

## **REPORT TO EXECUTIVE**

Date of Meeting: 9 January 2024

## **REPORT TO COUNCIL**

Date of Meeting: 20 February 2024

Report of: Director Net Zero Exeter & City Management

Title: Review of Policy for Dealing with Unacceptable Customer Behaviour

### **Is this a Key Decision?**

No

### **Is this an Executive or Council Function?**

Council

#### **1. What is the report about?**

1.1 To seek approval for the adoption of the revised Policy for Dealing with Unacceptable Customer Behaviour.

#### **2. Recommendations:**

2.1 Executive recommends that Council approves the revised policy for Dealing with Unacceptable Customer Behaviour.

#### **3. Reasons for the recommendation:**

3.1 The Policy for Dealing with Unacceptable Customer Behaviour was last reviewed in August 2020 and should be reviewed every three years. In addition, some changes have been made to the associated guidance documents and it is necessary to ensure the policy reflects these current processes.

#### **4. What are the resource implications including non-financial resources**

4.1 There are no resource implications other than officer time in dealing with cases.

#### **5. Section 151 Officer comments:**

5.1 There are no financial implications contained in the report.

#### **6. What are the legal aspects?**

6.2 The Council's policy for Dealing with Unacceptable Customer Behaviour has been reviewed and updated since the last review in August 2020. The purpose of the review is to ensure that the policy remains relevant and up to date, for example, by reflecting continued compliance with legislation including, for example, The Health and Safety at Work etc. Act 1974, Data Protection Act 2018, the Equality Act 2010 and safeguarding responsibilities under the Care Act 2014 and the Children Act 2004.

## **7. Monitoring Officer's comments:**

The Monitoring Officer is supportive of the recommendations set out in this report.

## **8. Report details:**

8.1 The Policy for Dealing with Unacceptable Customer Behaviour has been in place since 2014. It sets out the Council's procedure for protecting staff against abusive, aggressive and violent customer behaviour as well as behaviour that places unreasonable demands on Council staff. Examples of this include contacting several different members of staff at the same time on the same matter or inundating the Council with emails, telephone calls or copies of information that have already been submitted or that are irrelevant to the enquiry.

8.2 Related to this Policy is the Employee Protection Register procedure which sets out what measures staff can take to protect themselves and how the Council will support them, when dealing with abusive, aggressive, or violent customers.

8.3 The following changes have been made to bring the policy up to date:

- Paragraph 2.4.6 – The policy now includes reference to the Council's Social Media House Rules as it is recognised that social media is often used to criticise and abuse staff.
- Paragraph 2.4.8 – A statement is being developed to be heard when customers call the council reminding them of what behaviour the Council considers acceptable and directing them to a detailed statement on the website. A similar notice is being considered for email replies.
- Paragraph 2.4.11 – Reference to the policy on Body Worn Cameras is included to ensure both policies are in line with each other.
- Paragraph 2.4.13 -2.4.15 – These paragraphs set out how the Council will deal with situations where the customer perpetrating abuse towards staff is also a staff member or has another legally binding relationship with the council such as licenced taxi drivers or housing tenants. In all situations confidentiality must be balanced with the safety of staff. These situations will need to be dealt with on a case-by-case basis by a Director rather than the usual Tier 4 manager.
- Section 6 – This section previously detailed an appeals process. This has been removed as in practice it is more appropriate for customers who want to appeal their inclusion on the register to use the Corporate Complaints process.
- Paragraph 9.5 - Where unacceptable behaviour towards staff has been perpetrated by someone under the age of 18, the name of their parents or carers will be added to the Employee Protection Register (EPR) in place of the name of the child. While it is important that staff are protected, the Council also recognises the vulnerability of young people and the safeguarding issues that arise in relation to young people. The case can still be discussed at meetings of the Safety of Employees Review Group (SERG), although children who are involved in ASB or criminal behaviour are also dealt with through other specialist routes such as the Youth Anti-social Behaviour Action Team (ASBAT) meetings. The review period for these cases will be six months rather than the standard twelve months for adults.

- Section 10 – This section has been added to emphasise the need for support for staff who experience customer abuse and aggression which can lead to stress and anxiety if not properly addressed.

8.4 In addition to the policy and procedure documents a flowchart has been developed to provide a quick visual guide to the process for dealing with cases.

8.5 The policy is subject to ongoing annual review in order to respond to changes in legislation and best practice.

## **9. How does the decision contribute to the Council's Corporate Plan?**

9.1 The decision will support the priority to lead a well-run council.

## **10. What risks are there and how can they be reduced?**

10.1 The main risk to the policy is that the procedures are not properly followed and leave the Council open to legal challenge. Communication of the procedures to all staff coupled with the oversight of the Safety of Employees Review Group should mitigate this risk.

## **11. Equality Act 2010 (The Act)**

11.1 Under the Act's Public Sector Equalities Duty, decision makers are required to consider the need to:

- eliminate discrimination, harassment, victimisation and any other prohibited conduct;
- advance equality by encouraging participation, removing disadvantage, taking account of disabilities and meeting people's needs; and
- foster good relations between people by tackling prejudice and promoting understanding.

11.2 In order to comply with the general duty authorities must assess the impact on equality of decisions, policies and practices. These duties do not prevent the authority from reducing services where necessary, but they offer a way of developing proposals that consider the impacts on all members of the community.

11.3 In making decisions the authority must take into account the potential impact of that decision in relation to age, disability, race/ethnicity (includes Gypsies and Travellers), sex and gender, gender identity, religion and belief, sexual orientation, pregnant women and new and breastfeeding mothers, marriage and civil partnership status in coming to a decision.

11.4 In recommending this proposal potential impact has been identified on people with protected characteristics as determined by the Act and an Equalities Impact Assessment has been included in the background papers for Member's attention.

## **12. Carbon Footprint (Environmental) Implications:**

12.1 No direct carbon/environmental impacts arising from the recommendations.

## **13. Are there any other options?**

13.1 The policies and procedures provide clarity for customers and staff about what is considered unacceptable behaviour and how the Council will deal with cases. Committee

could decide not to accept the updates, but this could leave the Council open to legal challenge.

**Director Net Zero Exeter & City Management, David Bartram**

Author: Melinda Pogue-Jackson, Policy Officer – Community Safety, Safeguarding and Equality and Diversity

**Local Government (Access to Information) Act 1972 (as amended)**

Background papers used in compiling this report:-

None

Contact for enquires:  
Democratic Services (Committees)  
Room 4.36  
01392 265275