Operating procedure

Managing customer contacts
1. Introduction

Occasionally, when our customers are unhappy with the service we have provided or are perhaps frustrated with their individual circumstances, they may behave in a way we think is unacceptable or find difficult to deal with.

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.

This procedure aims to define unacceptable or difficult behaviour and to provide staff with guidance to help them manage it. Although the procedure includes some specific instructions and the steps to take in particular circumstances, a significant degree of judgment by officers and managers is also needed to manage customer contacts effectively. The application of this procedure should therefore be discussed regularly in team and management meetings to support the development of good practice in this area.

2. Staff welfare

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 when dealing with customers.

If any member of staff, when dealing with any ICO customer, should feel threatened or distressed in any way or has had any kind of difficulty when providing our service to customers, they should bring this to the immediate attention of their line manager or a more senior manager as appropriate.

3. Application and context of this procedure

This procedure applies in all circumstances where members of staff have contact with any of our customers or stakeholders.

Our staff deal with thousands of customers each year. The vast majority of these interactions 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 effectively handled they can take up a lot of time and in extreme cases may also cause distress to our staff and to the customers themselves.
One of our duties is to provide advice about the legislation we oversee. We always need to remember that this legislation can be difficult to understand or even frustrating to deal with for those unfamiliar with it. 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 always conducted to high standards.

Our need to be patient and in some cases to 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 be fair to all our customers by ensuring that we prioritise our resources effectively so that the time we spend with a customer is appropriate and proportionate.

4. Defining difficult or unacceptable behaviour

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

**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, it 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

**Persistent customer behaviour** – Persistent behaviour can be shown in different ways, for example customers can become preoccupied with one organisation, with the ICO or with a specific person and raise the same issues under different guises. Repeated contact with the ICO to raise issues that have already been addressed can be considered persistent.

**Offensive or insulting customer behaviour** – Behaviour which is rude or unpleasant including the repeated use of inappropriate language.

**Abusive or threatening customer behaviour** – Behaviour which is threatening and/or intimidating directed toward a member of staff or towards the office.
5. **Equality and Diversity**

We are committed to providing services which are accessible to the broadest possible range of customers. This commitment also encompasses our legal obligations under the Equality Act 2010. If any customer is having difficulty accessing our services for any reason, we are committed to making adjustments to our services where it is reasonable to do so. Where a customer is behaving in a persistent, difficult or unacceptable manner it is important that we consider whether this may be caused by any personal difficulties or characteristics which may be making our services more difficult to access or use. Please refer to our 'Service Adjustment Operating Procedure' for further guidance on how to consider whether an adjustment to our service would be reasonable in the circumstances or whether a customer who has rights under the Equality Act may still be considered to be acting in a persistent, difficult or unacceptable manner under this procedure.

6. **Guidance**

This document does not cover all eventualities and is provided as a guide. Some of the language used in the following sections refers to customer contact by telephone, but please apply the same principles to other types of transaction as appropriate. If you are in any doubt about how to deal with any customer behaviour please consult your line manager or other appropriate member of staff.

**Dealing with customer 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 more senior member of staff or someone who may be able to assist you. Before doing so, explain to the customer that you need to consult someone else. If you are unable to get the assistance you need arrange a call back for the customer.

**Dealing with persistent customer behaviour** - If you become aware that any customer is contacting us repeatedly about 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 about the same matter. Restricting someone’s contact must always be agreed by the appropriate manager. This will usually be the Group Manager. See process maps in part 14 of this document for further guidance.
Dealing with offensive or insulting customer behaviour - Take the first available opportunity to explain to the customer precisely what behaviour you find unacceptable and tell them that you will be unable to continue with the contact unless they stop that behaviour. You should remain calm and polite when talking to customers in these circumstances even where needing to take an assertive tone. There should be no need to raise your voice.

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

If the customer’s behaviour gets no better or gets worse, explain this to the customer and tell them you will end the contact.

It is possible that, at this stage, the customer will not be listening. Once you have decided to end contact, explain what you are doing, even if the caller tries to talk over you. If their tone changes to become abusive or threatening, you can end the contact without further explanation. A terminated call log detailing the reasons for ending the call must be completed and attached to the case, if there is one, and a copy sent to your line manager. See parts 7 and 15 for further details of how to do this.

Dealing with abusive or threatening customer behaviour - 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. A terminated call log detailing the reasons for ending the call must be completed and attached to the case, if there is one, and a copy sent to your line manager. See parts 7 and 15 for further details of how to do this.

Dealing with unacceptable comments in writing - Written correspondence allows for more time to be given to considering a reply. Draw them to the attention of your line manager and discuss the most suitable reply.

7. Terminating a telephone call

A ‘terminated call log’ must be completed and given to your line manager in all circumstances where you have ended a call or other contact with a customer under this procedure. If the call relates to a case on CMEH, you need to place a copy of the log in the case file – see part 15 for a template to use. The content of telephone logs must be limited to factual
information and where you are including direct quotes from either you or the customer, these should be very clearly indicated.

Line managers should take the opportunity to discuss all terminated call records with the 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. Managers should also consider whether any contact should be made with the customer to follow up the matter.

8. Customers requesting escalation

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 can consider it – see process maps in part 14 for further information.

If a customer is not happy with the case outcome/decision– initial contact will be with the Case Officer who will explain their decision. This will be by taking the call where the customer has phoned their direct dial number or has come through the Helpline. Alternatively, a call back request will be raised and the customer will be advised that the case officer will call them back within a reasonable timescale.

If the customer remains dissatisfied - they will be directed to the current case review and service complaint process. If a manager believes that a satisfactory outcome to a case review or service complaint could be achieved by speaking to a customer by telephone, this can be done without the customer needing to make a written submission. The manager who completes the case review and /or service complaint and responds to the customer should then manage any future contact with the customer on that particular case. If necessary and appropriate the manager will become a single point of contact for that issue and provide a consistent message to the customer. If the customer’s behaviour becomes unacceptable, the decision on next steps should be made by that manager with support from their Group Manager/Head of Department and appropriate correspondence drafted. This approach enables Case Officers and their first line manager/Team Manager to be responsible for the handling and review of complaints and their outcomes with the active support of Group Managers and Department Heads.

Customers who want to complain about case officer/manager conduct. If the customer is not happy with the behaviour of the case officer / manager and is raising service issues, basic information needs to be taken from the customer in order to understand the case.
In the first instance, a customer can be directed to submit a service complaint using the established process or a call back can be arranged within a reasonable timescale. A service complaint would usually be escalated to the line manager; consideration can be given to asking a peer to take the call back, particularly if the complaint is about a member of the management team. The best outcome in this scenario is that the issues are managed during the call back and there is no further need for the customer to raise a written service complaint – see process map in part 14 for further information.

Although our Case Review and Service Complaint procedure allows a customer to complain about the service/conduct of any member of staff, including a manager, we are committed to avoiding this process being used to allow service complaints to be escalated endlessly. If a manager believes that a customer has received an outcome to an initial service complaint and there is nothing further we can add through the handling of further complaints, a Department Head should be consulted to decide whether a customer can be deemed to have exhausted our internal service complaint procedure and be directed to raise any further concerns with the Parliamentary and Health Service Ombudsman.

Customers who demand to speak to a Manager, Head of Department, Director and or the Commissioner - If a Helpline or direct dial customer demands to speak to the Head of Department, a named senior manager or the Commissioner you need to decide the most appropriate person to direct the call to. In order for the call to be directed appropriately, basic information needs to be taken so that the case to which the complaint relates can be understood (local escalation procedures may exist in specific departments and should be followed). Once the detail has been collected arrangements can be made for an appropriate person to make the call back at the time agreed. In most cases the appropriate person is not necessarily the Head of Department or senior manager. Check with the case officer or the manager of the case officer for the relevant complaint in order to determine the most appropriate person, seek advice from an appropriate manager and refer to the process maps in part 14 of this document for further information.

Care should however be taken to avoid giving customers the impression that senior managers are not available or accessible. Customers should be advised that we have complaint handling procedures which delegate responsibility for handling complaints to service managers. If at any point you feel that a customer's concerns could be addressed more effectively if a senior manager made contact with them you should contact the appropriate manager to discuss this with them.
9. Providing your name to customers

We aim to be as open as possible and staff would normally be expected to provide their full name and department over the telephone. However, if you are taking enquiries from members of the public and are concerned about giving your full name because of the specific behaviour of a particular customer, 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. On letters or emails, full names and direct dial telephone numbers should always be provided, unless agreed in exceptional circumstances by line manager with a note added to the case.

10. Dealing with customers who threaten to self-harm or who are otherwise at risk

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.

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. 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.

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.

If you receive threats of this nature in writing, pass them on immediately to a senior member of staff. On the basis of the report made and after speaking to you, the senior member of staff will assess whether to contact other agencies.

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 Information Governance so that they may assist and make a formal record of the disclosure.

11. Restricted contact and single points of contact

**Restricted contact** - The ICO may impose a restriction on how a customer can access the ICO’s service due to their unacceptable behaviour. A record is created in “managing customer contacts” available through the Customer Contact ICON page. When you report to line managers that a customer has behaved unacceptably, the manager will decide whether that person should have restricted access to our services. We only restrict a customer's contact in rare circumstances but we will take these steps where it is necessary to protect our staff from unacceptable customer behaviour as defined in this procedure.

**Single point of contact** - where the ICO and/or Customer believes it is appropriate to have a single point of contact to achieve a better outcome for all concerned. A decision will be made by the manager about whether a person should have restricted access to our services. We may also decide to provide a customer with a single point of contact where they have a lot of complaints and we believe it would be more efficient for us to deal with them in this way.

If you are contacted by a customer who has a single point of contact or whose contact has been restricted under the ICO’s restricted contact procedure, you should handle them in line with their restricted contact or service adjustment record available through the ICON homepage and/or Customer Contact ICON pages.

12. Further action by the ICO

In addition to the actions described in this procedure, the ICO reserves the right to take any further action that 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.

Any decision to report a customer's behaviour to a third party should be made in consultation with a Department Head and our Information Governance department.
13. Notes for managers

All managers at the ICO have a duty of care for their staff. When applying this procedure, managers should adhere to the escalation phases set out in our case review and service complaint policy. However, managers 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.

Intervention may take the form of direct involvement, taking control of a customer contact where necessary. It should also include meeting with any member of staff who has dealt with unacceptable or difficult customer behaviour to make sure that welfare issues can be addressed. Managers should pay particular attention to the effect that the behaviour has had on the member of staff and make sure that adequate steps are in place to assist them.

If a customer is dissatisfied with the application of this operational procedure, direct them to the case review and service complaint policy.

As referenced in the introduction to this procedure, managing customer contacts requires a great deal of judgment in addition to the guidance set out in this procedure.
14. Operating procedure – case outcome

Helpline

Complainant calls to discuss case / assessment / DN

Case officer takes call / calls back complainant to discuss case

Is complainant satisfied?

Yes

Complete call

End

No

Case officer advises complainant of case review process

Is complainant satisfied?

Yes

Complete call

End

No

Complainant wants to speak to manager

Is manager available?

Yes

Transfer call

End

No

Arrange call back

Is complainant satisfied?

Yes

Complete call

End

No

Re-iterate that line manager will call back, inform them call will not be further escalated.

Complete call

End

Terminate call if necessary and complete call log

End

Subsequent calls

Complainant calls back via helpline or other number to try and escalate call

End
14. Operating procedure – manager call back

Manager calls complainant following call back request

Is complainant satisfied?

- Yes: Complete call
- No: Complainant wants call escalated

Complainant wants call escalated

Line manager advises call will not be escalated but can arrange call back with their manager

Is complainant satisfied?

- Yes: Arrange call back
- No: End

Arrange call back

Complete call

End

Subsequent calls

Complainant calls back via helpline or other number to try and escalate call

Helpline or others to check which manager is responsible for case

Is complainant satisfied?

- Yes: Arrange call back
- No: End

Arrange call back

Do complainant want to complain about manager?

- Yes: Advise complainant to submit complaint form or put complaint in writing
- No: Terminate call if necessary and complete call log

Advise complainant to submit complaint form or put complaint in writing

Terminate call if necessary and complete call log

End

End
14. Operating procedure – unallocated case

Complainant calls to complaint about unallocated case

Call transferred to manager of queue where case is unallocated

Manager discusses case with complainant

Is complainant satisfied?

Yes

Complete call

End

No

Advising of case review process

Subsequent calls

Complainant calls back via helpline or other number to try and escalate call

Helpline or others to check which manager is responsible for case

Arrange for manager to call back

Is complainant satisfied?

Yes

Complete call

End

No

Complainant wants call escalated

Advise call will not be escalated

Terminate call if necessary and complete call log

End
14. Operating procedure – conduct of individual

Complainant calls to complain about conduct of individual

Check if complaint is about individual conduct or case outcome

Is complainant about outcome?

- Yes
  - Refer to case outcome process map
  - End
- No
  - Ask complainant to submit service complaint form

Is complainant satisfied?

- Yes
  - Complete call
  - End
- No
  - Complainant wants to speak to manager

Is manager available?

- Yes
  - Transfer call
  - Complainant wants all escalated
  - Advise call will not be escalated
  - Terminate call if necessary and complete call log
  - End
- No
  - Arrange call back
  - Is complainant satisfied?
    - Yes
      - Complete call
      - End
    - No
      - Reiterate that line manager will call back, inform them that call will not be escalated further
      - Terminate call if necessary and complete call log
      - End
15. 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: