

Olney Town Council

Unreasonable & Unreasonably Persistent Customer Contact Policy

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1 Introduction

1.1 The Council's Unreasonable and Unreasonably Persistent Customer Contact Policy has been developed to ensure the Council is proportionate and fair in the way it defines this type of customer contact and in the manner, it deals with it. It reflects the Local Government Ombudsman's "Guidance note on management of unreasonable complainant behaviour" (revised 2011).

1.2 Customer contacts cover a multitude of customer enquiries and issues raised with the Council. Customer contacts can be face to face, by telephone, letter, email or via online forms. They will primarily be dealt with in accordance with the relevant service policy. Most customers with a problematic issue or concern behave in a reasonable manner. In a minority of cases a customer may continue with their contact with the Council in a way that is unreasonable. This type of behaviour can impede the investigation of the issue raised (or those of other customers) and can have significant resource issues.

2 Definition of 'Unreasonable or Unreasonably Persistent'

'Unreasonable behaviour' may include one or two isolated incidents, as well as 'unreasonably persistent behaviour', which is usually a build-up of incidents over a long period. The Local Government Ombudsman defines 'unreasonable' and 'unreasonably persistent' by the nature or frequency of contacts with an organisation that hinder the organisation's consideration of theirs or other people's contacts.

3 Examples of Unreasonable or Unreasonably Persistent contact

3.1 Outlined below are examples of trigger actions or behaviours which may cause the Unreasonable and Unreasonably Persistent Contacts policy to be applied. Please note this list is not exhaustive:

- Adopting a 'scatter gun' approach: i.e. persistently pursuing parallel enquiries on the same issue with a variety of councillors/officers and/or external organisations.
- Making excessive demands on the time and resources of staff with frequent and/or lengthy, phone calls, emails, or letters.
- Submitting repeat enquiries or complaints or introducing trivial or irrelevant new information at a later stage.
- Refusing to accept the decision or response.
- Refusing to specify the grounds of an issue, despite offers of assistance.
- Refusing to accept the Council's timescales or processes.
- Covertly recording meetings and conversations.
- Submitting falsified documents from themselves or others.
- Offensive remarks and in particular in relation to any of the 9 protected characteristics: Age, Disability, Gender Reassignment, Race, Religion or Belief, Sex, Sexual Orientation, Marriage & Civil Partnership, and Pregnancy & maternity.
- Unwanted physical contact or assault
- Intimidation
- Threats
- Excessive swearing or foul language

3.2 Olney Town Council is responsible under the Public Sector Equality Duty to show due regard in eliminating unlawful discrimination, harassment and victimisation and other conduct prohibited by the act. The Council is committed to maintaining a working environment for all staff where harassment and threatening or abusive behaviour is unacceptable; therefore, the types of behaviour listed at paragraph 3.1, above would be deemed trigger actions or behaviours which may cause the Unreasonable and Unreasonably Persistent Contacts Policy to be invoked.

4 Options the Council can take if customer contact is unreasonable or unreasonably persistent

The Council will always endeavour to resolve a customer enquiry or issue in an efficient and effective manner. In circumstances where the customer's contact with the Council becomes unreasonable or unreasonably persistent, the Council will look to manage this behaviour with a view to improving it. Any actions taken will be proportionate to the nature and frequency of the customer's current contact. The following actions may be considered depending on the individual and the circumstances:

- Not registering further enquiries or complaints about the same issue.
- Placing time limits on telephone conversations.
- Restricting the number of telephone calls that will be taken.
- Limiting the customer's contact to one method of contact.
- Designating a single point of contact for the customer to communicate with.
- Informing the customer that future correspondence will be read (by the designated officer only) and placed on file with no further response given unless a new issue is raised.

5 Applying Unreasonable or Unreasonably Persistent Contact Policy

5.1 A decision will be taken by the Clerk on whether to take action under this policy. A request to take action can be made by a Councillor or an employee of Olney Town Council to the Clerk who will refer the matter to the next Human Resource Committee meeting for review.

5.2 Before deciding whether the policy should be applied, the Clerk should be satisfied that:

- The issue is being or has been investigated properly.
- Communications with the customer have been adequate.
- There is a clear evidence base to support the decision to apply the unreasonable or unreasonably persistent contacts policy in line with the behaviours and actions outlined in this policy.

5.3 Prior to taking a decision to apply the policy the Clerk should warn the customer that if contacts continue in the same manner the Council may decide to treat him/her as an unreasonable or unreasonably persistent contact. If a decision is taken to apply the policy, the Clerk will write to the customer with a copy of the policy to explain:

- Why the decision has been taken;
- What it means for his or her contact with the organisation;
- How long any restrictions will last; and
- What they can do to have the decision reviewed.

5.4 The Unreasonable and Unreasonably Persistent Contacts Policy will be applied for an initial three-month period. The length of time that restrictions should be applied will be based on the actualities of each case. In making this decision the Clerk will take into consideration the following:

- The nature of the ongoing behaviour and contacts with the Council.
- The behavioural cycles i.e. whether there is an established pattern of unreasonable and unreasonably persistent contacts.

6 Records of decisions taken and review

6.1 Records will be reviewed every three months thereafter by the Policy and Information team to ensure that:

- Restrictions are not in place any longer than necessary.
- Customer records are not kept for an extended period past their use.

6.2 When contact is made with the Council about a new issue, a decision will be taken on whether any restrictions that have previously been applied are still appropriate and necessary.

6.3 Customers will be informed at the time the policy is applied that an electronic record (as detailed below) will be kept by the Clerk. They will hold details on all customers whose contact with the Council have been considered as unreasonable or unreasonably persistent and have been reviewed against the policy.

Unreasonable and Unreasonably Persistent Contacts

Name and Contact Details	Warning Given	Unreasonable and Unreasonably Persistent Contact Policy applied	Date last reviewed	Case notes
Name and contact details	Please provide date, method this was communicated to the customer and any initial measures put in place	Please include decision date, the date this was communicated to the customer, and the single point of contact going toward	Date last reviewed	Please include any cyclical unreasonable contacts identified, this will help determine how long the policy should be applied

7 Rights of Appeal

7.1 Appeals against a decision or restrictions attached to a decision will be considered by the Chair of Human Resource Committee.

8 Who will be informed within the Council?

8.1 Details of the restriction will be disseminated by the Clerk to the Human Resource Committee. Then the Clerk will inform any individual involved.

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Adopted on 16th May 2022 HR22/05/7