



Cheshire West
and Chester

Managed Contact Policy – Part A



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Document Control Information			
Document ID			
Document title	Managed Contact Policy PART A: Published Policy (external) PART B: Operational Procedure and Guidance (internal) PART C: Elected Member Support (internal)		
Version	5.0		
Status	Final		
Author	Miriam Wallace		
Service Area	Customer Relations		
Protective Marking			
Publication date	April 2022		
Next review date	April 2024		
Version History			
Version	Date	Detail	Author
1.0	25.02.16	First draft for CLT	Michelle Cross
1.1	22.03.16	Part C added	Michelle Cross
1.2	22.09.16	Part C amendments	Michelle Cross
1.3	12.12.16	Corporate Directors amendments	Michelle Cross
2.0	13.12.16	Final approved version	Michelle Cross
3.0	March 2019	First draft	Miriam Wallace
4.0	October 2020	Review draft and update	Miriam Wallace
5.0	April 2022	Update	Miriam Wallace
Approvals			
Approver			Date
Michelle Cross Governance Senior Manager – Customer Relations and Information Governance			Sept 2019
Vanessa Whiting – Director of Governance / Monitoring Officer			Sept 2019
Michelle du Bock Governance Senior Manager – Customer Relations and Information Governance			Oct 2020

Vanessa Whiting – Director of Governance / Monitoring Officer	Oct 2020
Heloise MacAndrew – Head of Companies, Compliance and Assurance	April 2022

PART A: Published Policy (external)

1. Introduction

- 1.1. Cheshire West and Chester Council is committed to providing responsive and accessible services and we value the feedback received as comments or compliments through our service delivery or as a complaint. We aim to deal with all customers fairly, impartially and in a proportionate manner, provide a high-quality service to all our residents, and achieve the best outcomes for them and the borough.
- 1.2. We also have a duty to protect the safety and welfare of our staff and to ensure that our resources and public money are not spent on dealing with unacceptable customer conduct.
- 1.3. The Council communicates with thousands of customers every year, of which the majority are satisfied with the service they receive. Procedures are in place for customers who wish to report a failed service delivery and/or to make a complaint when something has gone wrong. Most customers use these processes and are either satisfied with the outcome or follow the rights of appeal that they are signposted to.
- 1.4. Whilst customers who exhibit unacceptable conduct are rare, dealing with them can take up a lot of time. The Local Government and Social Care Ombudsman (LGSCO) defines unreasonable and unreasonably persistent complainants as complainants who, because of the nature or frequency of their contacts with an organisation, hinder the organisation's consideration of their, or other people's, complaints. Implementing a formal policy to manage such behaviour ensures that we are being fair to all our customers by prioritising our resources effectively so that the time we spend with our customers is appropriate and proportionate.
- 1.5. This policy sets out what is considered unacceptable customer conduct when dealing with officers and elected members of Cheshire West and Chester Council. It provides staff with guidance on what is expected of them; what 'special measures' can be considered to manage contact from customers; and what procedures must be followed before applying any of these special measures. This policy applies to all types of contact from our customers.
- 1.6. Members, or Councillors, as Cheshire West and Chester residents' elected representatives, can opt in or out of any managed contact arrangements put in place for individual customers.

2. The purpose of this policy

- 2.1. To define what unacceptable customer conduct means to the Council To ensure that the ability of staff to conduct Council business e.g. delivery of Council services, is not adversely affected by those few individuals who demonstrate unacceptable conduct
- 2.2. To ensure that Council officers have a safe working environment and are not exposed to unacceptable conduct
- 2.3. To empower Council staff to deal confidently and effectively with unacceptable conduct
- 2.4. To provide a clear process and procedure for the implementation of the managed contact policy.

3. Who does this policy apply to?

- 3.1. This policy applies to all members of the public (customers) where their interaction with the Council as a whole, limited to teams or with individual officers, is considered unacceptable.

4. Definitions and examples of 'unacceptable customer conduct'

- 4.1. This policy recognises that when some customers contact the Council they may have valid reasons to feel aggrieved, upset or distressed. We do not view assertive behaviour (for example, putting forward your case in a persuasive manner) as unreasonable. Whilst we accept that those in contact with us may feel angry in certain situations, it is not considered acceptable when that anger becomes aggression directed towards staff.
- 4.2. We will manage under this policy behaviour that is aggressive, abusive, or unreasonably persistent, and that places burdensome demands on our staff. We have adopted the LGSCO's definitions of "unreasonable complainant behaviour" and "unreasonably persistent complainants", though this policy is not limited to customers making complaints, but it may be applied to anyone displaying unacceptable conduct.
- 4.3. The Council considers **unacceptable customer conduct** to include behaviours or language whether face-to-face, by telephone, social media or written contact that may cause staff distress or harm, for example by feeling intimidated, threatened or abused. Behaviours meeting these criteria include:

- threats
- verbal abuse
- offensive language, for example comments that are deemed to be hurtful, derogatory or obscene
- derogatory remarks
- rudeness
- making inflammatory statements
- raising unsubstantiated allegations
- shouting
- The Council considers unreasonably persistent customer conduct as contact that:
- does not have any serious value or purpose
- is designed to cause disruption or annoyance
- has the effect of harassing the Council/its officers
- can be categorised as obsessive or vexatious
- fails to accept the Council's position, either as a service level agreement (e.g. grass cutting frequency), a policy (e.g. Council Tax rates), a decision on a request for service, or a complaint outcome

4.4. The behaviours considered **unacceptable** include, but are not limited to:

- sending high volumes of letters, emails and/or phone calls
- Posting comments on social media or public-facing sites
- demanding responses within unreasonable timescales
- insisting on speaking with certain members of staff (usually senior managers)
- adopting a scatter-gun approach by contacting many members of staff
- continually contacting the Council while we are in the process of looking at a matter
- making many complaints about different issues or continually adding issues to the same complaint
- Raising legitimate queries or criticisms of a Council action and/or a complaint as it progresses (e.g. if agreed timescales are not met) will not, in itself, lead to a customer being identified as displaying unacceptable conduct. Similarly, the fact that a customer is unhappy with the outcome of a complaint and seeks to challenge it once, or more than once, will not necessarily cause them to be labelled vexatious or unreasonably persistent. Each decision for managed contact arrangements is taken on a case by case basis.

5. implementation of the Managed Contact Policy

- 5.1. All officers dealing with customers receive guidance about the Council's managed contact policy. They are also reminded of the channels of communication available to customers and are instructed to encourage customers to use these wherever possible rather than enter into individual dialogue with an officer. This ensures that reports, service requests and complaints are dealt with appropriately.
- 5.2. The Council's Customer Relations Team manages the policy and provides advice, guidance and support to officers or services dealing with a customer displaying unacceptable conduct. Being independent of the service that the customer is in touch with enables them to challenge the service on the customer's behalf. The service is first given advice on how to resolve the customer's outstanding concerns or issues e.g. by managing their expectations and explaining the Council position or policies clearly, providing a deadline by when they expect to resolve the customer's service request or complaint. If the service is unable to resolve the customer's concerns and/or the customer continues to demonstrate unacceptable conduct then the service will write to them to inform them that they will be dealing with their contact under the Managed Contact Policy.
- 5.3. Where the Customer Relations Team is dealing with a customer displaying unacceptable conduct they will seek support and advice from another team within the Governance Directorate to provide an appropriate level of challenge on the customer's behalf.

6. How the Policy will be applied

- 6.1. Customers statutory rights to Council services and/or information will not be affected by the implementation of the managed contact policy. They are still free to access Council services, raise new complaints and/or exercise their statutory rights, but how they do so may be managed or restricted. They will, where appropriate, be advised of how to request these services in their letter (or email) advising them of the managed contact arrangements.
- 6.2. If the customer is displaying unacceptable conduct Council-wide or across several services, or for any other reason where it is inappropriate for the service to issue it, the Customer Relations Team will issue the letter/email to the customer from its 'NOREPLY' mailbox.
- 6.3. The managed Contact Policy has a two-stage process, however, if a customer's conduct is considered extreme, the Council can move straight to its final stage if it considers it is appropriate to do so.
- 6.4. The decision to manage contact will normally only be taken in exceptional circumstances and after we have considered possible adjustments to our service to help the customer alter their behaviour.

6.5. In all cases we will write to tell the customer why we believe their behaviour is unacceptable, what action we are taking, and the duration of that action. Approval for managed contact arrangements at stage 1 will, as a minimum, be taken at senior manager level and approval for stage 2 will be taken at Director level (or above) and any managed contact arrangements will be appropriate, proportionate and reviewed at the next review following implementation. The Customer Relations Team must be notified of all managed contact arrangements to maintain an up-to-date record and, if necessary, to challenge the service or make recommendations to resolve the matter first.

Stage 1 Warning & Monitoring Period

6.6. Stage 1 provides for an individual team, service or Directorate, to take action and write to the customer about their conduct. The Director (or a Senior Manager by delegation, or Customer Relations Manager where relevant) will write the letter/email to the customer and evidence the impact their conduct is having on their service delivery. The letter/email will also set out why the customer's conduct is unacceptable, the 'special measures' that will apply to their conduct and the monitoring period for that conduct. The default monitoring period is 6 months but the Council reserves the right to shorten or extend this without notice, if it considers appropriate to do so.

6.7. Customers will be asked to change their contact or conduct with the Council, setting reasonable levels of expectations on each side. Wherever possible the customer will be informed of the Council's final position on the issue/s they are raising.

6.8. The special measures options that the Council is most likely to consider at this stage are:

- Asking the customer to enter into an agreement about their future contact
- Placing time limits on telephone conversations and personal contacts
- Restricting all or the number of telephone calls that will be taken and/or using a script to terminate calls
- Limiting the customer to one medium of contact (telephone, letter or email)
- Refusing to acknowledge or respond to any repeated complaints on closed cases
- Requiring the customer to communicate only through a single point of contact (SPOC)
- This is not an exhaustive list and the Council may include other special measures relevant to the circumstances.

Stage 2 Managed Contact Business Case

- 6.9. The Council reserves the right to implement managed contact at stage 2 with immediate effect, and/or without issuing a stage 1 warning, if it considers it to be necessary. This is most likely to be escalated if the unacceptable customer conduct is persistent or abusive e.g. the customer is repeatedly telephoning and/or shouting or swearing at staff.
- 6.10. At stage 2, the Senior Manager of the service affected is required to complete a business case to justify the reasons for placing the customer under stage 2 of the managed contact policy and have this approach signed off by their Director. This business case is then reviewed by the Customer Relations Manager who will recommend approval (or rejection) before forwarding it to the Director of Governance, or their delegated authority, for a final decision. The final decision of the Director of Governance, or their delegated authority, will be recorded on the managed contact register
- 6.11. Officers with delegated authority for decisions made by the Governance Director and/or Monitoring Officer on managed contact are:
- Head of Companies, Compliance and Assurance
 - Head of Legal
 - A Director with no prior knowledge of the customer/issue
- 6.12. The special measures options that the Council is most likely to consider at this stage are:
- Requesting our IT department to divert the customer's emails to a single point of contact for consistency and monitoring, with the options for responses on a set time frame only, for example fortnightly or monthly
 - Terminating all telephone calls to the Council using a script, and requesting the customer contact the Council through its online webforms or via their designated SPOC.
 - Requiring any personal contacts to take place in the presence of a third party
 - Restricting any personal contacts to designated Council premises
 - Asking the customer to contact us through an advocate
 - Again, this is not an exhaustive list and the Council may include other special measures relevant to the circumstances.
 - In cases where behaviour is so extreme that it threatens the safety and welfare of Council Officers the Council will consider other options, such as reporting the matter to the Police or taking legal action. The council has a zero-tolerance position on violence and serious threats against its staff and this behaviour will always be reported to the Police.

- 6.13. Where the Council has concerns for a customer's health and wellbeing it may make a referral to its Adult Social Care service who may then contact the customer to offer support or, if known to the service, contact their social worker or support worker.

7. Rights of review or appeal

Review

- 7.1. The customer will be advised of the outcome of a review of their conduct after the monitoring period expires or following scheduled reviews. Customers will be notified whether the managed contact arrangements will either continue at stage 1, and if so for how long the monitoring period has been extended, be escalated to stage 2 or marked 'Closed' and moved to 'Dormant'. Where the Customer Relations Team considers that contact following a review is likely to encourage further dialogue it reserves the right to take any of the above actions without further notice.
- 7.2. Reviews of managed contact arrangements will take place quarterly subject to other demands on the service, and no later than twelve months from the date of the decision. They will be conducted by the Customer Relations Manager in consultation with the relevant senior managers/Directors. Where arrangements are closed and moved to dormant, then urgent consideration will be given to the reintroduction of special measures if behaviour re-commences within the retention period. The Customer Relations Team will action this on receipt of supporting evidence from the service.
- 7.3. A central register will record the date of the review, details of the consideration made and the date when the restriction expires or is to be extended until. Dormant cases will usually be deleted 12 months after moving to this stage, if there is no further activity within that period requiring consideration of the managed contact policy. The retention policy of 12 months does not apply to customers who have been in managed contact arrangements prior to the introduction of this policy and/or there is a repeated history of contact from customers.

Appeal

- 7.4. The Council has an appeals process that is compatible with the Local Government and Social Care Ombudsman's guidance on managing unreasonable complaint behaviour which states that we should explain what the complainant can do to have the decision reviewed.
- 7.5. A customer has the right to request a review of the decision to manage their contact. They should do so within 10 working days of their first notice of managed contact by emailing enquiries@cheshirewestandchester.gov.uk quoting their reference number that was provided in their notice of managed contact (prefixed 'UCC'). They should provide their reasons for appeal, attaching any supporting evidence to show that the reasons the Council provided for managing their contact is unfair.

- 7.6. The appeal will be reviewed by the Customer Relations Team to identify whether it has been received in time. The team will then arrange for a review to be undertaken by:
- 7.7. Stage 1 – a manager or senior manager within a service with no prior contact with the individual or knowledge of the issue. The manager identified will be asked to confirm their independence of the customer/issue in their written response to the customer.
- 7.8. Stage 2 – a Director within a service with no prior contact with the individual or knowledge of the issue. The Director identified will be asked to confirm their independence of the customer/issue in their written response to the customer. Where the contact from the customer has been widespread the Customer Relations Team may use their discretion to escalate the appeal to a member of the Council's corporate leadership team. This will be in exceptional circumstances and cannot be requested by the customer.
- 7.9. The customer will receive a single acknowledgement of receipt of their appeal from the Customer Relations team, with confirmation of when it will be completed by. This will usually be within 40 working days of receipt of the appeal by the Council, though the customer will be contacted again if more time is needed. All appeals will be completed and responded to within 90 working days.
- 7.10. The customer will receive a written response from the manager/Director tasked with reviewing their appeal, usually via the Customer Relations NOREPLY mailbox. The response will include:
- Confirmation of their independence from the issue
 - What was considered
 - Whether the appeal is upheld or not
 - Reasons for their decision
- 7.11. Alternative methods of contact for raising and responding to an appeal can be arranged if the customer cannot use email. Please review the Council's website for guidance on Requesting Council information in another format (cheshirewestandchester.gov.uk) and use the published contact details to request this as part of your appeal. The same timeframe for submitting an appeal applies (i.e. within 10 working days) but the Customer Relations team may hold the appeal in suspense until alternative formats can be agreed/arranged.

Ombudsman

8. At any stage of managed contact the customer may wish to raise their complaint with the Local Government and Social Care Ombudsman: www.lgo.org.uk