

Customer Behaviour & Incident Policy

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Customer Behaviour & Incident Policy

1 Introduction

Canterbury City Council recognises that all employees are entitled to work in a safe environment, and one in which they are fully supported when faced with threatening, violent and abusive behaviour in whatever form it takes.

The council will not tolerate these behaviours and will endeavour to ensure the safety, protection and welfare of its employees at all times.

However, there will be instances where council employees encounter individuals who, for a variety of reasons, become verbally abusive, or in exceptional circumstances, physically violent.

There may also be instances where individuals pursue a complaint, grievance or request for information in a way that is considered excessive and unreasonable.

This can cause distress to our staff, and have a negative impact on our resources and on our ability to provide services to our other customers.

This policy defines and categorises incidents of abuse or violence and unreasonable and unreasonably persistent or vexatious behaviour and provides guidance on the options available to deal with such incidents in order to:

- protect our employees
- preserve our ability to deliver a high quality service to all our customers
- ensure that we comply with our legal responsibilities under health and safety at work and other associated legislation.

The policy applies to all staff employed by the council, including temporary and agency staff, volunteers, students and people on work experience and our councillors.

This policy needs to be read in conjunction with the Corporate Lone Working Policy; the Corporate Health and Safety Policy; the Complaints Policy; the council's Equality and Diversity Policy and Data Protection and legal guidance, the Privacy Notice and appropriate corporate and department risk assessments.

2 Purpose and objectives

- 2.1 The purpose of this policy is to define what the council considers to be unreasonable and unreasonably persistent or vexatious behaviour; and threatening violent or abusive behaviour. It also sets out how we will respond when these unacceptable behaviours are directed at our staff.
- 2.2 The policy provides details on the options available to the council following reports of unacceptable customer behaviour and explains the processes we will follow and the possible consequences to the customer. This may include having controls imposed on their contact with the council and being placed on the council's Customer Behaviour & Incident (CBI) Register.
- 2.3 The policy ensures that the council has robust systems in place to record, manage and monitor incidents of unacceptable customer behaviour.
- 2.4 This policy ensures all customers are treated fairly and on an individual basis and all personal information is processed in accordance with relevant data protection legislation, namely the UK General Data Protection Regulation (UK GDPR) and Data Protection Act 2018 (DPA).
- 2.5. The policy ensures Canterbury City Council employees who have experienced or

witnessed unacceptable customer behaviour, feel sufficiently empowered to report those incidents and have confidence that their concerns will be treated seriously and be dealt with effectively.

2.6 By adopting this policy, the council aims to reduce the risk and incidence of violence and unreasonable behaviour directed at our staff and our partner agencies, while protecting our ability to maintain an open and accessible service to our customers at all times.

3 Definition of unreasonable and unreasonably persistent or vexatious customer behaviour

3.1 Unreasonable and unreasonably persistent or vexatious behaviour may include one or two isolated incidents, as well as persistent behaviour, which is usually an accumulation of incidents or behaviour over a longer period.

3.2 We have adopted the Local Government Ombudsman's (LGO) definition of "*unreasonable complainant behaviour and unreasonable persistent complaints*". See [Guidance on managing unreasonable complainant behaviour \(LGO\)](#)

3.3 We define unreasonable and unreasonably persistent or vexatious complaints as those which, because of the nature or frequency of the complainant's contacts with the council, hinder our consideration of their or other people's complaints.

3.4 Behaviour which may lead to a customer being considered as unreasonable and unreasonably persistent or vexatious may include one or more of the issues listed below.

- making excessive demands on the time and resources of staff by, for example, excessive and lengthy phone calls, emails or letters, or detailed letters/emails every few days and expecting immediate responses
- repeated and obsessive pursuit of a complaint or issue which appears to have no substance or which has been investigated and determined
- contact, which may be amicable, but which places very heavy demands on staff time or may be very emotionally charged and distressing for all involved
- refusing to specify the grounds of a complaint or give appropriate details
- changing the basis of the complaint/request while it is under investigation
- denying or changing statements made at an earlier stage
- acting in a deceitful manner by providing misleading or false information or documents or adopting false identities.
- introducing irrelevant or trivial issues into their complaint
- refusing to accept the decision or repeatedly arguing points with no new evidence
- persistently approaching the council through different routes, or getting others to do so, about the same issue
- persistently seeking an outcome which the council has already explained is unrealistic for policy, legal or other valid reasons
- adopting a 'scattergun' approach by pursuing parallel complaints on the same issue with a variety of organisations
- refusing to cooperate with the complaints investigation process while still wishing their complaint to be resolved

- causing distress to staff - this may include the use of condescending or sarcastic language, including racial or sexist terms, which is intended to belittle or intimidate or getting 'too personal' with staff
- making unjustified complaints about staff who are trying to deal with the issues and/or asking that they be replaced or escalating a complaint to a more senior officer after receipt of a response with which they disagree - unless this is part of the formal complaint escalation process
- submitting further complaints after the complaints process has been completed about the same or substantially the same issue
- the complaint is about issues not within the power of the council to investigate, change or influence - for example, complaints about a private car park, or something that is the responsibility of another organisation -and where the complainant refuses to accept this
- refusing to accept the council's or ombudsman's decision and repeatedly arguing the point or complaining about the decision. This can include continuing to correspond with stakeholders on the same issue after the final decision has been reached or insisting that the council has not dealt with the issue to their satisfaction

Please note this list is not exhaustive.

4 Definition of threatening, violent or abusive behaviour

- 4.1 There may be circumstances where a customer's behaviour exceeds the definition of unreasonable or unreasonably persistent or vexatious and becomes threatening, violent or abusive.
- 4.2 We define the terms threatening, violent or abusive behaviour as any incident in which an employee is verbally abused, intimidated, threatened (directly or indirectly) or assaulted by a member of the public in circumstances arising out of the course of his or her employment. This includes racially or sexually abusive language, threatening behaviour and any written communication which contains abusive language or threats of violence.

It may take the form of the following:

- physical assault - regardless of whether it resulted in injury
- physical attacks on property and equipment
- behaving aggressively towards an officer and leading them to believe that they may be subjected to a physical assault
- using threatening, offensive, foul or inappropriate language on the telephone, face to face, in emails, voicemails or on social networks.
- spitting
- threat by a dog or other dangerous animal

Please note this list is not exhaustive.

It is recognised that it may not only be people in receipt of a service who may display violent or aggressive behaviour, but also relatives, other members of the same household, carers, visitors or other members of the public, and we will treat these incidents in the same way.

Many people will also use council services at times of stress and some people may display uncharacteristic aggressive behaviour. We will consider these factors when deciding how best to manage our contact with the customer and their associates.

5. Roles and Responsibilities

Role	Responsibility
Head of Paid Service/Director of Corporate Services	<ul style="list-style-type: none"> ● Ultimate responsibility for the safety of council employees and other persons who may be affected by the way the council conducts its undertaking. ● Ensure that adequate resources are allocated to prevent, manage and respond to unacceptable customer behaviour. ● Ensure adequate support services are provided to employees affected by an incident.
The Nominated CBI Officer Currently: <ol style="list-style-type: none"> 1. Information Governance Manager 2. Lead Compliance & Building Safety Manager 3. Events Officer 	<ul style="list-style-type: none"> ● Assess all relevant Customer Behaviour and Incident (CBI) reports and referral forms, to accept (or decline) individual entries onto the register, and confirm any managed contact arrangements. ● Meet with the Senior Corporate Health & Safety Manager quarterly to review the entries on the CBI Register. ● Liaise with the Senior Corporate Health and Safety Manager in exchanging information and communicating decisions. ● If an entrant onto the register appeals the entry, review the entry and make a second decision. <p>(NB: In the event that the Nominated CBI Officer is unavailable, the Deputy Nominated CBI Officers will act as a substitute).</p>
Deputy Directors/Heads of Service	<ul style="list-style-type: none"> ● Ensure effective risk management systems and detailed safe systems of work for potentially violent situations are in place. ● Ensure their managers have undertaken risk assessments for employees dealing with the public. ● Ensure their managers follow the procedure for reporting and dealing with instances of violent and unreasonable behaviour. ● Ensure all violent and aggressive incidents are investigated, remedial actions completed and lessons communicated. ● Ensure violent and aggressive matters are routinely discussed at individual, team and contract/contractor meetings. ● Ensure that all relevant staff check the CBI Register regularly. ● In the event of unreasonable or persistent and vexatious complainants, to determine what restrictions should be applied. ● Issue letters/emails as requested.
Line Manager	<ul style="list-style-type: none"> ● Conduct risk assessments for all categories of frontline jobs and introduce safe working practices and procedures to minimise the risks identified and regularly monitor working practices and review control measures. ● Ensure all employees in their team (including temporary/agency workers) have adequate knowledge of violence and aggression and are fully aware of potential work activity hazards. ● Ensure where additional equipment is identified as necessary to improve safety, this is provided. ● Ensure staff are trained in the safe working practices and procedures identified. ● Check comprehension and compliance with health and safety policies through regular supervision, monitoring and review. ● Treat any reports of work-related violence, threats or abuse seriously and respond to them promptly, making immediate decisions to protect the wellbeing of staff, whilst ensuring statutory compliance. ● Ensure staff are adequately supported following an incident, including when necessary, referring them to the counselling

	<p>services available.</p> <ul style="list-style-type: none"> ● Provide up-to-date CBI Register case information to the Senior Corporate Health and Safety Manager, when requested. ● Inform the Senior Corporate Health and Safety Manager when staff members require access to the CBI Register. ● Where departments employ contractors that visit peoples properties (home/business), to inform them of CBI Register entries.
Senior Corporate Health & Safety Manager	<ul style="list-style-type: none"> ● Help the Corporate Directors, MT, Heads of Service, line managers with the development of health and safety policies and advising on legislation and statutory compliance. ● Auditing, monitoring and reviewing health and safety arrangements and working practices and checking for compliance. ● Maintenance of the accident/incident/near miss and RIDDOR (Reporting of Injuries, Diseases & Dangerous Occurrences Regs) reporting records and oversight of relevant investigation documents and outcomes. ● Accepting CBI Request reports as pending entries. ● Administer the CBI Register. ● Facilitate meetings with the Nominated Person in assessing new entries to the CBI Register and routine reviews. ● Provide employee access to the CBI Register in accordance with their contracted role. ● Produce monthly and annual reports on incidents for staff and councillors. ● Maintain a database record of all customers whose behaviour is deemed unreasonable and whose contact with the council has been restricted. ● Provide service/line manager access to this database. <p>(NB: In the event that the Senior Corporate Health & Safety Manager is unavailable, the Corporate Health & Safety Officer will act as a substitute).</p>
Information Governance Manager	<ul style="list-style-type: none"> ● Provide advice and guidance with regards to the UK GDPR, The DPA and any other relevant information governance legislation as necessary.
Legal staff	<ul style="list-style-type: none"> ● Provide advice and guidance.
HR staff	<ul style="list-style-type: none"> ● Advise and organise counselling services when required to do so.
Employees	<ul style="list-style-type: none"> ● Adhere to the control measures set out in corporate and departmental risk assessments, including using and taking reasonable care of equipment that's been provided to them for their health and safety. ● To speak to their line manager if they do not believe that control measures are sufficient. ● Not to put themselves, their colleagues or others in danger, including removing themselves from abusive and aggressive situations as soon as possible. ● Being alert to any escalating situation their colleagues may be dealing with and being prepared to render help in any way in which it's safe to do so. ● Not to interfere with, or misuse anything provided in the interests of health and safety. ● Cooperate with their line managers in implementing the requirements of health and safety legislation, related codes of practice and health and safety policies.

	<ul style="list-style-type: none"> ● Attend and participate in training as directed. ● Consult the CBI Register before carrying out any face-to-face visits. ● Ensure that all incidents of threatening, violent or aggressive behaviour are reported to relevant line managers immediately. ● Ensure that all CBI reports are substantiated with fact.
System Administrators	<ul style="list-style-type: none"> ● Share information with front line staff within their teams who may come into contact with customers who present a risk. This may include sharing information with elected members and third parties. ● Administer warning marker systems within their service area data systems to flag customers who may present a risk.

6 Training

6.1 Canterbury City Council has a legal responsibility to provide staff with adequate health and safety information, instruction and training to address and/or manage foreseeable risks associated with their work and the environment they work in. This is facilitated both in-house and by employing external training providers.

6.2 Managers are responsible for identifying the relevant health and safety needs for their staff in relation to information, instruction, training and supervision. Managers must identify the training needs of specific posts for inclusion in induction programmes to ensure early provision of specific training. This is fundamental to reduce unacceptable and aggressive behaviour at work.

6.3 Managers are responsible for ensuring staff for whom they are responsible (including temporary and agency staff, volunteers, students and people on work experience) complete all statutory/mandatory health and safety training requirements in accordance with the Canterbury City Council Health and Safety Policy and service/site specific policies and procedures.

6.4 When assessing training needs conflict management training should be considered by managers to enable staff to identify and avoid risks of violence, learn how to defuse a potentially difficult situation and determine how to remove themselves if a situation becomes unsafe.

7 Supporting staff and managers

7.1 It is important staff receive the individual support they need in response to any incident of violent or unreasonable behaviour. Managers should recognise that people working within services where aggression may be more commonplace may appear to build up a resistance to it. However, support and the opportunity to discuss the impact of ongoing incidents should be made available on a regular basis. All managers should receive appropriate information and necessary training to enable them to recognise signs of stress, the impact of incidents and the support options available to their staff.

7.2 It is important for staff to know that, if they have been the victim of unacceptable customer behaviour, the council will support them and work to protect other staff from similar incidents. Where an incident is particularly serious, Canterbury City Council may take appropriate legal action to manage situations on a case-by-case basis, i.e where necessary, we may seek an injunction to prevent an assailant gaining further access to staff or premises or consider a private prosecution, or support the police in a criminal prosecution. These actions have and will be taken in order to demonstrate corporate support to staff and commitment to managing out violence and unacceptable behaviour.

7.3 Managers are responsible for ensuring any member of staff who is a victim of unacceptable customer behaviour is fully supported. The following should be considered:

- ensure the member of staff is physically safe and protected
- ensure any medical treatment is procured immediately
- consider the need for immediate police involvement
- ensure the member of staff has the opportunity to talk about the incident either with line-management, colleagues or to the counselling services available.
- provide reassurance to reduce any feelings of guilt and/or anxiety
- ensure the member of staff is offered access to the wellbeing programme available (see 7.4)
- explain to the employee the importance of recording the details of the incident at an agreed and appropriate time
- consider special leave for the employee
- share the experience at the appropriate time, with other team members to enhance support and learning

7.4 The council has set up a wellbeing programme to support staff at work. This includes:

- An Employee Assistance Programme (EAP) run by Health Assured in conjunction with our HR team, which can provide 24 hour support to staff feeling stressed or anxious. It can be accessed via a confidential helpline (on 0800 030 5182) or by logging onto the staff intranet.
- An internal team of trained Mental Health First Aiders (MHFAs) who can act as a point of contact and provide reassurance for staff experiencing mental health issues or emotional distress.

8 Dealing with incidents of unreasonable or unreasonably persistent or vexatious behaviour

8.1 We recognise that the decision to classify someone's behaviour as unreasonable or unreasonably persistent or vexatious, could have serious consequences for the individual particularly where this involves limiting their access to services.

8.2 Before taking any action we will ensure that;

- the complaint or request for information has been dealt with properly and in line with the relevant council procedures and statutory guidelines
- we have considered the customer's circumstances, including any illness or injury, and tried to understand the reasons for their actions
- we have provided the customer with the right opportunity to express their views and opinions
- we have made every reasonable effort to satisfy the request or resolve the complaint
- the complainant is not providing any significant new information that might affect our view or decision on the complaint
- we have considered the customer's statutory rights

8.3 In most instances, we will firstly try to explain to the customer by letter or email why aspects of their conduct is giving cause for concern and ask them to change their

behaviour. If the disruptive behaviour continues, the Head of Service will decide whether the circumstances require the customer's access to the service to be managed, and will consider a range of options.

8.4 Options for managing service

Controls will be tailored to deal with the individual circumstances and may include one or more of the following;

- refusing to register and process further complaints/requests about the same or similar matters
- refusing to accept telephone calls from the customer, insisting instead that they correspond by letter or email
- requiring the customer to make contact by telephone only through a third party for example solicitor/councillor/friend acting on their behalf
- requiring any personal contacts to take place in the presence of an appropriate witness and in a suitable location
- placing limits on the number and duration of contacts with staff
- offering a restricted time slot for necessary calls
- limiting the customer to one method of contact (telephone, letter, email, etc)
- requiring the customer to communicate only with one named member of staff

Please note this list is not exhaustive.

8.5 When the decision has been taken to apply this policy to a customer the Head of Service will complete and submit a Customer Behaviour & Incident Form recording their option(s) for managing future contact with the customer. The Head of Service will also complete a Situation Report in order that this matter is raised at Extended Management Team (EMT).

8.6 Any control that is imposed on the complainant's contact with the council will be appropriate and proportionate and the complainant will be advised of the period of time the control will be in place. In most cases controls will apply for 12 months.

8.7 Where our efforts to resolve matters with the customer have not been successful we may close the case or request. Where appropriate we will advise the customer to contact the Local Government Ombudsman or the Information Commissioner's Office. We will advise the customer that we will no longer enter into any correspondence about such cases, unless material new information becomes available.

8.8 If the unreasonable behaviour is affecting more than one service, EMT will consider whether a cross-service approach is warranted. In all instances the Senior Corporate Health and Safety Manager will be informed of any decision to control access to services in order that the CBI Register can be updated accordingly.

8.9 Where the customer's behaviour is extreme or where it threatens the immediate safety and welfare of staff, the council will consider other options, for example reporting the matter to the police or taking legal action, and/or following the process for dealing with incidents of threatening, violent or abusive behaviour (see para 9 below).

8.10 The council will not ignore service requests or new complaints from customers whose previous complaints have been treated as unreasonable or unreasonably persistent or vexatious, and all such requests will be considered on a case-by-case basis.

9 Dealing with Incidents of threatening, violent or abusive behaviour

- 9.1 Line managers are responsible for undertaking risk assessments for employee work activities that involve interaction with members of the public and other customers. This will include specific risk assessments if the activity involves a person known to be threatening, violent or abusive.
- 9.2 Staff must always consult the CBI Register prior to making a visit. This may result in a visit being aborted; visiting in pairs, or requesting the presence of a police officer.
- 9.3 The appropriate line manager must be notified of any incident which involves threatening, violent or abusive behaviour directed at their staff, and must assess any ongoing risk to staff and, where appropriate, any members of the public.
- 9.4 All incidents of threatening, violent or abusive behaviour which meets the definition in para 4.2 of this policy must be reported using the Customer Behaviour & Incident Form This may also be relevant in circumstances where there is a risk associated with a property, e.g. dangerous dogs, or drug (needle) use.
- 9.5 Incidents of physical violence, and/or racial or homophobic abuse must also be reported to the police by the officer concerned or by their line manager.
- 9.6 Awareness of the specific needs of disabled people, particularly those with certain mental health conditions, will also be considered by officers in determining a suitable response to inappropriate or violent behaviour.
- 9.7 Any incident of threatening, violent or abusive behaviour must trigger a review of appropriate risk assessments by the responsible line manager, in order to determine whether the existing control measures are adequate, or if further precautions are necessary.
- 9.8 During telephone calls

In situations where the language and content of telephone calls made by a customer to a member of staff becomes abusive or threatening, it is acceptable for that member of staff to terminate the telephone conversation. In all cases the member of staff should remain polite and, wherever possible, provide the customer with the opportunity to modify their behaviour, by informing the customer that unless they do so, the call will be terminated.

If a call needs to be terminated as a result of the customer's conduct, a file record must be kept and the relevant Head of Service should be informed. In extreme cases, for example where there are direct and credible threats made during the call, the Head of Service may decide to refer this to the police.

- 9.9 During face to face meetings

The personal safety of our staff is of paramount importance and if, during face to face meetings, a customer's behaviour becomes aggressive, abusive, or they display high levels of distress, the meeting should be brought to an end as quickly as possible.

Staff must remain professional and courteous at all times, even in the most stressful of circumstances, and not meet aggression with aggression.

The decision to end a meeting should, if possible, be explained clearly and politely, so that the customer does not feel that they are being dismissed or their enquiry ignored. Unless it is clearly inappropriate to do so, they should also be informed that it may be possible to continue the conversation at a future meeting when they are less distressed.

Where a meeting is terminated because of the conduct of the customer, a note of the incident must be made and the matter brought to the attention of the relevant Head of

Service. In extreme cases, for example, where there are direct and credible threats or where there is an actual or near-miss incident the Head of Service should be advised, and the matter may be passed to the Police.

The council has adopted a protocol for meeting staff in the council offices, see the Personal safety protocol for staff meeting members of the public at the council offices.

9.10 In correspondence

The council will not process any correspondence (email, letter or facsimile) that is abusive or threatening and staff in receipt of such material need not formulate a reply, other than to acknowledge its receipt. All such correspondence should be brought to the attention of the relevant line manager.

The relevant line manager will review the case and may decide to respond to the customer explaining that the tone of their correspondence is unacceptable, and that no further correspondence will be entered into unless the customer amends their tone. In extreme cases, for example, where there are direct and credible threats, this correspondence may be passed to the police.

9.11 On social media

Care is needed when responding to posts on social media. The open nature of social media can mean the council's response (or lack of) to a post or comment remains as evidence of how we deal with people.

If a person posts personal details (e.g. name, address, phone number, email) in an open forum the council will be mindful of its responsibilities as a data controller and will not respond in detail (which would confirm or expand on those details). Instead these conversations will be continued outside an open forum by asking the customer to contact the council directly.

Any concerns over any potentially serious matters must be raised with the Communications Team. "Serious" can mean an isolated issue, a trend of related issues or a comment about a major project or high profile activity.

Comments posted on social media (i.e. in open forum)

As stated above, where appropriate these issues may need to be continued outside open forum (to protect the person's personal data, including information about their circumstances).

Issues which do not require personal data may be dealt with in open forum. In our response the council may try to explain, educate and take responsibility where necessary.

Comments sent to us via social media (i.e. in closed forum)

Where these are about the service these are sent to the relevant service, the service will consider if the matter is a service request or complaint, the latter will start the complaints process. Where the complaint is about the council in general, the relevant service is the Communications Team.

9.12 Incidents offsite

All members of staff who work off site, either in the community or visiting customers at home, must be aware of and follow the procedures set out in the council's Corporate Lone Working Policy. If appropriate, service specific lone worker procedures should be produced and communicated to staff.

It is particularly important that:

- risk assessments are carried out by each service
- line managers and colleagues are aware of the whereabouts of staff working off site
- staff working off site must have a way of contacting their line manager, or in their absence a colleague, in an emergency
- staff working off site who are faced with a potentially violent incident should telephone the police immediately

10 Incident reporting process

10.1 All instances of unacceptable customer behaviour must be reported to the responsible manager for that service area. A CBI Report must then be completed by;

- in the case of unreasonable and unreasonably persistent or vexatious customers - the relevant Head of Service, and
- in the case of threatening, violent or abusive customers - either the officer involved or their line manager.

To ensure line managers are aware of all reports of threatening, violent and abusive behaviour they, along with the reporting officer (if different), will receive an alert, once a report has been submitted by a member of their team.

Where customer behaviour is considered to be unreasonable or unreasonably persistent or vexatious, the Head of Service must also submit a Situation Report (see para 8.5).

10.2 Once submitted, a copy of the Customer Behaviour and Incident form is automatically sent to the Corporate Health and Safety team.

Unreasonable or unreasonably persistent or vexatious customer behaviour

Within five working days of receipt of the CBI Report the Senior Corporate Health & Safety Manager will convene a meeting with the Nominated CBI Officer to agree (or disagree) the options proposed for managing future contact with the customer, recording that information in the CBI Register. In the event that the proposed contact arrangements are not considered to adhere to the principles of this policy, the Senior Corporate Health & Safety Manager will relay this information back to the Head of Service.

Threatening, violent or abusive customer behaviour

The Senior Corporate Health and Safety Manager will assess the incident and ensure that an initial assessment of risk is made, the information relating to the member of staff is recorded, and any reporting to the Health and Safety Executive is completed (e.g. RIDDOR).

The initial assessment by the Senior Corporate Health and Safety Manager will also determine if there is a genuine risk to staff from an individual (or property) and, in this instance, whether a referral needs to be made to the council's Nominated CBI Officer for consideration of inclusion on the CBI Register. Where a referral is considered necessary, the Senior Corporate Health and Safety Manager will convene a meeting with the Nominated CBI Officer within five working days to decide whether the individual should be added to the register and what precautions should be in place for further contact with the customer.

10.3 Nominated CBI Officer

For reasons of consistency, and to ensure that all decisions made in relation to this policy are fair, appropriate and proportionate, the council has appointed one senior officer (the Nominated CBI Officer) who in consultation with the Senior Corporate Health and Safety Manager, is responsible for making decisions on who should be included on the CBI Register and what measures should be adopted for future contact with the customer.

10.4 Risk levels

When making any decision on violent, threatening and abusive behaviour the Nominated CBI Officer takes into account the nature of the threat; the degree of violence used and whether the incident indicates a credible risk to staff, and the risk levels as set out below:

Level 1 - Low risk. *Unpredictable behaviour causing fear of an assault or uneasiness*

Examples of behaviour or of disclosed information that MAY attract a Level 1 risk include:

- a) Aggressive and threatening personal comments about staff members made by telephone, letter, email or using social media.
- b) Abusive behaviour which seeks to harass, verbally abuse or otherwise intimidate our officers. This can include the use of foul or inappropriate language or the use of offensive and racist language
- c) Known substance misuse where there is evidence that the abuse of the substance can result in changes in behaviour that may pose a risk to staff.
- d) Known needle stick risk in property. This reflects the risk of needles being disposed of improperly even where the use of needles is for a legitimate purpose.

Level 2 - Medium risk. *Abusive behaviour, including threats of physical violence*

Examples of behaviour or of disclosed information that MAY attract a level 2 risk include:

- a) Threatening behaviour including personal threats to harm. This may include serious threats issued by the subject towards neighbours or officers in other agencies.
- b) Previous unspent convictions for violent and sexual offences disclosed by the customer, Police or Probation services. These include: common assault and sexual assault (where there is no violence involved).
- c) Having been identified by another agency as presenting a risk to staff (and we can substantiate that information as being accurate).
- d) Displaying behaviour that may indicate a mental health problem that is a potential risk to staff safety.

Level 3 - High risk. *Actual or attempted physical assault*

Examples of behaviour or of disclosed information that MAY attract a level 3 risk include:

- a) Specific incidents of violence or attempted violence demonstrated by the subject towards council officers, neighbours or officers working for other agencies (where this can be substantiated).
- b) Disclosed previous unspent convictions for serious violent and sexual offences.
- c) Sex or violent offenders on release from prison where the offender management unit suggest this.

- d) Where recommended by the police and/or Probation Service that a person is a risk to members of staff and members of the public and is the subject of ongoing monitoring.
- e) Suspected involvement in organised crime gangs (information provided by the police).
- f) Previous unspent convictions for other serious criminal offences involving serious violence and/or the use of offensive weapons, knives and firearms.

An incident should be considered in context so that incidents that meet the criteria for level 2 or 3 risk could translate into a Level 1 risk if the circumstances that led up to the incident are unlikely to be repeated. Similarly a customer that repeatedly offends at a Level 1 may be escalated to a level 2/3 to reinforce the seriousness of their actions.

- 10.5 All decisions will be communicated to the case originator's Head of Service by the Senior Corporate Health & Safety Manager. If the Head of Service does not consider that the decision made by the Nominated CBI Officer is correct, they must provide reasons to the Nominated CBI Officer as to why the individual should be dealt with in a different way. The Nominated CBI Officer will consider this information in a review of the decision. Any disagreements over proposed action will be resolved by Management Team or at Director level.
- 10.6 Once a decision has been made to manage future contact with a customer and/or add a case to the CBI Register, the case originators relevant Head of Service will write to the customer within 10 working days of the decision to:
- detail the action we have taken and why
 - advise whether there is a right to appeal and what this provision involves
 - explain what it means for the customer's future contact with the council
 - set out ways the customer can contact the council about new issues or to request a service, but making it clear that existing issues will not be revisited or responded to
 - advise how long any restrictions will last and when the decision will be reviewed
 - explain who we will inform about our decision - this is likely to be frontline staff and visiting officers (whether in the affected business unit or not) and senior managers and may include other organisations with whom we work (for example our contractors)
 - advise the customer of their right to contact the Local Government Ombudsman (for vexatious complaints)
- 10.7 This information will be contained within a letter sent to the individual. Template letters can be provided to the Head of Service by the Senior Corporate Health & Safety Manager, although they may need to be adapted depending on the circumstances of the incident.
- 10.8 There may be extreme cases where it is believed that informing the customer of their inclusion on the CBI Register would in itself create a substantial risk of violent reaction. There may also be cases where informing the individual may actually cause serious harm to the physical or mental health condition of that individual. In either of these circumstances the customer will not be informed, but the reasons must be clearly indicated on the register as to why this decision was taken.
- 10.9 Individuals who have received a letter informing them that their contact with the council is controlled and/or they have been added to the CBI Register have 14 days to appeal the notification. Appeals must be made in writing to the case originators Head of Service. If an appeal is received, the Head of Service will refer the decision to Management Team who will either revoke or uphold the appeal and communicate the decision to the Senior Corporate Health & Safety Manager and the Nominated CBI Officer in order that any updates can be recorded on the CBI Register. A second letter must be sent to the

customer to confirm the decision within 28 days of the original decision letter. This decision is final and will be sent by the case originators Head of Service.

- 10.10 Where an incident of unacceptable behaviour occurs that doesn't quite meet the risk levels identified in para 10.4, a warning letter may still be sent to the customer, at the discretion of the line manager and/or Head of Service.
- 10.11 Those departments that use databases may include a warning marker on any record that refers to the CBI Register. Warning markers are a means of identifying and recording individuals who pose, or could possibly pose, a risk to employees who could come into contact with them. It involves attaching a flagged piece of text to an individual's file specifying the reasons why that person has been identified as being potentially violent. As this information is likely to contain personal data it must comply with the UK GDPR and the DPA. When items are removed from the CBI Register, these warning markers must also be removed.
- 10.12 Departments may use these markers to notify third parties. These may include contractors working on the council's behalf (if there is any likelihood that they could come into contact with the individual); and other agencies, such as Housing Associations.
- 10.13 When entries are added to or removed from the CBI Register, a notification will be sent to the system administrators to ensure relevant teams are aware of the changes that have been made. It is the responsibility of Heads of Service and line managers to ensure that staff regularly check the CBI Register.
- 10.14 Statistical information on instances of abuse, threatening or violent behaviour will also be contained within the monthly and annual Accident Statistics reported to senior management, staff and councillors. This will be for the purpose of monitoring the number of incidents, and to help in identifying potential areas where additional safeguards could be introduced.

11 Record keeping - the Customer Behaviour and Incident Register (CBI Register)

- 11.1 Canterbury City Council operates an electronic database of persons known to be potentially or actively aggressive, and individuals whose contact with the council is being controlled. The database - the CBI Register is a Google access restricted spreadsheet which is administered by the Corporate Health and Safety team.
- 11.2 The system allows staff to check for the presence of an individual on the register which would highlight a history of aggression or vexatious behaviour towards council staff. This will enable staff to make an informed judgement before undertaking their duties.
- 11.3 Access to the register is available to two groups of staff:
 - Staff that visit homes and/or businesses or that work in a front line position dealing with members of the public.
 - Staff working as 'system administrators' who are responsible for extracting information from the CBI Register to populate their own warning marker systems, and/or notifying colleagues, councillors and third party agencies of any changes to the register.
- 11.4 Records of any decisions relating to threatening, violent and abusive behaviour will be recorded on the register. Under UK GDPR we are under a duty only to retain what is necessary, which for this purpose is:
 - Name and address of the customer (and/or vehicle registration plate number if appropriate).
 - Details of each request or incident classified as threatening, violent, abusive or vexatious.
 - The allocated 'risk level' category.

- The precautions that have been put in place.
- The date controls/precautions were put in place, and a date for review.
- Whether any third parties will be notified.
- Such records will be kept for at least six years following any incident date, or in line with council retention timescales, whichever is longer.

11.5 Records of any decisions relating to unreasonable or unreasonably persistent or vexatious behaviour will include:

- Name and address of the customer.
- Details of the customer's unreasonable behaviour.
- The service areas affected.
- The arrangements for the customer's future contact with the council.
- The date controls/precautions were put in place, and a date for review.
- Such records will be kept for at least six years following any incident date, or in line with council retention timescales, whichever is longer.

11.6 Councillors will be notified by the systems administrator(s) within Democratic Services if there is a risk they may come into contact with any customer on the CBI Register. In addition Councillors may, before visiting or meeting with a customer, ask the system administrator(s) within Democratic Services to check for details of any specific entry on the CBI Register.

11.7 Once entered, a case will remain on the CBI Register for twelve months, after which time the entry will be reviewed in a meeting between the Senior Corporate Health & Safety Manager, the Nominated CBI Officer and one Director. Prior to any review meeting the Senior Corporate Health & Safety Manager will notify the system administrators and request details of any new information held on their systems relating particularly to an individual's behaviour since the last review date or entry onto the register.

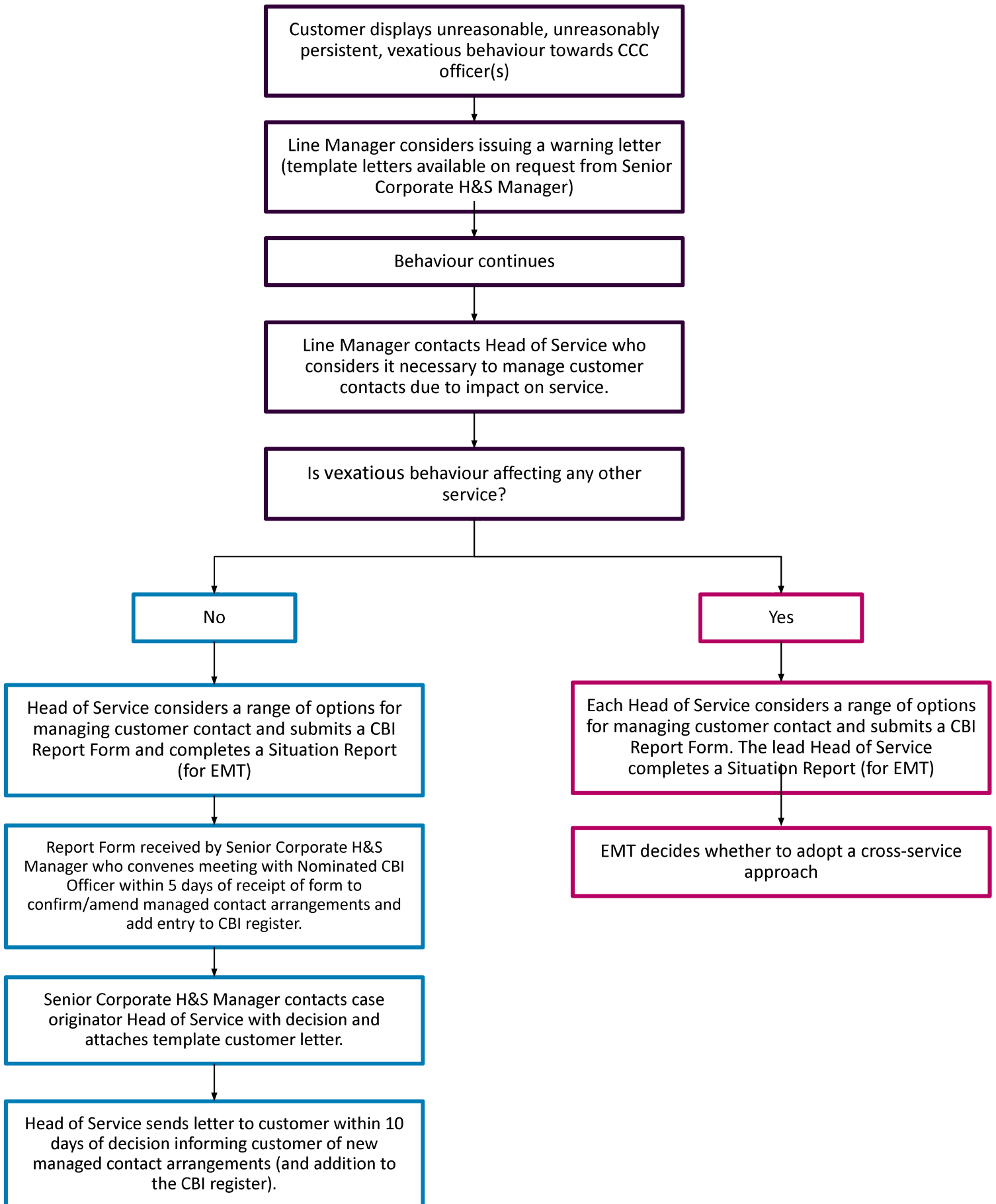
The review will determine whether an individual remains a credible risk to staff and whether a case should remain on the CBI Register. In making this decision, the Senior Corporate Health & Safety Manager, the Nominated CBI Officer and the Director will also consider:

- the original level of threat of violence (or unreasonable behaviour)
- the length of time since the incident(s) occurred
- the previous and subsequent behaviour of the individual.
- whether or not the incident was likely to have been a one-off, e.g. where the individual was suffering an unusual amount of stress due to a particular set of circumstances
- the likelihood of the behaviour recurring
- checking the information currently on file is accurate (such as address)
- how services are currently provided to the individual
- any representation (in form of documentation only) made by the individual identifying any extenuating circumstances
- information made available from other organisations relating to the individual or other incidents
- representations (in document form only) from staff

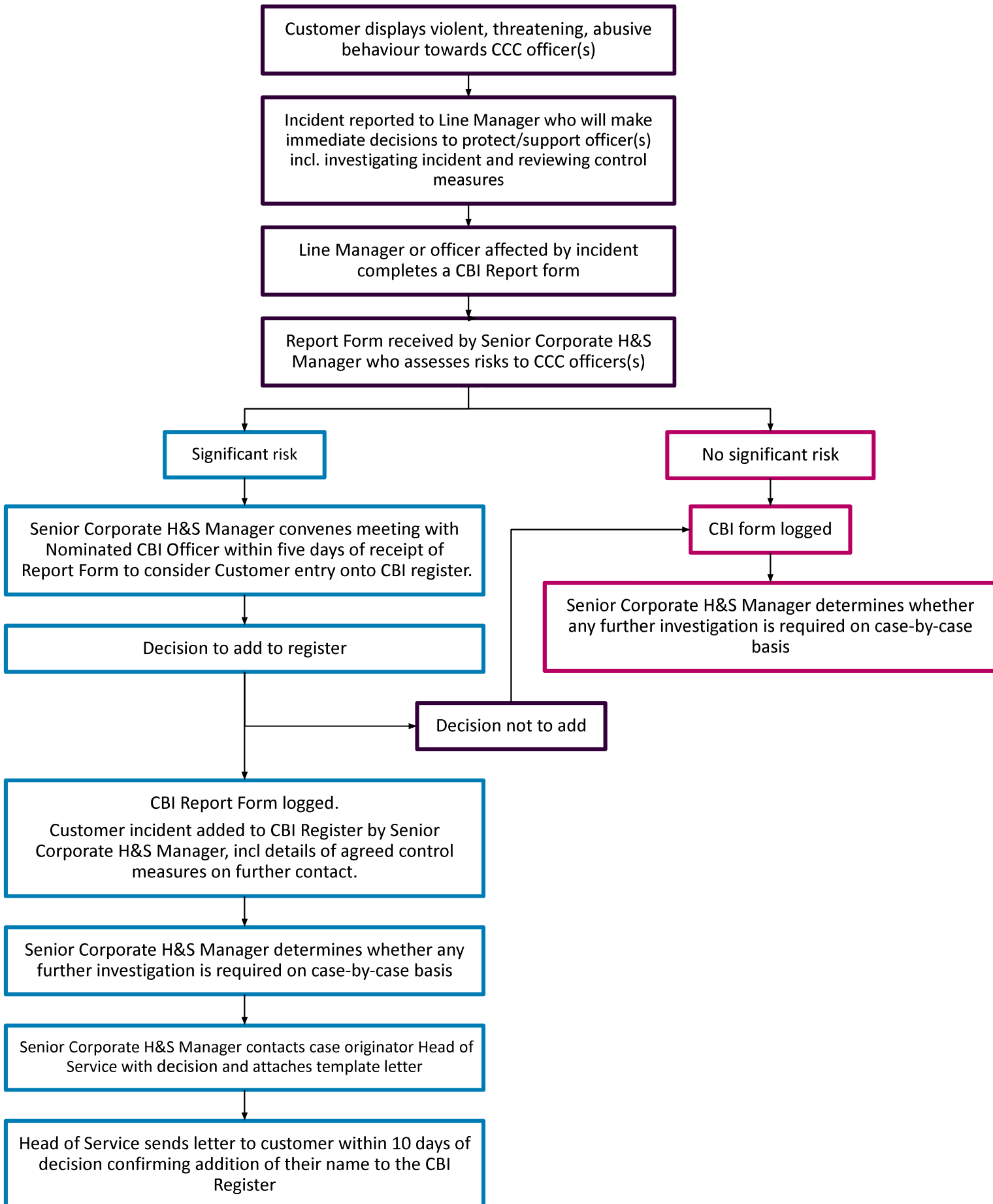
- 11.8 Information from other organisations can be used to create an entry on the register. To do this the usual CBI form should be completed and submitted by the service receiving the information. Consideration needs to be given to how the providing organisation manages this information, for example frequency of review and notifying the individual. Once an entry is made using external information it will be reviewed on an annual basis as already described. This review will involve contacting the organisation providing the information to confirm any changes or further incidents.

End

Appendix 1: Process map for unreasonable, unreasonably persistent, vexatious behaviour



Appendix 2 - Process map for violent, threatening, abusive behaviour



Appendix 3: Key definitions

Defining the difference between an abusive customer and an angry customer

Abusive customers should never be mistaken for angry customers. Distinguishing the difference is all about determining where the abuse is directed. An angry customer who says "I'm getting frustrated, this keeps happening" is very different from an abusive customer who starts to call an employee names. The key difference is how the language is directed. If it is aimed at the council it can be considered anger, but if it's aimed at the employee it can be considered abusive.

Example: If a customer was to say "it's not b****y good enough" they can be considered to be angry. However, if they were to say, "you're not b****y listening to me" the customer would be abusive.

Defining the differences between accidents, near misses and a customer behaviour incident

It's extremely important that when incidents do happen, they are reported using the correct form. We have 3 different reporting forms.

- Accident Report Form

An accident form would be required where an incident has occurred which caused injury, harm or damage to a person or property/equipment.

- Near Miss Report Form

A near miss form would be required where an incident has occurred which **did not** cause injury, harm or damage to a person or property/equipment but had the potential to do so. If you whispered to yourself 'that was lucky' then it is likely you encountered a near miss and should complete this form. Although some of these incidents may seem trivial, there are often underlying causes/failures which can be resolved to prevent a recurrence.

- Customer Behaviour & Incident Report Form

A customer behaviour and incident form would be required where an interaction with a customer has, or could have, resulted in a risk to staff safety, wellbeing or the employees ability to effectively carry out their duties. Alternatively it could also include any hazard created by a situation or environment type which is likely to present a risk to staff safety, wellbeing or ability to effectively carry out their duties. Any vexatious customer behaviour should also be reported using this form.