

Unreasonable Behaviour Policy

Overview

The aim of this policy is to give officers guidance to help them identify circumstances where a service user or complainant's behaviour could be classed as unreasonable and to aid their decisions in how to appropriately respond to such behaviour. This policy should be read in conjunction with the Council's Complaints Policy.

Any complaints about Lydd Town Council are handled in accordance with the Council's Complaints Policy. In a small number of cases some Council service users act in an unreasonable manner, or if they have a Freedom of Information request or a complaint, pursue these in a way that can impede the investigation of their complaint or responses to their questions, or take up a disproportionate amount of Council time and resources. The unreasonable behaviour can be displayed during or after a complaint has been investigated or a Freedom of Information request or Request for an Internal Review.

As a responsible employer the Council has a duty to ensure that its employees and Councillors have a safe environment in which to work, free from intimidation, threats and aggression (either physical or verbal). Such behaviours will not be tolerated. We do not expect our staff to tolerate any form of behaviour that could be considered rudeness, defamation, abusive, offensive or threatening, inflammatory statements and unsubstantiated allegations or is considered discrimination or harassment. Or that contact becomes so frequent that it makes it more difficult to complete other work or to help other people. This may include one or two isolated incidents as well as unreasonably persistent complaints, which is usually a build-up of incidents or behaviour over a longer period.

Lydd Town Council will take action under this policy to manage this type of behaviour and this applies to all contact including the use of social media.

Unreasonable and unreasonably persistent complainants may have justified complaints but pursue them in inappropriate ways, or they may pursue complaints that have no substance or have already been investigated and determined. Their contacts with the Council might be amicable but take up a disproportionate amount of limited officer time, or may be clearly unacceptable in their nature, causing distress to the officers and possibly other Council service users.

Principles

Lydd Town Council has a zero- tolerance approach to unreasonable behaviour. We expect our staff to be treated with courtesy and respect.

Examples of unreasonable behaviour:

- Making unnecessarily excessive demands on the time and resources of staff
- Submitting repeated issues, or with additions or variations to the original request.
- Refusing to accept the outcome or response or repeatedly arguing a point or requesting further information
- Refusing to accept documented evidence as factual.
 - Refusing to accept that certain issues are not within the scope of the Council
 - Making unjustified complaints about staff who are trying to deal with the issues, or seeking to have them replaced.
 - Introducing trivial or irrelevant new information at a later stage.
 - Raising many detailed but unimportant questions, and insisting they are all answered.
 - Adopting a 'scatter gun' approach: pursuing parallel complaints on the same issue.

A service user may not have a complaint but may act in an unreasonable way when accessing Council services. The Council will not tolerate abusive, offensive, threatening, deceitful or other forms of unreasonable behaviour. This behaviour may take place in person, over the phone, in writing or by some other form of electronic means such as email, text or social media. This could include (but is not limited to) one or a combination of the following:

- Threatening or using actual physical violence towards Council officers, contractors or agents (or their families and/or associates).
- Harassing, verbally abusing, swearing or being aggressive towards Council officers, contractors or agents (or their families or associates) whether physically or verbally.
- Filming or recording meetings or face to face/telephone conversations without the prior knowledge and consent of other parties involved.

Social Media can sometimes be used in an unreasonable or inappropriate way towards Council staff, Councillors, contractors or agents (or their family members or associates). Unreasonable or inappropriate content may include threats, abuse, personal comments that may be regarded as defamatory or malicious.

If a member of the public posts such unreasonable or inappropriate content on social media, the Council will, where possible take steps to have the content removed and initiate other action in accordance with this policy (see Options for Action section below).

Any decision to designate a service user/complainant as unreasonable will be recorded in writing setting out what information has been considered and the reasons for making the decision.

Options for action

Any action taken must be reasonable and proportionate to the harm being caused by that particular person's behaviour. This could include one or a combination of the following:

- If the consideration of a complaint has ended, this might include ending all communication with the complainant on the issue.
- Limiting the number of telephone calls/personal contacts that will be taken from the person in a given time period.
- Limiting the time spent on telephone calls/personal contacts with that person.
- Declining any contact (in person, by telephone email, letter, or any combination of those) with the person except through a single point of contact (which could be a designated person).
- Restricting access to Council premises
- Informing the complainant in writing that the Council will not respond to any further contact with regard to a specific issue. The complainant will be informed that any correspondence will be read, acknowledged and placed on file by a designated officer

The above list of options is not intended to be exhaustive and any other action that is deemed to be reasonable and proportionate may be implemented.

Notification of Decision

Once a decision has been made to take action in relation to a complainant under this policy, a letter or email will be sent to them to explain the following:

- The decision that has been taken.

- The reasons why that decision has been taken.
- That any restrictions will remain in force until notified otherwise in writing.

Key staff will be made aware of the decision and any restrictions in place, including any changes to those decisions/restrictions (see Review of Restrictions below). A central record of decisions/restrictions will be held.

Review of Restrictions

The decision and restrictions will be reviewed on an annual basis.

Failure to Comply with the Decision

Should a service user/complainant continue to behave unreasonably and/or fail to comply with restrictions previously imposed under this policy, then the Council may take further action as it deems reasonable and proportionate, including legal action and reporting the matter to the police where their behaviour may amount to a criminal offence such as harassment.