



Cheshire West
and Chester

Managed Contact Policy



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Approver	Date
Michelle Cross Governance Senior Manager – Customer Relations and Information Governance	Sept 2019
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PART A: Published Policy (external)

1. Introduction

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.

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.

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.

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 complaint behaviour' as being behaviour that can hinder an officer's ability to consider the customer's complaint, and/or other customers cases. Implementing a formal policy 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.

This policy sets out an agreed understanding of 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 in all circumstances where members of staff have contact with any of our customers.

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

- 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
- To ensure that Council officers have a safe working environment and are not exposed to unacceptable conduct
- To empower Council staff to deal confidently and effectively with unacceptable conduct
- To provide a clear process and procedure for the application and review of 'special measures' under the managed contact policy.

3. Who does this policy apply to?

This policy applies to all members of the public (customers) in their interaction with the Council as a whole, limited to teams or with individual officers.

4. Definitions and examples of 'unacceptable customer conduct'

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. 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.

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 to feel intimidated, threatened or abused, such as:

- 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) or a complaint outcome

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

- sending high volumes of letters, emails and/or phone calls
- 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.

5. Implementation of the Managed Contact Policy

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.

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.

6. How the Policy will be applied

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 and/or raise new complaints, 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.

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.

If the customer is displaying unacceptable conduct Council-wide or across several services the Customer Relations Team will issue the letter/email to the customer.

The managed Contact Policy follows 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.

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.

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 restrictions will be appropriate, proportionate and subject to regular review. 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.

6.1 Stage 1 Warning & Monitoring Period

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) 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 extend this, if it considers appropriate to do so.

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

The special measures options 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
- 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.

6.2 Stage 2 Managed Contact Business Case

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.

At stage 2, the Director 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. This business case is then reviewed by the Customer Relations Team who will recommend approval (or rejection) before forwarding it to the Director of Governance for a final decision. The final decision of the Director of Governance will be recorded.

The special measures options 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.
- 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.

7. Rights of review or appeal

There is no right of appeal for the customer at either stage of this policy, but 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, be escalated to stage 2 or marked 'Closed' and moved to 'Dormant'.

Reviews of managed contact arrangements will take place no later than every six months from the date of the decision and will be conducted by the Customer Relations Manager and Senior Manager, in consultation with the relevant senior managers/Directors. If the arrangements are closed then urgent consideration will be given to the reintroduction of special measures if behaviour re-commences and the Customer Relations Team will escalate this.

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 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.

As no appeal rights exist the customer may wish to raise their complaint with the Local Government and Social Care Ombudsman: www.lgo.org.uk