

Operational policy and procedure

Dealing with difficult or unacceptable customer behaviour

October 2010

1	Purpose
1.1	Occasionally, when our customers are unhappy with the service we have provided, or perhaps frustrated with their personal circumstances, they may behave in a way we think is unacceptable or find difficult to deal with.
1.2	This procedure supports our stated value that we treat everybody we deal with fairly and with integrity and respect. In return, we expect those we deal with to treat our staff with similar consideration.
1.3	The procedure will achieve this by defining unacceptable or difficult behaviour and providing staff with guidance to help them deal with it.
2	Staff welfare
2.1	We have a legal obligation to protect the health and welfare of our staff. We are therefore committed to protecting and supporting any member of ICO staff who may encounter the behaviour described in this procedure.
2.2	If any member of staff, when dealing with any ICO customer, should feel uncomfortable or distressed in any way they should bring this to the immediate attention of their line manager or a more senior manager as appropriate.
3	Application of this procedure
3.1	This procedure applies in all circumstances where members of staff have contact with any of our customers or stakeholders.
4	Context
4.1	Our staff deal with thousands of customers each year. The vast majority are positive; the experiences are rewarding for staff and appreciated by our customers. Customers who exhibit unacceptable behaviour or cause our staff difficulty are very rare, but if not properly handled they can take up large amounts of time and in extreme cases may also cause distress to our staff and the customers themselves.
4.2	One of our duties is to provide advice about the legislation we oversee. We always need to be mindful that this legislation, for those unfamiliar with it, can be difficult to understand or even frustrating to deal with. We must also be mindful of our duties and responsibilities under equality and diversity legislation which places legal obligations on the way public bodies provide their customer services. Of equal importance is our own staff code of conduct which requires that contact with our customers is conducted to high standards at all times.
4.3	However, our need to display patience, and in some cases make reasonable adjustments, when providing our services does not extend to having to deal with persistent, offensive or abusive behaviour from customers. We must also ensure that we are fair to all our customers, by ensuring we prioritise our resources effectively so the time we spend with a customer is appropriate and proportionate.
5	Defining difficult or unacceptable behaviour
5.1	The following definitions are not intended to cover all possible unacceptable or difficult customer behaviour. However, they are intended to provide a clear guide to support staff.

- 5.2 **Difficult customer behaviour** – This is exhibited by any customer causing the person dealing with them difficulty for whatever reason. **It is important to note that this may not be due to any unacceptable behaviour by a customer.** This may be because the customer is struggling to understand something or because the member of ICO staff is unfamiliar with the issues being discussed and is finding it difficult to convey information clearly.
- 5.3 **Persistent customer behaviour** – repeated contact with the ICO raising issues which have already been addressed.
- 5.4 **Offensive or insulting customer behaviour** – behaviour which is rude or unpleasant including repeated use of inappropriate language.
- 5.5 **Abusive or threatening customer behaviour** – behaviour which is threatening or intimidating – either through the use of abusive or threatening language or a clearly threatening manner or tone intended to intimidate. Abusive or threatening behaviour is where you think that you have been personally abused or threatened as a result of a customer's behaviour. All the elements of offensive behaviour may also be abusive if directed towards you personally.

6 Equality and diversity

- 6.1 If we are aware that a particular customer has a disability or may find it difficult to use our services for any other reason, we should consider whether this may cause them to exhibit certain types of behaviour which might otherwise be deemed difficult or unacceptable. For example, a customer who has difficulty hearing may speak with a raised voice. Likewise, if a customer has a limited vocabulary they may use mild obscenities as part of their every day communication, without them being intended to cause offence, abuse or threaten.

If a customer has a disability their behaviour can still be defined as difficult or unacceptable under this procedure. We will use our 'Reasonable Adjustments Policy' to determine how best to respond to the behaviour.

7 Guidance

- 7.1 This guidance does not cover all eventualities and is provided as a guide. If you are in any doubt about how to deal with any customer behaviour please consult with your line manager or other appropriate member of staff.
- 7.2 **Dealing with persistent behaviour**
If you become aware that any customer is contacting us repeatedly to cover the same or similar issues to the extent that we are unable to add any further information to that which we have already provided, consult with your line manager. Your line manager should then consider whether the customer's behaviour should be deemed persistent and, if their contact details are known, they can consider restricting how we will respond if the customer contacts us in future. Restricting someone's contact must always be approved by a Head of Department.
- 7.3 **Dealing with difficult behaviour**
Behaviour that does not progress beyond difficult should be tolerated as

long as you think the service you are providing is still of a high standard. If you think that you are not achieving this, ask for advice from a member of staff senior to yourself or someone who may be able to assist you, where one is available. Before doing so, explain to the customer that you need to consult someone else. If you are unable to get the assistance you need you should arrange a convenient time to call the customer back within the next 24 hours before either getting the additional information you need or arranging for a colleague to return the call to the customer.

7.4 Dealing with offensive or insulting customer behaviour

7.4.1 Take the first available opportunity to explain to the customer precisely what behaviour you think to be unacceptable and advise them that you will be unable to continue to talk to or deal with them unless they stop it.

7.4.2 Consider handling the customer as “difficult” in accordance with paragraph 7.3 above.

7.4.3 If the customer’s behaviour does not improve, warn the customer that if they continue the behaviour that you have asked them to stop you will end the phone call (or other contact). If the customer indicates that they are not happy with this approach, explain that they can make a service complaint and how this can be done.

7.4.4 If the customer’s behaviour gets no better, or gets worse, explain this to the customer and politely end the contact.

7.4.5 There is a possibility that at this stage the customer will not be listening. Once the decision to end contact is made, explain what you are doing, even if the caller tries to talk over you. If their tone changes to abusive or threatening you can end the contact without further explanation.

7.5 Dealing with abusive or threatening customer behaviour

7.5.1 If any of our customers threaten you or are abusive, you may end the contact. If you are given the opportunity, explain that abusive or threatening behaviour is totally unacceptable and that you are ending the contact in line with office policies.

7.6 Dealing with unacceptable comments in writing

Written comments allow for more time to be given to considering a reply. Draw them to the attention of your line manager and discuss the best, most suitable reply.

8 Terminating a telephone call

8.1 You should complete a ‘terminated call log’ in all circumstances where you have terminated a call, or other contact, with a customer. Give this to your line manager. If the call relates to a case on CMEH, you need to place a copy of the log in the case file.

8.2 Line managers should take the opportunity to discuss all terminated call records with those staff involved to ensure they are clear about the circumstances. This also offers an opportunity for the manager to gauge how the call has affected you and to provide advice or support.

9 Customers requesting escalation

- 9.1 Customers should not be escalated to a more senior person simply because they ask for it, unless this would be in line with our 'Case Review and Service Complaint Policy'. If you think that escalating the customer's enquiry or case would help to resolve the matter more effectively then you should consider it. Discuss your difficulty with a more senior member of staff and ask for their advice. If you pass the caller to another member of staff, tell the caller the name and position of the person you are transferring them to. When dealing with customers by phone, it may not be possible to escalate the customer immediately if a more senior member of staff is not available. In these circumstances, you should take the customer's details and arrange a convenient time for the supervisor or manager to call them back, making sure you have either agreed that time with the supervisor or manager or, if this is not possible, checked their calendar to confirm they are available at the time you have arranged.

10 Providing your name to customers

- 10.1 We aim to be as open as possible and you should normally provide your full name and department over the telephone. However, if you are taking enquiries from members of the public and are concerned, for good reason, about giving your full name, you may give only your first name and department. Mention any such instances and the reason for withholding your last name to your line manager. Under no circumstances should a member of ICO staff refuse to provide any name to a customer. If a customer indicates that they are not happy that you have not provided your full name, provide your line manager's full name and give details of the service complaint procedure. When writing letters or emails, full names must always be provided.

11 Dealing with customers who threaten to self harm or who are otherwise at risk

- 11.1 You are not qualified to make an assessment about whether threats of this nature are genuine. It is also important that you understand that you are not personally responsible for the wellbeing of any customer who may be at risk.
- 11.2 If the threats are made during a telephone call advise the caller that the ICO is not in a position to provide them with assistance and suggest that they contact the emergency services. If you have difficulty handling the call, consider the procedure in paragraph 7.3 above. In all circumstances make a note of as many details as possible and immediately pass them on to a senior member of staff. If the call relates to an ongoing case, include details of the threats in the telephone note attached to the case file.
- 11.3 If someone calls us with the sole purpose of making a threat to place themselves (or others) at risk, record as many details as possible and immediately pass these on to a senior member of staff. If the threats are of self harm explain that you are not qualified to assist and suggest that the caller contacts the emergency services.
- 11.4 If you receive threats of this nature in writing, pass them on immediately to a senior member of staff.
- 11.5 On the basis of the report made and after speaking to you, the senior

- member of staff will assess whether to contact other agencies.
- 11.6 If you are a senior member of staff receiving a communication including threats of this nature, follow this procedure and take any appropriate steps to establish whether further action should be taken on a case by case basis. If you think that the ICO should provide the customer's details to an appropriate authority you should clearly consider whether the disclosure would be in the vital interests of the individual and notify our internal compliance department so that they can make a formal record of the disclosure.

12 Restricted contact and reasonable adjustments

- 12.1 Where you report to line managers that a customer has behaved unacceptably, a decision will be made by a Head of Department about whether that person should have restricted access to our services.
- 12.2 Where you report to a line manager that a customer appears to have a disability affecting how we communicate with them, a decision will be made by a Head of Department about whether reasonable adjustments can be made.
- 12.3 If you receive contact from a customer whose contact has been restricted under the ICO's restricted contact procedure or adjustments have been made in accordance with our reasonable adjustments policy, you should handle them in line with their restricted contact or reasonable adjustment record available through the Customer Contact ICON page.

13 Further action by the ICO

- 13 The ICO reserves the right to take any further action, outside this procedure it thinks may be appropriate in order to protect its staff from unacceptable customer behaviour. Where appropriate this may include reporting behaviour to the police or taking legal action.

14 Notes for managers

- 14.1 All managers at the ICO have a duty of care for the staff they are responsible for. When applying this procedure managers should adhere to the escalation phases set out in our case review and service complaint policy, but must also be ready and prepared to intervene if they are aware that any member of staff is dealing with unacceptable or difficult customer behaviour.
- 14.2 This intervention may take the form of direct intervention, taking control of a customer contact where necessary, but should also include meeting with any member of staff who has dealt with unacceptable or difficult customer behaviour to make sure that staff welfare issues can be addressed. Particular attention should be given to the effect the behaviour has had on the member of staff and making sure that adequate steps are in place to assist them.

15 Other useful resources

- 15.1 This procedure is intended to be used in conjunction with other operational/HR policy and procedure documents, including:
- 15.2 Restricted Customer Contact Policy
- 15.3 ICO Reasonable Adjustments Policy
- 15.4 Case Review and Service Complaints Policy

15.5 Staff Code of Conduct

15.6 Managing Sickness Absence Policy

Although our procedure for dealing with difficult or unacceptable customer behaviour does not make direct reference to sickness absence, should a member of staff think that their sickness absence was caused as a direct result of dealing with unacceptable customer behaviour this can be discussed as part of any discussion with a line manager under our Managing Sickness Absence Policy.

Appendix – Terminated call log

Information Commissioner's Office Record of a terminated call

Name of caller (if known):

Case reference (where applicable):

Date and time of call:

Reason for terminating the call:

Your name: