



Department
for Work &
Pensions

DWP HR Central Freedom of Information Team

e-mail: HR@DWP.GSI.GOV.UK

Fol ref No: VTR 2010

Date: 22 June 2016

Dear T Dawson

Thank you for your Freedom of Information request received on 26.5.16. You asked:-

I am requesting the following documents and information:

- 1. The most current and up to date Unacceptable Customer Behaviour Procedures and any guidance associated with them.*
- 2. Information on, or a link to information about, the legal framework that underpins Unacceptable Customer Behaviour warning letters and how they are to be worded in order to comply with the law. A series of templates and full guidance notes will be sufficient, indicating the wording that UCB letters must contain in order to remain lawful.*
- 3. Information on, or a link to information about, the statute or Act upon which UCB warning letters are based.*
- 4. Information on, or a link to information about, which employees working for the DWP have the authority to print out and send a UCB warning letter.*

I would also like the following information:

- 5. Confirmation that all letters sent out by the DWP to a benefit claimant are standardised and must contain the claimant's full NINO on them, as a reference.*

DWP regards every incident of Unacceptable Customer Behaviour (UCB) directed against its employees as serious and is committed to ensuring that the risks of UCB are eliminated or minimised.

Unacceptable Customer Behaviour (UCB) is any incident that causes employees or has the potential to make employees feel upset, threatened, frightened or physically at risk and is directed at them because of their work in the Department.

In relation to your point 1 – Please find attached documentation as requested.

In relation to your point 2 - The Unacceptable Customer Behaviour Policy and processes are control measures to manage risk to staff, derived from Management of Health and safety (1999) regulation 3 underpinned by Health and safety at work act (1974).

Paragraphs 222 onwards in the supplied guidance provide further information on specific laws that may be considered as a result of UCB.

A warning, either by letter or other means serves the purpose of giving the recipient the opportunity to change their behaviour before any further steps are taken. Steps by the Department in respect of UCB are taken as part of its legal responsibility to protect the health, safety and wellbeing of its employees, customers and others who may visit its premises; and to conduct its activities effectively by preventing disruption as far as practicable.

Copies of letters are provided however we do not hold templates and guidance notes to indicate the wording that UCB letters must contain in order to remain lawful. The Department does however liaise with the Government Legal Department (GLD) on a range of matters relating to our UCB policy.

In relation to your point 3 – Please see our response to point 2 above. All appropriate legislation can be found at <http://www.legislation.gov.uk/>

In relation to your point 4 – Please see paragraph 168 in the supplied guidance:

168. Depending on the severity of the incident/s, the following action may be appropriate. Nominated Managers and local managers will need to assess the level of any risk in undertaking this action. If for example, the customer or claimant is not known at the office, a face to face interview may not be the best course of action:

- Interview the claimant - this will usually be done by a local Site Manager as soon as possible after the incident has taken place. The incident may have been embarrassing or upsetting in retrospect and they may want to apologise or may worry about attending the office again afterwards. This gives them the opportunity to talk about the incident and explain their behaviour. The manager must then write up an account of the conversation and ensure that a copy is sent to the Nominated Manager so that the customer or claimant's records are noted accordingly.
- A Warning Letter from either the Nominated Manager or a local manager explaining the behaviour is unacceptable. If the incident was generated at a Contact Centre or Benefit Centre and then referred to the local Nominated Manager, the Nominated Manager will need to liaise with the local manager to determine who issues the warning letter in such cases. The Nominated Manager should keep a copy of any warning letter that has been issued
- An oral warning, usually issued by a manager advising the customer or claimant that their behaviour is unacceptable. The issuing manager must also write up an account of the conversation and ensure that a copy is sent to the Nominated Manager so that the customer or claimant's records are noted accordingly.
- A warning letter from the Departmental solicitors advising the customer or claimant their behaviour is unacceptable. This could be in cases of serious abuse or threatening behaviour.
- A banning order for a specified period covering either a single office or group of offices having regard to the nature and seriousness of the incident. The Nominated Manager advises the solicitors on the extent of the banning order and what alternative arrangements have been put in place for them to contact the office on benefit related issues. Nominated Managers should take into account the proximity of other offices and the customer or claimant's ties or "connections" in other areas.
- An injunction (England & Wales) or an interdict (Scotland) through the Civil Courts
- Criminal prosecution through Crown Prosecution Services (England & Wales) and Procurator Fiscal (Scotland)
- Request to Government Legal Department regarding other legal remedies e.g. private prosecutions, private prosecutions with a view to obtaining an ASBO

In relation to your point 5 - It's common practice for DWP to use a claimant's national insurance number as the personal identifier. Therefore the majority of letters issued centrally include the NINO if it is appropriate to do so. We cannot however comment about locally produced letters.

Yours Sincerely,

DWP HR Central Freedom of Information Team

Your right to complain under the Freedom of Information Act

If you are not happy with this response you may request an internal review by e-mailing freedom-of-information-request@dwp.gsi.gov.uk or by writing to DWP, Central FoI Team, Caxton House, Tothill Street, SW1H 9NA. Any review request should be submitted within two months of the date of this letter.

If you are not content with the outcome of the internal review you may apply directly to the Information Commissioner's Office for a decision. Generally the Commissioner cannot make a decision unless you have exhausted our own complaints procedure. The Information Commissioner can be contacted at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow Cheshire SK9 5AF www.ico.gov.uk