Scottish Borders Council

Managing Customer Engagement Policy

Unacceptable Actions Policy

Version	Changes	Date
1	Approved at Council	24 April 2014
1.1	Appendix 2 amended, no contact with customer after review if there is no change regarding the length of time the policy is to be applied	26 June 2014
1.2	Review and updating of policy approved at Council	31 March 2022

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Unacceptable Actions Policy

1. Introduction

1.1 This policy details our approach to managing the way customers engage with us and the services we offer. It also details how we deal with the very small minority of customers whose engagement has become difficult to manage.

1.2 The term 'customer' includes any person who engages with any aspect of our services or anyone acting on behalf of such a person. The principles set out in this policy apply to the Council's dealings with its customers in all circumstances.

1.3 The policy is based on the Scottish Public Services Ombudsman's Customer Engagement Policy and other Public Services' Unacceptable Actions Policies.

1.4 In most cases, dealing with customers is a straightforward process, but occasionally the behaviour or actions of a customer makes it very difficult for us to do our jobs. In a small number of cases the manner in which a customer is engaging with us becomes unacceptable because it is abusive towards our employees or abuses our processes.

1.5 When this happens we will take action to protect our employees. We will also consider the impact the behaviour has on our ability to do our work and provide a service to other customers.

1.6 We will promote this policy and our zero tolerance approach to threats and violent and abusive behaviour towards staff, on a regular basis through social media, the website and in our buildings that are open to the public.

2. Policy Aims & Objectives

The objectives of the policy are:

2.1 To ensure we deal fairly, honestly, consistently and appropriately with all customers, including those whose behaviour or actions is difficult to manage or has become unacceptable. We believe that all customers have the right to be heard, understood and respected. We also consider that our employees and elected members have the same rights.

2.2 To provide services that are accessible to all customers and others engaging with us. However, where we find it necessary to take steps to manage a customer's engagement with us, we retain the right to restrict or change access to our employees and/or services.

2.3 To ensure that Council employees, elected members and other customers are not disadvantaged or put at risk by the manner in which our customers interact with us.

2.4 To provide guidance to all members of staff on how they are expected to manage all customer engagement, including that of customers whose engagement has become difficult.

2.5 To provide guidance on the situations where we may need to actively

manage customers' engagement to protect our staff or maintain our ability to deliver our services. It is important to note this may not be the fault of the customer, but as a result of circumstances outwith their control

2.6 To support our employees and elected members when dealing with customer engagement, that is considered to be difficult or unacceptable, whether this is directed at them verbally, in writing or by social media and the internet.

2.7 To support Health and Safety arrangements in particular dealing with violence and aggression towards employees and elected members in the workplace (this includes any location where employees are undertaking duties on behalf of Scottish Borders Council (SBC)).

- 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 and that of others affected by their acts and omissions.

- SBC has a duty to appropriately report some of the incidents referred to in this policy under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR).

- It is the employee's duty to report all incidents of unacceptable actions and behaviour to their respective line manager, to ensure that SBC meets the statutory duties placed upon it by the Health and Safety at Work etc. Act 1974."

- This policy supports the Health and Safety arrangements, which enable SBC satisfy those obligations (3.0) in relation to violence and aggression and any other form of actions or behaviour which are considered to be unacceptable, as a route to support and protect employees whilst at work.

- See Appendix 4 for more information

3.   Managing Customer Engagement

3.1   We will support positive engagement with our customers and will let them know how they can engage positively with us. We'll do this by providing information on how they can access our services and request adjustments. We will also explain clearly, what we need from them to provide the best possible service.

3.2   Supporting positive engagement includes supporting people to express concerns about our service 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 customers 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

3.3 While we will work to support positive engagement, there are some situations, which we need to respond to or manage. This may be because of the negative impact on the wellbeing of our staff and our ability to provide a service.

3.4 We acknowledge that in providing a wide range of services internally and to the community that there will be occasions where employees will be exposed to unacceptable actions and behaviour. We also recognise that as an employer we have a duty to assess all the risks, reduce and minimise this exposure and its effect upon those affected.

3.5 We accept that customers may be upset and distressed when they contact the Council. This may result in customers acting out of character due to times of trouble or stress. There may also have been upsetting or distressing circumstances leading up to a customer formally contacting us. We want to support them to engage positively with us.

3.6 We do not view engagement as unacceptable just because a customer is being forceful or determined. We will seek, whenever possible to restore the relationship and to ensure we can provide a full service.

3.7 However, we do need to take action if the situation becomes unacceptable or is resulting in unreasonable demands or unreasonable behaviour towards our staff and others.

3.8 When we need to manage engagement in this way, we will ensure responses are proportionate to the behaviour and the impact on our services and our staff. This guidance gives general advice, but we will, whenever possible, explain clearly the reason for any specific decision to the customer and/or keep a separate documented record if that is not possible or appropriate.

3.9 The decision whether or not to take a management approach does not affect the right of any employee to end contact they find personally distressing or uncomfortable. This is because it is not appropriate for anyone to continue to engage if they are becoming distressed or it is having other negative impacts on them. This is the case even if we decide that the criteria for further management is not met.

4. Higher risk areas and roles

4.1 We acknowledge that employees who come into contact with customers, clients, service users in the day to day delivery of their service are more likely to be at risk of exposure to unacceptable actions and behaviour than others.

4.2 Where this increased risk is identified, by risk assessment, then training and suitable safe systems of work will be provided to enable employees to recognise the key warning signs that precede such behaviour. Employees will also be shown how to employ the appropriate techniques to diffuse situations in order to prevent escalation into significant incidents.

4.3 A generic list of possible higher risk work areas and associated roles is shown in Appendix 4.

4.4 For those who work in these areas it is possible that there are health and

safety arrangements or techniques in place that always need to be considered.

4.5   If you are unaware of any health and safety arrangements, safe systems of working or techniques for working with customers, clients, service users in the day to day delivery of your service please discuss this with your line manager as soon as possible.

5.   Restorative approaches, recovering the relationship

5.1   Where possible, we should seek to act in ways that recover the relationship.

5.2   For example:
- staff may seek to defuse and de-escalate by suggesting breaks if conversations are becoming heated
- intervene early before behaviour escalates
- make proactive adjustments to our service to help individual users manage the anxiety and stress of engaging with us.

5.3   Actively managing expectations can help to prevent issues from arising in the first place.

5.4   Reasonable adjustments should be made, when appropriate, to help individuals remain actively and positively involved with our services.

5.5   For further information on restorative approaches or recovering the relationship, see the SPSO's guidance called Complaints Handling Practice Guide Supporting Respectful Engagement: Handling Difficult Situations.

5.6   When restorative approaches are not possible, are inappropriate or have been tried and failed, an active management approach will be taken.

6.   Identifying and defining types of engagement we need to manage

This policy defines various aspects of customer engagement that needs to be managed under four broad categories as detailed below.

6.1   **Category One: Violent, aggressive, threatening or abusive behaviour**

Violent, aggressive, threatening or abusive behaviour towards staff or Elected Members will not be accepted

Examples of engagement grouped under this heading whether verbal or written includes:
- Physical violence
- Threatening behaviour or language, or actual threats
- Demeaning, abusive, indecent, offensive language or comments and rudeness
- Written, verbal or physical harassment
- Comments that discriminate on the basis of sex, sexual orientation, race and ethnicity, age, disability, religion and belief or other relevant distinction
- Slanderous, libelous remarks, unsubstantiated allegations and

inflammatory statements
- Use of aggressive or inappropriate gestures

This list is not exhaustive

- **Violent or aggressive behaviour**

    - Violent or aggressive behaviour is not restricted to acts that may result in physical harm. It also includes behaviour or language (whether verbal or written) that may cause employees, elected members and other representatives acting on our behalf to feel offended, afraid, threatened, humiliated or abused.

    - The Health and Safety definition of a violent incident is: Any incident, in which an employee is abused, threatened or assaulted in circumstances arising out of or in connection with his or her work. This will include not only physical attacks, but threats and fear of violence, verbal abuse, racial, religious and sexual harassment, or humiliating behaviour, likely to undermine self-confidence and cause employees to suffer anxiety or stress related disorders.

    - **Abusive language**

        - Abusive language, whether verbal or written, includes all language that is designed or could be perceived as designed to insult or degrade, discriminate on the basis of sex, sexual orientation, race and ethnicity, age, disability, religion and belief or any other relevant distinction, or which makes serious allegations that individuals have committed criminal, corrupt or perverse conduct without any supporting evidence.

        - Language, which makes unfounded allegations about an individual's professional ability or capability or seeks to belittle or denigrate them personally

        - Comments made about Scottish Borders Council or our staff on social media or in consultations, can be included under this heading

    - **Harassment**

        - Harassment of staff, whether accompanied or not by violence or abusive comments, is not acceptable.

        - Harassment would include repeatedly contacting or continuing to contact individual staff members when previously asked not to

        - Contacting staff outside of the office to seek to influence or intimidate them. This includes contact via social network sites and social contact in public places.

        - Targeting and naming our staff on public or other easily shared social media. We encourage those who wish to

criticise Scottish Borders Council online to name the Council rather than individuals. We will make it clear that our staff are acting with the Council's delegated authority and the Council can be named. Naming of individuals online may lead to active management of the customer's engagement.

- Statements that individuals intend to record and then use that recording publicly or to live stream, even if there is no directly abusive content to the statement. We support and can assist in providing recordings for personal use as a reasonable adjustment.

6.2   Category Two: Demands on the Council

Examples of engagement grouped under this heading includes:
- Demanding responses within an unreasonable timescale
- Insisting on seeing/speaking to/corresponding with a particular employee
- Insisting on not seeing/speaking to/corresponding with a particular employee or service
- Repeatedly changing the substance of a complaint or raising unrelated concerns
- Raising the same matters with different employees in either the same or other departments

- This form of customer engagement becomes unacceptable, when it starts to impact, or complying with the request impacts substantially on the work of the employee or the service, by taking up an excessive amount of employee time to the disadvantage of other customers or functions. This may be because of the amount of information the customer is seeking or the nature and scale of the service they expect.

6.3   Category Three: Levels of Contact

Examples of engagement grouped under this heading includes:
- Will not or cannot accept that we are unable to assist them further or provide a level of service, other than that already provided.
- Persists in disagreeing with the action or decision taken in relation to their complaint or issue.
- Makes a number of calls in one hour, one day or one week
- Repeatedly makes long telephone calls to us
- Inundates us with copies of information that has been sent already or that is irrelevant to the matter raised
- Raising multiple complaints about an issue
- An email is sent to numerous members of staff and or Councillors (scatter gun approach)
- A generic mailbox as included on an individual's distribution list, thereby copying the Council into correspondence that is not relevant to us, or appropriate for us

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- **Levels of Contact**

    - Sometimes the volume and duration of customer engagement causes problems. This can occur over a short period of time or occur over the lifespan of handling an issue raised by the customer.

    - We consider that the level of customer engagement has become unacceptable when the amount of time spent talking to a customer on the telephone, responding to e-mails and written correspondence, or responding to other forms of electronic communications impacts on our ability to deal with that issue or other customers' issues, and causes distress to either employees or other customers.

- **Use of the complaint procedure**

    - We support the rights of people and organisations to complain more than once about an issue when they have a continuing relationship with us and if subsequent incidents occur.

    - Use of the complaint processes to make multiple complaints about an issue, or when the effect of the repeated complaints, is to harass, or to prevent us from pursuing a legitimate aim or implementing a legitimate decision is not an appropriate use of the complaints procedure.

    - We consider access to a complaints procedure to be important, and it will only be in exceptional circumstances that we would consider such repeated use is unacceptable, but we reserve the right to do so in such cases.

6.4 **Category Four: Persistence**

Examples of engagement grouped under this heading include:
- Unwillingness or inability to accept reasonable and logical explanations
- Unwillingness or inability to accept a decision made
- Continuing to pursue an issue without presenting any new and relevant information
- Repeat requests for information (not FOI/EIR) explanations, clarification or repeat questions
- Sending multiple emails to many employees or elected members
- Organised and targeted campaigns designed to deliberately disrupt the work of the Council or a particular member of staff
- Use of social media or the internet to draw attention to a particular issue repeatedly

- These engagements are considered unacceptable when they take up a disproportionate amount of employee time and resources or have a negative impact on our employees' wellbeing.

- Some customers cannot or will not accept that the Council is

unable to assist them further or to provide a level of service, other than that already provided.

- Unreasonable persistence is continued, incessant and unrelenting engagement that has a disproportionate and unreasonable impact on our employees, elected members, and Services' time, resources and wellbeing.

7. Actively managing behaviour

7.1 Active management seeks to maintain our ability to deliver our services while minimising the impact of the situation that is causing the disruption. It is important to note that this may not be the fault of an individual but because of circumstances outwith their control.

7.2 We will aim to do this in a way that, wherever possible, allows the issue to be resolved, or for the service to be provided through the Council's normal processes.

7.3 We will try to ensure that any action we take is the minimum required to solve the problem. Taking into account relevant personal circumstances, the seriousness of the matter that is brought to our attention and the needs of the customer.

7.4 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

7.5 To ensure consistency, a decision to actively manage a situation, either as part of a restorative approach or when these are not appropriate or have been tried and failed, needs to be made by a manager or the Complaints Review Group. The exception is when immediate action is needed to manage a customer's engagement.

7.6 With regards to an elected member experiencing customer engagement that is difficult to manage, their code of conduct requires that everyone is treated with respect, however, they are not obliged to respond to all correspondence. Where they feel a customer's engagement needs to be actively managed it is for them to determine what action is appropriate, however, they can consult the Monitoring Officer for advice, if required.

7.7 Guidance for managers on how to determine when an active management approach is appropriate for them to authorise vs the Complaints Review Group is detailed in Appendix 1.

7.8 All manager or Complaints Review Group determined restrictions

require to be supported by evidence and can be challenged by an appeal. Further details of the appeals process is contained in Section 11 - The Process for Appealing a Decision to Restrict Contact. The appeal process does not apply to action taken by elected members.

7.9 Restrictions are normally subject to review at appropriate intervals while we are providing a service. We retain the discretion to not include a review if the reason for the restriction means that would not be appropriate. The timing and circumstances where review would be considered should be explained clearly to the person who is under restriction at the time the restriction is put in place.

8. Protecting our staff and others

8.1 There are some situations that we are not able to accept and we will always take action. We have **zero tolerance** for threats, violent, aggressive and abusive behaviour towards staff. This is to ensure their own safety and wellbeing and this also protects other staff.

8.2 In these situations staff always need to take action to respond to or disengage. They also need to raise these incidents with a manager to discuss what happened and any steps they were able to take.

8.3 It is important to note that in some situations, the only appropriate action is to end contact immediately.

8.4 In all circumstances where some form of active management is required, even if that is at the restorative or recovering the relationship stage the incident must be logged and all paperwork kept and uploaded into the logging system. This is not applicable to elected members.

9. Actively managing engagement that is violent, aggressive, threatening or abusive

9.1 The threat or use of physical violence, verbal abuse or harassment of our employees is likely to result in termination of all direct contact with the customer. There are exceptions to this.

9.2 We will always report incidents, where physical violence is used, to the police. Any incidents of physical violence must be recorded in Lexi (Health & Safety Portal) as well as the Managing Customer Engagement System (until system integration is put in place).

9.3 We will always consider reporting an incident to the police where physical violence is threatened. Any incidents of threatened physical violence must be recorded in Lexi (Health & Safety Portal) as well as the Managing Customer Engagement System (until system integration is put in place).

9.4 It should be noted that deciding to contact the police is a matter of judgment and in some cases may not be appropriate (for example, if a threat is immediately withdrawn and was clearly flippant).

9.5 However, this is an important safeguard and the person who receives the threat, and particularly anyone who has been

personally threatened, should not make a decision not to inform the police alone.

9.6 The decision should be made with a manager who must clearly record the decision. The manager should take into account not only the views of the staff member but also consider the impact on other staff who may come into contact with the individual. If other staff have witnessed the event, they should all be asked to put this on record.

Phone or face to face contact

9.7 All staff have the authority to end any engagement or interaction which they find personally distressing or difficult at the point of occurrence. Staff should not feel they need to continue to engage in contact if it is having a negative impact on them or which is making them feel uncomfortable.

9.8 During phone or face-to-face contact staff should issue a warning before ending contact if it is safe, and they consider it appropriate to do so. But a warning is not required if it would be unsafe to do so or the language is intense, deeply upsetting or extreme.

9.9 If staff are informed they are being recorded for later use in public or are being live-streamed, they need to end contact politely but immediately. Recording is acceptable for personal use, where permission is requested and we can support that. See Appendix 2 for more information on covert and overt recording of staff. Depending on the surrounding circumstances, the recording of staff could be considered as harassment.

9.10 Where a face to face customer engagement becomes difficult or distressing you should ask the customer to leave the building. If they refuse to do so, call the police on 101 and explain the situation.

9.11 If a face to face customer engagement becomes difficult and you feel threatened, you need to follow your office's emergency procedures. For example:

- Use the code word to get colleagues attention and assistance
- press the panic alarm and call 999
- exit the office, to a safe space, where appropriate

9.12 If you are a frontline worker in an office that is open to the public and you do not know what your office's emergency procedure is, please discuss this with your line manager as soon as possible.

9.13 If you work in any other environment where you come into contact with customers, clients, service users in the day to day delivery of your service, please ensure you are aware of any safe systems of working that are in place by discussing this with your line manager.

Written or email correspondence to SBC

9.14 We do not deal with correspondence that is abusive to employees or elected members or that contains threats or allegations that lack substantive evidence.

9.15 If we receive correspondence that is threatening, violent or abusive,

the sender should be informed this is unacceptable and it will not be tolerated. We will explain and say that we consider their language offensive, unnecessary and unhelpful.

9.16 We will ask the customer to stop using such language and advise that we will not respond to their correspondence if the action or behaviour continues.

9.17 When informing the customer that their written or email correspondence is unacceptable we should not respond directly to the correspondence or any information within it. The response should solely focus on the active management of the engagement.

9.18 Copies of the written or email correspondence and the reply must be kept and uploaded into the logging system.

9.19 The decision that correspondence is unacceptable must be made by a manager to ensure consistency. Where this behaviour is repeated despite warnings or an individual instance is regarded as at the higher end of abusive we may need to take steps to restrict methods of contact with the service. For guidance on how to take steps see Appendix 1 & 3.

Online, web and social media

9.20 Also included under this heading are consultations and any software package or application that facilitates correspondence between the customer and the Council.

9.21 This is a fast-moving and changing area; nevertheless, the principles outlined in this policy will still apply. Actions may include:
- blocking accounts or using other technical options available on the relevant platform to minimise exposure
- using the relevant social media platform's own reporting mechanisms to seek to have the content removed
- limiting contact with the individual through other channels to reduce risk to staff – this could include ensuring the person is not provided with contact details
- direct threats on social media should be dealt with like any physical or verbal threat (see below).

9.22 In cases where social media is repeatedly used to abuse, threaten, offend, or humiliate in public forums we will request the customer stop the abuse or remove comments.

9.23 Where the customer continues this behavior we will support the employee or elected member in their rights in Law to take action against the perpetrators.

9.24 Relevant managers will contact Corporate Communications and or Legal Services for further advice on the appropriate course of action. This may result in us contacting the administrator of social media sites and asking them to remove any abusive or defamatory comments.

9.25 We share information, images and videos with the public through external social media sites. Social media offers opportunities for open discussion and debate and should be encouraged. Comments made by customers to these sites are reviewed and, while comments will not be edited by our employees, a comment may be

deleted if it is offensive, abusive or threatening to employees or elected members. Please also see the Social Media Policy.

9.26 In addition, offensive or unacceptable actions, language or trolling may also result in the customer being blocked and or reported to the social media site administrator.

10. Actively managing engagement that is demanding, unmanageable in terms of excessive levels of contact or overly persistent

10.1 Wherever possible, before making the decision to apply this policy, we will give the customer the opportunity to change their behaviour or action by contacting the customer to:

- discuss their behaviour

- explain why this behaviour is causing us concern

- ask them to change their behaviour

- explain the actions that we may take if their behaviour does not change.

10.2 Some further examples of active management approaches we may take are detailed below. It should be noted that not all these approaches are suitable for managers to take without the approval of the Complaints Review Group:

   a) require contact to be in a particular form (for example, letters or email only)

   b) require contact to take place with one named member of staff only

   c) restrict telephone calls to specified days / times / duration

   d) require any personal contact to take place in the presence of an appropriate witness

   e) let the customer know that we consider the matter closed and no further reply or acknowledgement will be made on the matter raised

   f) ban a customer from one or more Council premises

   g) limit the number of issues that will be considered in a given period and ask the customer to limit or focus their requests accordingly.

   h) return the documents to the complainant or in extreme cases advise the complainant that further irrelevant documents will be destroyed

   i) take other action that we consider appropriate, which may include directing emails to a separate, monitored mailbox, blocking emails or in extreme cases, raising legal action

10.3 These options are not exhaustive and often local or other factors will be relevant in deciding what might be appropriate action. For instance, any arrangements for limiting a customer's contact must take account of the customer's individual circumstances, bearing in mind such issues as age, disability, sex, transgender, race, sexual

orientation and religion or belief.

10.4 Any employee or elected member who directly experiences aggressive or abusive behaviour from a customer has the authority to deal immediately with that behaviour in a manner they consider appropriate and in line with this policy.

10.5 With the exception of such immediate decisions, taken at the time of an incident, decisions to restrict contact with us are only taken after careful consideration of the situation by either a senior manager or the Complaints Review Group (dependent on the level of restrictions).

11. How We Let Customers Know We Have Made the Decision to Restrict Contact

11.1 When an employee makes an immediate decision in response to aggressive or abusive behaviour, the customer is advised at the time of the incident, where appropriate.

11.2 In situations where action is not taken immediately, but the decision has been taken to apply this policy to a customer, we will contact the customer in writing or as appropriate to explain:

- why the decision has been taken

- what action will be taken

- the duration of that action, if appropriate

- the appeal process of this policy

- if appropriate, who this information will be shared with and possibly recorded on our Customer Relationship Management System

11.3 Where a customer continues to behave in a way which is unacceptable, this should be referred to the Complaints Review Group, where we may decide to stop all contact with the customer in relation to the matters they have raised and where appropriate, stop any investigation into a complaint.

11.4 Where the behaviour is so extreme that it threatens the immediate safety and welfare of staff, the Council will consider whether other options, for example reporting the matter to the police or taking legal action, are appropriate. In these circumstances legal advice may be sought and the customer will be informed of the action we are taking.

11.5 There may be occasions where the threat is so extreme that we may act without prior warning.

12. The Process for Appealing a Decision to Restrict Contact

12.1 A customer can appeal a decision to restrict contact. If they do this, we will only consider arguments that relate to the restrictions put in place and not to matters raised with us, or our decisions regarding those matters.

12.2 An appeal can include, for example, a customer arguing that their

engagement with us was incorrectly identified as unacceptable, the restrictions were disproportionate or that they will have an adverse impact on the customer because of personal circumstances.

12.3 Appeals will be considered in one of three ways depending on the level the restriction was taken at:

- through our complaints handling procedure where an employee took immediate action to manage a customer's engagement

- through the Complaints Review Group where 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

12.4 The customer will be advised of the outcome in writing that either the restricted contact arrangements still apply or a different course of action has been agreed.

12.5 The appeal process does not apply to action taken by elected members.

13. Recording and Reviewing the Decision to Restrict Contact

13.1 The Council will record all incidents of unacceptable customer engagement. Where active management has been applied, all personal details about the customer and about measures taken will be managed and stored appropriately in line with data protection and records management principles and procedures.

13.2 The status of all customers with active management arrangements in place will be reviewed through the Complaints Review Group on a regular basis. A decision to restrict a customer's contact will be reconsidered if the customer demonstrates a more acceptable approach to engaging with the council.

14. Further guidance or advice

14.1 Please see Appendix 1 and the Flow Charts at Appendix 3.

14.2 If you require any guidance or advice on a particular case please contact the SPSO Liaison Officer, or by emailing the SBC Corporate Complaints mailbox.

15. Other Resources

15.1 SPSO's guidance called "Complaints Handling Practice Guide Supporting Respectful Engagement: Handling Difficult Situations".

15.2 SPSO's "Phrase Cards for Conversations with Complainants".

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Guidance on how to use the Managing Customer Engagement Policy

There are 3 levels in this policy to manage customer engagement.

These are:

- Immediate action to manage customer engagement
- Manager approved restorative approach to customer engagement
- Complaints Review Group approved active management of customer engagement

However, where an engagement that needs to be managed falls under **Category One – violent, aggressive, threatening or abusive** it should be noted that:

- Managers must log this type of incident in Lexi (Health and Safety Portal) and follow the associated processes and decision making routes.
- Employees can also log incidents they have experienced in Lexi, where appropriate and they normally do this. This can be done via the Mobile Portal at Assure - Portal (sheassure.net)
- Managers should check with their employees that the incident has been logged in Lexi and where it hasn't, they must log it themselves or instruct their employee to do so.
- Managers can request advice from the Complaints Review Group, through the Complaints Review Group escalation route, but the Complaints Review Group will not be the decision maker in these instances, and the appeals routes in this policy do not apply.
- Where the abuse is in written format managers, once the incident is logged in Lexi (Health and Safety Portal) may choose to progress action through the Manager approved restorative approach to customer engagement or the Complaints Review Group approved active management of customer engagement, where this is appropriate.

Immediate action to manage customer engagement
- As per the Phone or Face to Face section at 8.7, all staff have the authority to end any engagement or interaction which they find personally distressing or difficult at the point of occurrence.
- They do not need permission to do this and it is at their discretion.

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- Everyone has different tolerances and triggers. We should all be aware of our triggers and tolerance levels and attempt to manage customer engagements before they reach the point where we need to take action. More information on this can be found in the SPSO's guidance called "Complaints Handling Practice Guide Supporting Respectful Engagement: Handling Difficult Situations".

- Where this doesn't work or you find any engagement or interaction personally distressing or difficult, for example if a customer is swearing at you over the phone you should:
    - warn the customer that you may need to put the phone down if they do not stop swearing at you
    - if they do not stop swearing at you, be polite, tell them that you are going to put the phone down because they are still swearing at you
    - then put the phone down

- Where you have taken immediate action you must log the incident and speak to your line manager about it and the action you took.

Manager approved restorative approach to customer engagement

- This will mainly be to actively manage customer expectations, which can help to prevent issues from arising in the first place or escalating. This is part of supporting restorative approaches and recovering the relationship.

- However, it may also be to explain to the customer how to positively engage with us and address, for example, abusive and or threatening language in written correspondence.

- Whenever you receive unacceptable correspondence, or experience engagement that is unpleasant this should be discussed with your manager and logged. The logging form will lead you through questions that will submit a request to your manager for approval.

- Some incidents may be handled through Health and Safety procedures and fall outwith this approach to managing customer engagement.

- Where your manager approves your request for a restorative approach, they will discuss with you the approach they have approved.

- You will need to draft the letter to the customer discussing their behaviour, explaining why this behaviour is causing concern, asking them to change this behaviour and explaining what actions may be taken if their behaviour does not change

- This draft must be checked by your manager before it is issued.

- A copy of the letter that is sent to the customer must be uploaded into the logging system.

- It is also possible for the manager to initiate a restorative approach or to request an active management approach.

- The request does not need to be generated by the member of staff. A manager may identify an immerging trend and implement a restorative approach.

Complaints Review Group approved active management of customer engagement

- The Complaints Review Group consists of two Directors, the Chief Legal Officer and the SPSO Liaison Officer.

- The Complaints Review Group must be asked to approve active management when restorative approaches are not appropriate or have been tried and failed. For example, when a customer's approach to engagement with the council has not changed following a request to change, or there is a requirement to put in place contact restrictions in order to protect the safety and wellbeing of staff.

- When you log an unacceptable engagement or incident, the form will lead you through a series of questions and will submit a form to your manager for approval. If your manager supports your request, the request will be sent to the Complaints Review Group.

- A manager can also submit a request to the Complaints Review Group, if they become concerned about the correspondence from a particular customer.

- The Complaints Review Group will consider your request and come back to you and your manager with an explanation of what measures have been approved.

- You and your manager will need to draft the letter to the customer explaining the measures that are being put in place. This draft must be checked by the Complaints Review Group before it is issued.

- A copy of the letter that is sent to the customer must be uploaded into the logging system.

The flow charts in Appendix 3 detail the process

Unacceptable Actions Policy

Overt and Covert Recording of Staff   **Appendix 2**

Recording a Member of Staff

Whilst we should discourage customers from recording us as we do our jobs, there is no rule to say they cannot record an interaction with us. However, the recording should only be for personal use and as a reasonable adjustment measure. In addition, as a courtesy, customers should always ask for our permission to record us.

When considering whether it is acceptable to grant permission to make a recording, we must also consider the circumstances, i.e. who is present (taking into account their age and capacity). It is also advisable to clarify what is meant by 'personal use'.

To discourage customers from recording us we can consider offering:
- to provide individuals with a written record summary, and or a verbatim record (if practical) of the meeting for their own personal use
- taking proactive steps to investigate concerns and address any issues, to avoid customers feeling it is necessary to record members of staff

Overt Recordings:

Some general guidance and considerations for when a recording is requested are as follows:
- Any recording should be done openly and honestly
- If a vulnerable person or child below the age of 16 is to be recorded, we must consider age and capacity before agreeing
- The recording process itself should not interfere with the interaction
- The individual understands that in some cases a note may be placed on their file stating that they recorded the interaction
- Depending on the nature of the conversation, the customer should be reminded of the private and confidential nature of the recording – these types of recordings should only be for personal use
- Individuals are aware that the misuse of a recording may result in criminal or civil proceedings
- Individuals are discouraged from undertaking recordings in the first place, unless it is deemed absolutely necessary by highlighting the above responsibilities.

Covert Recordings:

In addition to above points:

- Where you suspect a customer is recording you or they tell you they are recording you, and they threaten you with the use of the recording for other than personal use, e.g. recorded for later use in public i.e. on social media or are being live-streamed, you should end contact politely but immediately.
- These situations should always be logged

Unacceptable Actions Policy

Managing Customer Engagements Policy Flow Charts   **Appendix 3**

What to do when you Experience Unacceptable Engagement

START

Employee Experiences Unacceptable Customer Engagement

Does the Behaviour Require Immediate Action

No

Yes

Log and Record the Incident ASAP (Link to Form)

Take Necessary Action to End Contact with Customer

Discuss the Situation with Your Line Manager ASAP

Where Appropriate Ensure Incident is Recorded in LEXI

END

Unacceptable Actions Policy

Scottish Borders COUNCIL

Logging an Incident

START

When Logging an Unacceptable Customer Engagement

Log and Record the Incident ASAP (Link to Form)

Consider whether the incident being reported is an isolated incident or has this happened before with this customer

Where the incident can be described as violent, aggressive, threatening or abusive behaviour towards staff This must also be recorded in LEXI

Does action need to be taken to manage the engagement with the customer?

No

Yes

Has a Restorative Approach been tried and failed?

No

Yes

Deal with customer contact as per normal processes

Request permission to take a Restorative Approach

Request permission to take an Active Management Approach

END

Unacceptable Actions Policy

Scottish Borders COUNCIL

Requesting a Restorative Approach

START

Requesting permission to take a Restorative Approach

Complete the form including:
- What happened
- Why is it a problem
- What restorative approach do you want to take

This is the same form as you use to log an unacceptable customer engagement.

Select the appropriate option in the form

Request sent to Line Manager for Approval

Line Manager Approves Request

No

Yes

Manager to Explain Approach to be Taken with Employee

Employee to contact the customer to:
- Discuss their behaviour
- Explain why this behaviour is causing concern
- Ask them to change this behaviour
- Explain what actions may be taken if their behaviour does not change

Deal with customer contact as per normal processes

Manage incident through LEXI and Health and Safety procedures

Copies of letter to customer to be uploaded into the Logging System

END

END

Unacceptable Actions Policy

Scottish Borders COUNCIL

Requesting an Active Management Approach

START

Requesting permission to take an Active Management Approach

Complete the form including:
- Background
- What happened this time
- Why is it a problem
- What active management approach do you want to take

Include in the background:
- how often you have experienced this unacceptable behaviour
- what steps / action have you taken
- what restorative approaches have been tried
- what worked and what didn't

Request sent to Line Manager for Approval

Line Manager Approves Request

No

Yes

System Sends Email Request to Complaints Review Group

Complaints Review Group Meet

Complaints Review Group Approve Request

Manager Approves Restorative Approach

No

Yes

Approve Alternative Restorative Approach

Complaints Review Group to Explain to Manager / Employee Approach to be Taken

Manager to Explain Approach to be Taken with Employee

Complaints Review Group to Explain to Manager / Employee Approach to be Taken

Manager / Employee to draft letter to the customer for Complaints Review Group to approve. Letter should explain:
- why the decision has been taken
- what action will be taken
- the duration of that action, if appropriate
- the appeal process of this policy
- if appropriate, who this information will be shared with and possibly recorded on our Customer Relations Management System

Deal with customer contact as per normal processes

Manage incident through LEXI and Health and Safety procedures

Employee to contact the customer to:
- Discuss their behaviour
- Explain why this behaviour is causing concern
- Ask them to change this behaviour
- Explain what actions may be taken if their behaviour does not change

Copies of letters to be uploaded into the Logging System

END

END

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Unacceptable Actions Policy

Scottish Borders COUNCIL

Manager Initiated Restorative Approach or Request for an Active Management Approach

START

Manager identifies trend of concerning customer engagement

Complete the form including:
- Why you are concerned about this case
- What has happened
- Why is it a problem
- Pick the approach

This is a separate manager request form.

Select the appropriate option in the form to identify whether a restorative approach will be implemented or if the engagement is extreme whether an active management approach is being requested.

Please keep in mind that if a restorative approach has not been tried the Complaints Review Group will suggest this in most cases.

Restorative Approach

Requesting Active Managment

System Sends Email Request to Complaints Review Group

Complaints Review Group Approve Request

Complaints Review Group Meet

No

Yes

Complaints Review Group to Explain to Manager / Employee Approach to be Taken

Approve Alternative Restorative Approach

Manager to Explain Approach to be Taken with Employee

Complaints Review Group to Explain to Manager / Employee Approach to be Taken

Manager / Employee to draft letter to the customer for Complaints Review Group to approve. Letter should explain:
- why the decision has been taken
- what action will be taken
- the duration of that action, if appropriate
- the appeal process of this policy
- if appropriate, who this information will be shared with and possibly recorded on our Customer Relations Management System

Employee/ Manager to contact the customer to:
- Discuss their behaviour
- Explain why this behaviour is causing concern
- Ask them to change this behaviour
- Explain what actions may be taken if their behaviour does not change

Copies of letters to be uploaded into the Logging System

END

Unacceptable Actions Policy

Appeals Process

START

Customer Appeals

Member of Staff took Immediate Action

Complaints Procedure

Restorative Approach was Taken

Complaints Review Group to be Notified

Complaints Review Group Consider

Complaints Review Group write to customer and refer to SPSO if they remain unhappy

Active Management was put in Place

Complaints Review Group is notified

Complaints Review Group Notify the Chief Executive

Chief Executive Considers

Chief Executive writes to customer and refer to SPSO if they remain unhappy

Copies of letters to be uploaded into the Logging System

END

Unacceptable Actions Policy

Scottish Borders COUNCIL

Further Information in Relation to Supporting Health & Safety Arrangements

The Health and Safety Executive (HSE) defines workplace violence as:

> *"Any incident, in which a person is abused, threatened or assaulted in circumstances relating to their work".*

This definition encompasses both physical injury and emotional harm and therefore includes any action or behaviour which is considered as being unacceptable.

This policy utilises the characteristics of the perpetrator to define the type of violence to which people are exposed. These categories use the findings of the National Institute of Occupational Health and Safety Report; Workplace Violence; prevention, strategies and research needs (NIOSH2006) which in turn uses the typology from the Californian Occupational Safety and Health Administration model categories.

This policy focuses only on types 1 and 2.

Type	Description
Type 1- Criminal intent.	The perpetrator has no legitimate relationship to the business or its employee, and is usually committing a crime in conjunction with violence. These crimes can include shoplifting, robbery and terrorism.
Type 2 – Customer or service user and / or their family and friends.	The perpetrator has a legitimate relationship with the business and becomes violent while being served by the business. This category includes customers, service users, patients, clients, students and any other group to whom the business provides a service.
Type 3 – Worker on worker. **(Not covered by this policy see *)**	The perpetrator is an employee or past employee of the business who attacks or threatens another employee(s) or past employee(s) in the workplace.
Type 4 – Personal relationship. **(Not covered by this policy see **)**	The perpetrator usually does not have a relationship with the business but has a personal relationship with the intended victim. This category includes victims of domestic violence assaulted or threatened whilst in the workplace.

*Incidents arising from Type 3 –Employee to employee are not covered by this policy and should be managed by the use of the HR harassment and bullying policy.

**Incidents arising from Type 4 – Personal relationship are not covered by this policy and should be managed by reporting the incident to the police.

Unacceptable Actions Policy

Possible higher risk work areas and roles

Employee role (typical)
Additional needs assistants and other support staff
Anti social behaviour team
Car park wardens / attendants
Children and young people staff /home school link staff
Community learning teams / Adult literacy workers
Community safety team
Community support staff
Criminal justice team
Debt Counsellors
Educational psychologists
Integrated children's services staff
Librarians and Museum curator teams
Neighbourhood waste / refuse / recycling staff
Parks and grounds maintenance staff
Passenger transport drivers and escorts
Peripatetic staff
Planning department officers
Rangers
Rape and domestic abuse coordinators
Regulatory services officers
Roads and fleet services staff
School admin / janitorial staff
School teaching staff. (Nursery / Primary / Secondary.)
Social care workers / Home and day care assistants
Street cleansing staff
Trading standards staff
Welfare benefits team
Youth workers and support teams

Note this list is indicative only, and may not accurately represent all work areas and roles within SBC that fall into this category.