

## Appendix 1



### Unacceptable Customer Actions Policy

## Document Control

<b>Organisation</b>	City of Lincoln Council
<b>Title</b>	Unacceptable Customer Actions Policy
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<b>Filename</b>	
<b>Owner</b>	Corporate policy
<b>Subject</b>	
<b>Classification</b>	
<b>Review date</b>	April 2026

## Revision History

Revision Date	Author	Previous Version	Description of Revision

## Document Approvals

This document requires the following approvals:

Sponsor Approval	Name	Date
Executive		
CMT	Angela Andrews	22/10/2024
SIRO		

## **Summary of the Policy for Quick Reference – Potential actions we can take following a report of unacceptable or vexatious customer actions.**

### **1. No Action**

Where we assess the incident or incidents, and the decision is that the customer's action is not considered to be unacceptable.

### **2. Log of incident kept – anonymous actions.**

We record the date and time of the incident as well as details of what occurred. We may not know the customer's details, or we decide that we will not retain them. The purpose of this is to monitor the numbers of unacceptable incidents that are taking place.

### **3. Log of incident kept – with customer details & informal notice.**

This will usually be as the result of a singular, isolated incident that we consider to be 'low level' (classified as 'blue' in our incident reporting scheme), but that caused distress to a colleague or customer.

### **4. Log of incident kept – with customer details & send a warning letter.**

This may be because of a one-off incident (classified as 'Amber' or 'Red' in our incident reporting scheme.) or as a further incident following an informal notice.

### **5. Restricting access to Council services – Sanctions and/or inclusion on the Exercise with Caution Register**

If the actions of the customer are sufficiently serious that we assess there to be a risk to staff and/or members of the public, we may agree one or more control measures and it may be appropriate to restrict access. This may also apply following a warning where the unacceptable actions continue, or we record a further incident.

#### **Restrictions imposed could include:**

- Placing time limits on telephone conversations
- Restricting number of telephone calls (specified times e.g., morning or afternoon per week).
- Limiting the customer to one method of contact e.g., phone, letter, or e-mail.
- Requiring the customer to communicate only with one named member of staff referred to as a single point of contact. (SPOC).
- Requiring any personal contacts to take place in the presence of a witness and/or with the staff member using a safety alarm or device.
- Refusal to register and process further service requests/complaints about the same matter. Where we take this action and inform the customer, any future correspondence that we receive about the same matter, can simply be read, and acknowledged with a response stating that we have noted the correspondence and placed on file. This does not apply to FOI or SAR requests which we will fulfill in line with policy.
- Exclusion from the council housing register.
- Banning a customer from one or more of the authority's premises. This step will need consultation and collaboration with other City Hall tenants to ensure we do not restrict the customer's legitimate access to other services.
- Requiring visits only to take place with more than one officer present.

- We will consider other suitable options, in the light of the customer's circumstances or additional needs.

#### 6. Issuing of a Community Protection Notice and/or reporting the incident to the police.

- A Community Protection Notice (CPN) is a two-stage process and is used to deal with a range of behaviours. (See full ASB policy)
- It may be appropriate to issue a CPN. This can be considered at any time but will be instigated if, following sanctions or being added to the Exercise with Caution Register, the individual persists with unacceptable behaviour.
- This will only be used when we believe that other avenues have been exhausted.

#### 7. Consideration of applying for an injunction.

An injunction is a court order which if granted can impose restrictions on an individual, limiting their contact with the Council. Any application for an injunction will only be requested where all other actions have been considered and implemented or in the most extreme cases.

An injunction can only be sought once legal advice had been obtained and will require supporting evidence to present to the court to show why and an injunction is reasonable in each case.

## Introduction and Scope

City of Lincoln Council are committed to dealing with all our customers and interactions to a high standard, including the handling of complaints. 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 act in an unacceptable way while dealing with us, and while there may be a number of reasons for such behaviour to reveal itself, we will take all reasonable steps to ensure that staff, Elected Members and partners are supported when they feel they have been subject to acts which make them feel threatened or mistreated. We will ensure that they 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 actions.
- How staff are supported to raise concerns with their manager about customer actions.
- How customer actions will be categorised to ensure an appropriate level of response.
- The responses available and how customers will be informed that their actions have been considered unacceptable.

This policy will be used along with other appropriate control measures (such as CCTV, a safe working environment, effective security, lone worker devices and appropriate training and our powers under the Anti-Social Crime and Policing Act 2014) to protect colleagues from work-related violence and distress.

This policy does not cover the behaviour or conduct of staff 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 may be involved in determining the final decision in respect of actions taken.

- The Customer Services Manager
- Human Resources Manager
- Corporate Health and Safety Adviser
- Tenancy Services Manager
- Housing Solutions Manager
- Housing Maintenance Manager
- PPASB
- Legal Services

Other appropriate Managers & colleagues have been consulted in the development of this policy and will be asked to join discussions about individual cases when appropriate.

This policy seeks to benefit all colleagues & elected Members of City of Lincoln 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; Lincoln Job Centre+; Citizens Advice Lincoln and Lindsey and Lincoln Voluntary Centre Services. Any information shared as a result of this policy will be in line with existing data sharing agreements.

## Roles and Responsibilities

### **Senior Management Team**

- To support the Unacceptable Customer Actions 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, Supervisors and Team Leaders**

Line Managers and Supervisors are responsible for ensuring that everyone they are responsible for (including partners, contractors, temporary staff, visitors, and agency staff)

- Knows how to report and record unacceptable customer actions.
- Understands the definitions and scope of the Unacceptable Customer Actions Policy
- Provide support, in conjunction with HR where appropriate, to the affected colleague.
- Investigate reports of unacceptable actions

### **Staff**

Staff who experience unacceptable customer actions must discuss the issue with their line manager or supervisor and:

- Report it using the Council's electronic form found on the Hub (Intranet).
- 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.

### **Corporate Health and Safety**

Corporate Health and Safety 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 the Exercise with Caution Register

## Defining Unacceptable Actions

For the purposes of this policy, a customer is any individual that staff 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 may be accessing 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 actions 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 actions towards Council colleagues that will fall under this policy.

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

### Category 1 Actions: Aggressive language, tone, or body language.

This may include, but is not limited to:

- The use of a 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 are in Appendix 2

### Category 2: Persistent & Unreasonable behaviour.

This may include but is not 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 and/or repeated phone calls, letters, emails or visits to the Council.

Further details are 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 the customer does not act on the threat.
- Verbal threats towards other individuals or organisations even if the customer does not act on the threat.
- Physical assaults to colleagues or Members
- Intentional physical damage to Council property

Further details in Appendix 2

Any staff or Elected Member that suffers 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 they are unacceptable actions, in line with this policy's definitions. At the point that behaviour is taking place, they 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 actions and behaviour being experienced by its colleagues, regardless of the level of severity.
- Take an appropriate level of action (as defined by this policy) in respect of the perpetrator.
- Identify repeated unacceptable actions that may have taken place over a period of time across multiple departments.
- Support colleagues and empower them to deliver their roles in a safe working environment, free from abuse and threat.

### **Process followed in cases of Unreasonable Customer Actions**

If any member of staff is subject to actions or communication from a customer that caused stress, distress, or fear, the first and most crucial step is to take action to end the interaction in a professional and safe way.

#### **Step 1 - Ending interactions where the customer is acting in an unreasonable way.**

We do not deal with contact from a customer where staff feel that the customer is being abusive, shouting, swearing, threatening, or making derogatory personal comments directly to the staff member or about other staff.

When this happens, colleagues are empowered to advise the customer that they consider the customer's actions to be unacceptable, explain exactly what they consider unacceptable and ask them to stop. If this is happening over the telephone, the colleague has the right to end the telephone call if the customer does not change their behaviour after the colleague has made it clear that they consider it unacceptable.

An incident report (see step 2) should be completed without delay.

In cases where it is considered that a criminal offence has been committed (e.g., assault on staff or criminal damage), where assault is threatened, or where the complainant refuses repeated requests to leave the authority's premises, the Police must be called without delay.

#### **Step 2 –Completing an Incident Report**

After an incident staff should use the 'Report Unacceptable Behaviour' form found on the Reporting section of the Hub to log it. This should be done regardless of how 'serious' the individual may feel the incident was or whether they have all the customer's details; the added purpose of this process is to start to collate overall numbers of incidents over a period, regardless of severity.

This will start the process to allow for the appropriate action to be taken and formally notify the line manager that an incident has taken place. The details will be assessed by the manager, discussed with the staff member affected, and they will classify whether they consider the incident to be Blue, Amber or Red.

It is also essential at this point that if the colleague is distressed by the incident that they are offered support by their supervisor or manager. If staff feel unable to



continue working – even for a brief time, their line manager should ensure that they take an appropriate break.

As a result of the completion of the report, the appropriate action will be decided by the line manager or the line manager with advice from the Corporate Health and Safety team or other appropriate colleagues.

### **Step 3 – Processing the incident.**

All reported incidents will be managed internally by following the Unacceptable Behaviour Procedures (Revised July 2023) which sets out in detail how each category of incident is handled.

## **Review**

We will not keep information recorded on the Exercise with Caution Register for any longer than is detailed in the Council's retention policy.

Corporate health and Safety is responsible for conducting annual reviews of all customers registered on the Exercise with Caution Register to ensure the information remains relevant and appropriate.

## **Relevant Legislation - Glossary**

### General Data Protection Regulations (GDPR)

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-assessments, 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

### [The Equality Act 2010 \(including Worker Protection \(Amendment of Equality Act 2010\) Act 2023\)](#)

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. It replaced previous anti-discrimination laws with a single Act, making the law easier to understand and strengthening protection in some situations. The 2023 amendment highlights an employers' duty to prevent sexual harassment of employees, defined as unwanted conduct of a sexual nature. It also places a duty on public authorities known as the Public Sector Equality Duty to ensure that they do not discriminate in how they make decisions, provide services and implement policies.

### [Anti-Social Behaviour Crime and Policy Act 2014](#)

This act gives local authorities the power to tackle and address anti-social behaviour. It allows the local authorities to issue Community Protection Notices, take out anti-social behaviour injunctions, apply for Criminal Behaviour orders and make Public Space Protection Orders.