

Managing Customer Behaviour Protocol



Dorset
Council

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Purpose of the Protocol

This document sets out the protocol for managing incidents of unreasonable behaviour, whether violent, potentially violent or vexatious by a customer/member of the public.

This protocol supports a number of existing Dorset Council policies:

[Complaints Policy](#)

[Violence, Aggression and Harrasment at Work Policy](#)

[Dignity at Work Policy](#)

This protocol is applicable to all Dorset Council employees and other workers (including volunteers), as well as elected councillors. It defines the Council's response to managing any unreasonable behaviour by a customer/member of the public. It supersedes the previous document that was approved in December 2023 by Audit and Governance Committee.

1. Introduction

- 1.1 Most customers that contact the council do so politely and respectful of Council employees and other workers. Even the most challenging customer may have a valid point that needs to be addressed. However there are exceptional circumstances where behaviour can present an issue to wellbeing or result in an excessive amount of time being spent in response. Dorset Council does not expect its employees and other workers to tolerate unreasonable behaviour from members of the public or other points of contact. The organisation has a direct duty of care to its employees and other workers and also a responsibility to any associated organisations and/or partners it works alongside.
- 1.2 It is therefore vital that any known risks emerging from contacts with our clients, customers and/or suppliers etc are logged and recorded and are then available to others that may have contact with that individual to protect their personal safety and/or wellbeing.
- 1.3 The purpose of this protocol is to set a process by which unreasonable behaviour (whether violent, potentially violent or vexatious) can be assessed, recorded and made available to employees (on a risk assessed and need to know basis), whilst recognising also the need to ensure that personal data is managed effectively and appropriately. Dorset Council is committed to being compassionate, responsive, sensitive to its clients, customers, residents and that we have a trained workforce to fully support the needs of those groups and respond appropriately to prevent such situations.
- 1.4 In some instances, the customer behaviour may in itself not be deemed to be unreasonable, but at the same point it may be deemed appropriate to manage such behaviours in-line with this protocol, to provide a more facilitated contacted with the customer. An example of this may be the decision to allocate a Single Point of Contact.
- 1.5 Frontline staff need to take guidance from line managers on how best to resolve using customer services techniques, empathy and the skills required to perform their duties at Dorset Council. This protocol is by exception only to manage those extreme behaviours that are beginning to impact staff wellbeing or are unreasonably time consuming.



2. What Constitutes “Unreasonable Behaviour”

2.1 Dorset Council follow the Ombudsman’s guidance in defining unreasonable behaviour, which may include:

- Being abusive, threatening or acting in a manner intended to intimidate staff. This includes any use of racist, sexist, homophobic or other discriminatory language;
- Putting, or threatening to put information on social media or websites which includes personal information of an organisation’s employees without their consent and/or making defamatory statements about employees online;
- Making excessive demands on the time and resources of staff with lengthy phone calls, emails to numerous council staff, or detailed correspondence every few days or more often, and expecting immediate responses;
- Submitting repeat contacts or complaints with minor additions/variations which the complainant insists make these ‘new’ complaints;
- Refusing to specify the grounds of a complaint, despite offers of help.;
- Refusing to cooperate with the complaints investigation process. For example, failing to provide information requested that is important for the investigation.;
- Insisting on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- Making unjustified complaints about staff who are trying to deal with the issues, and seeking to have them replaced;
- Frequently changing the basis of the complaint as the investigation proceeds;
- Raising many detailed but unimportant questions, and insisting they are all answered;
- Providing false information and/ or submitting falsified documents from themselves or others;
- Adopting a 'scatter gun' approach: pursuing parallel complaints or contact about the same issue with various organisations;
- threats of violence;
- actual violence;
- possible hate incident

2.2 This protocol recognises that some behaviour that may be deemed unreasonable may be linked with underlying health issues, conditions or disabilities. In these instances contact may be made with relevant colleagues, such as Adult Social Care, to determine whether this impacts on how the individual’s behaviour is managed.



- 2.3 For avoidance of doubt, where contact relates purely to vexatious information requests (ie Freedom of Information; Subject Access Requests etc), this is out of scope of this policy. Individual information requests can be determined vexatious, but not the requestor. A decision on whether an information request is vexatious will be made by the Data Protection Officer (or their nominated representative) in conjunction with the impacted service(s).
- 2.4 If the behaviours relate to a mainstream or conventional journalist, they may be subject to the Press Complaints Commission (PCC) Editors' Code of Conduct. If the behaviours are attributable to an individual who publishes posts, tweets or articles, their contact may be deemed to be "journalistic material" for the purpose of the Human Rights Act 1988 and entitled to enhanced freedom and protection of journalistic expression (s.12 and Article 10). In the event of any doubt, advice should be sought from legal services before the protocol is applied.

3. What should you do if you believe that you have been or are the subject of unreasonable behaviour?

- 3.1 Where you believe that there is no immediate risk to yourself or others, you should use your own judgement and customer services skills to resolve the issue where you are able. However, where you do not feel this to be the case, or if you believe that you have been subject to unreasonable behaviour, you should notify your line manager. Where the incident relates to violent or potentially violent behaviour the Violence, Aggression and Harassment at Work policy and guidance should be followed. All incidents of violence, aggression and harassment, regardless of severity must be reported on the [accident incident report form](#). The Health and Safety Team will escalate to the Unreasonable Behaviours Panel, where appropriate.
- 3.2 The following link can be used to report any hate crimes to Dorset Police and all team members should be encouraged to do so. In the event that the individual is not happy to report the incident, the service should consider doing so - <https://www.dorset.police.uk/do-it-online/report-a-hate-crime-or-incident/hate-crime-or-incident/>
- 3.3 Where the manager of the service is of the opinion that the individual poses a significant risk to staff or is concerned that the vexatious nature of contact is having an adverse impact on service, they should email details to the dedicated email address spocassurance@dorsetcouncil.gov.uk. This should include details and numbers of incidents, so that an assessment can be made as to whether the individual displaying unreasonable behaviours needs to be recorded within the 'unreasonable behaviour' database so that other members of staff can review and take appropriate action should they have contact. The decision will be made by the Unreasonable Behaviours Panel.

4. The Unreasonable Behaviours Panel and supporting schedule

- 4.1 The Council maintains a schedule of those individuals that have been identified as displaying unreasonable behaviour, which sets out how employees and other workers should respond in the event that they come into contact with an identified individual. It will also identify if the



individual is subject to any service restrictions, permitted means of contact and any “single point of contact” that may have been allocated.

4.2 The schedule is maintained by the Unreasonable Behaviours Panel, who will determine whether individuals meet the criteria for inclusion, keep the database up to date, and consider renewals on a twelve-monthly basis.

4.3 The Panel consists of the following members and will meet monthly (physically or virtually), or more regularly if business dictates:

- Service Manager for Assurance (the Panel chair)
- Senior Assurance Officer – Complaints
- Health and Safety Manager
- Business Manager – Customer Services
- Head of Specialist Services, Adult Social Care
- Representative of the Equality and Diversity Network

4.4 The quorate for decision making will be four panel members. In the event of absence, panel members should seek to arrange for a suitably briefed deputy to attend on their behalf, where possible.

4.5 If panel members are implicated by the circumstances of the case, or have a relationship with the customer that could reasonable impact of their decision making, they will declare this. In such cases a decision will be reached by the Chair (or in their absence, the Monitoring Officer) as to whether they should be excluded from decision making. Where possible, this should be determined prior to the panel meeting occurring.

4.6 Where available, the appropriate Operations Management (or equivalent) will be invited to the Panel to present their case for an individual to be added to the schedule. For High risk incidents, or cases where legal proceedings have been intimated, a Legal Services representative will also be invited in an advisory capacity.

4.7 Panel members will be provided with appropriate papers in order to make a decision in advance of the meeting, or if not available, a statement by the appropriate Operations Manager.

4.8 The panel will decide if the behaviours meet the criteria for Unreasonable Behaviour. Inclusion on the schedule should be on exceptional circumstances, in many instances the issues can be controlled by the service issuing a letter to the individual setting out expected behaviours, and the panel may suggest this course of action in the first instance.

4.9 In determining inclusion on the schedule, the Panel will consider the following risk assessment criteria (Appendix A provides HSE guidance on threatening behaviour). Inclusion on the schedule is based on a majority vote (four panel members):

Vexatious is defined as: causing or tending to cause annoyance, frustration, or worry. Person who uses	Threatening behaviour can be defined as: a statement of an intention to inflict pain, injury, damage, or other hostile action on someone in	Violence is defined as: Any incident in which a person is abused, threatened or
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abusive language and are generally rude.	retribution for something done or not done	assaulted in circumstances relating to their work'
LOW RISK	MEDIUM RISK	HIGH RISK

4.10 The panel will in the first instance consider whether the individual has any underlying health issues, conditions or disabilities, and in such cases consideration will be given to any changes to the approach set out below, in conjunction with specialist colleagues from appropriate services. Where it has been deemed necessary to consult with Mosaic or another system, this should only be done so by the panel representative from Adult Social Care, and should be recorded within the panel's decision record.

4.11 Consideration should be given as to whether a Single Point of Contact (SPOC) is required at this stage. A SPOC will generally be an appropriate Service Manager, but at their discretion this may be delegated to another appropriate officer. The SPOC will generally be based in the impacted service area, but if cross-service impacts have been identified, it may be appropriate for the SPOC to be within Assurance Service. If it is identified that there are underlying health issues, it may be appropriate for the SPOC to be an operations manager in the relevant locality. The individual subject to the SPOC should be provided with the contact details of the SPOC. In some instances a SPOC may be deemed appropriate where customer behaviour has not been determined as "unreasonable" if the panel believes that such coordination will better facilitate service to the customer.

4.12 Where a SPOC is applied, it may be deemed appropriate to apply an email divert to the SPOC address. Where this is actioned, the panel will liaise with the relevant ward councillors to determine if they wish for the divert to apply to their email address. The customer will be advised where a divert has been applied.

4.13 Where the panel's risk assessment determines that the individual should be logged on the unreasonable behaviour database the following actions should be taken:

4.13.1 **Low / Medium Risk –**

A letter or email should be sent from the relevant Operations Manager (or equivalent). This correspondence should:

- describe the incident, location, date and time and why the behaviour has been identified as unreasonable;
- include a SPOC (if relevant) and any future contact restrictions;
- any restrictions to service provision;
- identify the consequences of a breach;
- note that they have been logged on the Council's unreasonable behaviour and that the record will be removed after 12 months as long as there is no repeat behaviour.
- Outline the process for review.

The correspondence will be accompanied by an Equalities and Diversity questionnaire. Where the returned questionnaire identifies underlying issues that have not previously been identified, the panel will refer to appropriate specialist colleagues (as per 4.6 above).



The incident and follow up actions should be recorded on the unreasonable behaviours database.

4.13.2 **High Risk**

Where the individual is deemed to pose a High risk to safety, the panel chair may determine the need to immediately add an individual to the schedule, for ratification at the next available panel meeting. In the event of absence of the chair, such a decision would be escalated to the Director for Legal and Democratic.

4.13.3 The panel will arrange for correspondence to be drafted and sent by a Legal Services representative. This letter will:

- Describe the incident, location, date and time and why the behaviour has been identified as unreasonable.
- Include a cease and desist requirement
- Include a SPOC (if relevant) and any future contact restrictions
- Any restrictions to service provision
- Identify the consequences of a breach;
- Note that they have been logged on the Council's unreasonable behaviour schedule and that the record will be removed after 12 months as long as there is no repeat behaviour.
- Process for appeal

4.13.4 In the event that court action is taken, it is possible that staff may be summoned to give evidence. In such cases, support should be sought from the line manager in the first instance.

5. Maintenance of the Unreasonable Behaviours Schedule

5.1 Unreasonable behaviour records will be reviewed after 12 months by the panel, and a view taken as to whether or not to remove the individual from the list. Where appropriate, the relevant Operations Manager / designated SPOC will be invited to the appropriate meeting of the panel meeting to inform the decision. Removal from the list will not be communicated to the perpetrator as this may re-oxygenate the issues.

5.2 The Service Manager for Assurance will be the Information Asset Owner for the Unreasonable Behaviours database, but the responsibility for individual records will rest with the identified Operations Manager.

5.3 The process is summarised as a flowchart in Appendix B.



6. Process for Review of Panel Decisions

- 6.1 An individual subject to inclusion on the unreasonable behaviours database has the right to request that the decision of the Panel is reviewed by the Council's Monitoring Officer (or their Deputy or their identified legal services representative) if they believe that i) this protocol has not been followed; ii) the decision was unreasonable; or iii) if there is any circumstance or evidence since the panel's decision that may necessitate a further review. Such request must be made in writing within 28 working days of the notification. The individual will remain on the database until the outcome of the appeal is determined.

7. Who Can Access the Unreasonable Behaviours Schedule?

- 7.1 To be effective it is important that the information on 'anticipated risk levels' associated with known individuals and/or specific addresses are available to appropriate services that are anticipated to have likely contact (for instance, customer services, Directors PAs, complaints team, elected councillors). Other services will be granted access to the schedule on a risk assessed / 'need to know' basis by the Panel on request to spocassurance@dorsetcouncil.gov.uk. For instance, those likely to visit customer addresses may require access to Medium/High risk data only. This recognises that the organisation also has a responsibility to ensure that sensitive data is protected and managed appropriately in keeping with the General Data Protection Regulations.
- 7.2 The Panel will maintain a record of services and individuals with access to the database, together with the risk based rationale for permitting access.

8. What happens if the behaviours do not improve?

- 8.1 In the event that behaviours do not improve, the matter will be referred back to the panel and where necessary escalated to Legal Services to determine what further action needs to be taken.

Policy Owner: Marc Eyre, Service Manager for Assurance

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Appendix A

Definitions

The Health & Safety Executive (HSE) have published some helpful guidance and supporting definitions which the organisation is seeking to utilise to guide its own approach to assessing the level of anticipated risk'.

These definitions are as follows:

VIOLENCE

Any incident in which a person is abused, threatened or assaulted in circumstances relating to their work.

AGGRESSION

Feelings of anger or antipathy resulting in hostile or violent behaviour; readiness to attack or confront.

HARASSMENT

The act of systematic and/or continued unwanted and annoying actions of one party or a group, including threats and demands.

These definitions also include verbal abuse or threat, threatening behaviour, any assault, any serious or persistent harassment and extends from what may seem to be minor incidents to serious assaults and threat against the employee's family.

Also covered by this policy are employees that work from home and work flexibly from home or other locations that are not their normal place of work, as this is still counted as being 'at work'.

These definitions are also taken to include any form of hate crime against any individual or group of people including any form of sexual harassment or discrimination against any of the protected characteristics under equality legislation, i.e.

- Age;
- Disability;
- Gender reassignment;
- Marriage and civil partnership;
- Pregnancy and maternity;
- Race;
- Religion or belief;
- Sex;
- Sexual orientation

The following link can be used to report any hate crimes and all team members should be encouraged to do so - <https://www.dorset.police.uk/do-it-online/report-a-hate-crime-or-incident/>

Appendix B



Unreasonable Behaviour Panel Process

