



*“An Excellent Authority”*

## Service Instruction

Resource Intensive and Vexatious Customer Process

## Document Control

### Description and Purpose

This document is intended to give guidance to staff dealing with customers who may be classed as resource intensive or vexatious. for example, those who make unreasonable demands on the time of Service staff.

Active date	Review date	Author	Editor	Publisher
1 <sup>st</sup> December 2011	1 <sup>st</sup> April and annually thereafter	Deb Appleton	Strategic Management Group	
Permanent	x	Temporary	If temporary, review date must be 3 months or less.	

### Amendment History

Version	Date	Reasons for Change	Amended by

### Risk Assessment (if applicable)

Date Completed	Review Date	Assessed by	Document location	Verified by(H&S)

### Equalities Impact Assessment

Initial	Full	Date	Reviewed by	Document location
x		Sept 2011	Diversity Manager, SMG	

### Civil Contingencies Impact Assessment (if applicable)

Date	Assessed by	Document location

### Related Documents

Doc. Type	Ref. No.	Title	Document location

### Contact

Department	Email	Telephone ext.
Deb Appleton	debbieappleton@merseyfire.gov.uk	4402

### Target audience

All MFS	x	Ops Crews	Fire safety	Community FS
Principal officers		Senior officers	Non uniformed	

### Relevant legislation (if any)

--

# **MERSEYSIDE FIRE AND RESCUE SERVICE RESOURCE INTENSIVE & VEXATIOUS CUSTOMER SERVICE INSTRUCTION**

## **Introduction**

We are committed to providing good quality, value for money services to our service users and customers in an efficient and courteous way. We want to make sure that we manage our services and resources in an equitable way. This Service Instruction will help to do this by providing effective management of customer contact which is disproportionate to the issues raised or compared to that of other customers.

We accept that some customers may act out of character in times of trouble or distress and that this may be a result of them being particularly vulnerable. There may have been upsetting or distressing circumstances leading up to them contacting us. This Service Instruction aims to distinguish between this type of behaviour and behaviour which is aggressive, places unreasonable demands on us, is vexatious or where contact is persistent.

When deciding if a customer is to be managed under this Service Instruction we will use all information that we have to help assist us in making the decision. Evidence rather than anecdotal information will form the basis of the decision to manage a customer under the instruction. Only when all avenues and options have been exhausted should we consider the customer under this instruction. For example, all complaints must be registered with Professional Standards and dealt with through their processes before this Instruction is used.

For the purpose of the Service Instruction the term customer is used to describe an individual, a group of individuals or an organisation.

## **Aims and Key Objectives**

The aims of the Service Instruction are:-

- To identify situations where a customer might be considered under this Service Instruction and apply judgment and discretion to deciding what course of action is followed;
- To ensure that the Service Instruction is used as a last resort, after all reasonable measures have been taken;
- To ensure the Service Instruction is only implemented with the authorisation of a Director.

## **Definitions**

This Service Instruction covers four definitions:-

- Vexatious complainers;
- Persistent complainers;
- Resource intensive customers;
- Abusive customers.

Further information is detailed below as to what characteristics will be displayed under each of the definitions. However, it is accepted that some behaviours cross over into other definitions.

### Vexatious Complainers

A vexatious complainant is someone who is making malicious complaints. To help identify a customer as vexatious, the following examples should be followed.

A customer who is vexatious may:-

- Not clearly identify the precise issues which they wish to be investigated, despite reasonable efforts of staff and, where appropriate the Professional Standards Manager, attempt to help specify their concerns using the complaints procedures;
- Raise concerns which are not within the remit of the organisation to investigate;
- Focus on a trivial matter to an extent which is out of proportion to its significance and continue to focus on this point. We do recognise that determining what is a 'trivial' matter can be subjective and careful judgement will be used in applying this criterion;
- Record meetings or face-to-face/telephone conversations without the prior knowledge and consent of the other parties involved;
- Display unreasonable demands and/or expectations and fails to accept that these may be unreasonable. For example:-
  - Insisting that responses to complaints or enquiries are provided more urgently than is reasonable or more urgently than time scales that have been agreed by our customers;
  - Requesting specific staff such as the Chief Fire Officer, respond to their issues;
  - By requesting that their complaint is handled outside our policy.

### Persistent Complainants

A persistent complainant is someone who is making multiple complaints. To help assist with the decision of classing a customer as persistent we can use the following criteria as a guideline.

A persistent complainant may:-

- Persist in pursuing a complaint where our complaints procedure has been fully and properly implemented;
- Change the substance of a complaint or continually raise new issues or seek to prolong contact by continually raising further concerns or questions upon receipt of a response whilst the complaint is being addressed. We will apply care so as to ensure new issues are not disregarded when they are significantly different from the original complaint. These may need to be addressed as separate complaint;
- Not accept documented evidence of services provided as being factual, (examples could include records of visits) or deny receipt of an adequate response in spite of correspondence specifically

answering their questions, or do not accept that facts can sometimes be difficult to verify when a long period of time has elapsed.

### **Resource Intensive Customer**

A Resource Intensive customer is someone who requires a level of resourcing above the normal level of customer service.

To help assist with the decision of classing a customer as Resource Intensive we can use the following criteria as a guideline.

A resource intensive customer will:-

- Use an excessive number of contacts placing unreasonable demands on staff;
- Raises the same issues with a number of different members of staff.

Contact may be in person or by telephone, email, letter or fax. Discretion must be used in determining the precise number of “excessive contacts” applicable under this section, using judgement based on the specific circumstances of each individual case.

### **Abusive Customers**

To help assist with the decision of classing a customer as abusive we can use the following criteria as a guideline.

An abusive customer will:-

- Show signs of discriminatory behaviour;
- Use swearing and inappropriate language;
- Threaten or use actual physical violence towards staff or their families or associates at any time;
- Harass or be personally abusive or verbally aggressive towards staff, partners or contractors;
- Make inflammatory statements and unsubstantiated allegations.

For this definition, it must be noted that the appropriate Health & Safety procedures must also be adhered, for example, with regard to reporting violence at work.

### **Vexatious Freedom of Information requests**

Where a customer’s request for information is being handled as a Freedom of Information request, guidance as outlined by the Information Commissioners Office (ICO), and any appropriate legislation, will be applied appropriately in dealing with a request that maybe seen as vexatious in nature.

### **Identifying Customers who should be managed under the Service Instruction**

There are very few customers who will be managed under this Service Instruction. **However**, in identifying a customer we will evidence where the workload created by a customer is having a negative effect on the relevant service area, their ability to deal with other customers and their performance.

Before invoking the Service Instruction, staff should try to resolve matters, by meeting personally with the customer or their advocates to determine the key issues that the customer is experiencing.

A key factor to be taken into account however is the customer's vulnerability. A customer may suffer from a mental or physical disability which may be contributing to behaviour we consider to be vexatious, persistent or resource intensive. In this situation **we will** identify what support is being provided or can be offered to help the customer.

Customers will be given the opportunity to explain their feelings whilst also being advised of our intentions to conclude the matter to their satisfaction. Where this fails and the customer's behaviour does not modify, this procedure will begin.

### **Language and Communication**

When dealing with customers whose first language is not English or when a customer has other communication requirements we must take such differences into account. These difficulties may effect the judgement as to whether a customer is classed as vexatious and all methods will be used to try and ensure the complaints and communication procedures are clear and what assistance can be provided during the process to help with their needs.

### **Using and Managing the Process**

Where a customer has been identified to be managed through the Service Instruction a case conference will be held. The conference should include, but is not limited to:-

- Director
- Professional Standards Manager;
- Service Manager;
- Equality and Diversity Manager
- Clerk to the Authority/Deputy Clerk to the Authority

The decision to use the Service Instruction will be evidence based and not anecdotal. The case conference should be presented with evidence detailing why the customer should be considered under this Service Instruction, this will include:-

- Call logs;
- Call recordings;
- Letters/emails;
- File notes from staff;
- Previous responses sent by Merseyside Fire and Rescue Service;
- Any information that would suggest that the customer is particularly vulnerable.

The decision to manage a customer through the Service Instruction will be authorised by the Director.

Once authorised, a preferred way of handling future contacts should be agreed. This outcome needs to be suitable for both the customer and the nature of the problem.

It is important that staff should not specifically label or record individuals as “vexatious”, “persistent” or “resource intensive” within files and communications as this can create data protection issues.

Examples of some outcomes include:-

- Nominating only one point of contact for the customer;
- Proactive contact – MFRS will contact the customer at an agreed frequency and respond to any queries or contact made since the last contact - The customer will still be contacted by MFRS even if they have not contacted the Service;
- Regular meetings with the customer;
- Mediation with the customer;
- Temporarily suspend all contact with the customer whilst seeking legal advice
- Enforcement action –in serious cases this could include legal action such as injunction;

The outcome choices are at the discretion of the case conference attendees.

Once a customer is considered under this Service Instruction, responsive service standards will be tailored to reflect this but will be within expected service standards. Albeit that the tailored approach may mean that it is made clear that each and every contact won't be acknowledged in the same way as for customers not being dealt with under this Instruction.

Following the case conference, the customer will be contacted and advised that they are being managed under this Service Instruction. This will include clearly stating the reasons for this along with an opportunity to review the decision with the Director.

The service manager will also be responsible for advising other teams and staff of the procedure to be followed should the customer continue with their contact.

During the period a customer is handled under this Service Instruction, care will be taken to ensure that where complaints are raised, the attributes are investigated to make sure that any complaints that contain genuine substance are not overlooked. Where a genuine complaint is identified, this issue should be referred back to the complaints procedure.

Once agreed, the case conference team will reconvene every quarter to review the case and determine if the customer can be removed from the Service Instruction.

### **Monitoring & Review**

To ensure that this Service Instruction works effectively, an annual review will be conducted.