

Parton Parish Council

Unacceptable Behaviour Policy and Procedure

Adopted by Parton Parish Council on 20th October 2021

1) Purpose

- a) This policy and procedure sets out how Parton Parish Council can identify and deal with unacceptable behaviour from customers, stakeholders and members of the public.
- b) Unacceptable behaviour can take many forms, but for the intent of this policy and procedure is categorised as: aggressive or abusive behaviour, vexatious requests/complaints and unacceptable levels of persistence and demands.

2) Scope

- a) This policy applies to all Parton Parish Council employees, elected or co-opted members, the general public and any contractors delivering services to or on behalf of the Council.

3) Definitions

- a) **Staff:** Employees, Elected or Co-opted Members of Parton Parish Council
- b) **The Council:** Parton Parish Council
- c) **Complainant:** A person who makes a formal complaint
- d) **Vexatious Requests/Complaints:** The term vexatious is recognised in law and means 'denoting an action or the bringer of an action that is brought without sufficient grounds for winning, purely to cause annoyance to the defendant'
- e) **Aggressive or Abusive Behaviour:** This is the use of language (oral or written) or behaviour that causes a person to feel threatened, afraid, abused or the subject of harassment.
- f) **Aggressive or Abusive 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.
- g) **Insulting or Offensive Remarks:** Remarks or comments made to cause insult or offence,
- h) **Physical Aggression:** Behaviour causing or threatening physical harm towards others.
- i) **Threats:** A statement of an intention (by words or action) to inflict pain, injury, damage, or other hostile action on someone in retribution for something done or not done.
- j) **Threats of Personal Legal Action Being Taken:** A legal threat is a statement by a party that it intends to take legal action on another party, generally accompanied by a demand that the other party take an action demanded by the first party or refrain from taking or continuing actions objected to by the demanding party.
- k) **Rudeness:** Discourteous or impolite, especially in a deliberate way.
- l) **Racist or Sexist Language:** Showing prejudice, stereotyping or discrimination against people of other races, beliefs or gender.
- m) **Adopting a Scattergun Approach:** Pursuing a complaint with the Council and at the same time with district or county authorities, members of parliament, auditors, police, solicitors, ombudsmen or any other public body.
- n) **Cross Request/Complaint:** A complaint made against a person in response to that person raising a complaint.

- o) **Manage Contact:** A restriction or restrictions placed upon a customer to protect Council staff and ensure that the Council can continue to operate efficiently.
 - p) **Zero Tolerance:** The policy of applying penalties to even minor infringements of a code in order to reinforce its overall importance.
- 4) Aggressive or Abusive Behaviour
- a) This includes, but not exclusively, insulting and offensive remarks, physical aggression, threats, threats of personal legal action being taken, rudeness, racist or sexist language.
 - b) This can be in many forms, including but not limited to, face-to-face, telephone, email, social media or SMS messages. Inflammatory statements and unsubstantiated allegations can also be considered unacceptable behaviour.
 - c) Personal grudges and unfounded accusations are classed as abusive behaviour. This is defined as correspondence being targeted towards a particular individual against whom they have some personal enmity. Making groundless complaints about staff seeking to have them replaced or dismissed. Making unsubstantiated accusations against the Council or specific staff.
- 5) Vexatious Requests/Complaints
- a) Under section 14(1) of the Freedom of Information Act 2014, public authorities do not have to comply with vexatious requests; the Information Commissioner's Office (ICO) has issued guidance on dealing with vexatious requests. The Council will use this guidance in making a decision about whether a request is vexatious.
 - b) Examples of vexatious requests/complaints can include the following (this list is not exhaustive):
 - i) Harassment, abuse or seeking to intimidate staff dealing with or in relation to their complaint.
 - ii) The use of offensive, racist or sexist language.
 - iii) Publishing the complaint on other forms of media.
 - iv) Complaining about or challenging an issue based on a historic and/or irreversible decision or incident.
 - v) Making groundless complaints about the staff dealing with the complaint in order to have them replaced.
 - vi) Adopting a scattergun approach.
 - vii) Introducing trivial or irrelevant new information, which the complainant expects to be taken into account, and commented on, or raising large numbers of detailed but unimportant questions and insisting they are all fully answered.
 - viii) Submitting repeat complaints with minor additions/variations and insisting that they are "new" complaints.
- 6) Unacceptable Persistence and Demands
- a) Some people may not be willing or able to accept a decision taken or an explanation given by the Council and may persistently complain to and contact the Council about an issue.
 - b) Council resources have to be used where they can be most effective. Parton Parish Council considers it unacceptable behaviour where a request uses a disproportionate amount of time and resources that could be used for the benefit of delivering services for the community. Examples of this type of behaviour could be repeated contact with the Council or staff about the same issue without presenting any new information, or refusal to accept a decision or explanation given by the Council.
- 7) Managing Unacceptable Behaviour
- a) All staff have the authority to challenge unacceptable behaviour.

- b) The Council has a zero-tolerance position on violence and threats and this behaviour will be reported to the police.
 - c) Parton Parish Council shall only restrict communication with a customer if they have informed them in writing that their behaviour is unacceptable and have asked them to modify their behaviour.
 - d) A person should always be given an opportunity to rectify their behaviour unless in the most extreme instances, such as physical violence. Staff should explain that they find a person's behaviour unacceptable and give the person a chance to remedy, moderate or change their behaviour.
 - e) Parton Parish Council accept that a person's actions may be affected by disability (including mental health issues), substance abuse, alcohol abuse or other factors and these, along with any other relevant factors, shall be taken into account when implementing this policy.
 - f) When a person has been identified as unreasonably persistent or guilty of unacceptable behaviour, the Council may decide to manage contact with them and class them as vexatious. This may include refusing to process any new requests/complaints from the person, especially where the resources required to process the requests and complaints are so demanding that it affects the Council's ability to conduct business.
 - g) If the person's behaviour continues to be deemed unacceptable, or classed as vexatious if it is a complaint or request, it can result in the Council imposing restrictions on their contact with the Council or staff. Restrictions may include, but are not limited to:
 - i) Requiring contact to be made with only a named member of staff
 - ii) Restricting the method of contact; whether by telephone, post, email or other.
 - iii) Restricting the times at which contact may be made.
 - iv) Blocking email addresses
 - v) Terminating a line of communication if the same issue is raised persistently, having already been answered.
 - vi) If the Council believes a pseudonym is being used, they will seek to confirm the identity of the customer and will restrict contact until adequate proof has been presented in person.
- 8) Managing Contact
- a) If it is decided to manage contact with a customer, they will be notified in writing of how it will be managed and the duration of the restrictions.
 - b) The customer will be sent a copy of this policy and the Council's vexatious requests policy.
 - c) They will be advised on how they can appeal the decision.
 - d) A copy of all correspondence and action will be kept with the Council records for six years.
- 9) Appealing and Reviewing the Decision
- a) There is a right to appeal the decision to manage contact. The appeal must be in writing to the Clerk within 10 working days of the notification being sent.
 - b) The Council will consider the appeal at the next full meeting and the person will be informed in writing if their appeal has been accepted or rejected.
 - c) The decision will be reviewed one month before the restriction is due to end. The customer will be informed in writing if the duration has been extended or the original end date will be confirmed in writing.