



UNREASONABLE ACTIONS BY CUSTOMERS POLICY

If you require this information in an alternative format please call us on
01202 123321 or email BCPComplaints@bcpcouncil.gov.uk

BCP Complaints Service

Author: Ellen Miles
Version: V1.0
Date: 07 March 2025

Introduction

This policy has been prepared for individuals who demonstrate unreasonable or unreasonably persistent actions or behaviour.

It sets out how we will decide if a customer is being unreasonably persistent or behaving unreasonably and what we will do in those circumstances.

It should be read in conjunction with the council's agreed complaints handling [policy](#).

In a small number of cases people interact with services in a way that is unreasonable. This may include being unreasonably persistent in relation to their contact and submission of information. This can prevent organisations from providing services to the individual and others and have a significant impact on staff wellbeing. These actions can occur during delivery of a service, while a complaint is being investigated, or once an organisation has finished the complaint investigation.

We are committed to dealing with all complaints and customers equitably, comprehensively and in a timely manner.

We do not expect staff to tolerate unacceptable behaviour by complainants or any customer and will take appropriate action to protect them from such behaviour. Our customer charter prescribing acceptable communication standards may be found [here](#).

Definition

BCP Council has adopted the Local Government and Social Care Ombudsman's (LGSCO) definition of 'unreasonable actions'. Unreasonable actions are those which, because of the nature or frequency of contact with an organisation, hinder the organisation's delivery of services or consideration of complaints. A copy of the LGSCO's guidance may be found [here](#).

BCP Council recognise that not all disabilities are visible and therefore prior to restrictions being enforced, we will ensure that how we communicate to deliver our service, is in such a way that is accessible to all. This allows individuals an opportunity to tell us if they need any reasonable adjustments under the Equality Act 2010.

Examples of unreasonable actions:

- a. Being abusive, threatening or acting in a manner intended to intimidate staff. This includes any use of racist, sexist, homophobic or other discriminatory language.
- b. Putting, or threatening to put information on social media or websites which includes personal information of an organisation's employees without their consent and/or making defamatory statements about employees online.
- c. Making excessive demands on the time and resources of staff with lengthy phone calls, emails to numerous council staff, or detailed correspondence every few days or more often, and expecting immediate responses. Denying or changing statements they made at an earlier stage

- d. Submitting repeat contacts or complaints with minor additions/variations which the complainant insists make these 'new' complaints. Introducing trivial or irrelevant new information at a later stage.
- e. Refusing to specify the grounds of a complaint, despite offers of help.
- f. Refusing to cooperate with the complaints investigation process. For example, failing to provide information requested that is important for the investigation.
- g. Insisting on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.
- h. Making unjustified complaints about staff who are trying to deal with the issues, and seeking to have them replaced.
- i. Frequently changing the basis of the complaint as the investigation proceeds.
- j. Raising many detailed but unimportant questions, and insisting they are all answered.
- k. Providing false information and/ or submitting falsified documents from themselves or others.
- l. Adopting a 'scatter gun' approach: pursuing parallel complaints or contact about the same issue with various organisations, officers or Councillors.
- m. Refusing to accept that certain issues are not within the scope of complaints procedure.
- n. Refusing to accept the decision, repeatedly arguing points with no new evidence.

Recording of interactions with organisations by members of the public

Modern technology now allows individuals to record interactions with organisations more easily than at any time in the past. This includes the ability to live broadcast interactions in public and private spaces. Sometimes this can be done without an organisation's knowledge and staff may be understandably concerned about what a person may do with a recording.

BCP Council will not automatically refuse to allow members of the public to record interactions. It is important to acknowledge that organisations can routinely record their interactions with the public for training and monitoring purposes. Customers should not be prevented from making their own recording in order to have a clear record of matters that were discussed. We do however expect customers to advise staff members if they intended to record any interactions and the purpose for doing so.

Having a recording of a meeting or telephone call can be helpful to people with certain disabilities who may struggle to recollect details of what was said or be unable to read or process written records about any interactions.

However, a small number of people will misuse technology and act in a way that is unreasonable. This may include:

- Recording interactions with the Council without good reason.
- Putting recordings online without the consent of those being recorded.
- Live broadcasting interactions with the Council without their consent.
- Manipulating or editing recordings.

Objectives

The objective in taking action is to manage unreasonable behaviour or communication which may hinder the Council's delivery of services or consideration of complaints.

Any actions taken should be proportionate to the nature and frequency of the customer's current contacts. Unreasonable actions can also be an indication of an unmet communication or support need. The following are examples of the types of restriction(s) which may be used:

- a. Placing limits on the number and duration of contacts with staff per week or month
- b. Offering a restricted timeslot for necessary calls
- c. Limiting the complainant to one medium of contact (telephone, letter, email etc.)
- d. Requiring the complainant to communicate only with one named member of staff
- e. Requiring any personal contacts to take place in the presence of a witness and in a suitable location
- f. Refusing to register and process further complaints about the same matter
- g. When a decision on the complaint has been made, tell the complainant that future correspondence will be read and placed on the file but not acknowledged unless it contains new material or information. A designated officer should be identified who will read future correspondence.
- h. Restricting access to discretionary services

BCP Council recognise that there is a duty to make reasonable adjustment under the Equalities Act 2010. However, where the behaviour is so extreme or it threatens the immediate safety and welfare of staff, we will consider other options which could include reporting the matter to the police or taking legal action. In such cases the Council may not give the complainant prior warning of that action.

Implementing a restriction

Staff members are empowered to warn individuals of the consequences of their actions in the first instance. Staff members are also able to take immediate action in response to unreasonable actions such as terminating phone calls, asking someone to leave the premises or pausing communications. Any immediate steps will be followed by either an informal warning about future conduct or consideration of further action under the Council's unreasonable actions policy. Once an informal warning has been issued, this may progress to a formal warning that a restriction or sanctions may be imposed should they not modify their behaviours. The formal warning will be prepared by the Service Manager concerned and will include:

- a. Actions the organisation considers unreasonable;
- b. Examples of actions considered unreasonable;
- c. A time period within which future actions will be monitored and when / how / by whom any restrictions on contact or other actions will be reviewed;
- d. Consequences of failing to address their actions;
- e. A check on whether the individual requires any reasonable adjustments under the Equality Act 2010; and
- f. Details of the organisation's complaints process if the person is unhappy with their warning.

If a decision is taken to apply restricted access or implement a sanction an appropriate Director will write to inform the complainant:

- a. Actions the organisation considers unreasonable;
- b. Examples of actions considered unreasonable;
- c. A time period within which future actions will be monitored; and when / how / by whom any restrictions on contact or other actions will be reviewed;
- d. Consequences of failing to address their actions;
- e. Confirmation the organisation has considered the individual's rights under human rights and equality act legislation; and
- f. Details of the organisation's appeals process **or** details of the Ombudsman if the appeals process has been exhausted.

A copy of this policy should be enclosed with the letter.

All officers and Members who have experienced unreasonable behaviours in respect of a specific customer shall be informed of the decision to impose contact restrictions.

A register of those subject to this policy is maintained by the complaints team. The register will include details of the decision, the restrictions and the time limits if appropriate.

Records

Adequate records must be kept of all contacts with customers behaving unreasonably in the business unit. The information will be treated as confidential and only shared with those who may be affected by the decision.

When complaints or service requests about new issues are made, these should be treated on their merits. We should consider whether any restrictions previously applied are still appropriate and necessary.

Appeals against decisions

Appeals or reviews of the decision to restrict a customer's contact, or the authority's responses to them should be made in writing to the Complaints Manager. They may be contacted at bcpcomplaints@bcpcouncil.gov.uk

When the review has been carried out the Council will write to advise the complainant of the outcome and, if restrictions are to continue to be applied, when these will next be reviewed.

Reviewing decisions to restrict access

When imposing a restriction on access, you will be provided with a specified review date.

Limits should be lifted and relationships returned to normal unless there are good grounds to extend them.

You will be told the outcome of your review. If limits are to continue, BCP Council will explain the reasons and state when the limits will be next reviewed.

Referring complainants to the Ombudsman

The Local Government and Social Care Ombudsman may be prepared to consider a complaint before the Council's complaints procedure has been exhausted. Referral to the Ombudsman should be made when the relationship between the complainant and the Council irretrievably breakdown whilst complaints are under investigation and there is little prospect of achieving a satisfactory outcome.

In addition, a complainant who has been treated as behaving unreasonably may make a complaint to the LGSCO about this. The Ombudsman may be contacted at the following details:

Local Government and Social Care Ombudsman ("LGSCO")

Online complaint form at www.lgo.org.uk

Telephone 0300 061 0614

For further details contact: the Complaints team:

bcpcomplaints@bcpcouncil.gov.uk