

# Unacceptable behaviour policy

This policy covers all work undertaken by the council, councillors and partner organisations. It is broken down into three main headings:

- aggressive, abusive or violent behaviour
- unreasonable behaviour
- unreasonable complaint behaviour

All of these are considered unacceptable behaviour.

## 1. Introduction

We are committed to dealing with everyone fairly and impartially and providing high quality services. As part of this service, the council does not normally limit the contact that customers have with staff and councillors.

We know that people may act out of character in times of anxiety, trouble or distress. We do not view behaviour as unacceptable just because a person is forceful or determined. However, we do consider actions that result in unreasonable demands to be unacceptable. Equally, it is important to distinguish between a customer who makes a number of complaints because they genuinely believe that the council was at fault, and customers who are simply being difficult.

Occasionally, the behaviour of some can make it very difficult for staff and councillors to deal with their enquiry or concern. In a small number of cases the actions of some become unacceptable because they involve abuse of people or processes. When this happens, we have to take appropriate steps. On other occasions we must consider whether an individual's actions are having an impact on our ability to do our work and to provide a service to others.

When we refer to customers, this covers any individual who has an interaction with anyone working in the council, a councillor or any of our partners working on behalf of the council.

This policy sets out how we determine what is unacceptable behaviour and what we will do about it.

## **2. Equality and diversity**

Whilst dealing with customers, we will consider the duty under the Equalities Act 2010 and be mindful to take into account any mitigating circumstances. This policy has been written with reference to the Local Government and Social Care Ombudsman's as well as the Housing Ombudsman's guidance note on managing unreasonable behaviour.

This policy also covers other contact with the council, such as through Freedom of Information Act requests and antisocial behaviour case reviews.

## **3. Aggressive, abusive or violent behaviour**

Any aggression, abuse or violent behaviour directed towards our officers will not be tolerated.

We define abusive or aggressive behaviour as any behaviour which produces damaging or hurtful effects, physically or emotionally on other people. This definition is not exhaustive but would include:

- offensive, aggressive and abusive language or behaviour
- bullying, shouting or swearing
- assault of any kind
- sexual assault or abuse
- injury caused by pets such as dogs
- threats of harm to property or family
- inappropriate references to any protected characteristics under the Equalities Act 2010 including cultural, racial, religious or gender references
- harassment during or outside of work
- threats of any kind

Aggressive or abusive behaviour includes language (whether verbal or written) or actions that may cause officers to feel afraid, threatened or abused and may include threats, personal verbal abuse, inflammatory statements, remarks of a racial or discriminatory nature, maliciously unsubstantiated allegations, derogatory remarks and use of obscenities.

## **4. How we will deal with aggressive, abusive or violent behaviour**

The threat or use of physical violence, verbal abuse, intimidation or harassment towards our staff is likely to result in the termination of all direct contact with the customer. Such incidents may be reported to the police. This will always be the case if we believe that a criminal offence has or may take place. We may also take legal action to prevent a customer from entering council buildings or contacting our staff.

Our staff are there to help, but if after explaining to a customer why their displayed behaviour is unacceptable, it still continues, we have the right to end telephone calls or face to face visits. Our staff have the right to make this decision and to tell the customer why.

Following any incident of this nature, a report will be made on our staff safety register which will then be reviewed by a senior manager who may impose restrictions on future contact.

A letter will be sent to the customer that explains the restrictions in place, how long they will last for and the right of appeal. This ensures that the customer has a full record of the decision and the reasons behind it.

## **5. Unreasonable behaviour**

Behaviour can become unreasonable when it starts to impact excessively on the work of our staff or when dealing with the matter takes up an excessive amount of officer time and in so doing, disadvantages other customers or service users.

A list of examples is outlined below:

- refusing to specify the grounds of an enquiry, despite offers of assistance
- repeatedly demanding responses within an unreasonable timescale
- demanding responses from several officers on the same subject
- making unjustified statements about staff who are trying to deal with the issues and seeking to have them replaced
- refusing to deal with staff and unreasonably wanting to speak to another staff member
- overtly or covertly recording meetings and conversations and publishing them online through social media channels
- using social media to contact staff on their private accounts such as Facebook, Twitter or LinkedIn
- submitting falsified documents from themselves or others
- impersonating someone else or falsifying their identity
- repeatedly changing the substance of an enquiry or raising unrelated concerns
- repeatedly asking a question when a satisfactory response has already been given
- inundating the council with emails, telephone calls or copies of information that have already been submitted or that are irrelevant to the enquiry or request
- making long telephone calls or visits regarding matters that have already been discussed or that are irrelevant
- refusing to leave council buildings or being obstructive to others when reasonable steps have been taken to resolve issues

This list is not exhaustive, nor does one single feature on its own necessarily imply that the complainant will be considered unreasonable.

Section 7 outlines the steps that we may take to deal with this type of behaviour.

## **6. Unreasonable complaint behaviour**

We define unreasonable complainant behaviour as those customers who, because of the frequency or nature of their contacts with the council, hinder the consideration of their or other people's complaints. The description may apply separately or jointly to a particular complainant.

Unreasonable complaints are those complaints made without sufficient grounds to cause annoyance or disruption.

A list of examples is outlined below:

- refusing to specify the grounds of a complaint, despite offers of help
- refusing to cooperate with the complaint's investigation process
- refusing to accept that certain issues are not within the scope of a complaints policy
- insisting on the complaint being dealt with in ways which are incompatible with the adopted complaints process or with good practice
- making unjustified complaints about staff who are trying to deal with the issues and seeking to have them replaced
- changing the basis of the complaint as the investigation proceeds
- denying or changing statements made at an earlier stage
- introducing trivial or irrelevant new information at a later stage
- raising many detailed but unimportant questions, and insisting they are all answered
- submitting falsified documents from themselves or others
- adopting a 'scatter gun' approach: pursuing parallel complaints on the same issue with various organisations
- making excessive demands on the time and resources of staff with lengthy phone calls, emails to numerous council staff, or detailed letters every few days, and expecting immediate responses
- submitting repeat complaints with minor additions or variations and the complainant insists these make 'new' complaints
- refusing to accept the decision, repeatedly arguing points with no new evidence

This list is not exhaustive, nor does one single feature on its own necessarily imply that the complainant will be considered as unreasonable complaint behaviour.

Section 7 outlines the steps that we may take to deal with this type of behaviour.

Our complaints policy outlines how we deal with all complaints received and should be read in conjunction with this policy.

## **7. How we will deal unreasonable behaviour and unreasonable complaint behaviour**

Any restriction that is imposed on an individual's contact with the council will be appropriate and proportionate, and they will be advised of the period of time the restriction will be in place for. In most cases restrictions will apply for six months, but in exceptional cases may be extended and further action taken.

Any restrictions will be tailored to deal with the individual circumstances of the case and may include:

- placing limits on the number and duration of contacts with staff per week or month
- offering a restricted time slot for necessary calls
- limiting the individual to one medium of contact (telephone, letter, email, website or in person)
- requiring the individual to communicate only with one named member of staff
- requiring any personal contacts to take place in the presence of a witness and in a suitable location
- refusing to register and reply to further correspondence about the same matter

This list is not exhaustive and all cases will be treated on their individual merits.

## **8. How a decision to restrict contact is made**

The Service Manager will review all correspondence with the relevant Assistant Director to decide what action should be taken.

When the decision has been taken to apply this policy to an individual, the Assistant Director will contact them in writing to explain:

- why the council has taken the decision
- what action it is taking
- the duration of that action
- what review process may take place
- the right of the individual to contact the Local Government and Social Care or Housing Ombudsman in the cases of complaints

The Assistant Director will enclose a copy of this policy with the letter to the individual and will also send a copy to the Assistant Director of Corporate Services and Improvement.

Should the individual continue to behave in a way which is unacceptable, the Assistant Director dealing with the case may decide in conjunction with the Assistant Director of Corporate Services and Improvement to refuse all contact.

## **9. New complaints**

New complaints from customers who have been subject to this policy will be treated on their own merits. The Service Manager and the relevant Assistant Director will decide whether any restrictions which have been applied before are still appropriate and necessary in relation to the new complaint. The council does not support ignoring genuine service requests or complaints where they are founded.

## **10. Review of unacceptable behaviour**

The status of an individual judged under this policy will be reviewed by the Service Manager, the relevant Assistant Director and the Assistant Director of Corporate Services and Improvement before the end of any restriction and for long periods of restriction, every subsequent three months. The individual will be informed of the result of this.

## **11. Record keeping**

Adequate records will be retained in line with the council's retention policy and shared with appropriate managers. The Assistant Director of Corporate Services and Improvement will be responsible for this.

Records must include:

- the details of the case and the action that has been taken
- the name and address of each customer who is treated under this policy
- the period that the restriction covers, or is in force for
- what the restrictions are
- when the customer and appropriate departments were advised

This policy will be reviewed every two years. The next review will be in January 2027.