



Policy for preventing and managing unreasonable customer conduct

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Contents

1	Introduction	3
2	Purpose	3
3	Who does this policy apply to	4
4	Section 1: Unreasonable behaviour when contacting us.....	4
5	What behaviour is unreasonable?.....	4/5
6	Unreasonable requests and communication	5
7	Vexatious / persistent complainants	6/7
8	Unreasonable communication through social media	7
9	Section 2: Our process	7-10
10	Section 3: Options to restrict and manage contact	10-12
11	Section 4: Appeal	12
12	Appendix 1: Examples of incidents which require reporting	13
13	Appendix 2: Example template warning letter	14
14	Appendix 3: Example template decision letter	15

1. Introduction

- 1.1 Our purpose is to deliver services to our customers, including residents, visitors and businesses. Our employees are committed to delivering great services and excellent customer care and we provide our employees with the skills and knowledge for them to respond efficiently to our customers' needs. We expect our employees to be shown the same respect through any medium of communication.
- 1.2 This policy creates a joint understanding of what we consider unacceptable customer behaviour when working with our officers and councillors. It also is to provide a framework to ensure a consistent approach across the organisation, in line with our statutory duties, where the wellbeing of our employees is at risk, or has been compromised by the likely or actual behaviour of a customer.
- 1.3 We are keen to positively and proactively work with customers to resolve issues, using our resources to achieve the best outcomes for all and, specifically, the most vulnerable.
- 1.4 Our employees have the right to work in a healthy and safe working environment, free from harassment, bullying, violence and unreasonable customer behaviour. This minimises the risk of stress, in line with health and safety legislation and this sentiment is reinforced in our Dignity at Work Policy.

2. Purpose

- 2.1 The purpose of this policy is:
 - 2.1.1 To define unacceptable behaviours we deem unreasonable to us, including behaviour by people making frivolous, persistent or unreasonable complaints against our officers or councillors.
 - 2.1.2 To ensure the ability of our employees or councillors to provide our services is not adversely affected by those few individuals who behave in an unreasonable manner.
 - 2.1.3 To ensure our employees and councillors have a safe working environment and are not exposed to unnecessary stress due to unacceptable behaviour of others.
 - 2.1.4 To empower our employees and councillors to deal confidently and effectively with unreasonable behaviour.
 - 2.1.5 To raise awareness of behaviours we deem unacceptable and of solutions available in the face of such behaviours.
 - 2.1.6 To reinforce our zero-tolerance approach fairly and reduce the number of workplace violence and aggression incidents. We will not tolerate aggression, violence or other unreasonable behaviour towards our employees, councillors or members of the public within our premises, under any circumstances.
 - 2.1.7 To ensure compliance with the Health and Safety at Work Act 1974, as we have a duty to protect the health, safety and welfare of our employees, councillors and other people who might be affected by our business.

2.2 Part of our commitment to the prevention and management of unacceptable behaviour is to recognise:

2.2.1 the prevention and management of challenging behaviour for our business and in service users' homes / businesses is a complex issue.

2.2.2 how verbal abuse and physical violence may be symptoms of an underlying mental health problem, illness or adverse reaction to medication, or neurodivergence, yet our employees should not accept such behaviour as inevitable.

2.2.3 the level of risk varies in different areas of our organisation and for different groups of employees (for example, lone workers or front line posts at night).

2.2.4 our need to provide personal safety electronic devices or apps for employees in roles at relatively high risk of verbal and / or physical aggression.

2.2.5 everyone needs to be aware of how their personal behaviour might be perceived by others.

2.2.6 the need to fully support employees and we will press charges when it is legally permissible and appropriate against the perpetrator of any violent or aggressive attack upon our employees, using criminal or civil proceedings.

2.2.7 how we need to work closely within the 'Community Safety Partnership North and West Devon', to provide joint responses and action(s), where necessary.

2.2.8 We are committed and agree to UNISON's End Violence at Work Charter.

3. Who does this policy apply to?

3.1 This policy applies to anyone who has contact with us.

4. Section 1: Unreasonable behaviour when contacting us

4.1 We recognise that, when people contact us, they may have reason to feel aggrieved, upset or distressed. However, we do not consider it acceptable when these feelings become aggressive and / or personal and are directed towards our employees or councillors.

5. What behaviour is unreasonable?

5.1 Unreasonable behaviour is behaviour or language, in whatever form (including face to face, by telephone, social media, SMS (text message) or written) that may cause our employees or councillors to feel intimidated, threatened or abused. It is about what the employee or councillor may feel, not the intention of the customer. Examples include:

- aggressive, violent or threatening behaviour
- verbal abuse
- language putting anyone down for their protected characteristic
- derogatory remarks
- offensive language
- vulgarity
- making inflammatory statements
- raising unsubstantiated allegations

- any form of physical and non-physical abuse / assault

6. Unreasonable requests and communication

6.1 We may consider requests as unreasonable, either by their nature and / or the scale of service expected. Examples include:

- requesting a response within unreasonable timescales
- insisting on speaking only with certain employees or councillors
- adopting a 'capture-all' or 'scatter gun' approach, which is contacting or copying correspondence to several employees, councillors and / or third parties about the same issue
- continually requesting complex or voluminous information without apparent or good reason and without the intention of resolving a query

6.2 We may consider communication to be unreasonable if, for example, individuals:

- continually contact us and place heavy demands on employee time while we are in the process of looking at a matter
- make a number of approaches about the same matter without raising new issues
- refuse to accept a decision we have made particularly where we have given clear explanation
- change the context of their enquiry mid-investigation, or submit repeated enquiries on or about the same subject
- continue to pursue complaints or issues that have been shown to have no substance
- continue to pursue complaints or issues that we have already investigated and determined
- continue to raise unfounded or new complaints arising from the same set of facts
- record meetings electronically without our prior knowledge or our consent
- encourage people they know to make representation on behalf of them, or as a group to further endorse their request for service, where they are not directly impacted
- unreasonably display a lack of cooperation by providing disorganised, excessive or irrelevant information, being unwilling to consider other valid viewpoints or refusing to specify the grounds of their contact

6.3 We recognise our resources must be used where they can be most effective, meaning we cannot always respond to every issue in a way a person would like if, in doing so, it would take up what we regard as being a disproportionate amount of time (and if our resources could be used elsewhere to support the most vulnerable and in need in our community).

6.4 Sometimes, due to the volume of our work, we may not be able to respond immediately to customer requests. This does not mean that their concerns are any less important to us. If we ask for a customer's patience but they continue to pursue their concerns, we may consider that behaviour to be unreasonable.

7. Vexatious / persistent complainants

7.1 We are committed to dealing with all complaints equitably, comprehensively and timely, as detailed by our procedures and through our Feedback Team (except complaints regarding elected members, which our Monitoring Officer manages).

- 7.2 Dealing with a complaint is a straightforward process but, in a minority of cases, people can choose to pursue their complaints in a way which can either impede our investigations, or cause us to have significant resource issues. This can happen either whilst their complaint is being investigated or once we consider the complaint to be 'finished'.
- 7.3 We have adopted the Local Government & Social Care Ombudsman's (the Ombudsman) guidance on: ['Managing unreasonable actions by complainants...'](#).
- 7.4 We define unreasonably persistent and vexatious complainants as those who, because of the frequency or nature of their contacts with us, hinder our consideration of their or others' complaints.
- 7.5 An unreasonably persistent and / or vexatious complainant may:
- have insufficient or no grounds for their complaint and make the complaint only to aggravate (or for reasons that they do not admit or make obvious)
 - refuse to specify the grounds of a complaint despite our offers of assistance
 - refuse to co-operate with our investigation process whilst still wishing their complaint to be resolved
 - refuse to accept issues are not within the remit of our complaints procedure despite having been provided with information about the scope of the procedure (for example, parking tickets and planning appeals)
 - refuse to accept their issues are not within our power to investigate, change or influence (for example, a complaint about a private car park, or something that is the responsibility of another organisation)
 - make what appears to be groundless complaints about employee(s) or councillor(s) dealing with the complaints and seek to have them dismissed or replaced
 - make an unreasonable number of contacts with us, by any means, relating to their specific complaint(s)
 - make persistent and unreasonable demands or expectations of employees, councillors and / or the complaints procedure after we have explained we believe they are unreasonable (for example, a complainant insists on immediate responses to numerous, frequent and / or complex letters, calls or emails)
 - harass or verbally abuse, or otherwise seek to intimidate, employee(s) or councillors dealing with their complaint, or use foul, inappropriate, offensive or racist language
 - raise subsidiary or new issues whilst we are addressing their concerns that were not part of their original complaint
 - introduce trivial or irrelevant new information whilst we are investigating their complaint and expect us to take this into account and commented upon it
 - change the substance or basis of their complaint without reasonable justification whilst we are addressing their complaint
 - deny statements they made at an earlier stage in the complaint process
 - electronically record meetings and conversations without our prior knowledge and consent
 - adopt an excessively 'scatter gun' approach (for example, pursuing a complaint not only with us, but at the same time with an MP, other councils or councillors, our independent auditor, the police, solicitors or the Ombudsman)
 - refuse to accept the outcome of our complaint investigation, repeatedly arguing their point, complaining about the outcome, and / or denying we gave an adequate response

- make their same complaint repeatedly, perhaps with minor differences, after we have concluded our complaint investigations, insisting minor differences make their complaints 'new' and we should start a new complaint investigation
- persistently approach us through different routes about the same issue
- persist in seeking an outcome which we have explained is unrealistic for legal, policy or other valid reasons
- refuse to accept documented evidence as factual
- complain about or challenge an issue based on a historic and irreversible decision or incident
- insist on their complaint being dealt with in an incompatible way to our complaints procedure, or with good practice

8. Unreasonable communication through social media

8.1 We use social media to build relationships with new and existing customers / residents, however this form of communication can be used to bully and harass employees and / or councillors. All social media users should adopt the same level of courtesy as they do when communicating via email, phone or face to face.

8.2 If someone posts a message that may cause offence, or is otherwise unsuitable, about an employee or councillor we will remove the post, where possible.

8.3 When social media is used inappropriately (this can be known as cyber bullying), we will try to identify the offender, take steps to remove the offending material from view and, where appropriate, initiate action against the offender. Inappropriate content can include:

- pornography
- slurs against someone's race, religion or other protected characteristic
- gender-specific derogatory comments
- information encouraging criminal or terrorism activity
- threats, abuse or personal comments which may be regarded as defamatory.

8.4 These definitions also covers text and images of other media that could reasonably offend someone on the basis of race, age, gender, religion or belief, national origin, disability, sexual orientation or any other characteristic protected by law.

8.5 More information on what we consider acceptable conduct and interacting with us on social media is included in our [External social media policy](#).

9. Section 2: Our process

9.1 We follow a procedure to determine if a customer is displaying unreasonable behaviour or is a vexatious complainant; once we identify them as such we can set contact restrictions and monitor their continuing contact by:

9.1.1 We record all incidents of physical and non-physical violence and / or aggression, including unacceptable behaviour, immediately, as set out in our incident reporting guidance. The line manager will take initial steps to put relevant controls in place as soon as practical. Our Senior Management Team consider all incident reports to monitor emerging threats and provide relevant corporate support. We will immediately report to the police any personal assault against an employee, councillor or member of the public within our premises, as well as any other incident likely to constitute a criminal offence. Any councillor or employee who feels in immediate danger should call 999, or request a colleague does on their behalf. We will note this

on our Incident Reporting Form and inform the team manager. If the incident was de-escalated, we will report to the police on 101, again noting this on the Incident Reporting Form and informing the team manager. Examples of incidents which require reporting can be found in Appendix 1.

- 9.1.2 If an employee has a concern about persistent and / or unreasonable behaviour, they should first raise this with their line manager, who will decide whether to escalate. If they escalate, they need to inform our Head of Customer Focus and the Communications and Feedback Manager as soon as practicably possible.
- 9.1.3 The Head of Customer Focus and the Communications and Feedback Manager and / or other relevant manager of Head of Service will review the evidence and details, then compile a timeline of all types of contact received from the customer.
- 9.1.4 The reviewing manager or Head of Service will suggest a course of action and recommend any potential sanction option(s) to the appropriate service manager, before implemented, this must be authorised by their Head of Service.
- 9.1.5 Depending on the individual's circumstances and seriousness of each case, one or more of the sanction options may be chosen as a possible next step.
- in most instances we will send a warning letter or email to the customer, setting out the nature of their behaviour we will not tolerate – from the Communications and Feedback Manager, one of our Senior Management Team, or as a joint letter with our Community Safety Partnership North and West Devon (see Appendix 2, for an example)
 - we will politely ask them to treat our employees and councillors with respect and that they moderate their behaviour
 - we will explain the actions we may take if their behaviour does not change
 - we include a copy of this policy
 - in some cases, we may send a second warning letter, either from a manager or the Community Safety Partnership North and West Devon
 - sometimes we consider a risk or incident to be so significant, or such high risk, we will instead take steps to immediately restrict and / or withdraw services and will always notify the customer of this, in writing
- 9.1.6 Where the customer fails to comply with our warning and / or we have had reports of further incidents of unacceptable behaviour, we hold a strategy meeting for all involved in the case. We examine all available information and consider which course of action is appropriate for us to set out in our warning letter and we notify all relevant employees and councillors of this decision and our reasoning. If we determine there is likely to be a high risk, we will place a 'warning alert' against this customer and communicate this through Heads of Services.

Our Communications and Feedback Manager, Head of Service or the Community Safety Partnership North and West Devon will notify the customer in writing of our decision, explain the review date, include a copy of this policy, refer them to how they can appeal, explain how they can access our services and detail arrangements for our review (our restriction(s) can be in place for a minimum of three months and reviewed in three, six or 12 months). Appendix 3 gives an example. Where there is an appeal, our Communications and Feedback Manager keeps a record of the investigation and its outcome.

9.1.6 Our Communications and Feedback Manager liaises with relevant members of employees and /or councillors to monitor contact and:

- where there has been no escalation of behaviour at the review date, we send a letter to the customer lifting restrictions; we advise we may continue to monitor their contact and if we have future concerns, we may impose further restrictions.
- where there has been an continuation or escalation of behaviour during the review period, key employees and stakeholders will hold a further strategy meeting to examine all available information and consider any further action. We write to the customer to explain the outcome and whether we will impose further contact restrictions, a further restriction period and how to appeal (if so, there is no need for a further warning letter).

9.1.7 The Communications and Feedback Manager will keep adequate records and share them with appropriate officers, on a need to know basis, including:

- customer name and contact details
- the nature of their concern, issue or complaint
- a comprehensive time-line of their contact
- copies of our warning letters
- details of the restrictions we have put in place and for how long
- dates we advised the customer and relevant departments of restrictions
- any review date(s).

9.1.8 We close the case after a review date where there has been no continuation or escalation of behaviour and we have written to the customer with the outcome of our review.

9.2 The Communications and Feedback Manager will keep our Senior Management Team updated, providing a quarterly report giving information about customers we have treated as vexatious / persistent or unreasonable.

9.3 Where a customer, or anyone on their behalf, fails to comply with the terms outlined in our contact restrictions, we will consider alternative procedural, civil or criminal actions.

9.4 We acknowledge we need a measured approach to managing the problem of violence and aggression, which is why we have made provision for:

9.4.1 Challenging behaviour

Where a customer lacks capacity to make decisions around acceptable levels of behaviour because of capacity, disability, neurodivergence, or other medical factors (in the judgement of an officer in consultation with their manager), we will modify the way we deal with incidents after consulting with appropriate third parties (for example, Devon Partnership Trust or Adult Social Care).

9.4.2 Altered mental / physical state

Where there are no medical factors or capacity issues identified as a contributing factor to a customer's unacceptable behaviour, we will consider if we need to take into account any altered mental state of mind that may be caused, or exacerbated by the nature of their contact with our services (for example, a customer suffering bereavement or being a victim of assault.) In these situations, we will make sure our actions are reasonably proportionate to these circumstances. Whilst we will still

escalate and progress our investigations and apply sanctions, these will include a supportive approach to the customer.

Where the customer is deemed to be under the influence of drugs and / or alcohol, we will take steps to de-escalate and terminate a call, interview or visit and make alternative arrangements for completing the service request. We accept that there are some disabilities or medical conditions where a person may appear temporarily impaired and we will always listen to such explanations.

While we accept such factors may have an impact on why customers behave in challenging ways this can never be a reason why any employee or councillor should have accept such behaviours.

10. Section 3: Options to restrict and manage contact

10.1 Where individuals continue to behave unreasonably after we have asked them to modify their behaviour, we will consider implementing one or multiple of the following options:

10.1.1 Options

Option 1:

We should terminate contact if an individual is aggressive, rude, abusive or offensive. If we believe a pseudonym is being used, we will seek to confirm their true identity.

Option 2:

We can block their social media accounts and asking the relevant platform to remove any of the individual's post on our accounts that are derogatory, defamatory, offensive, threatening or criminal.

Option 3:

We can ask the individual to leave and ban them from attending / entering our premises for an agreed period if they become aggressive, threatening or uncooperative to our employees or members of the public in one of our premise.

Option 4:

We can place a 'warning marker' on the electronic systems where we hold records if an individual threatens our employees or councillors with physical violence, be it verbal, face to face, in writing or in any other form.

Option 5:

We can reporting our concerns to the police if an individual becomes aggressive or threatening, or if they pose a significant threat of doing so.

Option 6:

We can restrict the services we will correspond with an individual about.

Option 7:

We can decide not respond to correspondence which we decide is abusive or offensive.

Option 8:

We can terminate contact if we believe an individual is persistently raising issues to which we believe we have already responded in full, no matter how they make

contact with us. (As in Option 1, if we believe a pseudonym is being used, we will seek to confirm the true identity.)

Option 9:

We can decline to respond to further correspondence which does not raise new issues, if we believe we have already fully explained our reasons for a decision and an individual has exhausted the procedure to request a review of that decision. We will always read and file to correspondence but we can choose not acknowledge their correspondence unless they provide significant new information or evidence relating to the matter. We will usually appoint a designated employee to read all future correspondence.

Option 10:

We may ask an individual (if they make a large number of reports to us which prove to be unfounded) to ensure any of their future allegations are supported by an independent third party such as the Citizens Advice Bureau, a legal representative or an advocate, to ensure our employee resources are used in an appropriate way.

Option 11:

We may refuse to discuss, register or process further complaints if an individual requests continued reviews or new complaints about the same matter.

Option 12:

We may return documents to an individual if they send us a large volume of irrelevant information. In extreme cases we could advise them that we will destroy further irrelevant documents they send us.

Option 13:

We could require an individual to contact a named employee, as a single point of contact (SPOC), if they scatter-gun their contact, place heavy demands on us or send multiple, complex enquiries which could exhaust our resources.

Option 14:

We may choose to block or redirect an individual's emails to a SPOC, particularly if the number and length of emails causes us difficulties in conducting our business.

Option 15:

We could restrict the number of telephone calls, emails or visits we will accept (for example, one call, email or visit on a specified morning or afternoon of any week).

Option 16:

We may place time limits on telephone conversations and personal visits.

Option 17:

We may limit contact to one contact method only (for example, only telephone, email, or letters).

Option 18:

We may require any face-to-face contact to take place in the presence of a witness (for example, another employees, a police officer or a member of the Community Safety Partnership North and West Devon).

Option 19:

In some cases, relations between us and unreasonably persistent or vexatious complainants can break down completely. Particularly if they have a complaint against us under investigation and there is little prospect of achieving a satisfactory outcome. In such circumstances, we may judge there to be little purpose in following all the stages of our complaints procedure. Where this occurs, the Local Government and Social Care Ombudsman may be prepared to consider a complaint before our procedure has run its course.

11. Section 4: Appeal

11.1 If an individual is unhappy with the restrictions we have placed upon them, they can appeal in writing to our: monitoringofficer@northdevon.gov.uk. Our Monitoring Officer (or their deputy) and a different member of our Senior Management Team will review their appeal.

11.2 Our Monitoring Officer will keep a record of their appeal decision and will notify the individual, in writing, of this.

11.3 We will always set a time limit on any restrictions we impose and we review these on a regular basis. Our Monitoring Officer, during the review, will decide whether the restrictions should remain in place or be cancelled, they will then advise the customer of any changes to our original decision.

Appendix 1: Examples of incidents which require reporting

To report internally:

- Offensive language, verbal abuse and swearing which makes employees feel unsafe
- Unwanted or abusive remarks
- Negative, malicious or stereotyping comments (see hate crime in police report section)
- Invasion of personal space (see harassment in police report section)
- Offensive gestures
- Bullying, victimisation or intimidation (see harassment in police report section)
- Unreasonable behaviour and non-cooperation, for example, not responding to a request to leave our premises.

The relevant member of employees, in line with their manager, must complete and submit an internal incident reporting form.

To report to the police:

- Assault- force used without consent, sexual or otherwise
- Damage to property- this includes buildings, cars or personal property
- Harassment- this includes invasion of personal space
- Stalking- to harass or persecute someone with unwanted and obsessive attention. This includes online attention
- Public order- threats to a person or premises, foul or abusive language
- Drunk and disorderly- only applicable in a public space and includes council customer facing offices
- Malicious communications- intent to cause stress or anxiety
- Hate crime- crimes committed against someone because of their disability, race, religion or belief, gender-identity or sexual orientation

All non-urgent crimes are to be reported on 101 or online reporting directly to the police.

Our Communications and Feedback Manager and members of the Community Safety Partnership North and West Devon can assist in reporting incidents.

The relevant member of employees, in line with their manager, must also complete and submit an internal incident reporting form.

Appendix 2: Example template warning letter

Dear

Your contact with us

Colleagues in [service] have raised concerns with me over [set out the nature of the behaviour with specific details].

I have reviewed this information and I believe your contact and behaviour to be unacceptable according to our policy for preventing and managing unreasonable customer conduct for the following reasons:

- [list reasons why behaviour is unacceptable as per the policy]

[Add in any further information and why we do not tolerate this behaviour towards our employees]

[Add in polite request that our employees are treated with respect and ask the customer to moderate their behaviour and how we expect them to contact us in the future].

If any further abuse occurs, we will review the details again in line with our policy and look at instigating measures which could limit or alter how you can contact us in the future.

I have enclosed a copy of our policy highlighting what behaviours we find unacceptable and what options we may consider if this continues.

Yours sincerely

Appendix 3: Example template decision letter

Dear

Continued unreasonable behaviour and imposed contact restrictions

I am contacting you following the letter we sent you on [date] asking you to moderate how you contact us in the future. I have continued to monitor your contact with [service] and this has remained at a level which we find unacceptable to us according to our policy for preventing and managing unreasonable customer conduct for the following reasons:

- [list reasons why behaviour is unacceptable as per the policy]

As I explained previously, this behaviour will not be tolerated by us and as such we are restricting your contact with our officers to ensure this behaviour is not repeated.

All future contact must be

- [List option/s chosen]

[Add any specifics on how they can contact us]

This will be in force for three months and reviewed in [3, 6, 9, 12] months on [date]. We will write to you again at the end of this period to advise you of our decision following monitoring your contact. At such time, we may lift, alter or extend the restrictions.

You can appeal this decision by writing to the Monitoring Officer using the address above or by emailing monitoringofficer@northdevon.gov.uk.

Yours sincerely