
MANAGING CUSTOMER ENGAGEMENT POLICY

Report by Director Resilient Communities

Scottish Borders Council

31 March 2022

1. PURPOSE AND SUMMARY

- 1.1 This report proposes the amalgamation of the Vexatious Complaints and Correspondence Policy and the Unacceptable Actions and Behaviours Policy into one policy and refreshes the approach to managing unacceptable customer engagements.**
- 1.2 The Scottish Public Services Ombudsman's (SPSO) Model Complaints Handling Procedure (MCHP) requires all public services to have a policy in place to manage unacceptable customer behaviour.
- 1.3 The Managing Customer Engagement Policy incorporates the Unacceptable Actions and Behaviours Policy that manages violent, aggressive, threatening or abusive behaviour into a refreshed policy that manages all types of unacceptable customer behaviour.
- 1.4 The Managing Customer Engagement Policy also introduces the logging of every unacceptable customer engagement, so behavioural trends can be identified sooner and appropriate actions taken to protect officers.
- 1.5 Officers are also empowered to escalate cases where they feel action needs to be taken or they are finding engagement with a particular customer problematic.

2. RECOMMENDATIONS

2.1 I recommend that the Committee:-

- (a) Approves the policy and agrees to its implementation;**
- (b) Amend the remit of the Complaints Review Group to include the powers to make the decision to apply the Managing Customer Engagement Policy;**
- (c) Amend the Scheme of Delegation, for the Chief Executive, to review, where an appeal is requested, the Complaints Review Group's decision to apply the Managing Customer Engagement Policy.**

3. BACKGROUND

- 3.1 In April 2014, the Vexatious Complaints and Correspondence policy was approved. This policy fulfilled the SPSO's expectation that all public services have a policy in place to manage unacceptable customer behaviour.
- 3.2 Since this time the SPSO have launched two revised versions of their own Unacceptable Actions Policy.
- 3.3 Across these two revisions the language and approach taken by the SPSO towards managing customer behaviour has changed quite significantly.
- 3.4 In the past year, several cases have highlighted some areas where improvements in the process would be beneficial. This and the SPSO's changed approach have been the drivers for refreshing the Council's approach to managing customer engagement.
- 3.5 Amalgamating the Vexatious Complaints and Correspondence policy and the Unacceptable Actions and Behaviours policy will simplify the approach to managing unacceptable customer engagements with the council and thereby encourage staff to report any incidents of unacceptable behaviour.

4. KEY CHANGES TO THE POLICY

4.1. Approach to managing customer behaviour

- (a) The approach to managing customer behaviour will focus on supporting positive engagement between council officers and customers. Supporting positive engagement includes supporting customers to express their concerns about our services in a constructive manner, where necessary by ensuring:
 - our staff have appropriate training to identify where additional support may be needed
 - reasonable adjustments are put in place where necessary
 - our staff are supported to treat our users with kindness and compassion
 - we will seek to defuse and de-escalate situations
 - we will signpost to organisations who can provide independent advice and support, where appropriate
- (b) Where there are situations of unacceptable behaviour that we need to respond to or manage we will seek, whenever possible, to restore the relationship by taking a restorative approach. Examples of a restorative approach may be:
 - actively managing customer's expectations which can help to prevent issues from arising in the first place or escalating further

- ensuring customers understand what language and approaches to communication will assist officers in addressing the issues they have raised
- (c) Where restorative approaches and attempts to restore relationships fail active management of customer engagements will be undertaken. Active management seeks to maintain our ability to deliver our services while minimising the impact of the situation that is causing the disruption. The approach used could include:
- restricting contact by channel (e.g. phone or email) or to a named person
 - not providing direct contact details or staff names (when there is a risk this will lead to harassment)
 - communicating through a third party such as an advocate rather than direct contact
 - directing phone calls to an automated service (when phone contact is blocking others from accessing our service or is abusive)
 - restricting time/volume of contact
 - restricting topics officers will correspond in relation to
- (d) The Health and Safety procedures already in place to manage violent, aggressive, threatening or abusive behaviour will still apply. Where appropriate the measures mentioned in (b) and (c) above will run in conjunction with the Health and Safety procedures.

4.2. The language used

- (a) Using terminology or labelling customer behaviour as vexatious can inflame situations further. It is therefore, not helpful when trying to de-escalate a situation or restore a relationship.
- (b) The language used in connection with unacceptable behaviour is changing from labelling customers or their behaviour as vexatious to describing problematic behaviour as customer engagement that has become difficult to manage.

4.3. Scope of the policy

- (a) Previously, the Vexatious Complaints and Correspondence policy did not, in the first instance, apply to complaints that fell within the remit of the Social Work Statutory Complaints process.
- (b) However, the Public Services Reform (Social Work Complaints Procedure) (Scotland) Order 2016 brought social work complaint handling into line with other local authority (LA) complaints handling, by bringing it under the remit of the Public Services Reform (Scotland) Act 2010 (the Act).

- (c) In April 2017 the council implemented the SPSO's Social Work Model Complaints Handling Procedure, which was then incorporated into the SPSO's Local Authority Model Complaints Handling Procedure in 2021.
- (d) As such Social Work complaints now fall within the scope of the Managing Customer Engagement policy.
- (e) Also within the scope of the policy are customer engagements with Elected Members that have become difficult to manage. Whilst, the authorisation, logging, documentation and appeals parts of this policy do not apply to elected members engagements, the policy does however provide a framework to help them to manage any difficult engagements they encounter.

4.4. Levels of managing customer engagement

- (a) There will be three levels of managing customer engagement:
 - Immediate action required by member of staff, for example putting the phone down
 - Manager approved restorative approach
 - Complaints Review Group active management approach

4.5. Introduction of an appeals process

- (a) Currently, under the Vexatious Complaints & Correspondence policy, there is no internal route of appeal. Customers are signposted to the SPSO if they disagree with the application of the policy.
- (b) In this refreshed policy, the remit of the Complaints Review Group is being changed. The Complaints Review Group will now make the decisions to apply the policy to a customer's contact, rather than recommend an approach to the Chief Executive, who then made the decision to apply the policy.
- (c) The Chief Executive will now take on an internal appeal role.
- (d) Appeals will be considered in one of three ways depending on the level the restriction was taken at. These are:
 - through our complaints handling procedure where an employee took immediate action to manage a customer's engagement
 - through the Complaints Review Group where restorative approach or a decision to restrict contact in their service was made by a senior manager
 - by the Chief Executive where the Complaints Review Group has made a decision to restrict contact with a service or the council as a whole

4.6. Protecting our staff

- (a) The policy provides support for officers from an early stage in an engagement with customers, where previously a situation needed to be unmanageable before action could be taken.
- (b) Officers are empowered to take immediate action where they find a customer engagement personally distressing or difficult.
- (c) Under the refreshed policy, all engagements where officers have found that a customer engagement has become difficult to manage or that they have found personally distressing or threatening must be logged.
- (d) By logging all of these interactions managers are able to bring together an overview of how officers across the council are being treated. It will also be possible to identify trends where engagement from one customer is challenging across services in the council.
- (e) The policy accepts that each officer will have different trigger points and tolerances. It is scalable and can accommodate these variances but also introduces the assurance of consistency through manager approval of any actions taken or requested.
- (f) The policy also signposts officers to supporting documentation that has been written by the SPSO specifically to assist staff dealing with problem behaviour.

4.7. Logging System

- (a) An interim solution in SharePoint will be used initially, with the final solution being built in Jadu.
- (b) Jadu is the software currently used to host SBC's website. Jadu provides a content management solution that is being developed to customise a new customer relationship management system for SBC.

4.8. Training

- (a) Awareness training will be put in place to ensure all employees are aware of the policy and how to use it.
- (b) Guidance on how to use both the interim logging system and the final solution will be produced.

5 IMPLICATIONS

5.1 Financial

There are no costs, beyond staff time, attached to any of the recommendations contained in this report.

5.2 Risk and Mitigations

- (a) Section 2 (1) of the Health and Safety at Work etc. Act 1974 places a duty upon employers to take reasonable care of the health and safety at work of the workforce.

Therefore, SBC, as an employer, has a duty to assess all risks, and reduce and minimise such exposure and its effect upon those affected.

The Managing Customer Engagement policy is part of the process by which this is achieved and it further supports SBC's discharge of these duties.

- (b) The definitions in the policy are not prescriptive and, therefore, some level of interpretation is required. This could lead to differences in opinion and interpretation.

However, the authorisation process through managers and the Complaints Review Group will ensure there is consistency in the application of the policy.

- (c) It is likely customers whose engagement is managed through this policy will react unfavourably and they may take the case to the Scottish Public Service Ombudsman (SPSO).

This policy is based on the SPSO's own policy on customer engagements.

The logging system will ensure there is a detailed record of the decision making process and systems in place to review the decisions which means the Council will be able to defend any challenges.

5.3 Integrated Impact Assessment

- a) A light touch assessment has been carried out. This will be published on Scottish Borders Council's Equality and Diversity Pages of the website as equality, diversity and socio-economic factors have duly been considered when preparing this report. This report is for an amendment to the current Vexatious Complaints and Correspondence policy, which is based on the SPSO's Customer Engagement policy. Each public sector organisation across Scotland is required to implement an unacceptable actions policy.
- b) In addition, officers will be engaging with the Equalities Forum regarding the Council's approach to supporting vulnerable clients and customers to engage with the council. The understanding gained through this consultation will be used to inform officers' approach to this policy.

5.4 Sustainable Development Goals

There are no direct economic, social or environmental issues with this report which would affect the Council's sustainability policy.

5.5 **Climate Change**

It is not anticipated that this revised procedure will have any significant impact on climate change.

5.6 **Rural Proofing**

It is anticipated there will be no adverse impact on the rural area from the proposals contained in this report.

5.7 **Data Protection Impact Statement**

All potential risks of non-compliance with Data Protection legislation are being identified, assessed and recorded within a Data Protection Impact Assessment. The controls to mitigate any potentially negative impact identified within the Assessment will be implemented to ensure the proposed changes and new data processing complies with Data Protection legislation.

5.8 **Changes to Scheme of Administration or Scheme of Delegation**

- a) As a result of this policy the Scheme of Delegation will need to be amended.
- b) The policy proposes that, the Complaints Review Group is given the authority to make the decision to apply the Managing Customer Engagements policy to a customer's interactions with the Council. In the Scheme of Delegation this authority currently rests with the Chief Executive.
- c) This policy proposes that the Chief Executive will review the decision, of the Complaints Review Group, to apply the Managing Customer Engagement policy, where a customer appeals the decision.
- d) Therefore, the Scheme of Delegation needs to be amended, for the Chief Executive or a nominated depute, to review, where an appeal is requested, the Complaints Review Group's decision to apply the Managing Customer Engagement Policy.

6 CONSULTATION

6.1 The Director (Finance & Corporate Governance), the Monitoring Officer/Chief Legal Officer, the Chief Officer Audit and Risk, the Director (People Performance & Change), the Clerk to the Council and Corporate Communications, have been consulted and comments received incorporated into the final report.

6.2 Others consulted are –

- Chief Executive
- Director (Social Work & Practice)
- Director (Resilient Communities)
- Corporate Equalities and Diversity Officer

- Information Manager
- Health & Safety Team Leader

Approved by

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Background Papers:

Previous Minute Reference: 24 April 2014

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