

# Policy on Dealing with Unacceptable Customer Behaviour

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#### 1. Introduction

The purpose of this policy is to define what the Council considers to be unacceptable customer behaviour and to ensure consistency and fairness when dealing with such behaviour.

The policy provides details on the options available to the Council when dealing with such behaviour. It explains the process the Council will follow and the possible consequences to the customer, which may include having restrictions imposed on their contact or, in the case of threats of or actual violence and/or abusive behaviour, potential police involvement and being placed on the Customer Caution Register (CCR).

The policy aims to ensure that:

- All customers are treated equitably and on an individual basis.
- Personal information of customers is processed in accordance with the Data Protection Act 2018.

We expect employees to be able to carry out their job free from abuse, threat and assault. Behaviours which are clearly unacceptable (e.g. abusive, offensive or threatening) are not tolerated and action will be taken to protect staff from such behaviour. This will include reporting incidents involving violence or a threat of violence to the Police.

# 2. Responsibilities

#### 2.1 Corporate Management Team

The Corporate Management Team (CMT) have a responsibility to oversee the implementation of this Policy. In particular CMT shall:

- Demonstrate clear and visible commitment to this Policy.
- Ensure all Managers and employees are provided with a copy of this Policy.
- Ensure this Policy is reviewed, as and when there are changes and in line with the set review date
- Ensure that adequate resources are allocated to prevent, manage, and respond to unacceptable customer behaviour and ensure adequate support services are provided to employees affected by an incident.
- Where incidences of abuse, aggression or violence are reasonably foreseeable, resources shall be made available to provide employees with suitable and sufficient information, instructions and appropriate and adequate training to enable staff to recognise when they may be at risk of abuse, aggression or violence and understand how they may best deal with such incidences.

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- Ensure that the Customer Caution Register is maintained, reviewed in line with data protection requirements and accessible to all employees.
- Attend any Review Panel, as requested, to ensure the Customer Contact Register remains accurate and up to date.
- Oversee completion of risk assessments, to cover the risk of unacceptable behaviour, violence and aggression wherever relevant.

#### 2.2 Service Managers

Service Managers have a responsibility to implement this Policy. In particular, Service Managers shall:

- Ensure that risk assessments for their service area are completed and periodically reviewed, to include an assessment of work-related violence and aggression where relevant and ensure staff are notified of the findings and control measures in place.
- Ensure that resources are made available to implement adequate control measures and ensure that any necessary additional controls and procedures are robust and remain effective, to safeguard the personal safety of teams within the service.
- Attend the Customer Services reception area when requested to do so, to respond to and, where possible, resolve incidents with customers, ideally before they escalate.
- Ensure that all incidents involving unacceptable customer behaviour are adequately investigated. For serious RIDDOR reportable incidents, Service Managers should lead the incident investigation; the Corporate Health and Safety Officer is available to provide advice and assistance, where required.
- Ensure staff are provided with suitable and sufficient information, instructions, and training with regards to personal safety, and ensure employees are familiar with incident reporting procedures, the Customer Caution Register and any local procedures in place.
- Attend any Review Panel, as requested, to ensure the Customer Caution Register remains accurate and up to date.

# 2.3 Team Leaders/Service Manager

Team Leaders/Service Managers have a responsibility to implement this Policy and to make sure their employees are aware of it and understand it. In particular, Team Leaders/Service Managers shall:

- Treat any reports of unacceptable behaviour, including work-related violence, threats, or abuse seriously and respond to them promptly.
- Ensure the incident is reported using the relevant form and provide ongoing support to any employee involved in the incident, as required.

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- Where a serious incident occurs, ensure they report the incident immediately to the Corporate Management Team and Corporate Health and Safety Officer.
- Ensure that any reported incident of unacceptable behaviour is sufficiently and appropriately investigated, and where necessary, acted upon. The Corporate Health and Safety Officer is available to provide advice and assistance where required.
- Respond and consider seriously any suggestions made by staff about how to improve violence prevention and management, and give feedback to staff about their suggestions, including whether it will be taken forward and if not, why not.
- Set a positive example by reporting all incidents of violence and abuse and adopting a zerotolerance approach towards abusive behaviour from customers.
- Monitor incidences of violence and abuse and initiate appropriate action if further control measures are needed.
- Ensure that risk assessments for their team are completed, recorded electronically, and reviewed periodically. Where relevant, risk assessments shall include an assessment of work-related violence and aggression. In particular Team Leaders shall ensure that:
  - Their team is consulted throughout the risk assessment process.
  - The findings of the risk assessments are communicated across the team they have responsibility for
  - Risk assessments give consideration to the greater risks posed to new and expectant mothers.
- Ensure any affected employee is offered appropriate support and advice after an incident has occurred. Encourage other staff members to support their colleagues, including those that might have witnessed the incident.
- If an external investigation is needed, work with the police and offer any assistance needed to help in their enquiries.

### 2.4 Employees

Employees have a responsibility to adhere to this policy. In particular, employees shall:

- Have a personal responsibility for their own health and safety and for ensuring they read, understand, and comply with this Policy.
- Ensure that any incidents involving unacceptable customer behaviour are reported to their Line Manager, in line with the requirements of this Policy.
- Prior to interacting with customers, undertake a dynamic assessment of the level of risk and utilise those control measures made available for their safety. This shall include referring to the Customer Caution Register and utilising the Lifeline Lone Working arrangements, where required.

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- Co-operate with the person undertaking the risk assessment and provide input where relevant.
- Attend relevant training that has been organised for their benefit and safety.
- Follow the safe working arrangements developed and pay due regard to the information, instructions and training that has been given in relation to contact with aggressive or violent customers.

#### 2.5 Business Partners

Business Partners have a responsibility to comply with this Policy. In particular, Business Partners shall:

- Ensure that risk assessments for their service area are completed and periodically reviewed, to include an assessment of work-related violence and aggression where relevant and ensure staff are notified of the findings and control measures in place.
- Ensure that resources are made available to implement adequate control measures and ensure that any necessary additional controls and procedures are robust and remain effective, to safeguard the personal safety of teams within the service.
- Attend the Customer Services reception area when requested to do so, to respond to and, where possible, resolve incidents with customers, ideally before they escalate.
- Ensure that all incidents involving unacceptable customer behaviour are adequately investigated. For serious RIDDOR reportable incidents, Business Partners Service Managers should lead the incident investigation.
- Ensure staff are provided with suitable and sufficient information, instructions, and training
  with regards to personal safety, and ensure employees are familiar with incident reporting
  procedures, the Customer Caution Register, and any local procedures in place.
- Attend any HDC Review Panel, as requested, to ensure the Customer Caution Register remains accurate and up to date.
- Report any serious incidents that could affect any other member of staff or members of the
  public to the HDC CCR Panel, this includes the potential to serve a ban from the Business
  Partner area and/or building.

### 3. Unacceptable Behaviour

Occasionally a customer's behaviour may fall short of normal acceptable standards. Customers may become abusive or, very occasionally, violent over any number of issues e.g. feeling aggrieved at a Council Tax Demand, Parking Penalty Notice, or from receiving notification to comply with a legal requirement or Formal Notice to attend to a problem within their control / responsibility.

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Additionally, some people find it quite onerous to comply with the procedures involved in making proposals or completing forms.

In many cases, there may be external reasons, unrelated to the Council, which have compounded together to result in a customer being under pressure and exhibiting unacceptable behaviour. What may appear to be a minor problem with someone's affairs may appear very serious to the person involved.

# 4. Preparation and Dynamic Risk Assessment

Prior to interacting with customers, employees should undertake a dynamic assessment of the level of risk and utilise those control measures made available for their safety.

Measures to be put in place will be dependent on the type of interaction likely, for example whether this is taking place on Council premises, during normal working hours, out of hours and out of office e.g. visiting an individual's private home.

# **Employee Guidance: Preparation and Dynamic Risk Assessment**

Assess the situation. Try to work out if there is a significant risk by asking yourself the following questions:

# Before seeing the person (where this is possible):

- 1. Has the person any known history of abuse or violence? Check the Council's "Customer Caution Register"; this is found on the shared public 'P drive'. You could also check customer history on files and talk to colleagues. Some departments use a "red flag" system to identify customers that have previously been abusive or aggressive to staff. Notify your Team Leader of any risk and ensure that appropriate actions to secure safety are in place.
- 2. Refer to your team's risk assessment for further details of control measures in place and local procedures.
- 3. Be mindful of the context and purpose of the interaction. Is the customer likely to find the matter with which you are dealing with them frustrating? Is an argument more likely to develop? Being aware of this beforehand can help you to be prepared.
- 4. Consider any issues that may impact effective communication such as background noise, potential language barriers, perception and prejudice, intrusion of personal space and time constraints.

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5. Consider your attire, for example not wearing anything around your neck which people could easily grab (e.g. scarves, ties).

Following your dynamic risk assessment, you can decide if you are better to deal with the matter in a way other than face to face e.g. by letter or telephone.

Alternatively, it may be appropriate to take additional precautions for example meeting a customer on site with a colleague, having a personal attack alarm on your person, using Lifeline and requesting a call for a time when you predict the meeting should come to an end.

#### 5. Incidents of Violent Behaviour within Council Offices

Where violent behaviour takes place in public areas of the Council Offices, the Police should be called immediately.

Every effort should be made to safeguard staff and customers without putting themselves or others in danger. Depending on the severity of the incident, no additional staff shall enter the incident area or put themselves at risk.

If a member of staff is assaulted a first aider and/or ambulance must be called as soon as possible. If the incident is continuing, a request should clearly be made to the assailant that medical attention is required to enable a first aider or paramedic to enter the scene.

If the Police are called, it is important to note that a member of staff must first ask the customer to leave the premises before the Police are able to do so. If the customer refuses to leave in Police presence, the Police may then ask the customer to leave. If the customer still refuses the Police have the authority to escort the customer from the premises.

Staff must not use physical force to remove customers from the premises.

Additional members of staff or the public must not be allowed to enter the scene of an incident, especially in a hostage situation. Facilities Management can be used to prevent members of the public from entering the scene if applicable, although staff must not knowingly put themselves at risk.

After any such event the Team Leader must inform the Corporate Management Team of any incident as soon as possible. The incident must be reported (see Section 7).

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#### 6. Activation of the Panic Alarm

Panic alarms have been installed at key points throughout The Symington Building, including at the Concierge desk, customer services desks and interview rooms.

The alarms are continually monitored on a 24/7 basis by an external security company and linked to an internal pager system.

Panic alarms must only be used by an employee if they are being subjected to unacceptable behaviour, for example when feeling threatened by a customer's behaviour.

Those attending should assess the severity of the situation and escalate further if necessary. This may be by calling the Police or alerting a more senior member of staff. Every effort should be made to safeguard staff and customers without putting themselves or others in danger.

### 7. Reporting Incidents of Unacceptable Behaviour

Reporting an incident of unacceptable behaviour is extremely important. This must be done in order to:

- Ensure adequate investigation is made into the incident.
- Help to prevent a similar incident reoccurring.
- Provide a means of assessing that all reasonably practicable measures are in place across the Council.
- Measure trends and any identify any increases in incident rates.
- Identify customers who should be treated with caution and included on the Customer Caution Register to protect and warn other employees.

Depending on the severity of the incident, the Line Manager and employee involved should contact the Police. The CMT should always be notified where there are any incidences of Police involvement.

Even if an incident is not considered serious enough to involve the police, it should always be reported internally, this can be done online or by using the correct Incident reporting form located on the Intranet under H&S.

# 8. Customer Caution Register

#### 8.1 Background

The Customer Caution Register is a central electronic document. It contains information of customers that have exhibited unacceptable behaviour towards Council's staff, contractors and/or

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Partners, in the past and who pose a significant, credible and continuing risk to the health and safety of HDC employees.

The Customer Caution Register is intended as a tool for staff to determine the level of risk associated with a customer, and as a means of identifying and recording customers who could pose a potential risk to the members of staff who come into contact with them.

The Register complies with data protection requirements and guidance from the Information Commissioner's Office (ICO) relating to the use of violent warning markers.

Information is shared between building users, in line with Data Protection requirements, and is periodically reviewed by the Review Panel.

The Customer Caution Register is stored on the internal P drive (in the folder located under: Public/Corporate Health and Safety), which is accessible to all Council employees. A mirrored Register is also available on the W drive, accessible to Councillors, who also utilise the Register.

#### 8.2 Adding a Customer to the Register

For a customer to be added to the Customer Caution Register, they must present a genuine risk to staff's physical and/or mental health and safety.

In order for a customer's name to appear on the Customer Caution Register, it also must have been approved by the Review Panel.

All decisions shall be made on a case-by-case basis and justifications for adding any customer onto the Register shall be documented.

# **Employee Guidance: How to add a Customer to the Register.**

- 1. Complete an Incident Form detailing the incident involving the customer.
- 2. Send the form to your Manager and the Corporate Health and Safety Officer.
- 3. The Corporate Health and Safety Officer will then raise a 'Review Panel' meeting within 5 days (from receipt of the Incident form).
- 4. The Review Panel will meet to make a decision; the Manager or Service Manager from the department involved will be requested to attend to provide information about the incident; the Review Panel will make a decision as to whether to add the Customer to the Register. When making the decision as to whether to add a customer to the Register, the Panel will take into account the nature of the threat, the level of unacceptable behaviour,

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- and whether or not the incident indicates a credible risk to staff, HDC contractors or our Partners.
- 5. If a decision is made to add the customer to the Register, the customer is allocated a 'marker score' (1: Violent, 2: Potentially Violent/Threatening Aggression and 3: Abusive). All decisions are minuted to ensure data protection requirements are being followed.
- 6. If a decision is made to include the customer on the Register, the Panel will decide whether this information needs to be shared with our partners and or contractors.
- 7. The Register will then be updated on the P and W drive immediately after the Panel meeting.
- 8. The customer will be notified in writing (unless there is a justifiable reason e.g. the Panel decide that doing so will further inflame the situation). The letter will be signed by the Corporate Director/member of CMT. A copy of the letter will also be kept on file.
- 9. Updates to the Register will be communicated to all employees in a number of ways including: update at Core Brief, internal email and via Service Managers.

#### 8.3 Members of the Review Panel

The Review Panel is a small group comprising of the following individuals:

- Representative from the Corporate Management Team, responsible for chairing the Review Panel and ensuring any decisions made the Review Panel comply with the requirements of this Policy.
- Data Protection Officer, responsible for ensuring the Council complies with the Data Protection Act.
- Corporate Health and Safety Officer, responsible for maintaining the Register, calling meetings of the Panel, and updating the workforce, as appropriate.
- Environmental Service Manager
- Customer Services and Engagement Manager
- Facilities Manager and Engineer
- Customer Services Team Leader
- Where a meeting has been called to request a customer be added, the Service Manager of the department involved in the incident, or the Team Leader, will also be invited to provide additional input and clarification, as required by the Review Panel.

# 8.4 Frequency of Meetings

The Review Panel meet as follows:

• At short notice (<5 days from request) so that the Customer Caution Register remains as up to date as possible. To ensure this is possible, a minimum of three panel members is required.

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• Every six months to undertake a documented review, to ensure that the information remains compliant with the requirements of the Data Protection Act.

# **8.5 Register Content**

The Customer Caution Register consists of a simple 'read only' spreadsheet and shall include the following information:

- Personal details of the customer, including name and address (where known)
- Allocated 'Marker Score'
- Recommended Precautions
- Key Contact and the Service/Business Partner that originally reported the incident; the purpose of this information is to provide a history to aid subsequent reviews.
- Details of whether the customer has been notified that they are on the Register.
- Date they were first added to the Register.
- Date when the contact was last reviewed.

All personal information must be processed in line with the requirements of the Data Protection Act. This includes ensuring personal information is:

- Accurate and up to date. Records must objective and factual and must not contain assumptions or employee's personal views.
- Adequate and not excessive for the purpose
- Only retained for as long as is necessary.
- Kept secure.

It is important to remember that customers have the right to request a copy of their personal information held by the Council. This would be done through the CCR panel chair and guided by the Information and Complaints Officer

# 8.6 Sharing Information with Others

Information on the Register shall only be shared with our partners and contractors if there is a credible risk to their staff (e.g. an assault). The decision to share information must be made by the Review Panel and the justification for doing so must be documented.

Other business partners within the building may share information from their own Registers with the Council. Any inclusion of this information onto the Council's Register will undergo the same process and be subject to agreement by the Review Panel. In these cases, third party contacts will only be added to the Register if they have been notified by the business partner and will remain on the register for a maximum of one year, unless this contact has been categorised as a Marker 1 score, in

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which case this will be reviewed by the Review Panel on a case by case basis and any decision relating to this shall be documented.

#### 8.7 Notification

In order to satisfy the requirements of the Data Protection Act 1998, once a decision has been made to add a customer to the Customer Caution Register, the Panel must notify the customer in writing.

The only exceptions to this are where:

- There is reason to believe that informing the individual would in itself create a substantial risk of a violent reaction and pose a risk to Council employees.
- The address of the customer is unknown.

In these cases, this Review Panel must ensure the decision not to notify an individual is justified and documented.

A letter shall be sent to the customer before they are added to the Register and within 2 working days of a decision being made by the Panel.

The letter shall inform the customer of the following:

- Detail the action taken and the reasons for this.
- Provide information on their right to appeal and what this involves.
- Explain what it means for the customer's future contacts 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.
- Advise how long the customer will remain on the Register and when this inclusion will be reviewed
- Explain who the Council will share this information with (for example, HDC employees, partners and contractors)
- Enclose a copy of this policy for the customer's information.
- The letter must be signed by the most senior person present at the meeting of the Review Panel (i.e. a member of CMT).

A template letter which meets these requirements has been provided in Appendix 10.2.

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# 8.8 Right of Appeal

A customer has a right to appeal against a decision to add their personal details to the Customer Caution Register.

Any appeal must be made following the Council's Complaints Procedure and logged as a 'formal complaint' with the Information and Complaints Officer. In line with the Complaints Procedure, the appeal where possible, will be handled within twenty working days. Any such matter will be dealt with under Stage 2 of the process. If the customer is dissatisfied with the response, they may refer the matter to the Local Government Ombudsman.

#### 9. Resources

#### 9.1 Internal Resources

**HDC Accident Policy and Procedure** 

**HDC Complaints Procedure** 

**HDC Customer Caution Register** 

**HDC Incident Report Form** 

HDC Report of an Incident of Abuse or Violence

**HDC Symington Building Panic Alarm Procedure** 

**HDC Lone Worker Policy** 

**Business Partners Policies and Procedures** 

### 9.2 External Resources

Advice on Online Safety (Stalking Helpline)

Crisis Prevention De-escalation Tips

**Data Protection Act 1998** 

**HSE INDG453 RIDDOR Regulations Guidance** 

HSE INDG69 Violence at Work: A Guide for Employers

Information Commissioners Office Use of Violent Warning Marker guidelines

Leicestershire Police –Abusive Messages

https://www.suzylamplugh.org/Pages/Category/national-stalking-helpline

Ofcom Guide to Abusive Calls and Messages

Suzy Lamplugh Trust

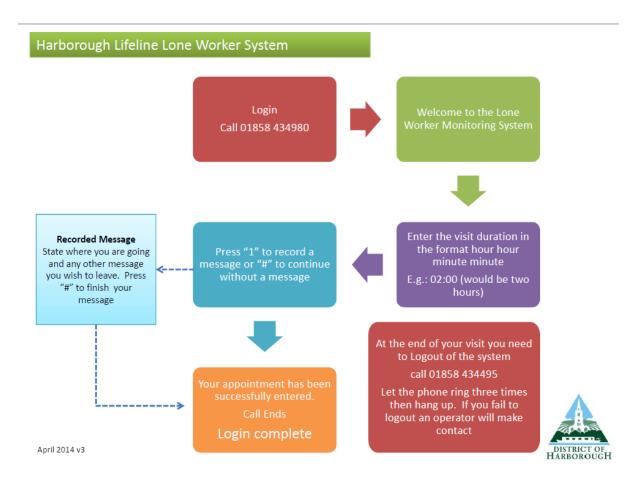
Thames Valley Police Advice on Nuisance and Malicious Calls

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# 10. Appendices

# 10.1 Appendix: Lifeline Flow Chart



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Please ask for:

# 10.2 Appendix: Template Customer Letter

Customer name

Customer address line 1 CMT Member name

Customer address line 2 CMT member contact details

Customer address line 3

Customer address line 4 Date: day month year

Customer address line 5

Dear Customer name

#### **Re: Summary of incident**

I am writing to inform you that you have been placed on the Council's Customer Caution Register.

On date of incident, you had a type of interaction with one of our employee's who works in ?? department. During this conversation you were type of unacceptable behaviour, which summary of the affect of unacceptable behaviour.

Whilst we understand you may be unhappy with the service you have received, this Council will not ignore incidences where our staff are subjected to violent aggression (verbal or physical) against them during the course of their duties on our behalf. If you are unhappy with any aspect of the service delivery, please direct your concerns to our Corporate Complaints Procedure.

Harborough District Council has a duty under the Health and Safety at Work Etc. Act 1974 to protect the health, safety and welfare of its employees and others. Part of this duty is met by keeping a "Customer Caution Register" (CCR) which documents the details of any customers that we believe may represent a risk to staff safety.

I write to inform you that due to the above incident(s), the Customer Caution Review Panel have met and made the decision to add your details to the Register. The Panel have decided that due to the nature of this abuse, there is a foreseeable risk towards other members of our staff that may interact with you during the normal course of their work. Your name and details have therefore been added to this Council's Customer Caution Register in line with Harborough District Council's policy on protecting employee's safety whilst at work.

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Entries on our Customer Caution Register may be shared with our Contractors and / or Partner organisations that may also reasonably be predicted to be at risk.

Your details will remain on the Register for a maximum period of three years. However, your inclusion on this Register will be reviewed after a period of 6 months has elapsed.

I would ask that if you wish to visit the Council Offices, please do this by prior appointment only. To do this please make an appointment with the Customer Caution Panel Chair; xxxxxxx (email: xxxxxxxx@harborough.gov.uk, Tel: 01858 821068).

You have a right to appeal this decision, following the Council's Corporate Complaints Procedure. A copy of this procedure is available from the Council's website. A copy of the Guidance Note on the Council's Customer Caution Register for your information is enclosed with this response.

Alternatively, any future contact with this Council on this matter should be directed to me in writing.

Yours sincerely CMT name CMT job title

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