

Customer Experience Directorate	
	Guidance on dealing with unreasonably persistent contact from customers
	<p>Complaints and Redress Team (CReST)</p> <p>09 July 2020</p>

Glossary of terms

BCP	Business contact point, a nominated contact within each DWP business with responsibility for ensuring their respective business has arrangements in place for the administration of this guidance.
CReST	Complaints and Redress Team, part of the Customer Experience Directorates responsible for the content of this guidance and administration of the database.
Customer	For the purpose of this guidance, the term 'customer' is used to describe any individual engaged in telephone or written (including e-mail and other digital channels) communications with the Department or one of its operational businesses.
DSM	Designated Senior Manager, usually a Senior or Higher Executive Officer grade with responsibility for considering whether the customer's contact should be recorded as unreasonably persistent.
Maladministration	There is no single agreed definition of maladministration, but it applies to situations in which we have not acted properly or provided a poor service. For example, wrong advice, discourtesy, mistakes and significant delays.
MCT	Ministerial Correspondence Team, responsible for providing accurate and timely responses to policy related correspondence addressed to the Department's Ministers from MPs, Peers and the general public.
Vexatious	For the purposes of this guidance, vexatious complaints are defined as those which, because of their frequency or nature, hamper our ability to provide a considered response or to provide an acceptable standard of service to other customers.
Redress	Remedy for a wrong or a grievance, which can include any combination of an apology, an explanation, putting things right and/or a special payment (known as financial redress).
SPOC	Single point of contact, usually a designated staff member or team appointed for the purpose of routing all communications from a named customer.
UCB	Unacceptable Customer Behaviour, defined in DWP guidance (of the same name).
UPCC	Unreasonably Persistent Customer Contact, defined as repeat correspondence, emails, digital channel contact and/or telephone calls, about a complaint(s), after the customer has received a final response, in line with established procedures.

Purpose of this guidance

1. This guidance is intended to help staff manage customer complaints¹, in cases where the frequency or nature of the customer's communications make it difficult to address their complaints and/or adhere to the established complaint escalation route.
2. DWP business areas have responsibility for ensuring staff have an awareness of this guidance and that appropriate local arrangements are in place to manage excessive communications from customers.

Dealing with difficult customer behaviour

3. Whilst attempting to resolve a complaint, you may encounter customers who you find difficult to deal with and this may lead to you considering implementing the UPCC process outlined below.
4. Before implementation, you should consider existing information held by the Department in terms of health conditions and/or life events which the customer has experienced to consider whether there might be a better way of dealing with them, which is more appropriate to their needs. By tailoring your approach to handling their complaint, you may be able to avoid the risk of treating a customer as UPCC (or vexatious) unnecessarily. Some suggestions on how to do so are set out in Annex A.

Managing repeat customer complaints

5. Having raised a complaint, some customers may repeatedly write, call or submit repeat emails or Universal Credit (UC) Journal entries, in their attempts to achieve a specific outcome. Whilst it is important to consider and respond to their complaint at the earliest opportunity, repeat communications can hamper your ability to do so.
6. If you or your business area are receiving repeated communications of the type described you may find it helpful to put arrangements in place to manage the customer's communications, until such times as you can provide them with a full response to their complaint. Some suggestions on how to do so are set out in Annex B.

Vexatious complaints

7. Some customers may write or call repeatedly to complain, and in doing so may change the nature and substance of their complaint(s). Vexatious complaints are those which because of their frequency and/or nature impede your ability to provide the complainant with a considered response, and may impact on your ability to provide an acceptable standard of service to other customers.
8. If you are dealing with a complainant who you believe is making vexatious complaints, it is important that you consider, in discussion with your manager, the most appropriate means of managing your communications with the complainant, whilst you are addressing their complaint. Annex C provides some suggestions you may wish to consider.

¹ DWP definition of a complaint is *Any expression of dissatisfaction about the service provided which is not resolved by operational staff as normal business.*

9. Please remember that all complaints, vexatious or not, require a full response and the complainant needs to be told how they can escalate the matter if they remain dissatisfied with the response provided.

10. If you decide to put in place special arrangements for managing vexatious complaints, it is important that you record the reasons why you have done so and the nature of those arrangements.

Unacceptable Customer Behaviour (UCB)

11. If you believe that the customer's behaviour is unacceptable (for example, they are threatening, abusive or harassing staff when communicating by written/email correspondence, telephone and/or through the UC Journal) you should consult the [DWP Unacceptable Customer Behaviour \(UCB\) guidance](#) to determine the appropriate action to take. You should also check whether the customer has an existing history of violence and/or abuse by accessing the [UCB staff protection list](#) to ensure that any control measures in place for dealing with the customer are adhered to.

12. Similarly, you should also consult UCB guidance - in particular, the links to the [DWP Social Media Policy](#) and the guidance in relation to [staff being targeted online](#) – for advice on what to do if unacceptable behaviour is directed at staff via social media platforms such as Facebook, Twitter or YouTube.

Redirecting correspondence which is not for your area

13. Customers occasionally write numerous letters to different parts of the Department (including Ministers or senior officials) in an attempt to raise the profile of their complaint and thereby:

- get a response/get a faster response; or
- obtain a different response to that which has been provided already by another part of the business.

14. For information about redirecting correspondence which is not for your business area please see guidance on [redirecting customer complaints](#). If the correspondence relates to another government department, you should transfer it to the appropriate government department. If the correspondence includes a complaint about HMRC [the protocol for dealing with cross departmental complaints](#) explains how to make a referral.

Escalating the complaint

15. If customers persist in contacting you about the same complaint(s) after they have received your response, explain politely and firmly that you have responded to their complaints and if they remain dissatisfied, the complaint escalation route needs to be followed. The escalation route is dependent on the nature of the complaint, as follows:

- Service complaint escalation route
- [Customer dissatisfaction about DWP Policy/Legislation](#)

16. Some customers may choose not to follow the prescribed escalation route, preferring to try and repeatedly re-engage with the business or the complaint teams on the same complaint(s). If there is nothing you can usefully add to the complaint response, it is **strongly recommended** that you provide the escalation route and dis-engage with the customer regarding the complaint.

Unreasonably persistent contact

17. Unreasonably Persistent Contact is defined as repeat written and/or email correspondence, telephone calls or other digital channel communications (including UC Journal contact) about a complaint, after the customer has received a final response, in line with established procedures. For the purposes of this guidance, a full and final response is defined as:

- **DWP Operations** – a final response from a complaint resolution manager, signposting the complainant to ICE*;
- **DWP Operations (Debt Management)** – a final response from a complaint resolution manager, signposting the complainant to ICE**;
- **DWP Operations (Child Maintenance)** – a final response from a complaint resolution manager, signposting the complainant to ICE***;
- **DWP Operations** - if the issue is solely about DWP policy or legislation, a response which follows OED instructions;
- **ICE service** - a response from the Independent Case Examiner (ICE) or a member of the ICE Senior Management Team;
- **ICE findings** - a response from the ICE, signposting the complainant to the Parliamentary Ombudsman;
- **DWP corporate centre** - a response from the Head of Division.

*For complaints recorded pre-9th July 2020, this will be a final 'Tier 2' response from or on behalf of the Director

**For complaints recorded pre-9 July 2020, this will be a final 'Tier 2' response from or on behalf of the Group Manager

***For complaints recorded pre-9 July 2020, this will be a final response from the Complaints Review Manager or (if responding to an MP) a response on behalf of the Director General

18. When a customer continues to persistently raise the same issues with the department which have been subject to a full and final complaint response, you should consider placing them on the UPC database. See Annex D for information about the database administrator's role and responsibilities.

Action to take to record the customer as UPC

19. If you believe that a customer should be recorded on the UPC database, you should:

- Check whether the customer has received a full and final response to the complaint; and if so, check eCase to see whether the UPCC box is ticked. If there is a marker suggesting the customer is on the database check the final response to see whether

the customer is complaining about the same issue. Alert the database administrator if the customer continues to correspond with the business about the same issues. This ensures the customer remains on the database 14 months after the date of last contact.

- If eCase does not show a UPCC marker, approach the designated officer on your team who has view only access to the database.
- If you don't have a team member with access to the database, you can ask the database administrator to check for you using the enquiry form at Annex E.

20. The database administrator will establish if the customer has already been recorded on the database and, if so will advise you:

- which DWP business the customer is registered under;
- which complaint(s) led to the customer being recorded on the database; and
- of any business contact details (in case you wish to liaise with the business area that has registered the customer as UPC).

21. Where the customer is registered in respect of the same complaint(s) (*it is possible for a customer to be entered on the database in respect of more than one unreasonably persistent contact issue*), you should simply acknowledge any new correspondence.

22. If the customer is not recorded on the UPC database, you should:

- seek your manager's approval to submit a request for the customer to be recorded as UPC;
- complete the consideration form template attached at Annex F; and
- e-mail the form to the relevant designated senior manager (DSM) for consideration.

Consideration by a Designated Senior Manager

23. The DSM is the person with responsibility for considering whether a customer's contact should be recorded as unreasonably persistent. The DSM will consider the request to record the customer on the UPC database, and make a decision on whether the customer should be formally recorded on the database. If the DSM:

- does not agree with the referring officer, they will record an explanation for their decision and return it (if possible, by e-mail) to the member of staff;
- agrees with the referring officer, they will record their decision and send it to the UPC database administrator, copied to the referring officer (using the form at Annex F)

24. It is the expectation that the DSM will respond to the referral within 5 working days.

Notifying the customer of the UPC decision

25. The DSM will put in place arrangements to ensure that the customer is informed:

- which complaint(s) will no longer be replied to;
- that the complaint(s) they raised have been fully addressed;

- that nothing more can usefully be added to the responses that have previously been provided;
- that future correspondence regarding the same complaint(s) will only be acknowledged; and
- of the escalation route to progress their concerns.

26. A suggested form of words can be found at Annex G. A copy of the letter, or record of the telephone discussion with the customer, should be sent to the referring officer so that it can be linked with the customer's files.

Local arrangements for informing staff of UPC customers

27. Businesses may wish to put in place local arrangements to ensure that staff within a particular area, know who their local UPC customers are. This will assist them in dealing with the customer in a consistent, coordinated and professional manner.

Telephone calls from UPC customers regarding the same issues

28. If a customer who has been recorded on the UPC database continues to make repeated telephone calls about the same complaint(s), you may wish to appoint a single point of contact (SPOC), through whom all telephone calls should be routed, ensuring that there is a suitable deputy available in the event of planned leave or unexpected absence (the customer should be notified of the officer deputising for their SPOC). This should help ensure the customer is given a consistent and appropriate response.

29. If the nature of the calls constitutes Unacceptable Customer Behaviour (for example, the customer makes threats or harasses staff or is otherwise intimidatory), you should consider the DWP Unacceptable Customer Behaviour (UCB) guidance for more information.

Written communications from UPC customers regarding the same issues

30. In order to meet the customer service requirement to acknowledge and reply to any correspondence received, all subsequent written communications from UPC customers, **on the complaint(s) which led to them being recorded on the UPC database**, should be acknowledged in the following way *'thank you for your letter of [insert date], about [insert details of issues raised by customer]. I acknowledge receipt and note its contents'*.

31. The acknowledgement provides confirmation that we have looked at the content of their correspondence and are satisfied that no new complaints have been raised. There may be occasions where it is helpful to issue one acknowledgement in response to multiple pieces of correspondence. If you decide to take this action, you need to ensure that the acknowledgement is issued within the business timescales for doing so and you make reference to the date of each letter being acknowledged.

Dealing with written communication from MPs on behalf of UPC customers

32. If an MP writes on behalf of a customer who has been recorded on the UPC database, regarding the same complaints, it is recommended that a response is issued to the MP to explain that the customer has already been provided with a full and final response to those

issues. A copy of the final response and the escalation process should be included, in the event that the MP wishes to take the matter further.

Dealing with 'new' complaints raised by UPC customers

33. The fact that a customer has been recorded on the UPC database in relation to one issue or collection of issues by one area of DWP, does not preclude entitlement to responses on other matters. They are entitled to have any other complaints that require action and/or a response, progressed business as usual in a full and timely manner. If there is any doubt as to whether the customer is raising a new complaint or attempting to revisit a complaint which led to them being recorded on the UPC database, seek advice from the DSM, who can also consult CReST as required.

Dealing with alternative contact from customers such as FOI requests

34. Subject access or freedom of information requests from customers who are registered on the UPC database should be progressed in the usual way. Please see the [information rights management and assurance instructions](#).

35. If the customer continues to telephone when they have a SPOC, or have been deemed as written correspondence only, you should politely remind them of the content of the letter, advising of the current arrangements in place, and terminate the call.

36. Annex A, B and C provides helpful suggestions on how to manage customers who frequently contact the department. Alongside these helpful suggestions, it is important that there are appropriate local arrangements in place, which are fully endorsed by the local management team. If further support or advice is needed, you should consider approaching the Designated Senior Manager and/or the **CRT Liaison Team**.

Annex A

Whilst attempting to resolve a complaint, you may encounter customers who you find difficult to deal with and this may lead to unreasonably persistent contact (UPC). However, before you decide if they need to be registered as UPC, you should be aware of, and responsive to individual customer's particular needs.

A customer may have complex needs due to life events, personal circumstances and health conditions/disabilities which have left them in a vulnerable position or with complex customer needs. Due to this, the complainant may require additional support to enable them to access DWP benefits and use our services. You may wish to familiarise yourself with the [DWP vulnerability instructions](#) (additional support for individuals) which outlines the DWP approach to ensuring targeted additional support to individuals.

You should make use of the resources available to familiarise yourself with any existing illnesses or condition as a complainant's behaviours may partly be symptomatic of their condition. If you are aware of a customer's existing health condition, you may wish to visit the [Hidden Impairments intranet site](#), where you can find a link to access a Hidden Impairments Toolkit. The toolkit provides more information on dealing with claimants with Hidden Impairments. This was developed with help from the Hidden Impairment National Group and includes advice and guidance for Jobcentre telephony, reception and advisory staff on hidden impairments. This may enable you to tailor your approach to a customer's individual needs and respond accordingly.

It is not always essential or appropriate for a complaint to be resolved in one telephone call. You may want to be mindful of this when you take, or plan for a call which brings upon a difficult conversation. If a complainant is angry or upset, you may wish to suggest postponement of the conversation until a more appropriate time.

If difficulties persist, you may wish to suggest an alternative method of communication as this could be preferential to the customer and/or more suitable for their needs.

The following list contains useful information and range of both facilitator led and open learning training material which you may wish to access to enhance your skills in preparation of dealing with difficult customers. These resources can be accessed via Single Operating Platform (SOP) and/or Civil Service Learning (CSL).

- Supporting Customers with a Vulnerability (SOP)
- Supporting Vulnerable People (CSL)
- Intro to Working with Customers with a Mental Health Condition (SOP)
- Introduction to Mental Health Conditions for Telephony Staff (SOP)
- Raising the Game on Disability (SOP)
- Tips for having difficult conversations (CSL)
- Effective Communication (CSL)
- Keeping Safe in a Telephony Environment (part 1 opening learning; part 2 facilitator led) (SOP)
- Good Complaint Handling (CSL)
- Operational Delivery Profession: Defusing hostility and managing conflict workshop (CSL)
- Handling Challenging Calls in a Telephony Environment (CSL)

Annex B

Suggestions on how to manage repeat calls, written/email correspondence and/or UC Journal contact from the same customer

Telephone calls

- arrange to speak with the customer only at specific, previously agreed times;
- tell the customer firmly and politely that you are looking at the complaint(s) they have raised;
- set out what (if any) additional action will be taken as a result of their telephone call(s);
- make it clear when you expect to be able to respond fully to their complaint(s), and when they can expect to hear from you again;
- make a note of all telephone calls; and
- if the customer continues to call and the approach set out above proves ineffective, the only way forward is to politely tell the caller that you are going to terminate the call. For example by saying ***“I can’t add anything to what I have already said to you and I am going to end this telephone call.”***

Correspondence

Using one acknowledgement to cover a number of letters/emails (providing it is issued within the business’ timescale for acknowledging correspondence), to advise that an investigation is ongoing and, at its conclusion, a single, comprehensive response will be provided to their complaint/enquiry.

UC Journal

Using one Journal response to acknowledge a number of repeat entries, relating to the same complaint and/or enquiry under investigation, to advise that an investigation is ongoing and that, at its conclusion, a comprehensive, single response will be provided to their complaint/enquiry.

Escalation

If having provided signposting to the Independent Case Examiner's office, the customer continues to repeatedly direct evident dissatisfaction with the final response, you should disengage from them.

Annex C

Suggestions on how to manage communications with customers who make repeated complaints

In the first instance, consider suggestions outlined in Annex A.

Additional measures

- Appoint a **single point of contact** (SPOC) through whom all telephone calls, emails, letters or digital communications (including UC Journal and CMS self service portal) should be routed. This will help ensure the customer receives consistent and appropriate responses;
- Issue a **warning letter** to explain to the customer that their repeated communications are impacting on the service you provide to them and other customers. You should explain that the current level of communication is unhelpful and if it continues you will put in place measures which restrict their communication with the department.
- If the customer is repeatedly telephoning, you can consider limiting the communications to **written correspondence only**. Before making this decision we suggest you:
 - check the customer has been given the appropriate warning that the method of communication may be limited if they continue with the persistent and unhelpful dialogue;
 - clarify there are no barriers to the customer contacting the department in writing ([delivering equality for customers guidance - Equality Act 2010](#));
 - seek agreement from your manager on the suggested way forward.

If you decide to limit the method of communication, you need to notify the customer and provide the appropriate contact details. Each case must be considered on its own merits, and the reasons for supporting the decision must be documented. We suggest you review this decision on a regular basis, for example every 6 months. If the customer continues to telephone when they have a SPOC, or have been deemed as written correspondence only, you should politely remind them of the content of the letter, advising of the current arrangements in place, and terminate the call.

Annex D

Unreasonably Persistent Contact database

Complaints and Redress Team (CReST) – Roles and Responsibilities

CReST has responsibility for:

- responding to any enquiries from the Department about whether a customer has already been recorded on the UPC database. Enquiries of this nature can be made using the form attached at Annex E, which should be emailed to the [Complaints and Redress Team](#);
- adding customer details to the UPC database, following the decision by the DSM to record them as a UPC customer;
- notifying the complaints team when a customer is registered on the UPC database (this only applies to Pension, Disability and Carers Service and Jobcentre Plus customers);
- prompting half yearly reviews of the database content, in consultation with DSMs and Business Contact Points (BCPs); and
- removing details from the database, at the request of the relevant DSM or when appropriate.

How long should a customer's details remain on the UPC database?

In order to comply with the [Data Protection Act 2018](#), the database administrators will initiate a quarterly review of its content. A log of those recorded on the UPC database will be issued to BCPs to establish whether the content is current.

When a UPC customer has not attempted to communicate on the complaint(s) which led to them being recorded on the UPC database within the last 14 months, the referring DSM should ask the database administrator, by e-mail, to remove their details from the UPC database. The DSM should also remove the UPCC marker on eCase.

Keeping the content of the UPC database up to date

It is important that the information recorded on the database is kept up to date. DSMs are responsible for ensuring that the database administrator is:

- advised of any further contact from UPC customers about the same complaint(s);
- informed of any changes to the local contact/SPOC; and
- asked to remove details from the database of any customer whose last contact on the complaint(s) which led to them being registered on the database, was over 14 months ago.

Annex E

Request to the UPC database administrator to check if an individual is already recorded on the database

Mail to: [Complaints and Redress Team](#)

RESTRICTED – PERSONAL DATA (WHEN COMPLETED)	
Office Information	
Name / contact details of member of staff making enquiry:	<ul style="list-style-type: none">• Name:• Position:• Team/Unit:• E-mail address:• Contact number:
Customer Information	
Please provide the name of the individual:	
NINO:	
District:	
Region:	
Response from database administrator	
Is the individual referred to above currently recorded on the UPC database?	<ul style="list-style-type: none">• Yes / No
If yes: <ul style="list-style-type: none">• Which business is the customer registered under;• Local contact/SPOC details; and• The complaint(s) on which the customer repeatedly writes/telephones (as recorded on the UPC database);	

Annex F

UPC Consideration Form

Restricted – Personal Date when completed	
Name of customer	
NI number	
District	
Business/Region	
Describe the nature and frequency of the contact	
Please provide date of the most recent contact	
Has the customer received a full and final response to the complaints that have been raised?	
Please confirm the date that the final response was issued?	
Please provide details of the complaints that the customer frequently contacts DWP about	
Please provide details of SPOC or local business contact	
Action taken by designated Senior Manager	
Name and Telephone number of DSM	
Date decision made and notified to referring officer	
Date notification sent to the administrators	

Annex G

Useful paragraph for notifying a customer that their complaints have become circular

I acknowledge receipt of your letter dated.....and note its content.

You received a full and final response to the complaint(s) you raised, in a letter from ... dated, which told you what to do next if you remain dissatisfied with our response.

As you have not raised any new complaints, I am unable to add anything further to the replies you have already received.

It is my view that our communications with you have become repetitive and unproductive. On this basis any further communications on the issue of, will be acknowledged, but will not be responded to.

Annex H

Unreasonably Persistent Contact (UPC) Desk Aid

	What to do	Do's and Don'ts
Step 1	Ensure you understand the definition of a UPC customer and tailor your approach to the individual customer's particular needs.	Do check the definition of a UPC customer and consider alternative forms of communication which may be more suitable.
Step 2	Clarify the precise nature of the complaint(s) being raised, specifically whether: <ul style="list-style-type: none"> ▪ earlier responses accord with good practice; ▪ a full and final response has been given; ▪ the customer has previously been recorded as a UPC customer 	Don't forget to apologise to the customer if you think previous responses fell short of accepted good practice.
Step 3	If the customer is recorded on the UPC database in respect of the same complaint(s), your DSM should arrange for the customer to be advised that the complaint has already been addressed in full, and further correspondence will only be acknowledged.	Do take care to ensure that no new complaints are being raised by the customer before attempting to close down a line of communication.
Step 4	If the customer has yet to receive a final response to the complaint(s) being raised, but their concerns are currently being looked into, consider if special arrangements need to be put in place to manage their communications whilst the outstanding issue(s) are being considered and addressed.	Don't forget to appoint a single point of contact (SPOC) if it will help ensure consistency of response and avoid unnecessary operational disruption.
Step 5	If a customer has failed to follow the appropriate escalation route, you should advise them to raise their concerns with the ICE office and dis-engage from them. (This is only in relation to the complaint which has received a final response. This should not prevent the customer raising any new complaints.)	Do ensure any outstanding complaints are identified, dealt with and escalated in a timely manner.
Step 6	If the customer continues to communicate repeatedly about the same issue(s) after a final response has been sent, consult your manager and with their agreement complete the form at Annex E and send to your designated DSM.	Don't forget to follow standard procedures if a customer is abusive or threatening – reference DWP guidance on UCB
Step 7	If the DSM decides to formally record someone as a UPC customer they should authorise Annex E and send it to CReST to record on the UPC database.	Do remember that just because someone has been recorded as a UPC customer in respect of a specific complaint(s), does not remove the requirement to respond in a full and timely manner to any other complaint(s) they may raise.

Step 8

If you continue to receive written/telephone contact from the customer about the issue(s) which led to them being recorded on the UPC database, consult your DSM on how to deal with the communications.

Don't forget that DSMs and SPOCs play an important role in highlighting independent escalation routes, such as the Independent Case Examiner's Office and the Parliamentary and Health Service Ombudsman's Office.