



Information Commissioner's Office

# Operating procedure

# Managing customer contacts

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## **1. Introduction**

We aim to treat everyone we deal with fairly and with integrity and respect. We expect similar consideration in return. But occasionally, when customers are frustrated, or unhappy with our service, they may behave in a way we find challenging.

In this procedure, we define different sorts of challenging behaviour and give staff guidance to help manage it. Although it gives guidance about the specific steps to take in some circumstances, officers and managers will still need to exercise a significant degree of judgment to manage customer contacts effectively.

We should regularly discuss our experiences of applying this procedure in team and management meetings, to help develop good practice in this area.

The Head of Customer Contact will lead an annual review of the application of the policy to make sure it is still fit for purpose and being applied consistently.

## **2. Staff welfare**

We have a legal obligation to protect the health and welfare of our staff. We are committed to protecting and supporting any member of staff who encounters challenging behaviour when dealing with customers.

If any member of staff, when dealing with any ICO customer, feels threatened or distressed or has any kind of difficulty when providing our service, 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, by phone or in writing.

We deal with thousands of customers each year. Most interactions are positive; rewarding for staff and appreciated by customers. Customers who exhibit challenging behaviour are rare, but if not handled effectively can take up a lot of time. In extreme cases, the experience may be distressing for both the staff member and the customer.

One of our duties is to advise about the legislation we oversee. We must remember that this can be hard to understand and even frustrating for those unfamiliar with it. We must also be mindful that we have responsibilities under equality and diversity legislation concerning the way we provide our services. Of equal importance is our [staff code of conduct](#), which requires us to maintain high standards when dealing with customers.

However, our need to be patient or make adjustments when providing our services does not extend to having to deal with unacceptable behaviour from customers. We must also be fair to all our customers by prioritising our resources effectively. The time we spend with each customer should be appropriate and proportionate.

## **4. Defining and dealing with challenging customer behaviour**

The following guidance does not cover all possible instances of challenging customer behaviour. However, it does cover some of the most common types we experience.

### **Difficult customer behaviour**

'Difficult' behaviour is behaviour exhibited by any customer that causes the person dealing with them any sort of difficulty. This may not be due to a customer's unacceptable behaviour. It may simply be because the customer is struggling to understand something, or because the staff member is unfamiliar with the issues being discussed and is finding it difficult to convey the relevant information clearly.

If a customer's behaviour does not progress beyond difficult, we should continue to provide our service, as long as we think we are doing it to a sufficiently high standard.

If you don't think you're achieving a sufficiently high standard, ask for the advice of a manager or someone else who may be able to help. Before doing so, explain to the customer that you need to consult with someone else. If you can't get the help you need immediately, arrange a callback.

### **Unreasonably persistent customer behaviour**

Persistent behaviour can manifest itself in different ways. Customers can become preoccupied with one organisation, with the ICO or with a specific person. They can also raise the same issues repeatedly under different guises.

Repeated contact raising matters we have already addressed can be considered 'persistent'. If you can add further useful information to help the customer fully understand the position, you should do so.

If, however, you reach the point that you are unable to add any further useful information to that you have already provided and you have told the customer that but they continue to contact you about it, their behaviour may at that stage have become 'unreasonably persistent'.

If a customer demonstrates behaviour you consider to be unreasonably persistent, consult your line manager. They should consider whether the customer's behaviour should be deemed unreasonably persistent under the terms of this procedure. If we know the customer's contact details, the manager should also consider restricting how we will respond to the customer, if they continue to raise the same matter. The decision to restrict contact must always be taken by the relevant group manager, or someone more senior. See our [process maps](#) for further guidance.

### **Unacceptable customer behaviour**

Abusive or threatening customer behaviour, where a customer is threatening or intimidating to a particular member of staff or towards the ICO in general, is clearly 'unacceptable' behaviour.

If any customer is threatening or abusive from the outset, you may end the contact, in line with parts [6](#) and [14](#) below. If you have the opportunity, explain that such behaviour is totally unacceptable and that you are ending the contact in line with office policies.

Offensive or insulting customer behaviour, for example where a customer is rude or unpleasant or repeatedly uses inappropriate language, is also unacceptable.

When dealing with such behaviour, take the first available opportunity to explain to the customer precisely what they are doing that you find unacceptable and tell them that you won't be able to continue the contact unless they stop. You should remain calm and polite, even if you need to take an assertive tone. There should be no need to raise your voice.

If there isn't sufficient improvement, warn them that if they continue the behaviour 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 to do so.

If the customer's behaviour still doesn't improve sufficiently, explain this to the customer and tell them you will end the contact. You should provide this explanation, 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, again in line with parts [6](#) and [14](#) below.

## **5. Equality and diversity**

We are committed to providing services that are accessible to the broadest range of customers. This commitment also encompasses our legal obligations under the Equality Act 2010.

If a customer is having difficulty accessing our services for any reason, we will adjust the way we provide our services where it is reasonable to do so.

Where a customer is behaving in a difficult, persistent or unacceptable manner, we must consider whether this may be caused by any personal difficulties or characteristics they have, which may be making our services more difficult to access or use. However, a customer who has rights under the Equality Act 2010 may still be considered to be acting in a persistent, difficult or unacceptable manner under this procedure.

Our [operating procedure for service adjustments \(customers\)](#) gives further guidance on considering whether an adjustment to our service would be reasonable in the circumstances.

## **6. Terminating a telephone call**

Whenever you terminate a call, you must complete a [terminated call log](#) and send it to your line manager. If the call relates to a case on CMEH, you should also put a copy on the case file.

The content of terminated call logs must be limited to factual information. If you directly quote from either side of the conversation, these quotes should be clearly indicated.

You should discuss any terminated call logs you complete with your line manager, to ensure they are clear about the circumstances. This also gives them the opportunity to gauge how the call has affected you and to provide advice or support as needed. Managers should also consider whether we need to follow up the matter with the customer.

## 7. Customers requesting escalation

Matters should not be escalated to a more senior person simply because a customer requests it. Escalations should be in line with our process for dealing with [feedback about our service](#). However, if you think that escalation would help resolve the matter more effectively, then you can consider it. See our [process maps](#) for further information.

### **If a customer is unhappy with a case outcome or decision**

Their initial contact should be with the case officer, who should explain their decision.

### **If the customer remains dissatisfied**

The case officer should direct them to the 'complaints about the ICO' section of our [service standards and what to expect](#) webpage. If a manager believes they can achieve a satisfactory outcome by speaking to a customer by telephone, they can do this without the customer needing to make a written submission.

The manager who responds to the case review or service complaint should manage any future contact with the customer on that particular matter. If appropriate, the manager will become the single point of contact for that issue.

If the customer is dissatisfied with the manager's response and their behaviour becomes unacceptable, the manager should determine our next steps in line with this procedure, in conjunction with their group manager or head of department, and explain them to the customer in writing.

If the customer complains about the behaviour of the case officer or manager, we can direct them to submit a service complaint for escalation to the relevant line manager, or arrange a call back with a suitable peer (particularly if the complaint is about a member of the management team.) See our [process maps](#) for further information.

Although our [feedback about our service](#) process allows a customer to complain about the service provided by any member of staff, it shouldn't be used to escalate complaints endlessly. If a manager believes that a customer has received a suitable outcome to an initial service complaint, and there is nothing further we can usefully add through handling further complaints, they should discuss it with a head of department. The head of department should then decide whether a customer can be deemed to have exhausted our internal complaints process and should, therefore, be directed to raise any further concerns with the Parliamentary and Health Service Ombudsman.

## **If a customer demands to speak to a manager, head of department, director or the Information Commissioner**

The person they have asked for may not be the best person to help. The person answering the call should take basic information to understand the complaint, consult with others before deciding the most appropriate person to direct the call to (taking account of any local escalation procedures that may exist) and arrange a callback. See our [process maps](#) for further information.

Care should, however, be taken to avoid giving customers the impression that senior managers are not accessible. Customers should be advised that our complaint handling procedures give service managers responsibility for handling complaints. If at any point you feel that a customer's concerns could be addressed more effectively by a senior manager, you should contact the appropriate manager to discuss it.

## **8. Giving your name to customers**

We aim to be as open as possible and normally expect staff to give 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. You should mention any such instances and the reason for withholding your last name to your line manager.

If a customer indicates that they are not happy that you have not provided your full name, give your line manager's full name and details of the 'complaints about the ICO' section of our [service standards and what to expect](#) webpage.

Full names and direct dial telephone numbers should always be provided on letters or emails, unless agreed in exceptional circumstances by your line manager, with a note added to the relevant case or contact record.

## **9. 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. You are also 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 we are not in a position to help 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 a telephone note on the case file or contact record.

If someone calls us with the sole purpose of making a threat to put 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 immediately to a senior member of staff, who will consider whether to notify 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. If you think that we should give the customer's details to an appropriate authority, you should 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.

## **10. Restricting access and managing correspondence**

When you report that a customer has behaved unacceptably or with unreasonable persistence, the relevant group manager (or head of department) will decide whether that person should have restricted access to our services and whether we should manage their correspondence differently.

We can choose to restrict contact in a variety of ways, based on subject matter, staff member, contact channel, or a combination of these.

We don't take such decisions lightly and impose such restrictions rarely. But we will impose them where we think it is necessary to protect our staff or our services from unreasonably persistent or unacceptable customer behaviour, as defined in this procedure.

If a group manager is unsure about the type of service adjustment or restriction that may be appropriate, they should consult the Head of Customer Contact.

## **Access restricted on specific cases or subject matters**

We may refuse to communicate in respect of a particular case, where we have carried out all actions and given all advice that can reasonably be expected. We would however, continue to offer a full service for any other matters the customer wants to raise with us.

If we decide to restrict contact in this way, we should explain this to the customer in writing and add 'NFC' (no further contact) to the title of the case, to prevent anyone offering a callback in relation to it.

If there are multiple cases dealing with the same matter, then you should take further steps to make customer facing staff aware of the arrangements, by following the procedure in [part 15](#).

## **Access restricted to specific people**

In some cases appointing a 'single point of contact' may help us achieve a better outcome for all concerned. This may be appropriate if, for example, a customer has a lot of complaints and it would be more efficient for us to deal with them in this way.

If we decide to restrict contact like this, we should explain this to the customer in writing and create a related record for the managing customer contacts page on ICON. Please see [part 15](#).

## **Access restricted to specific channels**

We may choose to restrict the way a customer can contact us, for example by saying we will only deal with communications from them in writing.

Again, in these cases we should explain this to the customer in writing and create a related record for the managing customer contacts page on ICON. Please see [part 15](#).

## **Managing correspondence**

Whenever we're considering restricting access to our services, we should also consider whether it would be helpful to set up a folder in our 'mail management' inbox, for the customer's email correspondence. Requests to create such a folder should be sent to Customer Contact for authorisation in line with our mail management inbox process.

## **Decision making and follow up action**

Decisions to restrict contact should be taken only after the group manager or department head has reviewed all the relevant contact from that customer and evaluated the circumstances that applied. It is important that we take all relevant factors into account when making our decision.

If you are contacted by a customer, whose access to our services has been restricted, you should handle them in line with their restricted contact record, which will be available through the 'managing customer contacts' page on ICON.

## **11. Further action**

In addition to the actions described in this procedure, we reserve the right to take any further action that may be appropriate in order to protect our 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 head of department and our Information Governance team.

### **Reporting customer behaviour to the police or other relevant authorities**

Sometimes a customer's behaviour can cause significant alarm, distress or concern that a criminal act may have taken, or be about to take place. When such situations arise, we will consider reporting the matter to the police or other relevant authorities.

We will base our decision on an assessment of risk. The underlying principle will be the need to protect our staff and others from harm or the threat of harm.

A member of staff encountering behaviour of this type should inform their manager immediately.

The decision to notify the police or other relevant authority should be made by a head of department or, in their absence, a group manager. If necessary managers should consult with Information Governance, Human Resources or other relevant colleagues.

We might report an incident where a customer:

- Is considered to be harassing members of staff.
- Threatens to harm a member of staff, staff of other organisations, members of the public or themselves.
- Has acted in a way that is otherwise malicious or vexatious to the extent that intervention is regarded as necessary.

If there is reason to believe there is an imminent threat, we should call the emergency services. However, it is expected that in most cases this will not be required and that a call or written notification to the police station that is local to the customer or us, or other relevant authority, will suffice.

When referring matters to other agencies, we should only provide information that is relevant to the incident that prompted the referral. For example, if we want to report a customer's harassing behaviour, it will not usually be necessary to also provide the details of the matter the customer originally raised with us.

When we have decided to report an incident, we must document and record it. The following information should be provided to your head of department and Information Governance:

- Your name
- A copy or description of the information reported
- The reason for reporting the information
- The date information was reported
- The details of the person information were reported to (including their rank, job title and contact details)

If an incident is to be reported in writing, contact should usually be made by telephone first, to check that we are reporting the incident to the right place and to confirm who to send the information to.

If we report a customer to the police or other relevant authority, we would normally expect to make the customer aware we have done this.

We should also consider whether we should continue to deal with the matter they originally brought to our attention. If we do not intend to deal with it, we should let the customer know at the earliest opportunity and add a record to any relevant case file or contact record.

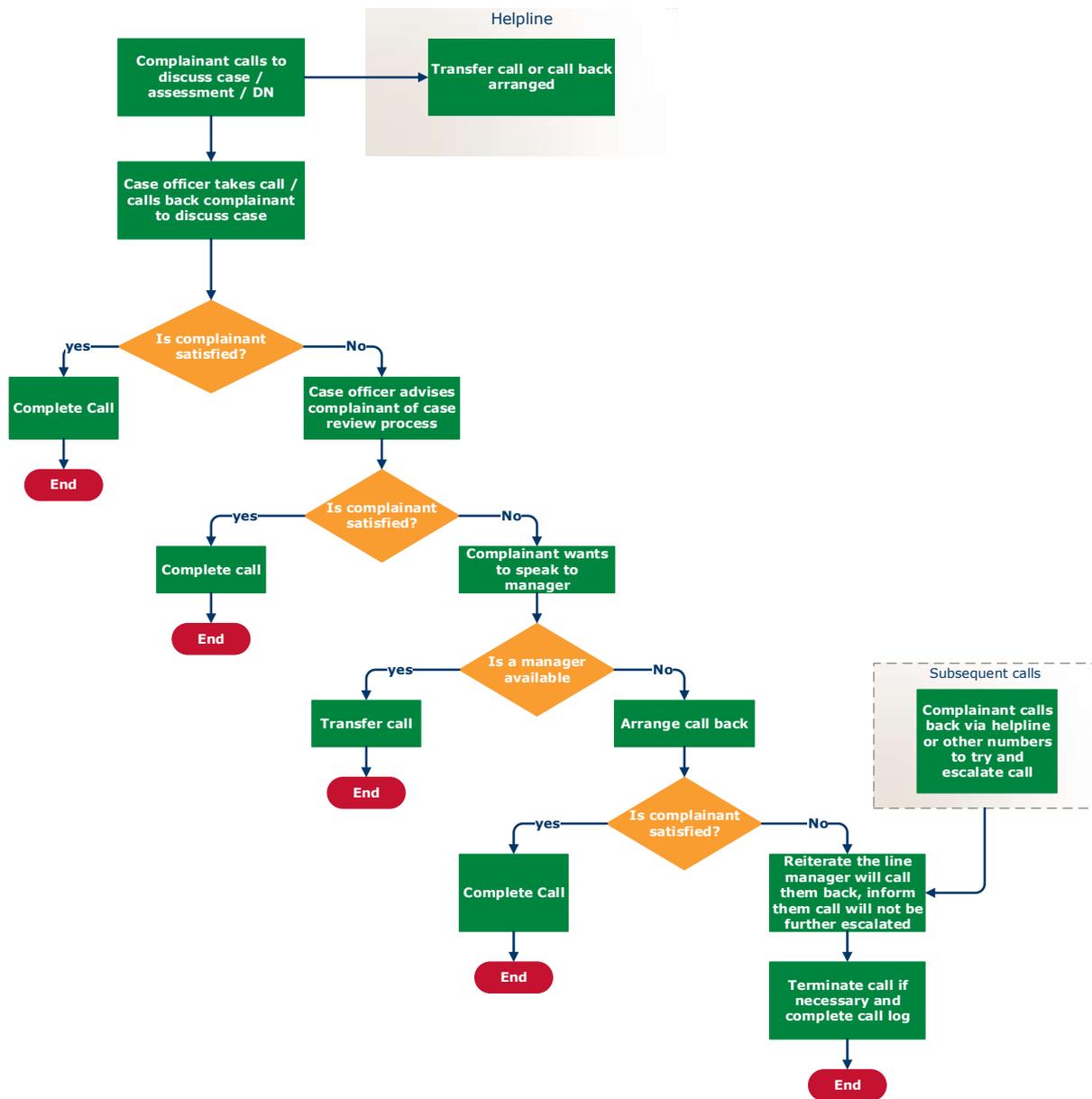
## 12. Notes for managers

All ICO managers have a duty of care to their staff. When applying this procedure, managers should adhere to the escalation phases set out in our [feedback about our service](#) process. 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.

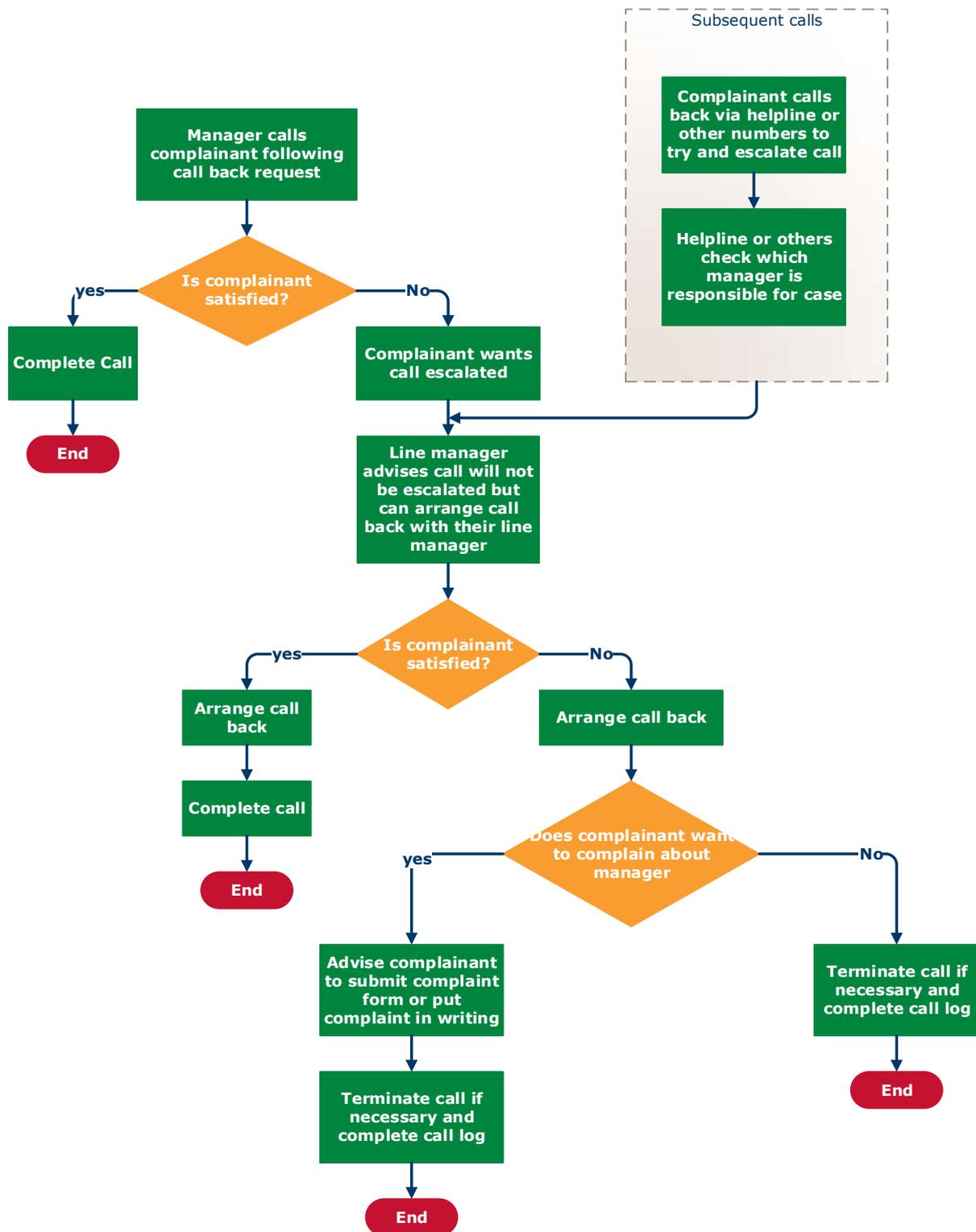
Intervention may take the form of direct involvement, taking control of a customer contact where necessary. It should also include meeting with any member of staff who has dealt with unacceptable or difficult customer behaviour to make sure that welfare issues can be addressed. Managers should pay particular 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 'complaints about the ICO' section of our [service standards and what to expect](#) webpage.

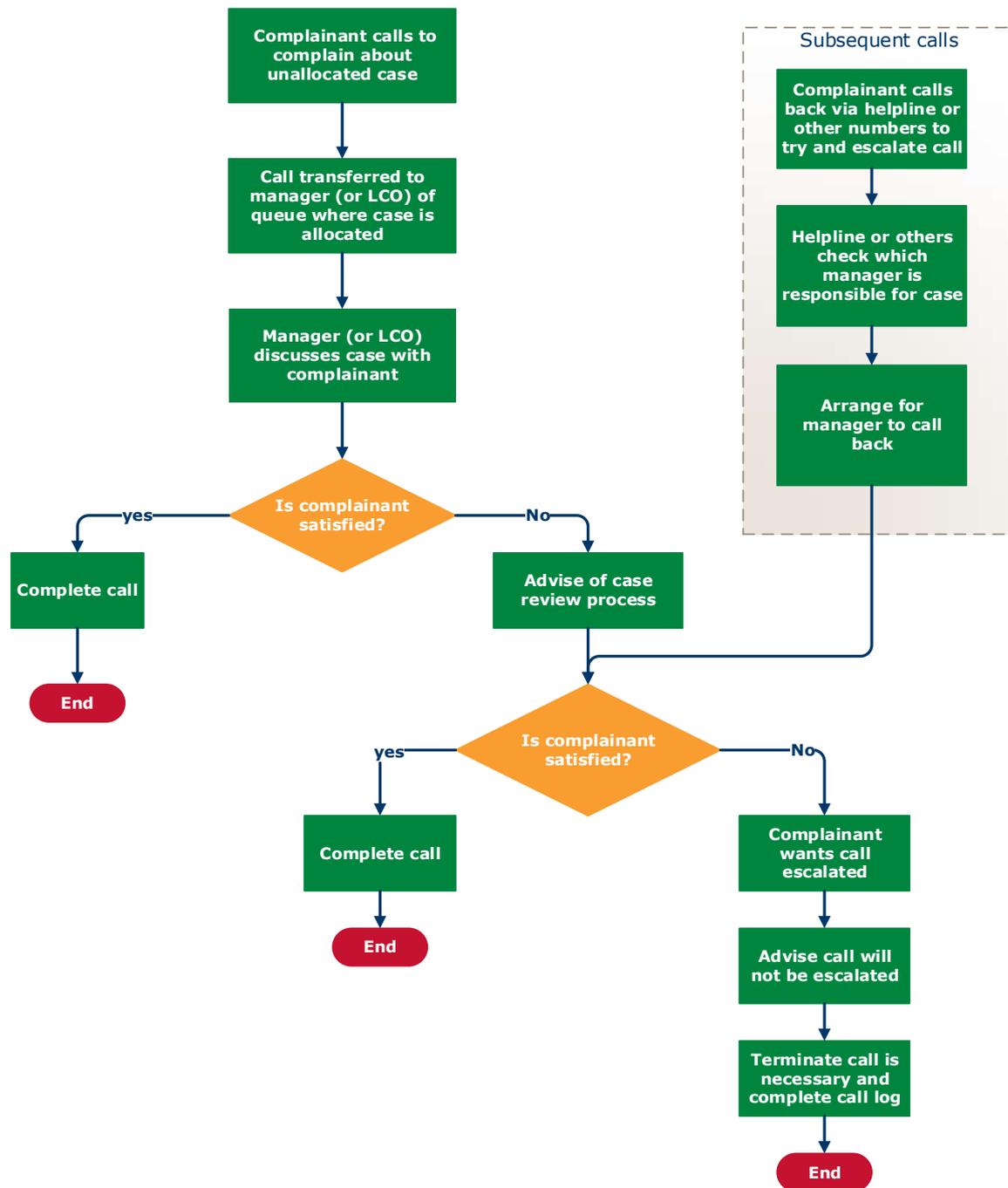
### 13. a) Operating procedure – call about case outcome



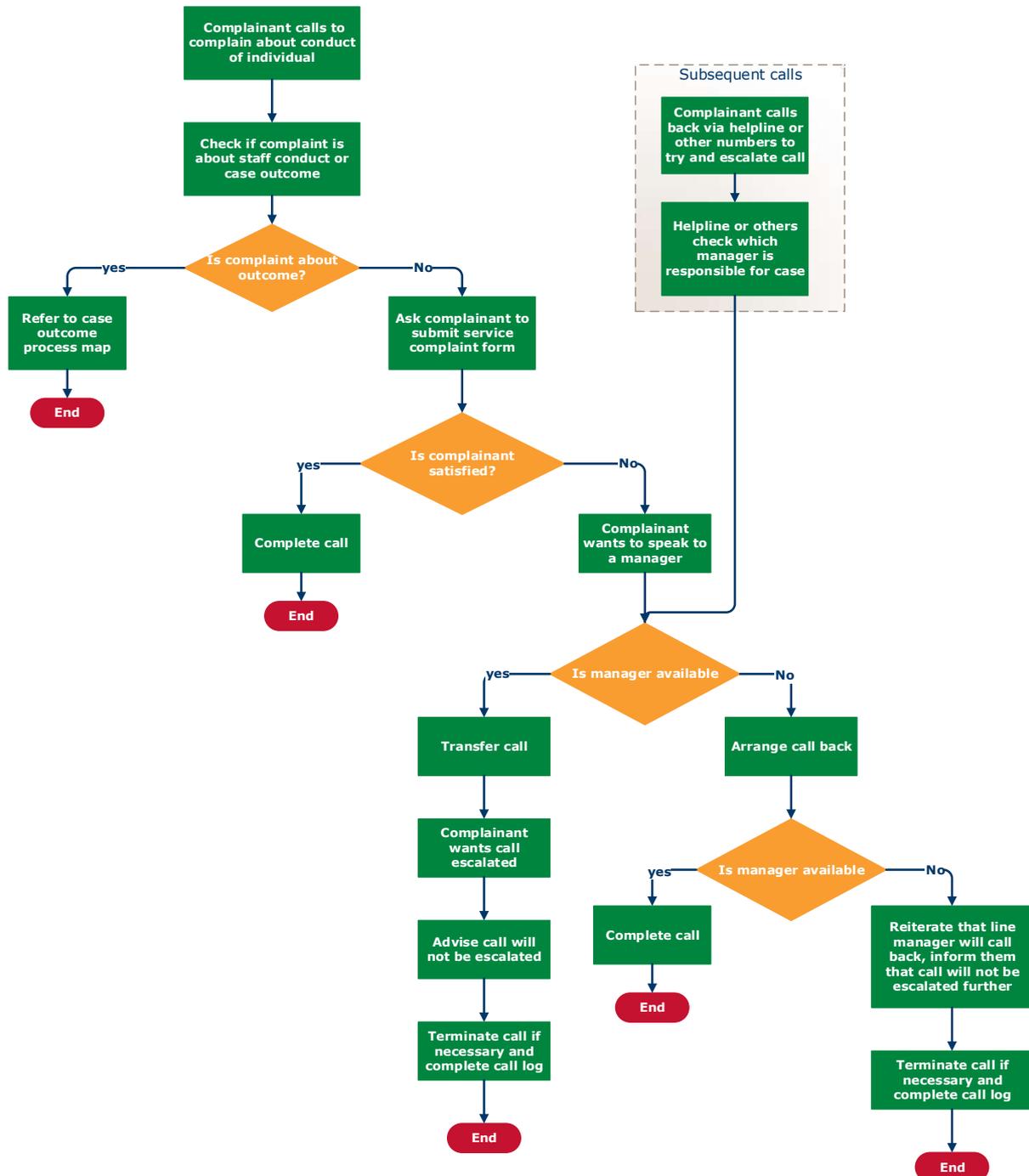
### 13. b) Operating procedure – manager call back



### 13. c) Operating procedure – call about unallocated case



### 13. d) Operating procedure – complaint about staff conduct



## **14. Terminated call log**

**Name of caller (if known):**

**Case reference (where applicable):**

**Date of call:**

**Time of call:**

**Reason for terminating the call:**

**Your name:**

## **15. Operating procedure – creating service adjustment or restricted access records**

If we agree a service adjustment with a customer, or a Group Manager or Head of Department authorises a contact restriction, we need to record the details and make customer facing staff aware of the arrangements, by following the procedure below.

The Advice Services will be responsible for recording these adjustments. Please contact a member of the Advice Services management team, providing the following information:

- Customer's name
- Customer's contact details
- CMEH party record
- Details of the adjustment or restriction
- Relevant case reference number(s)
- The date the record should be created e.g. if the record does not need to start until the customer has been made aware of the arrangements
- Any nominated single point of contact
- A review date if different from the review period below
- Any documentation you wish to be associated with the record, including any correspondence you have sent to the customer describing the adjustment or restriction in question.

Advice Services will create a case to hold the correspondence you have provided. You should also add any additional or follow-up correspondence relating to the matter, including telephone notes, to the case.

The Advice Services staff member who creates the record will also create or check the relevant CMEH party record, ensuring that the 'reasonable adjustment' or 'restricted contact' box is ticked is appropriate. They will also be responsible for getting the detail recorded on ICON.

Please note that the manager who approved the adjustment or restriction will be shown as the 'owner' of the record and will be responsible for reviewing it.

All records will be reviewed annually unless it is appropriate to do it sooner. The Advice Service staff member who creates the record will contact the record owner when a review is due.