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Unacceptable Behaviour Policy

Accessibility Information

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Polish

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، 本文件的摘要資訊可以其他版式和語言版本向您提供。請聯絡伊甸區地方政府傳訊主任 (Eden District Council's Communication Officer) ، 其電話為：01768 817817， 或發電郵至：communication@eden.gov.uk

Urdu

اس دستاویز میں شامل معلومات کا خالص مددگار اور اس کی ترقی کے لیے مصلحتی فزبیلوں اور فارہٹوں (پیکلوں) ہیں دستاویز اب سے ای ڈی ڈسٹرکٹ کونسل کے ایف سب ریڈ کے ذریعے فون نمبر 01768817817 پر ریلٹ کیوں یا communication@eden.gov.uk پر ای ہلکیوں۔

1. Introduction

- 1.1 Eden District Council delivers a wide range of public services. The nature of the services that the Council provides means that staff are in daily contact with members of the public. The Council encourages and welcomes all kinds of feedback about its services, but recognises that a very small number of people can act or behave in a way that can be unacceptable for employees.
- 1.2 This policy sets out the Council's approach to dealing with unacceptable behaviour by service users and members of the public. The Council has a duty to safeguard its employees from unacceptable behaviour which may otherwise cause it to breach health and safety legislation and its duty of care to staff unless it takes appropriate action.

2. Policy Aims

2. Eden District Council aims to:
 - deal fairly, respectfully and consistently with all members of the public that contact the Council, in accordance with the standards set out in its Customer Charter;
 - provide accessible services to members of the public whilst managing an individual's contact with the Council if that person's behaviour or actions are unacceptable;
 - empower employees to use this policy to deal with any unacceptable behaviour by members of the public;
 - ensure that employees enjoy the same level of security whether their job involves them either working as a lone worker, in an office or an external environment.

3. Definitions

3.1 Unacceptable Behaviour

- 3.1.1 People can act out of character in times of stress or when they are upset or unhappy with a situation. It is important that the Council still tries to offer the best service it can to such people, even in difficult circumstances. However, sometimes when people are angry, demanding or persistent it can result in unreasonable demands on a service or unacceptable behaviour towards employees. This policy is designed to manage these types of situations. The Council has identified types of unacceptable behaviour and the indicators or triggers which may lead to the policy being invoked and these types of behaviour are set out below.
- 3.1.2 Within this Policy Director means either the Deputy Chief Executive or the Director of Finance or such other person who may from time to time hold an equivalent post.

3.2 Aggressive or Abusive Behaviour

- 3.2.1 This is the use of language (oral or written) or behaviour that may cause employees to feel uncomfortable, afraid, threatened, abused or the subject of harassment. Examples include threats, physical aggression, verbal abuse,

threats of personal legal action being taken, rudeness and the use of insulting and offensive remarks. Inflammatory statements and unsubstantiated allegations can also be considered to be abusive behaviour.

3.2.2 The Council aims to treat people with respect and expects its employees to be treated in the same way. People can often be angry or upset due to a particular situation or circumstances, but it is unacceptable for this to escalate into threats of action, violence or abuse towards employees.

3.2.3 The Council has a zero tolerance policy with regards to racist, sexist, homophobic or other prejudicial behaviour directed towards any person, member of staff or contractors.

3.3 Unreasonable Persistence and Demands

3.3.1 There may be a small minority of people who will not, or cannot, accept a decision taken, or an explanation/information given by the Council. In some cases, some people will not accept that the Council may be unable to provide a level of service. Some people may persistently complain or continually contact the Council about a particular issue.

3.3.2 Examples of this type of behaviour include:

- a persistent and unreasonable refusal to accept a decision or explanation;
- a repeated refusal to follow an appropriate and reasonable course of action, eg the complaints procedure or a particular appeals process;
- repeated contact with a service or particular employee or group of employees (by either telephone, email, letter or personal visits) about the same issue without presenting new information.

3.3.3 These actions may be considered to be unacceptable particularly where they take up a disproportionate amount of time and resources, which could be used for the benefit of delivering services generally and to other members of the public.

3.3.4 The indicators or triggers which may lead to the policy being invoked are set out in Appendix 1.

4. Managing Unacceptable Behaviour

4.1 A person should always be given an opportunity to rectify his or her behaviour. In the first instance, employees should explain that they find someone's behaviour or language unacceptable and allow the person a chance to remedy, moderate or change the behaviour.

4.2 The Council recognises that a person's actions may be affected by physical or mental health issues, substance misuse or other factors. The Council will take all of these factors and any other relevant matters into account when implementing this policy.

4.3 If the behaviour continues, employees may:

- end telephone calls if the caller is considered aggressive, abusive or offensive. Employees should clearly explain why they are ending the call;

- report the threat or use of physical violence, verbal abuse/harassment or persistent correspondence to their line manager. Their line manager may then decide whether the Police need to be contacted or to consider how to impose restrictions on contact with the person;
 - refuse to meet with someone/take a telephone call if they have directly experienced aggressive or abusive behaviour from that person, or feel bullied or harassed by the oral or written communications;
 - ask the person to leave the premises; and
 - make arrangements to be accompanied by a colleague on a home visit.
- 4.4 If a person has exhausted all internal review mechanisms or exhibits aggressive, abusive or persistent behaviour then it may be appropriate to manage their contact with the Council. Deciding to manage a person's access to a Council service is a difficult and serious step to take. Any decision should always be appropriate to the circumstances and approved by the relevant Director. However, the Council has an overriding duty of care to its employees for them to work in a safe environment.
- 4.5 If the disruptive behaviour continues the relevant line manager will report the matter to the Director of the relevant service area. The Director will consider and assess all evidence relating to the issue including that presented by the relevant line manager. If appropriate the Director will write to the complainant identifying his/her findings and the reasons for them. The Director may advise the complainant that the way in which they will be allowed to contact the Council in future will be restricted. If the disruptive behaviour falls across various services within the Council, the Director may write the letter to cover all aspects of disruption.
- 4.6 Restrictions will be tailored to deal with the individual circumstances of the complainant. Where a complainant has a disability, the restrictions applied will take account of the responsibility of the Council to make reasonable adjustments to meet a disabled person's needs. The following lists examples of possible restrictions:
- restricting telephone calls to specified days/times/duration;
 - requiring any personal contact to take place in the presence of an appropriate witness;
 - requiring contact to take place with one named member of staff only;
 - requiring contact to take place in a specified process or manner, for example, only by telephone, only by email, or only by letter;
 - informing the complainant that the Council will not reply to or acknowledge any further contact from them on the specific topic. In this case, a designated member of staff should be identified who will read future correspondence;
 - restricting the complainant from making contact by telephone except through a third party, for example, a solicitor, a councillor or a friend acting on their behalf;

- restricting the complainant from sending emails to an individual and/or all council officers and insisting they only correspond by letter or in an identified way;
 - restricting the complainant from using certain council services, for example leisure centres or Council owned parks;
 - restricting the complainant from entering any Council building except by appointment.
- 4.7 When the decision has been taken to apply this policy to a complainant, the Director will write to the complainant to explain:
- why the decision has been taken;
 - what action is being taken;
 - the duration of that action; and
 - the review process, such as the ability of the complainant to contact the Local Government Ombudsman about the fact that their behaviour has been deemed to be unacceptable by the Council.
- 4.8 The Director will enclose a copy of this policy with the letter to the complainant.
- 4.9 Staff will be advised on the restrictions that have been made. Advice will also be given on how to handle the customer when they make contact with the Council and this may be through the use of a standardised response to telephone calls or emails.
- 4.10 If a complainant continues to behave in a way which is unacceptable, the Director or Chief Executive may decide to refuse all contact with the complainant and stop any investigation into his or her complaint.
- 4.11 If the behaviour is so extreme or it threatens the immediate safety and welfare of staff the Council will consider other options, for example reporting the matter to the police or taking legal action. In such cases the Council may not give the complainant prior warning of the action to be taken.

5. Appealing and Reviewing a Decision to Impose Restrictions on Contact

- 5.1 It is important that a person has an opportunity to appeal a decision to impose restrictions on contact. Any appeal should be made in writing to the Chief Executive. The appeal should be made within ten working days of notification of the decision to impose restrictions on contact. The Chief Executive will consider the appeal and advise the person in writing whether the restrictions still apply or if a different course of action has been agreed.
- 5.2 A decision to impose restrictions on contact may be re-considered if the person demonstrates a more acceptable approach or if the circumstances that led to the original decision have changed. Restrictions should be reviewed regularly to check that they are still appropriate.
- 5.3 The status of a complainant whose behaviour has been judged to be unacceptable will be reviewed by the Director of the relevant service area at a frequency deemed reasonable in each circumstance and during which the restrictions are to apply.

5.4 The complainant will be informed of the result of any review if the decision to apply this policy to them has been changed, affected or extended.

6. New Complaints from complainants whose behaviour has been deemed to be unacceptable

6.1 New complaints or service requests from people who have been or are the subject of restrictions under this policy will be treated on their merits. The Director of the relevant service area, usually with information from the appropriate Section Head, will decide whether any restrictions which have been applied before are still appropriate and necessary in relation to the new complaint.

6.2 The fact that a complainant is judged to be unreasonably persistent or vexatious, and any restrictions imposed on the Council's contact with him or her, will be recorded and notified to those who need to know.

7. Referring unreasonably persistent or vexatious complainants to the Local Government Ombudsman

7.1 In some cases the relationship between the Council and unreasonably persistent or vexatious complainants may break down completely while complaints are under investigation. In such circumstances there is little prospect of achieving a satisfactory outcome. In such circumstances, there may be little purpose in following all the stages of the formal complaints procedure. Where this occurs the Ombudsman may be prepared to consider a complaint before the procedure has run its course.

8. Record Keeping

8.1 Appropriate records will be retained by the Council. The details of the case, the action that has been taken will be recorded on the appropriate systems. The Director will also inform all appropriate staff of:

- the name and address of each customer whose behaviour is deemed to be unacceptable;
- when the restriction(s) came into force and end;
- the nature of the restriction(s); and
- when the customer was advised of the restriction(s).

9. The Freedom of Information Act (FoIA)

9.1 Under Section 14(1) of FoIA, public authorities do not have to comply with 'vexatious' requests. The Information Commissioner has issued guidance on dealing with vexatious requests, 'Dealing with Vexatious Requests (Section 14) 2014'. The Council will use this guidance in making a decision about whether a request is vexatious.

9.2 The key question in determining if a request is 'vexatious' in terms of the FoIA is whether it is likely to cause a disproportionate or unjustified level of disruption, irritation or distress. Appendix 2 sets out a list of further indicators that relate to requests for information under the Freedom of Information Act.

- 9.3 The Council will consider the use of Section 14(1) only in a case where the request is disproportionate or unjustified and the key question is satisfied.
- 9.4 The Council recognises that it is the nature of the request that is being assessed, not the individual who submits it. There may be the situation that the requester has been judged to behave unacceptably, but his/her request under FoIA may be proportionate and justified.
- 9.5 Similarly the Council will not refuse a new request under FoIA solely on the basis that it has classified previous requests from the same individual as vexatious. The indicators or triggers listed in Appendix 1 and relevant guidance will be considered in determining if a request is vexatious.
- 9.6 If a refusal notice relying on Section 14(1) is issued, the Council will include details of the internal complaint mechanism and identify the reasons for the decision in the refusal notice.

10. Reporting Incidents

- 10.1 All incidents should be reported on the Council's Health and Safety Management System to ensure that where necessary, appropriate controls are put in place to prevent a repetition.
- 10.2 In the event of bodily harm being threatened, or occasioned consideration shall be given to reporting the incident to the police.

11. Counselling and Other Support Services

- 11.1 Support services are available for employees within the Council. Please refer to the Human Resources Section or the personnel policies for further details. Assistance may be available through a trade union or work colleagues. Counselling is available through the Council.

12. Policy Monitoring and Review

- 12.1 Copies of this policy are available on request and can be found on the website.
- 12.2 This policy is reviewed on a regular basis to make sure that the aims of the policy are being achieved and that it is being applied in an appropriate and proportionate manner.
- 12.3 The Council will develop and use systems and processes for sharing information with other relevant agencies and bodies.
- 12.4 Where there are specific hazards identified it is recommended that a risk assessment is completed and this is used to identify the appropriate control measures for those hazards.

Examples of Indicators

Abusive or Aggressive Language

The tone or language of the customer's correspondence goes beyond the level of criticism that a public authority or its employees should reasonably expect to receive. Harassment, verbal abuse or intimidation by the use of foul, inappropriate, offensive or racist language will not be tolerated.

Deliberate intention to cause annoyance

The customer has explicitly stated that it is their intention to cause disruption to the authority, or is a member of a campaign group whose stated aim is to disrupt the authority.

Frequent or overlapping requests

The customer submits frequent correspondence about the same issue or sends in new requests before the public authority has had an opportunity to address their earlier enquiries.

Futile Requests

The issue at hand individually affects the customer and has already been conclusively resolved by the authority or subjected to some form of independent investigation.

Intransigence

The requestor takes an unreasonably entrenched position, rejecting attempts to assist and advise and shows no willingness to engage with the authority.

Personal Grudges

For whatever reason, the customer is targeting their correspondence towards a particular employee or office holder against whom they have some personal enmity. Making groundless complaints about staff dealing with their complaint and seeking to have the officer replaced or dismissed.

Scattergun Approach

The complaint appears to be part of a completely random approach, lacks any clear focus or seems to have been solely designed for the purpose of 'fishing' for information without any idea of what might be revealed. This includes contacting several officers about the same issue, despite being given a single case officer or pursuing parallel complaints on the same issue with various organisations.

Unfounded Accusations

The request makes completely unsubstantiated accusations against the public authority or specific employees.

Unreasonable Persistence

The customer is attempting to reopen an issue which has already been comprehensively addressed by the public authority or otherwise subjected to some form of independent scrutiny.

Further indicators that relate to Requests for information under the Freedom of Information Act:

Being an unreasonable Burden on the Authority and making Excessive Demands

The amount of officer time to handle requests is grossly disproportionate to service delivery overall.

Disproportionate effort

The matter being pursued by the requester is relatively trivial and the authority would have to expend a disproportionate amount of resources in order to meet their request.

Frivolous Requests

The subject matter is inane or extremely trivial and the request appears to lack any serious purpose. The request appears to be made for the purpose of amusement.

No obvious intent to obtain information

The requester is abusing their rights of access to information by using the legislation to vent their anger at a particular decision, or to harass and annoy the authority, for example, by requesting information which the authority knows them to possess already.

Refusing to Co-operate

The complainant refuses to engage in seeking solutions and remedies to the problem.