

**Cheltenham Borough Council**  
**Cabinet – 22 December 2020**  
**Review of Unreasonable Customer Behaviour Policy**

<b>Accountable member</b>	<b>Councillor Alex Hegenbarth, Cabinet Member for Corporate Services</b>
<b>Accountable officer</b>	<b>Judy Hibbert, Customer and Support Services Manager</b>
<b>Ward(s) affected</b>	<b>All</b>
<b>Key Decision</b>	<b>No</b>
<b>Executive summary</b>	<p>Background:</p> <p>There are occasions when the Council may experience unreasonable customer contact and/or unreasonably persistent contact and so has a policy and procedure in place to help handle such situations in a fair and transparent way. The purpose of this report is to update the Council's current policy.</p> <p>The updated Unreasonable Customer Behaviour Policy defines unreasonable customer contact and unreasonably persistent contact and the actions that the council will take. It also explains a customer's right of appeal and the process of reviewing any restrictions in place.</p> <p>It was last reviewed over 10 years ago and a refresh is required to increase transparency, include contact by social media and to reflect latest guidance from the Local Government and Social Care Ombudsman (LGSCO).</p> <p>The updated draft Unreasonable Customer Behaviour Policy seeks to ensure that the council has a robust process in place to ensure the health and safety of its staff and members when communicating with customers, and to ensure that transparent processes are in place to treat customers in a fair and consistent manner.</p> <p>The updated policy specifically seeks to improve clarity, transparency and robustness in respect of the following:</p> <ul style="list-style-type: none"> <li>• Clearly defined retention periods for register entries</li> <li>• A process enabling members to check prior to making home visits</li> <li>• Clearer guidance in respect of unreasonably persistent complainants</li> <li>• New review process undertaken by the Governance Group for retention or removal of names from the Personal Safety Register.</li> <li>• Establishing that a single version of the Personal Safety</li> </ul>

	<p>Register is retained.</p> <ul style="list-style-type: none"> <li>• Clear roles and responsibilities</li> </ul>
<b>Recommendations</b>	<p><b>Cabinet is recommended to approve:</b></p> <ol style="list-style-type: none"> <li><b>1. Adoption of the updated draft Unreasonable Customer Behaviour Policy.</b></li> <li><b>2. That the Customer Services Manager, in consultation with the Cabinet Member for Corporate Services, be given delegated authority to undertake and implement any future updates to this policy.</b></li> </ol>

<b>Financial implications</b>	<p><i>None as a direct result of this report</i></p> <p><b>Contact officer: martin.yates@publicagroup.uk, 01242 264115</b></p>
<b>Legal implications</b>	<p>Although the public should in general have access to the services and staff at the authority it also has a legal duty to ensure the health and safety of its staff. Restrictions on access should only be applied as a last resort when it is necessary and proportionate to apply such restrictions.</p> <p>The authority also has obligations under GDPR to ensure that data that is held and process under this policy is done so in accordance with the principles and requirements of GDPR.</p> <p><b>Contact officer: One Legal - legal.services@tewkesbury.gov.uk, 01684 272012</b></p>
<b>HR implications (including learning and organisational development)</b>	<p><b>1.1</b> The updated policy is intended to support and protect Council representatives when dealing with members of the public who act in a way that is considered to be unreasonable. The new policy will need to be cascaded to all relevant representatives along with any necessary training. This may impact on current resource levels and therefore additional resource may be required to support this activity.</p> <p><b>Contact officer: Julie McCarthy, HR Manager <a href="mailto:julie.mccarthy@publicagroup.uk">julie.mccarthy@publicagroup.uk</a> 01242 264355</b></p>
<b>Key risks</b>	<p>Risk assessment attached</p>
<b>Corporate and community plan Implications</b>	<p>The policy supports the council with the safe delivery of its priorities as set out in the corporate plan and the health and safety of its staff.</p> <p>A community Impact assessment has not been completed as the proposed changes will not impact upon any service delivery for any citizen group. Where sanctions are applied to individuals, appropriate measures will be put in place to enable them to continue to access services.</p>

<b>Environmental and climate change implications</b>	None as a direct result of this report
<b>Property/Asset Implications</b>	None as a direct result of this report <b>Contact officer: Dominic.Stead@cheltenham.gov.uk</b>

## **2. Background**

- 2.1 Most contact with customers is a positive experience for everyone; however there are occasions when a customer acts in a way that is not acceptable to the Council and its representatives. Council representatives should not be subjected to inappropriate, abusive or threatening behaviour; the Council calls these types of contacts “unreasonable”.
- 2.2 The Unreasonable Customer Behaviour policy is intended to support and protect Council representatives when dealing with members of the public who act in a way that is considered to be unreasonable.
- 2.3 The policy was last reviewed over 10 years ago and a refresh was required to include social media and electronic channels, incorporate improved processes including a new review process undertaken by the Governance Group.
- 2.4 The updated policy includes arrangements to support members when preparing to interact with customers who may pose a risk.
- 2.5 The information regarding unreasonably persistent behaviour has been updated to align with LGSCO advice.

## **3. Reasons for recommendations**

- 3.1 The updated policy provides clearer guidance when having to deal with unreasonably persistent complainants and sets out a fair and reasonable approach in respect of the actions taken and decisions reached.
- 3.2 Greater clarity and transparency and improved governance is provided in respect of retention periods for register entries.
- 3.3 It introduces a process enabling members to check prior to making home visits helping to ensure their safety.
- 3.4 In establishing that a single version of the Personal Safety Register is retained, the policy helps to ensure that obligations in respect of GDPR are met.

## **4. Alternative options considered**

- 4.1 Not changing the policy. This option was disregarded as there were known improvements and updates required to the current policy. The revised policy and procedure has been developed based on guidance from the LGSCO.

## **5. Consultation and feedback**

- 5.1 Consultation has been undertaken with Cheltenham Borough Homes who have similar arrangements in place for dealing with unreasonable customer behaviour. Where possible approaches and processes have been aligned to achieve greater consistency. Arrangements for data sharing have also been reviewed and updated.
- 5.2 Formal consultation has taken place through members of the Joint Liaison Forum which includes the two recognised trade unions, Unison and GMB, and representatives from HR and directorates. The document has also been reviewed by the Executive Leadership Team.

## **6. Performance management –monitoring and review**

- 6.1 Each entry in the Personal Safety Register will be reviewed at least six monthly in line with LGSCO recommendation.
- 6.2 Removals from the Personal Safety Register will be discussed at the quarterly Governance Group meeting.
- 6.3 The policy and supporting protocol will be reviewed annually.

<b>Report author</b>	<b>Contact officer: Judy Hibbert , <a href="mailto:judy.hibbert@cheltenham.gov.uk">judy.hibbert@cheltenham.gov.uk</a>, 01242 264113</b>
<b>Appendices</b>	<ol style="list-style-type: none"> <li>1. Risk Assessment</li> <li>2. Draft updated Unreasonable Behaviour policy.</li> <li>3. Appendix 1: PSR protocol: Managing customers who are on the PSR</li> <li>4. Appendix 2: PSR procedure</li> <li>5. Appendix 3: PSR process chart</li> <li>6. Appendix 4: PSR appeal process chart</li> <li>7. Appendix 5: PSR review process chart</li> </ol>
<b>Background information</b>	<a href="https://www.lgo.org.uk/information-centre/reports/guidance-notes/guidance-on-managing-unreasonable-complainant-behaviour">https://www.lgo.org.uk/information-centre/reports/guidance-notes/guidance-on-managing-unreasonable-complainant-behaviour</a>

The risk				Original risk score (impact x likelihood)			Managing risk				
Risk ref.	Risk description	Risk Owner	Date raised	Impact 1-5	Likelihood 1-6	Score	Control	Action	Deadline	Responsible officer	Transferred to risk register
1	If staff and members fail to utilise the Personal Safety Register they will be unaware of customers who pose potential risks which could lead to them failing to take appropriate actions when contacting them and could result in potential harm.	Judy Hibbert	20/11/20	4	2	8	Accept	Staff and members will be updated in respect of the updated policy and of their personal responsibility in respect of their own health and safety.  This will be incorporated into the new member induction process.	Ongoing	Judy Hibbert	
2	If services maintain their own personal safety registers this could lead to a breach of General Data Protection Regulations.	Judy Hibbert	20/11/20	4	2	8	Accept	Managers will be briefed on the new policy.	Ongoing	Judy Hibbert	
3	If managers fail to advise Customer Relations of staff who require access to the Personal Safety Register, then those staff will be unaware of customers who pose a potential risk	Judy Hibbert	20/11/20	4	2	8	Accept	Managers will be briefed on the new policy and reminded to ensure that they consider whether new employees require access to the Personal Safety Register.	Ongoing	Judy Hibbert	
<p><b>Explanatory notes</b></p> <p><b>Impact</b> – an assessment of the impact if the risk occurs on a scale of 1-5 (1 being least impact and 5 being major or critical)</p> <p><b>Likelihood</b> – how likely is it that the risk will occur on a scale of 1-6 (1 being almost impossible, 2 is very low, 3 is low, 4 significant, 5 high and 6 a very high probability)</p> <p><b>Control</b> - Either: Reduce / Accept / Transfer to 3rd party / Close</p>											