

Habitual Contact Policy

**Managing habitual,
repeat, aggressive or
persistent customer
contact**

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Section 1 - Habitual customer contact

Introduction and purpose of this procedure

Staff are trained to respond with patience and understanding to the needs of customers, but there are times when there is nothing further that can reasonably be done to help them or to put right a real or perceived problem.

Customers who repeatedly contact the council are an increasing problem. The difficulty in managing such contact places a strain on time and resources and causes unacceptable stress for staff who may need support in difficult situations.

The council needs to have a process to deal with such contact. This process is intended to cover contact which may be:

- Repeated
- Unreasonable
- Unwarranted
- Abusive
- Aggressive
- Threatening
- Following an attack on council staff or contractors

The contact may be in the form of (but is not limited to):

- Phone calls
- Letters
- Emails
- Personal visits
- Face to face
- Filming
- Recording
- Photographs

It is important that staff take a balanced approach. To limit a customer's contact with the council has the potential to create a severe impact upon their life and could cause significant injustice. It should not be instigated lightly. Equally, if customers are behaving unreasonably, it is important not to delay taking action, so customers are aware of the standard of behaviour expected of them in their contact with the council and can make appropriate changes. Customers may choose not to alter their behaviour, but it is essential that they understand the

standard expected and the possible consequences if they do not change their behaviour.

The procedure will only be used as a last resort and after all reasonable measures have been taken to try to resolve complaints and other contact, generally by following the council's complaints procedure. Advocacy groups can be involved at the individual's request.

Section 2 – What is habitual contact?

Identifying habitual contact

Habitual contact comes in many forms and there is no single description of such contact. Generally the customer has a genuine concern or dispute with the council, but becomes unreasonable in their level or type of contact. This does not mean that there is not merit in the issue they are raising, but that the method they are using is unreasonable.

It is common to see a level of contact above the norm, this might be by a variety of means and a 'scattergun' approach is often used, ie copying in a large number of senior managers and/or councillors where such contact is not warranted.

A variety of channels may be pursued. Many customers will use the complaints policy, the Freedom of Information Act and the Data Protection Act to pursue their grievance.

Who this procedure covers

This procedure applies to contact with staff, elected councillors and contractors (where the councillors are acting on behalf of Southwark, for example, where a councillor is acting in an executive role as part of cabinet). The term 'staff' in this procedure covers all three groups.

This policy will not apply to freedom of information requests considered as vexatious requests. The council's information governance manager should be consulted for any issues related to vexatious FOI/DPA requests.

This procedure will not cover situations where there is an alternative process in place. This includes legal action and the aggressive behaviour process in Housing and Modernisation.

Section 3 – Recognising habitual contact

Common behaviour

A customer (or a relative/carer/friend complaining on behalf of someone, who may not have a complaint themselves) may be considered to be habitual where current or previous contact with them shows that they meet any of the following criteria:

- Persists in pursuing a complaint where the council's complaints procedure has been fully implemented and exhausted. For example, where investigation is deemed to be "out of time" or where a request for independent review has been refused.
- Changes the substance of a complaint, persistently raising new issues, unreasonably raising further concerns or questions on receipt of a response while the complaint is being dealt with. N.B. Care is taken not to disregard new issues which differ from the original complaint – these may need to be addressed as separate complaints.
- Uses new complaints/contact to resurrect issues which were included in previous complaints.
- Is unwilling to accept documented evidence of services provided as being factual (e.g. council tax or nursing records, or welfare rights advice). This may also extend to individuals who do not accept that facts can sometimes be difficult to verify after a long period of time has elapsed.
- Insists they have not had an adequate response in spite of a large volume of correspondence specifically answering their questions/concerns.
- Is unable to identify the precise issues they wish to be investigated, despite efforts to help them do so by staff and, where appropriate, advocacy groups.
- Is unwilling or unable to accept that the concerns identified are not within the remit of the council to investigate.
- Focuses on a trivial matter to an extent, which is out of proportion to its significance and continues to focus on this point. It is recognised that determining what is trivial is subjective.

- Makes repeated complaints and contact which appear to be to avoid the payment of monies legally due, where there is not a real dispute.
- Is abusive about staff, either repeatedly over a period of time or as a one off where the comments are very extreme.
- Displays abusive behaviour over a long period of time, which will undermine an officer and can affect their confidence to deal with that customer.
- Uses language or behaves in a way that would be considered a hate crime.
- Uses swear words in an attempt to abuse or undermine an officer.
- Uses or threatens physical violence towards staff or their families/colleagues. This will in itself cause personal contact with the customer and/or their representatives to be discontinued and contact limited to written communication. All incidents are documented and reported, when appropriate, to the police. Southwark Anti-Social Behaviour Unit (SASBU) should be consulted for such cases.
- Has an excessive number of contacts with the council placing unreasonable demands on staff. Such contacts may be in person, by telephone, letter, fax or electronically. The specific circumstances of each individual case are used in deciding how many contacts are excessive.
- Pursues complaints and contact through a number of council departments or procedures and/or external agencies placing unreasonable demands on staff.
- Uses the council's constitution in an unreasonable way, including repeated use of questions and deputations.
- Harasses or is personally abusive or verbally aggressive on more than one occasion towards staff, or their families and/or colleagues. It is recognised that customers may sometimes act out of character at times of stress, anxiety or distress and allowances are made for this. All incidents of harassment or aggression are documented.
- Electronically records meetings or conversations without the prior knowledge and consent of the other parties involved. It may be necessary to explain to a customer at the start that such behaviour is unacceptable and can, in some circumstances, be illegal.

- Acts in a vexatious or vindictive way that causes harm or distress to an officer, contractor, councillor or their families/colleagues.
- Displays unreasonable demands or expectations and fails to accept that these may be unreasonable once a clear explanation has been given (e.g. insisting on the response to a complaint or enquiry being provided more urgently than is reasonable or recognised practice).
- Displays attention seeking behaviour, involving MP, Secretary of State, Prime Minister etc.

Safeguarding Vulnerable Adults

Some customers make repeated contact because of mental health problems. Where this is the case any concerns that staff may have about vulnerability should be raised in line with the safeguarding adults policy and procedures.

When using this process with customers with known mental health problems or other vulnerabilities, consideration must be given as to how additional support can be provided. If the customer already receives support from any agency, contact should be made with them in the first instance.

Confidentiality

Information about those designated under this process should only be shared where necessary, respecting the confidentiality of those involved.

A list of those designated under the policy will be kept by the complaints manager.

Section 4 - How this procedure should be used

Procedure for dealing with habitual contact

Managers and relevant councillors who believe an individual is placing a strain on time and resources and causing unacceptable stress for staff or members will consult with the customer experience manager. The customer experience manager will advise on what information is required to apply the policy.

A chronology of contacts will normally be prepared by the manager or councillor and documentation collated.

The customer experience manager will consider the information provided by the manager or councillor and will decide if action is appropriate and will normally contact the individual either by phone, in writing or by email to explain why this behaviour is causing concern, and ask them to change this behaviour. The customer experience manager will explain the actions that the council may take if the behaviour does not change.

However if behaviour is severe the council may take action without notice.

If the behaviour continues, the customer experience manager, after appropriate consultation, will prepare a report for consideration by the chief executive. The report will detail the behaviour causing concern and detail the proposed action and the period.

The chief executive will consider the report and decide if the action is justified and proportionate. In the absence of the chief executive the monitoring officer will make the decision.

If the chief executive decides to take action, a letter will be sent from the chief executive detailing the action to be taken and for what period.

This letter will be copied to others already involved in the complaint such as practitioners, conciliator, CAB, Member of Parliament, advocates etc.

All chief officers will be notified of the action, to allow them to inform officers as necessary.

Action to be taken may include:

- Drawing up a signed agreement with the individual (if appropriate, involving the relevant service head) setting out a code of behaviour for the parties involved if the council is to continue dealing with the individual.

- Declining further contact with the individual either in person, by telephone, fax, letter, or electronically, including blocking access to a particular email address – or any combination of these – provided that one form of contact is maintained. A suggested statement may be used by staff to help them end telephone conversations, this will be provided by the Customer Experience Team.
- Restricting contact to liaison through a third party.
- Writing to the individual that the council has responded fully to the points raised, that there is nothing more to add and continuing contact on the matter will serve no useful purpose. The individual is notified that the correspondence is at an end and that further communication will be acknowledged but not answered.
- Informing the individual that the council reserves the right to refer unreasonable or habitual individuals to the monitoring officer and/or the police where it believes a criminal offence has been committed.
- Temporarily suspending all contact with the individual, or investigation of a complaint, whilst seeking legal advice or guidance.
- Banning the individual from some or all of the council's buildings, if necessary by means of an injunction.

Reviewing Habitual Status

The situation will be reviewed at the end of the period or, if for more than one year, after a minimum of one year to consider whether a more reasonable approach is being used by the individual and whether the habitual status designation should be continued or removed.

The review should be undertaken by the customer experience manager and the monitoring officer, and the customer experience manager will provide a report to the chief executive recommending what action is appropriate, the chief executive will consider the report and decide if the action is justified and proportionate.

Monitoring use of the policy

A list should be maintained of current habitual individuals by the customer experience manager. This must be kept secure at all times.