

UNACCEPTABLE BEHAVIOUR POLICY

1. Policy statement

- 1.1 Exeter City Council is committed to dealing with customers fairly and impartially and to providing a high quality service. As part of this service the Council does not normally limit the contact that customers have with its officers.
- 1.2 Occasionally, the behaviour of some customers can make it very difficult for Council officers to deal with their enquiry or concern. In a small number of cases the actions of some customers become unacceptable because they involve abuse of people or processes. When this happens we have to take appropriate steps. On other occasions we have to consider whether a customer's actions are having an impact on our ability to do our work and to provide a service to others.
- 1.3 People may act out of character in times of 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 on our workers to be unacceptable. It is these actions that we aim to manage under this policy.

2. Aggressive, abusive or violent behaviour

- 2.1 We appreciate that customers' behaviour can be borne out of frustration with their own situation or the processes which must be followed in order for the Council to assist them. However, when this frustration escalates into aggression, abuse or bullying behaviour towards our officers, we consider that unacceptable. Any aggression, abuse or violent behaviour directed towards our officers will not be tolerated.
- 2.2 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.
- 2.3 How we will deal with this type of behaviour
 - Immediate action can be taken by the employee in direct contact with the customer.
 - The threat or use of physical violence, verbal abuse, intimidation or harassment towards our officers is likely to result in the termination of all direct contact with the customer who may also be banned from Council premises. Such incidents may be reported to the police. This will always be the case if Council officers believe that a criminal offence has taken place.

- Council officers may take reasonable steps to remove the customer from Council offices. The Council may also take legal action to prevent a customer from entering Council Offices, or contacting Council workers.
- The Council may place a restriction on the way we communicate with the customer, for example, restricting face-to-face contact to within the Council buildings, requiring more than one officer to be present at any meeting, including meetings at statutory or partner agency offices, limiting contact to written formats only.
- Where correspondence (either letter, fax or electronic) that is abusive to officers or contains allegations that lack substantive evidence is received, we will inform the sender that we consider their communication offensive, unnecessary and unhelpful and ask them to stop using such language. We will ask that the sender edit their correspondence to remove any offensive text and resend it, otherwise it will not be responded to.
- Officers will end telephone calls if they consider the caller to be aggressive, abusive or offensive in line with the Council's Step Away Policy. Our workers have the right to make this decision, to tell the caller that their behaviour is unacceptable and to end the call if the behaviour then persists.
- The Council may take any other reasonable steps not noted here to ensure the safety of its workers.
- A record of the incident may need to be made on a Council Accident/Incident form and entered on the Employee Protection Register. A record will also be made on the customer file.
- If the incident does not warrant an entry on the Employee Protection Register, but a restriction has been made on the customers contact with the Council, the Policy, Communications and Community Engagement Unit should be informed and will hold a central record.

3. Behaviour that places unreasonable demands on our workers

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

3.2 Examples may include, but are not limited to:

- Refusing to specify the grounds of a complaint or enquiry, despite offers of assistance.
- Repeatedly demanding responses within an unreasonable timescale.
- Demanding responses from several officers on the same subject.
- Making unjustified complaints about officers who are trying to deal with the issues, and seeking to have them replaced.
- Insisting on seeing or speaking to a particular officer when that is not possible.
- Covertly recording meetings and conversations.
- Submitting falsified documents from themselves or others.
- Impersonating someone else or falsifying their identity.
- Repeatedly changing the substance of an enquiry or complaint or raising unrelated concerns.
- Making serial complaints about different matters, or continuing to raise the same or similar matters over and over again.
- 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, request or complaint.
- Making long telephone calls regarding matters that have already been discussed or that are irrelevant to the enquiry, request or complaint.
- Pursuing parallel complaints on the same issue with a variety of organisations;
- Refusing to follow the Council or Ombudsman complaint procedures or continuing to correspond when these procedures have been exhausted.

3.3 How we will deal with this type of behaviour

3.4 We may:

- Limit contact to telephone calls from the customer at set times on set days.
- Restrict contact to a nominated Council officer who will deal with future calls or correspondence.
- See the customer by appointment only and possibly only with another officer in attendance.
- Restrict contact to written correspondence only.
- Refuse to deal with further correspondence and return any documents or advise the customer that further irrelevant documentation will be destroyed.
- Tell the customer that only a certain number of issues will be considered in a given period and ask them to limit or focus their requests accordingly.

3.5 If a customer presents themselves while under the influence of any substance such as alcohol or drugs which has a detrimental effect on their ability to undertake an interview with an officer then the officer can refuse or terminate the interview until such time that the customer is coherent.

3.6 The above are only examples of action we may take and we reserve the right to take any other action that we consider appropriate in the circumstances.

3.7 Where the correspondence relates to a complaint and we have told the customer that they may not have contact with us, we will continue to read any future correspondence. However we will not log, acknowledge or act on the correspondence unless it is submitting new evidence related to the complaint or making a normal request for a service outside of the complaint process.

4. **How we make a decision about unacceptable behaviour**

4.1 Any Council officer who directly experiences aggressive or abusive behaviour from a customer, has the authority to deal immediately with that behaviour in a manner they consider appropriate to the situation and which is in line with this policy.

4.2 With the exception of such immediate decisions taken at the time of an incident, decisions on unacceptable behaviour and the Council's response are only taken after careful consideration of the circumstances by a senior manager, either an Assistant Director or Corporate Manager, with reference to the Corporate Manager (Policy, Communications and Community Engagement) and informed by evidence provided by the relevant officer, team or team leader. Wherever possible, we will give the customer the opportunity to change their behaviour before such a decision is taken.

4.3 The senior manager will take into consideration whether the unacceptable behaviour is related to one specific issue such as a complaint, or whether it is likely to represent the customer's overall behaviour towards the Council.

5. How we inform people of our decision

- 5.1 When a decision has been made to restrict future contact, the customer will always be told in writing why a decision has been made, the restricted contact arrangements and the length of time that these restrictions will be in place. This will be done whether the decision was made at the time of the incident or following consideration by a senior manager. The customer will also be told the process for appealing the decision. This ensures that the customer has a full record of the decision and the reasons behind it.
- 5.2 There are exceptions to this where it is felt that contacting the customer could put the worker at further risk. These are detailed in the Employee Protection Register Policy & Procedure.
- 5.3 While this guidance refers to written correspondence, wherever possible, officers will take into account the customer's preferred method of communication. This may mean involving a third party or advocate to ensure the customer understands the decision that has been made.

6. How we will handle an appeal to the Council's decision

- 6.1 Where a customer has been informed that their behaviour is unacceptable and advised of the action the Council is taking, they will be advised that they have the right of appeal. If the customer wishes to appeal a restriction on their contact with the council they can do this in writing or verbally depending on the nature of the restriction imposed. This does not apply where legal proceedings have been commenced as the customer will have the opportunity to seek legal advice and or be represented in those proceedings and make whatever representations they consider appropriate in that forum.
- 6.2 The appeal will be considered by an Assistant Director or Corporate Manager from another service. The appeal officer may wish to discuss the matter with the customer in person but this does not mean that the customer has a right to represent themselves in person. The customer may be asked to submit relevant evidence to support their case within a reasonable timescale.
- 6.3 Any reversal or amendment of any restricted contact arrangements will be at the discretion of the senior officer considering the appeal.
- 6.4 The customer will be notified in writing, and verbally if necessary, of the outcome of the appeal within 15 working days of receipt of the request for appeal. The senior officer's decision is final.
- 6.5 If the customer is still not satisfied with the outcome of the appeal they can ask the Local Government Ombudsman or Housing Ombudsman (if the case relates to housing management) to investigate the case.

7. How we record and review a decision on unacceptable behaviour

- 7.1 We record all incidents of unacceptable actions which have resulted in contact being restricted.
- 7.2 Where it is decided to restrict contact, an entry noting this is made by the Assistant Director or Corporate Manager in the relevant customer file and on appropriate computer records. The Policy Unit will also hold a record of the restriction. A decision to restrict contact may be shared with other services to ensure it is enforced consistently.

- 7.3 On request, a decision to restrict contact as described above, may be reconsidered by a senior manager if the customer has maintained a period of acceptable behaviour towards Council officers for the period stated in the decision letter.
- 7.4 All decisions to restrict contact will be reviewed by the Policy, Communications and Community Engagement Unit annually. We may not always write to the customer to let them know the outcome of the review, even it is decided to lift the restriction, if we feel that doing so is likely to re-start a cycle of correspondence.

8. Freedom of Information

- 8.1 Complaints related to Freedom of Information (FOI) are dealt with through the Corporate Complaints Procedure up to and including Stage 2. If they continue after Stage 2, instead of being referred to the Local Government Ombudsman, FOI complaints are referred to the Information Commissioner's Office.
- 8.2 The FOI policy officer will need to be involved in any discussions with Assistant Directors and Corporate Managers around contact restriction with FOI complainants.
- 8.3 For further information see [Freedom of Information Process, Procedure and Guidance](#)

9. Safeguarding Vulnerable Adults

- 9.1 Some customers that the Council considers to be behaving unreasonably may be doing so because of a mental health problem. Where this is the case any concerns that officers have about a customer's vulnerability must be raised with the Assistant Director or Corporate Manager in line with the [Child and Vulnerable Adult Protection Policy](#).

10. Other related policies

- 10.1 This policy should be used in conjunction with:
- [Corporate Complaints Procedure](#)
 - [Harassment Policy](#)
 - [Step Away Policy](#)
 - [Employee Protection Register Policy & Procedure](#)

11. Policy Review

- 11.1 This policy and guidance will be reviewed by the Corporate Manager (PCCE) annually or when an incident occurs. This will help us ensure that these documents are up to date and fit for purpose.

June 2014