

Customer Relations

Guidance on how to identify and manage unreasonable customer behaviour

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**Distribution:** Heads of Service, Customer Relations Network

**Issued by:** Customer Relations, Customer Services

**Contact:** [county.complaints@surreycc.gov.uk](mailto:county.complaints@surreycc.gov.uk) 020 8541 9100

**PURPOSE**

1. This document identifies the types of customer behaviour that are considered unreasonable and provides managers and staff with guidance on how to best manage situations where these behaviours are being displayed.
2. The document describes the process, roles and responsibilities that apply in situations where formal management of behaviour is considered to be necessary.
3. The appendices give suggestions on management strategies for different types of behaviour

**ACTION**

Customer Relations Service Leads are asked to ensure that their Service is aware of this guidance, where to find it and in all cases to seek advice from Customer Relations whenever it might be considered appropriate to apply it.

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[**Guidance document**](#_bookmark0)

**Appendix 1** - Checklist of behaviours

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**1. SU****MMARY**

Surrey County Council delivers a wide range of public services. The nature of the services that we provide means that we are in daily contact with members of the public. We encourage and welcome all kinds of feedback about our services, but also recognise that a very small number of people can act in a way that can be challenging for employees.

This guidance sets out the council’s approach to dealing with unreasonable customer behaviour. This guidance is intended to help employees determine what is unacceptable, or unreasonable customer behaviour and suggests options for how to manage it constructively and consistently. The guidance is intended to be flexible, as we recognise that the specific service being delivered may impact on the approach taken.

If there are concerns regarding personal safety of staff, then staff should refer to the guidance in [**section F4**](https://snet.surreycc.gov.uk/hr/health-and-safety/manual/operating-procedures/section-f4-guidance-note-aggression-and-violence) of the Surrey County Council's Health and Safety Manual which defines the county council's policy for minimising risks to health and safety from violence, including aggressive behaviour not causing actual physical harm, and includes information on incident reporting.

**2. AIMS**

Our aims are to:

* + Deal fairly, respectfully and consistently with all members of the public that contact the council, in line with the standards set out in our Customer Promise. This includes those whose behaviour we consider to be unreasonable. We believe that people have a right to be heard and listened to. We also believe that employees of Surrey County Council have that same right.
  + Provide accessible services for customers. However, we retain the right to manage a person’s contact with a service where it is considered that person’s behaviour or actions are unreasonable.
  + Empower employees to be able to manage unreasonable customer behaviour and to ensure that those who act in an unacceptable manner do not disadvantage themselves and/or other members of the public.

**3. RECOGNISING UNREASONABLE BEHAVIOUR**

We understand that people can act out of character in times of stress or when they are upset or unhappy with a situation. It is important that we still offer the best service that we can, even in difficult circumstances. However sometimes when people are angry, demanding or persistent it can result in unreasonable demands on a service or unacceptable behaviour towards employees.

It is not easy to define when behaviour becomes unacceptable / unreasonable. Some behaviours only become apparent over time; it is not always obvious at the outset that a customer’s behavior is, or may become, unreasonable.

Things to consider:

* + - It is not unreasonable for customers to raise legitimate queries or criticisms of the handling of their request, enquiry or complaint.
    - The same conduct may be unreasonable in one set of circumstances but not in another - the behaviour has to be put in context before deciding what action to take; e.g. is the complainant's distress in reasonable proportion to the loss/wrong suffered?
    - It may be necessary to consider the circumstances of the customer - do they have health issues, language/comprehension difficulties etc which may make it difficult for them to request a service?
    - Check appropriate adjustments for Equality and Diversity issues have been fully taken into account and reasonable adjustments made where appropriate
    - Unreasonable behaviour does not mean that the customer does not have a valid point, or is making a reasonable service request
    - Where calls are recorded (such as calls made to, and transferred from, our Contact Centre) the call recording can provide independent evidence in support of staff and, where concerns are raised, will be used to assess if a customer’s behaviour during a call was unreasonable

We have defined two broad categories of unreasonable behaviour:

## Aggressive or abusive behaviour

This is the use of language (oral or written) or behavior that may cause employees to feel afraid, threatened or abused. Examples include threats, physical aggression, verbal abuse, rudeness and the use of insulting and offensive remarks. Inflammatory statements and unsubstantiated allegations can also be considered to be abusive behaviour.

In line with our Customer Promise, we expect Surrey County Council employees to treat everyone with respect and we also expect our employees to be treated in the same way. We understand and accept that people can often be angry or upset due to a particular situation or circumstances, but when this escalates into aggressive or abusive behaviour towards employees then it is unacceptable.

We have a zero tolerance approach with regard to racist, sexist, homophobic or other prejudicial behaviour directed towards any member of staff or Surrey County Council contractors.

In the event of bodily harm being threatened or unlawful behaviour which can include racist and homophobic behaviour, consideration will be given to reporting the incident to the police by the relevant manager / supervisor, who will take further action as they deem appropriate.

## Unreasonable Persistence and Demands

We recognise that some people cannot, or will not accept a decision taken, or an explanation / information given by the council. In some cases customers will not accept that we are unable to provide a level of service other than that already provided to them. They may then persistently complain or continually contact the council about a particular issue.

Examples of this behaviour include a continual refusal to accept a decision or explanation, a repeated refusal to follow an appropriate course of action (e.g. the complaints procedure or a legal appeals procedure) and constant contact with a service or particular employee (by either telephone, email, letter or personal visits) about the same issues without presenting new information. It can also include contacting multiple officers about a particular issue i.e. adopting a ‘scattergun’ approach, as well as a high level of social media activity.

We consider such actions to be unreasonable because they take up a disproportionate amount of time and resources, which could be used for the benefit of delivering services to other members of the public.

See appendix 1 for a more detailed checklists of behaviours:

**4. MANAGING UNREASONABLE BEHAVIOUR**

Services can contact Customer Relations for advice on how to handle/manage unreasonable customer behaviour at any point.

Customers must be treated with respect at all times and have a right to access Surrey County Council services. No person can be unconditionally deprived of having a request for service considered appropriately. We recognise that a person’s behaviour may be affected by their personal circumstances and we will take this into account when deciding what action to take.

It will be for individual service areas to decide the thresholds for invoking measures to manage unreasonable behaviour based on the nature of the work they undertake and any existing service specific or external guidance.

Employees should be aware of and put into practice any service specific guidelines / policies on managing unreasonable behaviour. The Customer Relations Team can support service areas to draw up service specific guidance to ensure it meets the requirements of this council-wide guidance for managing unreasonable behaviour.

# Step 1: Identify the behaviour

See section 3 above and use the checklist in appendix 1 to identify the behaviour causing concern and find suggestions on strategies for managing it. Also see the Contact Centre's script on handling abusive callers (appendix 3).

Ensure the incident is reported to your line manager and keep them informed of any developments. The line manager should ensure their service manager is aware so that they understand the impact on staff and can take action to provide appropriate support. HR policies and procedures are described on SNet.

# Step 2: Give the customer an opportunity to change their behaviour

A person should always be given an opportunity to change their behaviour, so in the first instance employees should clearly explain that they find the person’s language or behaviour unacceptable and give them the chance to remedy this. This can be done over the telephone, face-to-face or in writing.

# Step 3: Take action

## Strategies for Employees

If the behaviour continues, employees should feel empowered to, for example:

* + end telephone calls if the caller is considered aggressive, abusive or offensive. They should clearly explain why they are ending the call and make a record of events
  + report any threats of physical violence, verbal abuse / harassment or persistent correspondence to their line manager. A decision can then be taken whether the matter needs to be reported to the police or whether alternative action needs to be taken
  + refuse to meet with someone / take a telephone call if they have directly experienced aggressive or abusive behaviour from that person (an alternative contact should be given e.g. line manager)
  + ask the person to leave the premises
  + make arrangements to be accompanied by a colleague on a home or site visit
  + advise the customer that they will not respond to further correspondence about an issue they have already responded to, where no new information is provided (should signpost to complaints procedure or alternative appeals route if applicable)

## Strategies for managing contact

If a person has exhausted all internal review mechanisms or exhibits aggressive, abusive or persistent behaviour then it may be appropriate to manage their contact with the council.

Deciding to manage a person’s access to a council service is a difficult and serious step to take. Any action should be appropriate to the circumstances and supported by Customer Relations.

It is important to note that the emphasis is on managing contact with the council; not preventing individuals from accessing services they have a genuine need for.

Managing contact could include:

* + refusal to acknowledge or respond to any correspondence that does not raise new issues or is abusive in tone
  + require all future contact to be through a third party
  + only take telephone calls at set times on a set day or put an arrangement in place where only one employee (an appointed contact) will deal with calls or correspondence from the person in future
  + refuse to accept future telephone calls (providing alternative contact channel)
  + request that the person only contact the council by a specific method e.g. in writing
  + place time limits on telephone conversations and personal contacts
  + require the person to make an appointment to see an employee
  + be clear that only certain issues will be considered or responded to and politely ask the person to be specific about their enquiries / requests
  + invite the person to meet at council premises where possible rather than visiting them at home
  + require the customer to sign an agreement on their future behaviour towards staff and/or whilst on council premises
  + any other action that is considered to be appropriate

## Keep a record

An official record should be kept of any decision to manage contact and the customer should be advised. For more serious actions, a full written explanation of the action being taken, why it is being taken and how long it will last for, as well as a copy of the guidance should be given to the person concerned. This should be signed off by the Customer Relations Team or the appropriate Head of Service. Please note - individuals have the right to access information held about themselves under Freedom of Information and Data Protection legislation. It is important that the record contains only factual records about what was said and how you felt as a result of the behaviour.

* describe the facts of the unreasonable behavior
* record the strategy used to manage the behaviour
* record how staff felt as a result of the behaviour

When formally advising the customer in writing of the action being taken, the letter/email should explain:

* why decision has been taken
* what action has been taken
* how long restriction will be in place (date for review should be given – usually between 3 and 6 months)
* details of the review process
* where behaviour is by a complainant whose complaint is under investigation, advise of right to contact LGO

## Role of Customer Relations

Customer Relations can provide support and guidance to service areas where the relationship with a customer has broken down and behavioural challenges are being experienced as a result. If Customer Relations agree that the behaviour being displayed by the customer is unreasonable, they will either directly contact the customer to advise them on moderating their behaviour, or advise the service how best to do so. They will also give advice on potential management strategies. They may take over communication with the customer, acting as a single point of contact (particularly in those situations where the unreasonable behaviour is related to a complaint).

As part of their assessment to determine whether action should be taken to manage contact, the Customer Relations Team will:

* + review the history and check that the original enquiry / request / complaint was properly dealt with
  + check that communications with the customer have been adequate and all reasonable options explored
  + take into account the behaviour being displayed by the customer and the impact on the staff member or service concerned
  + check the customer is not providing any significant new information that might affect the council’s view on the matter
  + check appropriate adjustments for Equality and Diversity issues have been fully taken into account and there is no reason to believe that cultural, language, or disability barriers still exist which explain the behaviour of the customer
  + consult the guidance on managing unreasonable customer behaviour

## Recording actions taken to manage contact

The Customer Relations Team will keep a record to show:

* name and address of customer
* reason for their decision to manage contact
* date and details of the action taken
* date when customer and relevant staff were informed of decision to manage contact
* any significant new information

**5. APPEALING AND REVIEWING A DECISION TO MANAGE CONTACT**

It is important that a person has an opportunity to appeal a decision to manage contact. The Head of the relevant service will consider the appeal and advise the person in writing of their decision within 10 working days i.e. whether the managed contact arrangements still apply or whether a different course of action has been agreed.

On rare occasions where it has been considered necessary to take steps to manage contact and this has been reviewed at the most senior level within the Council (ie Chief Executive), the individual should be referred to the Local Government and Social Care Ombudsman if they state they are unhappy with the approach taken to managing their contact.

## New complaints/enquiries

New complaints or enquiries from people whose behaviour has previously been considered unreasonable will be treated on their merits. Previous action taken to manage contact will not automatically apply to a new matter.

**APPENDIX 1: IDENTIFYING BEHAVIOURS AND APPROPRIATE MANAGEMENT STRATEGIES**

**Behaviour type:** unreasonable demands

**Management strategy:** set limits and give clear advice on what you can and cannot do, explaining why. Explain that you cannot engage in ongoing correspondence where there is nothing else you can add to explanations already provided. Seek advice from Customer Relations on ways to manage contact if situation continues.

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| **Behaviour** | **Examples** | **Management strategy** |
| Unreasonable demands | Giving forceful instructions about how a matter must be handled that are not realistic and/or do not comply with SCC procedure | Clearly explain council position and what the council can and cannot do. Signpost to complaints  procedure if person remains unhappy. |
|  | Refusing to accept issues are not within SCC’s remit | Define and focus on key issues that SCC has responsibility for. Signpost to other relevant  agencies. |
|  | Making excessive demands (e.g. multiple copies/instant responses) | Be clear when you will contact customer and what you can and cannot do. Refer to service  standards re: timescales for responding to correspondence. |
|  | Complaints about member(s) of staff, requesting their removal | Avoid being drawn into unproductive arguments/personal attacks. Ask for evidence to support allegations so they can be investigated (would also need to advise you would be unable to disclose the outcome). If no evidence is forthcoming advise that you consider the allegation unfounded and will not take  further. |
|  | Wanting what is not possible/appropriate (e.g. copies of sensitive documents, names  and contact details of staff/public) | Explain procedures and any legislative responsibilities e.g. Data Protection and stick to them. |
|  | Making excessive written and telephone contact - sending numerous email/contacting multiple staff/numbers of lengthy  complex letters | Contact Customer Relations for advice on managing contact. |

**Behaviour:** unreasonable persistence

**Management strategy:** Be firm but fair. Clearly explain position, signpost to complaints procedure / alternative route of appeal and contact Customer Relations Team for advice if situation continues.

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| **Behaviour** | **Examples** | **Management strategy** |
| Unreasonable persistence | Refusal to accept council decision and expects a review of decision based only on expression of dissatisfaction, unsupported by arguments/evidence | Ask for evidence to support review request e.g. new information, evidence original decision or answer was flawed. If not forthcoming advise that nothing has been provided that would change original decision. Matter is considered closed and you won’t engage in further correspondence. Signpost to complaints procedure.  Contact Customer Relations for advice if contact continues. |
|  | Refusal to accept complaint outcome | Refer to stage 2 (if Stage 1 response). If complaints procedure has been completed and no new information provided, refer to Local Government and Social Care Ombudsman (LGO) and advise matter is closed and you will not engage in further  correspondence. |
|  | Insisting on own solution in face of valid alternative arguments, or where council has discretion to take a decision which has been properly made | Acknowledge differing views and advise that this in itself is not evidence of wrongdoing or incorrect decision-making.  Signpost to complaints procedure  / legal route of appeal. |
|  | Persists in interpreting law/policy in way not in accordance with generally accepted view/expert views | Outline reasoning, acknowledge differing views and signpost to complaints procedure / legal route of appeal. Advise will not  correspond further. |
|  | Raising minor/technical issues arguing that these undermine a bigger decision | Ask for evidence to support review request. Outline council’s position and whether these minor issues materially affected overall  decision. Signpost to complaints procedure / legal route of appeal. |

**Behaviour:** unreasonable arguments

**Management strategy:** Be clear about what the council will and will not consider. Contact Customer Relations for advice.

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| **Behaviour** | **Examples** | **Management strategy** |
| Unreasonable arguments | Conspiracy theory unsupported by evidence | Consider the issues. If no evidence is provided in support, advise that you consider the allegation to be unfounded and so will not consider further.  Signpost to complaints  procedure / legal route of appeal. |
|  | Presenting issues in a clearly irrational/unreasonable way | If unreasonable arguments are mixed with reasonable arguments, then refuse to deal with unreasonable portion, explaining why. |
|  | Insisting on importance of minor issue | Clearly explain why minor issue does not materially impact decision / action. Signpost to  complaints procedure. |
|  | Interpreting facts / legislation in a different way to SCC | Explain SCC position and why this does not impact on decision  / action. |
|  | Focusing on illogical arguments | Focus only on reasonable arguments. Explain you can only consider allegations supported  by evidence. |

**Behaviour:** aggressive or threatening behaviour

**Management strategy:** Explain impact of behavior and give customer opportunity to modify behaviour. Empower staff to take action to remove themselves from situation e.g. end telephone call if they feel threatened or afraid and contact line manager and/or Police.

Contact Customer Relations for advice on taking action to manage future contact.

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| Unreasonable behaviour | Electronically recording meetings and conversations without the prior knowledge and consent of the other persons  involved | Refer to guidance issued by Information Governance Team. |
|  | Rude, confrontational, bullying, threatening or aggressive e.g. swearing, personal threats, unfounded allegations | Point out more moderate language/behaviour is more likely to achieve a good outcome.  Explain impact of behaviour and give customer an opportunity to modify. If behaviour continues, remove yourself from situation  e.g. end telephone call, ask customer to leave premises. Speak to line manager. If you feel threatened or afraid contact line manager and/or Police. Contact Customer Relations for advice on taking action to manage future  contact. |
|  | Inappropriate remarks made about staff or SCC on social media e.g. Facebook, Twitter  etc | Ask advice from Customer Relations and/or legal services. |
|  | Overly ingratiating, manipulative or threatening | Set boundaries of professional relationship. |

**APPENDIX 2: TOP TIPS FOR DEALING WITH CHALLENGING CONVERSATIONS**

We all encounter challenging conversations from time to time. Here are our top tips for handling them successfully.

***Listen***

1. Give a pleasant greeting.
2. **Remain calm** and respectful throughout the conversation. If the other person raises their voice, keep yours low and calm.
3. **Listen –** allow the person to talk about the issue in their own words and express their dissatisfaction. Don’t intervene too quickly as sometimes a person just wants to ‘let off steam’. But don’t let the venting go on for too long (two to three minutes is optimum time, beyond that it can do more harm than good) For face-to-face conversations use active listening skills e.g. nod, maintain eye contact, adopt open body language, show an interest in what is being said.
4. Lead the person back to the point of the conversation if they go off track e.g. “So, your main issue is...”

### Check understanding

1. **Get the details** about the issue at hand before any personal details.
2. **Don’t debate the facts** in the first instance, especially if the person is angry.
3. **Listen for statements that you can agree with** e.g. “I agree it would be frustrating to wait for two hours for someone to see you”. This sort of agreement does not involve any admission of fault on behalf of the organisation.
4. Show that you **understand the issue** at hand – paraphrase and summarise what the person has said by picking out key points and using key words to mirror those used by the customer.
5. **Avoid using jargon** and complicated language and make sure that the person understands what they have been told.
6. Ask for clarification wherever necessary and **make clear your understanding** of the complaint, concern or request

### Apologise

1. Always **acknowledge the person’s feelings** and any anger (even if you think they are being unreasonable). You can do this without making a judgement on the issue itself e.g. “I understand that this situation is frustrating for you”.
2. Don’t be afraid to **apologise** if you believe an apology is deserved – this is not an admission of liability. At the very least you can apologise and empathise with a person’s situation e.g. “I am sorry that you had such an upsetting experience”.

### Move forward

1. **Ask the person** what they would like done to resolve the issue
2. Rather than simply say ‘No’, **provide a clear choice of options** wherever possible.
3. Ensure that you give the person **an opportunity to participate** as fully as possible in deciding how best to take something forward.
4. **Be clear and direct** about what you can do, how long it will take and what it will involve.
5. **Give clear and valid reasons** why requests cannot be met.
6. Wherever possible, **inform the person** about available avenues of review and appeal.

**APPENDIX 3: CONTACT CENTRE SCRIPTS FOR DEALING WITH CHALLENGING CALLERS**

## Swearing

* I can hear that you are upset/angry about the situation. However, I feel uncomfortable when you speak to me in that way. Could you please stop using swear words.
* (*after a warning*). I want to hear your side of the story. However, I will have to end this conversation if you do not stop swearing.
* (*continuing to use swear words after warning*) I am happy to talk about this issue but not while you are speaking to me in that way. I am afraid that I am now going to end the call as your swearing is making me feel uncomfortable. Please call back later so that we can help you with your enquiry.

## Shouting

* I can hear that you are upset/angry about the situation. However, I feel uncomfortable when you are raising your voice. Could you please stop shouting at me so I can help you.
* (*after a warning*). I want to hear your side of the story. However, I will have to end this conversation if you do not stop shouting.
* (*continuing to shout after warning*) I am happy to talk about this issue but not while you are shouting at me. I am afraid that I am now going to end the call as your shouting is making me feel uncomfortable. Please call back later so that we can help you with your enquiry.

## Guidance on how to identify and manage unreasonable behaviour

**Appendix 4: Process Flowchart**

Customer makes contact by phone, email, letter or face-to-face

Behaviour is threatening and/or violent and the employee feels at risk of harm

**YES**

Customer displays **NO**

unreasonable behaviour

## YES

Take immediate steps to end contact and refer to line manager and Police (where appropriate)

Consult SCC’s Health & Safety Manual and unreasonable behaviour guidance

Attempt to diffuse situation – advise customer of any action already taken, what they can expect of the council and what the council expects of them

Is customer **NO**

behaviour still unreasonable?

## YES

Advise customer of the impact of their continued unreasonable behaviour and possible consequences

e.g. ending call, not accepting further correspondence

Handle enquiry / request / complaint in line with normal procedures

Take into account Customer Promise and any service specific standards

Consider how to continually improve communication with customers

Has the customer’s behaviour changed?

**YES**

## NO

Take action to end current contact, e.g. end call, (see guidance for appropriate actions) and report unreasonable behaviour to line manager / service manager who will review incident

Does manager have **NO**

## YES

concerns about managing future

contact?



Manager consults Customer Relations Team to determine if formal action is needed to manage future contact (in accordance with guidance)

## NO

Action needed?

## YES

|  |  |
| --- | --- |
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