied -** people who

- cannot or will not accept that the Council is unable to assist them, or
- cannot or will not accept that the Council is unable to provide any further level of service other than that provided already, or
- disagree with the action the Council has taken in relation to that complaint or concern

1.1.3 Those **who make unreasonable demands -** people who make unreasonable demands on the Council whether by

- The amount of information, or
- The value and scale of services they seek, or
- The number of approaches they make

1.1.4 Those **who are rude and abusive -** people who

- engage in personal abuse, or
- make inflammatory statements or comments, or
- make statements or comments clearly intended to intimidate.

Aggressive behaviour

The Council has a zero tolerance policy with regard to violence and aggressive behaviour towards its staff. The Council has a duty to ensure that as far as is practically possible, it reduces the risk of violence, aggressive, or threatening behaviour towards its employees during the course of their work. The Council affords the same protection to its members.

Other sections in this policy cover the limiting of access and the way in which staff are instructed to deal with individuals that use inappropriate language and display abusive, aggressive, or threatening behaviour.

Guiding principles on limiting access

The Council will limit the nature and scope of access in the following circumstances:

- Where full access would compromise the Council's obligations as an employer;
- Where full access would compromise any statutory obligations to which the Council is subject;
- Where full access would be wasteful of Council's resources whether through excessive contact or use of services;
- Where full access would encourage or allow rude and abusive behaviour.

Limiting access in particular circumstances

Not replying to written communications

Where the Council receives a written communication that contains substantial and clearly inappropriate content such as abusive or threatening language or adverse personal reflections on individuals, a written notification shall be sent to the author of the written communication asking that they reframe the communication so as to exclude the inappropriate content and advising that in the event that a further substantial and clearly inappropriate communication is received by the Council the Council will not give a substantive reply other than to the extent that such communication provides evidence of or alerts the Council to any criminal act, mal-administration, a failure to comply with a legal duty, or other malpractice by or on behalf of the Council.

Terminating telephone calls

Where a caller uses inappropriate language such as abusive or threatening language or casting adverse personal reflections on individuals then the caller will be warned that unless the caller is prepared to speak in a different way, the call will be terminated. If the caller then continues to use inappropriate language the call may be terminated provided that it is made clear that the caller may call back if the caller is then prepared to speak in a different way.

In cases of persistent callers using inappropriate language a written notification shall be sent to the caller advising that in the event that any further telephone call is made and the caller uses inappropriate language, not only will the call be terminated but also that for a specified period all future business will only be transacted in writing or through a nominated and agreed intermediary

Limiting face to face contact

Where, during a personal attendance a customer uses inappropriate language or behaves inappropriately, the customer will be notified that unless the customer is prepared to speak or behave in a different way the personal attendance will be terminated. If the customer then continues to use inappropriate language or behaves inappropriately, the personal attendance may be terminated provided that it is made clear that another personal attendance may be arranged by appointment if the customer is prepared to speak or behave in a different way.

Any further personal attendances shall be in the company of a member of the Council. Such arrangement shall be for such specified period as the Council thinks necessary provided that the arrangement shall be reviewed in any case where such arrangement is in place for a period in excess of 6 months not less frequently than once every 6 months. The customer shall be notified in writing accordingly.

In cases of persistent personal attendances where the customer uses inappropriate language or behaves inappropriately a written notification shall be sent to the customer advising that in the event that any further personal attendance takes place and the customer uses inappropriate language or behaves inappropriately, not only will the personal attendance be terminated but that also for a specified period all future business will only be transacted in writing or through a nominated and agreed intermediary.

Excessive access

Where a customer

- makes excessive phone calls, or
- make excessive visits to the Council Offices, or
- engages in excessive written communications, or
- raises the same issues with different members of staff

The Council may nominate a member of the Council to deal with all contact with the customer for a specified period and shall inform the customer in writing accordingly.

Where a person or a group contacts the Council on a wide range of issues all at once or in a selective way or in a constant stream, the Council may notify the person or group in writing either that only significant and serious issues will be addressed by the Council or that only a certain number of issues will be addressed by the Council in any given period provided always that such arrangements shall not prevent the exercise of any statutory right of a customer to access the Council’s services or any of them.

Abusing the right to information

Individuals or groups may place excessive demands on the resources of the Council in making continual and extensive demands for information such as sending large numbers of letters, each containing detailed requests for information or being unwilling to accept documented evidence to support an adequate response.

If the Council is satisfied that the resource demands in responding to such contacts are excessive it may place limits on the manner and/or degree to which the Council will respond to such demands (but not so as to prevent the exercise of any statutory rights of the public to information).

Declining to further investigate complaints

Where having exhausted the Council's Complaints Procedure a complainant remains dissatisfied with the outcome of a complaint, the Council will inform the complainant, in writing, that the Council will decline to respond to any further attempted contact or communications concerning the issues raised by the complainant unless significant new information or new issues are raised which in the opinion of the Council warrants action.

If the Council believes that a complainant is deliberately providing fresh information in a selective way he will advise the complainant in writing to immediately pass on all relevant material to the Council and will also advise the complainant that if such material is raised later that the Council will require a satisfactory explanation as to why the material was not supplied earlier before agreeing to consider that material.

Miscellaneous

Other circumstances in which it may be appropriate to limit access include:

- Where a customer is unwilling to accept that the matter raised by them is not within the remit of the Council
- Where a customer displays unreasonable demands or expectations and fails to recognise that these are unreasonable such as insisting on responses to be made more urgently than the Council's response time.

Persons under a disability

Impaired mental capacity

Where it appears that a difficult customer may have an impaired mental capacity, no action or decision will be taken without first consulting with the Council as to whether there is any other way of dealing with the proposed limitations on access that is less restrictive of the customers freedom of action such as securing continued access through a relative, friend, carer or other professional. However it should always be a remembered that the customer has a right to confidentiality and may not want certain people to be involved.

Persons under the age of 18

In the case of a difficult customer who is under the age of 18 one form of contact - generally by means of written communication - must always be maintained. It may be possible to arrange to deal with such a customer through their parent or guardian provided that written consent of both the customer and their parent or guardian is first obtained.

No Restrictions on Council's or its employees or its Members' recourse to law

Nothing in this policy shall operate so as to impede the right of the Council or an employee or a Member to have recourse to the civil and/or criminal law where such recourse is available to the Council or employee or Member in any particular case.