

Corporate & Customer Services

Unacceptable Customer Behaviour Policy



North Kesteven
DISTRICT COUNCIL

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Approved by:

Executive Board

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New

Version control

<i>Date</i>	<i>Who</i>	<i>What</i>	<i>Approval needed</i>
10.05.2023	HKS	Addition to acknowledge the updated advise from the Health & Safety Executive (HSE) in relation to preventing violence & aggression at work	No – factual additions to 'Introduction' & 'Legislation' based on legislation updates

Introduction and Scope

North Kesteven District Council are committed to dealing with all our customer and interactions to a high standard, including complaints and general communications. As part of this service, the Council does not normally limit the contact that customers have with its Officers and Members.

However, a small minority of customers may behave in an unacceptable way while undertaking such interactions, and while there may be a number of reasons for such behaviour to reveal itself, North Kesteven District Council will take all reasonable steps to ensure colleagues, Elected Members and partners are supported when they feel they have been subject to unacceptable behaviour and, when that behaviour is at its most extreme, are protected from foreseeable risks associated with their work activities and people with whom they come into contact. As an employer, the Council has a legal duty in relation to the Health and Safety at Work act “to ensure, so far as reasonably practicable, the health, safety, and welfare of workers. This includes protecting them from work-related violence.”

This policy seeks to detail what the Council considers to be unacceptable customer behaviour, how colleagues are supported to raise concerns with their manager about customer behaviour, how that behaviour can be categorised to ensure an appropriate level of response, the responses available and how customers will be informed that their behaviour has been considered as unacceptable. It will be used along with other control appropriate measures (such as CCTV, a safe working environment, effective security and appropriate training) to protect colleagues from work-related violence.

This policy does not cover the behaviour of colleagues or Elected Members; these will be dealt with under existing Human Resource procedures and Elected Member Standards.

Stakeholders

In terms of key contacts for the management of this policy, the expertise and professional knowledge of the following officers are required as part of the ‘Customer Impact Panel’:

- Customer Engagement Manager
- Human Resources Manager
- Community Safety Manager
- Governance & Business Resilience Manager
- Corporate Information Manager

Other appropriate Managers & colleagues have been consulted in the development of this policy and will be asked to join the Customer Impact Panel when appropriate.

This policy seeks to benefit all colleagues & elected Members of North Kesteven District Council as well as partners & contractors who work with our customers on our behalf. These include but are not limited to:

- LiNK – the Revenues and Benefits partnership
- Lincolnshire Wellbeing Service
- Sleaford Job Centre+

Any information shared will be in line with existing data sharing agreements

Legislation

General Data Protection Regulations

The General Data Protection Regulation and Data Protection Act 2018 requires that data protection principles be followed in the handling and storing of personal and special category (sensitive) data.

These are the data that must: -

- Be processed lawfully, fairly, and transparently
- be obtained for a specified, explicit and legitimate purpose
- be adequate, relevant, and limited to what is necessary
- be accurate and, where necessary, kept up to date
- not be kept for longer than is necessary
- have appropriate security measures in place.

Further information on how customer data will be processed in relation to this policy can be found in Appendix 1 – Unacceptable Behaviour Privacy Notice.

Health and Safety Legislation

The Health and Safety at Work Act 1974 places duties and responsibilities on organisations to ensure the health, safety and welfare of their employees and others including, but not limited to visitors, contractors, partner agencies and Elected Members as far as is reasonably practicable. This includes protecting them from work-related violence. The arrangements for ensuring health and safety includes providing safe systems, a safe place of work, providing information, instruction and supervision and suitable arrangements for employee's welfare.

The Management of Health and Safety Regulations

The Regulations require that a suitable and sufficient assessment of risks arising out of, or in connection with a work activity be assessed. The Council has a range of generic job-based risk assessment, which will, on the whole satisfy this requirement. It is the responsibility of managers to ensure that risk assessments are appropriate to the work activities of their team members. If the generic job risk assessments are not suitable line managers should arrange to conduct a job or activity specific risk assessment.

The Human Rights Act

This Act requires the Council not to act in a manner, which contravenes a person's human rights except 'in the interest of national security, public safety, or the economic wellbeing of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.' Any such action must be clearly justifiable, and records kept demonstrating the need for action.

Protection from Harassment Act

Harassment is a term used to describe unwanted and unwarranted behaviour, which affects the dignity of an individual or a group of individuals and relates to causing harm or distress. Harassment can include repeated attempts to impose unwanted attention, communications and contact upon a

victim in a manner that could be expected to cause distress or fear.

Roles and Responsibilities

Senior Management Team

- To support the Unacceptable Customer Behaviour Policy and ensure sufficient resources are allocated to facilitate its effective implementation.
- To receive information about incidents occurring within their service.
- To satisfy themselves that incidents have been investigated and appropriate measures have been implemented.

Line Managers and Supervisors

Line Managers and Supervisors are responsible for ensuring all colleagues they are responsible for (including partners, contractors, temporary staff, visitors, and agency staff).

- Know how to report and record unacceptable customer behaviour
- Understand the definitions and scope of the Unacceptable Customer Behaviour Policy
- Provide support, in conjunction with HR where appropriate to the affected colleague
- Investigate the report of unacceptable behaviour

Customer Impact Panel

The panel will meet quarterly (and more often on an ad hoc basis as required) to

- Review reports made from the preceding quarter
- Consider the wider impacts on colleagues of increased unacceptable behaviour
- Explore specific incidents with investigating managers if requested by the investigating manager or required by the process
- Identify any risk to Members or Partners & communicate them appropriately and proportionately in line with the Privacy Policy (Appendix 1) and any data sharing agreements
- Ensure consistency of management of the policy

Colleagues

If colleagues experience unacceptable behaviour from a customer, they must discuss it with their line manager or supervisor and report it using the Council's electronic form found on the Orange

Colleagues are expected to cooperate fully in the investigation process and, if required to do so, provide written statements to enforcing officers such as the Police or ASB Team.

Governance and Business Resilience Team (Health and Safety)

The Governance and Business Resilience Team (GBR Team) are responsible for:

- Supporting investigations into offensive incidents.
- Updating the Exercise with Caution Register and ensuring the contents are relevant, reviewed and communicated.
- Supporting and assisting line managers regarding risk assessment of tasks and locations following an offensive incident.
- Providing the Corporate Management Team with information about incidents through Quarterly Reports.
- Notifying Managers, Members and Partners of any updates to Exercise with Caution Register

Defining unacceptable behaviour

For the purposes of this policy, a customer is considered as any individual that a colleague may interact with because of their work who is not an employee or Elected Member of the Council or any of its partners. The customer will be looking to access a Council service either in an individual or business capacity.

Customers may act out of character in times of trouble or distress and there may have been upsetting or distressing circumstances leading up to a customer contacting the Council. The Council does not view behaviour as unacceptable just because a customer is forceful or determined, however, the actions of customers who are unpleasant or disagreeable, demanding or unreasonably persistent and/or, aggressive or threatening may result in unacceptable behaviour towards Council colleagues.

For the purposes of this policy the Council defines unacceptable behaviour under three specific headings, which reflects a scale of the severity of the behaviour which is being considered:

Category 1: Aggressive language, tone, or body language

This may include (but not be limited to)

- the use of raised voice or shouting directed at the colleague
- name calling towards a colleague (that is not linked to a protected characteristic)
- passive aggressive behaviour, for example in an attempt to be derisory or belittle a colleague and/or their actions

Further details can be found in Appendix 2

Category 2: Persistent & Vexatious behaviour

This may include (but not be limited to)

- Requests for excessive amounts of information
- Repeated requests for level of service or types of service that are beyond the Council's capacity to deliver
- Continual phone calls, letters, emails, visits

Further details can be found in Appendix 2

Category 3: Offensive incidents

This may include (but not be limited to)

- name calling or verbal assault towards a colleague that is linked to a protected characteristic

- verbal threats towards Council colleagues, Members or Council property – even if these are not carried out
- verbal threats towards other individuals or organisations even if these are not carried out
- physical assaults to colleagues or Members
- intentional physical damage to Council property

Further details can be found in Appendix 2

The Council considers that any colleague or Elected Member that is caused stress, distress or fear due to the actions or behaviour of a customer should report the issue so that a decision can be taken as to whether the behaviour was unacceptable, in line with this policy's definitions. At the point that behaviour is taking place, colleagues & Elected Members have the right to end the transaction, in a professional way and then report the matter immediately to their line manager, regardless of how 'severe' the interaction may or may not have been. Through this reporting mechanism, the Council will have the opportunity to:

- have an overall view of the level of unacceptable behaviour being experienced by its colleagues, regardless of the level of severity
- have the capacity to take an appropriate level of action (as defined by this policy) in relations to the act of unacceptable behaviour
- identify records of repeated unacceptable behaviour that may have taken place over a period time across multiple departments
- be reassured those colleagues are supported and empowered to deliver their roles in a safe working environment, free from abuse and threat
- ensure that colleagues have the tools in place to effectively manage difficult transactions and unacceptable behaviours

Process and available actions

The internal process and actions available to address unacceptable behaviour can be found as Appendix 3.

Review

Any information recorded on Achieve, E-Cins, or the 'Exercise with Caution Register should not be kept for any longer than is detailed in the Council's retention policy

The Customer Impact Panel will conduct annual reviews for customers registered on the Exercise with Caution Register with the line manager who conducted the initial investigation to ensure the information remains relevant and appropriate.

Appeals Process

Any individual has the right to appeal against the decision to restrict their access to Council services or their inclusion on the Exercise with Caution Register. This can take place as a corporate complaint – escalated immediately to stage 2, through North Kesteven District Council's Customer Feedback Policy. Any colleague who is unhappy with the outcome of an investigation into unacceptable behaviour should speak with their Manager. If they remain dissatisfied, they should approach Human Resources for guidance and support.



North Kesteven
DISTRICT COUNCIL

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