

**Title of meeting:** Governance and Audit and Standards Committee

**Date of meeting:** 20 September 2023

**Subject:** Unreasonable Customer Behaviour Policy

**Report by:** Assistant Director of Corporate Services

**Wards affected:** All

**Key decision:** No

**Full Council decision:** No

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**1. Purpose of report**

To bring to the attention of the Governance & Audit & Standards Committee a new policy around managing unreasonable customer behaviour.

The full policy can be read at Appendix A.

The purpose of the new policy is to set out clearly what the council considers to be unreasonable customer behaviour, and the process the council will follow in responding.

The aim of the policy is to ensure the council can still respond to enquiries from customers whose behaviour has become unreasonable, but without the demands of individual customers taking a disproportionate amount of time to manage and impacting negatively on the ability of staff to handle enquiries from other customers.

**2. Background**

Portsmouth City Council is committed to providing high quality customer service and handles thousands of customer interactions across the organisation each month, in the form of telephone calls, letters, emails, online transactions, and face-to-face enquiries.

The council aims to respond to most enquiries first time, and to resolve them to the customer's satisfaction.

While most enquiries are resolved to the customer's satisfaction, for a variety of reasons, sometimes customers can become upset, angry, or frustrated.



While council staff are usually able to manage these situations, there are times when the customer's behaviour can become unreasonable to the extent that it takes up a disproportionate amount of time, which affects both the ability of staff to manage the original issue or issues for the customer, and the ability of staff to respond to enquiries from other customers. These situations occur infrequently, but when they do occur the impact on staff time is very significant. Unreasonable customer behaviour can also have a detrimental effect on staff wellbeing, as managing persistent or abusive contacts is highly stressful.

As a recent example, Mr X sent 58 emails copied to multiple council departments across a period of less than 20 working days in June 2023, resulting in significant amounts of time spent by staff from across directorates trying to untangle the correspondence and ensure the issues raised by Mr X were appropriately responded to.

The council's [corporate complaints policy](#) already includes a section that sets out how the council will respond when the behaviour of a complainant becomes unreasonable.

However, the corporate complaints policy can't be applied to situations where the council considers a customer's behaviour has become unreasonable and difficult to manage, but where the customer has not made a complaint.

This new policy is designed to address the gap, maintaining consistency in following a similar process to the corporate complaints policy in terms of managing unreasonable customer behaviour, but applicable to all interactions that customers may have with the council.

### 3. **Definition of unreasonable customer behaviour**

In line with the corporate complaints policy, the new unreasonable customer behaviour policy follows the guidance of the Local Government and Social Care Ombudsman in defining unreasonable customer behaviour as:

***"Customer behaviour that, because of the frequency or nature of the contacts with the council, hinders the council's ability to deal with genuine customer enquiries, the consequence of which is to divert resources from providing efficient services for our residents."***

Examples include adopting a scattergun approach by contacting multiple council departments, individual officers, and councillors with the same or very similar enquiries, making unnecessarily excessive demands by repeatedly

contacting the council, and/or being frequently rude or otherwise threatening to council staff.

It should be noted that a customer raising legitimate queries or criticisms of the council or being unhappy with a council decision and seeking to challenge that decision would not necessarily cause a customer's behaviour to be considered unreasonable. The council will seek to distinguish between customers who make regular contact because they have genuine ongoing or multiple problems and those whose behaviour is unreasonable.

Further, in situations where the council considers the behaviour of a customer to have become unreasonable, we will seek to manage that behaviour first and foremost in a way that still enables the customer's legitimate enquiries to be responded to.

#### **4. Process for responding to unreasonable customer behaviour**

This section provides a summary of the process for managing unreasonable customer behaviour, including steps that should be taken before invoking the formal policy.

##### **4.1. informal resolution**

The policy is accompanied by a guide for managers, which provides advice on steps to take before invoking the formal policy. This stage includes reviewing the customer's case to make sure we have considered the situation from the customer's point of view, and their issue(s) have been resolved as far as possible, and then responded to appropriately.

The formal policy should only be invoked if informal steps have been taken to resolve the situation.

##### **4.2. step one: appropriate manager to resolve the issue with the customer**

If the situation can't be resolved informally, the first step set out in the policy is for the appropriate manager to contact the council, explain the council's concerns and propose a way forward to manage the situation. This could include putting a single point of contact in place for the customer and/or specifying an agreed method and frequency of contact. The aim is to reach agreement with the customer and resolve the situation.

##### **4.3. step two: referring the matter to managed under the unreasonable customer behaviour policy**

If agreement can't be reached, the appropriate manager will refer the matter to the city helpdesk manager in the first instance, providing evidence of the unreasonable customer behaviour and the steps taken to resolve the situation.

The city helpdesk manager, in consultation with the assistant director of Corporate Services, will review the situation to make sure all possible steps have been taken to resolve the situation, decide whether restrictions on the customer's contact with the council need to be imposed, what the restrictions should be and the timescales, and communicate appropriately with the customer.

Once restrictions are imposed, the situation will be monitored, and the restrictions will be reviewed after an appropriate period. The policy also allows for the customer to appeal the decision to impose restrictions, with appeals considered by the Director of Corporate Services.

## **5. Implementation**

The new unreasonable customer behaviour policy will be implemented from 1 October 2023, and will be added to the council's website.

The policy will be communicated to managers internally via the customer service strategic leads group. It will also be added to the customer service section of the intranet along with a guide for managers setting out how to apply the policy, including advice and guidance on informal steps to resolve first.

## **6. Summary**

While situations where customer behaviour is considered sufficiently unreasonable to require use of the policy occur infrequently, the policy is necessary to ensure that when such situations do occur, the council has a clear and transparent process for its staff and customers.

The policy will enable situations to be managed clearly and consistently, ensuring we can continue to respond to all our customers, and that any behaviour that has become unreasonable can be managed in a way that enables the customer's issues to be addressed without that happening at the detriment of other customers, or the wellbeing of our staff.

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Signed by: Charlotte Smith, Assistant Director of Corporate Services

**Appendices:** Nil

**Background list of documents: Section 100D of the Local Government Act 1972**

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

<b>Title of document</b>	<b>Location</b>
Portsmouth City Council: Corporate Complaints Policy	<a href="https://www.portsmouth.gov.uk/services/council-and-democracy/your-say/complaints/corporate-complaints-policy-2021/">https://www.portsmouth.gov.uk/services/council-and-democracy/your-say/complaints/corporate-complaints-policy-2021/</a>

The recommendation(s) set out above were approved/ approved as amended/ deferred/ rejected by ..... on .....

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Signed by: