



POLICY ON THE MANAGEMENT OF UNREASONABLE OR VIOLENT BEHAVIOUR TO THE COUNCIL AND ITS EMPLOYEES

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1 INTRODUCTION

- 1.1 This policy defines and categorises incidents of unreasonable behaviour, abuse or violence and provides guidance on options available to deal with such incidents in order to ensure we comply with our legal responsibility under Health and Safety legislation to protect the health, safety and welfare of all members of East Woodhay Parish Council (the Council).

2 PURPOSE AND OBJECTIVES

- 2.1 The purpose of this policy is to define what we consider to be unreasonable or violent behaviour from anyone who communicates with the Council, and to ensure consistency and fairness when dealing with such behaviour.
- 2.2 The policy provides details on the options available to the Council when dealing with such behaviour, explaining the process we will follow and the possible consequences to the complainant which may include having restrictions imposed on their contact with the council.
- 2.3 The policy ensures that:
- all members of the public are treated equitably and on an individual basis;
 - personal information is processed in accordance with relevant data protection legislation, namely the UK General Data Protection Regulations (31 January 2020) and Data Protection Act 2018.

3 DEFINITION OF UNREASONABLE BEHAVIOUR

- 3.1 Unreasonable behaviour may include one or two isolated incidents as well as unreasonably persistent behaviour, which is usually an accumulation of incidents or behaviour over a longer period.
- 3.2 In defining unreasonable behaviour we have taken into account the Local Government Ombudsman's (LGO) definition:
- "...unreasonable and unreasonably persistent complainants are those complainants who, because of the nature or frequency of their contacts with an organisation, hinder the organisation's consideration of their or other people's complaints."***
- 3.3 Behaviour which may lead to a complainant being considered as unreasonable may include one or more of the issues listed below. Please note this list is not exhaustive.
- Making excessive demands on the time and resources of the Clerk by, for example, excessive and lengthy phone calls, emails or letters, or detailed letters/emails every few days and expecting immediate responses.
 - Repeated and obsessive pursuit of a complaint or issue which appears to have no substance or which has been investigated and determined.

- Contact, which may be amicable, but which places unjustifiably heavy demands on the Clerk's time or may be very emotionally charged and distressing for all involved.
- Escalation of unacceptable behaviour which is, for example, abusive, aggressive or threatening.
- Refusal to specify the grounds of a complaint or to give appropriate details.
- Changing the basis of the complaint/request whilst it is under investigation.
- Denying or changing statements made at an earlier stage.
- Acting in a deceitful manner by providing misleading or false information or documents, or adopting false identities.
- Covertly recording meetings and conversations with councillors.
- Introducing irrelevant or trivial issues into their complaint.
- Refusing to accept the decision; repeatedly arguing points with no new evidence.
- Persistently approaching the Council through different routes about the same issue, or getting others to do so.
- Persistently seeking an outcome which the Council has already explained is unrealistic for policy, legal or other valid reasons
- Adopting a 'scatter gun' approach; pursuing parallel complaints on the same issue with a variety of organisations.
- Refusing to co-operate with the complaints investigation process while still wishing their complaint to be resolved.
- Causing distress to councillors and the Clerk. This may include the use of hostile, abusive, condescending, sarcastic or offensive language (including racial or sexist terms) which is intended to belittle or intimidate.
- Making unjustified complaints about Councillors who are trying to deal with the issues and/or asking that they be replaced or escalating a complaint to a more senior body after receipt of a response with which they disagree (unless this is part of the formal complaint escalation process).
- Submitting further complaints, after the complaints process has been completed, about the same or substantially the same issue.
- Refusing to accept the council's or Ombudsman's decision and repeatedly arguing the point or complaining about the decision. This can include continuing to correspond with stakeholders on the same issue after the final decision has been reached or insisting that the Council has not dealt with the issue to their satisfaction.

4 DEALING WITH UNREASONABLE BEHAVIOUR

4.1 We will seek to ensure that our actions are appropriate and proportionate in the application of this policy. However, we have a zero tolerance towards violence or threatening behaviour towards our council.

4.2 Before deciding to apply any restrictions we will ensure that:

- we have considered and ensured we understand a complainant's circumstances, how and why they feel as they do and what it is that would resolve the matter for them;
- we are sure that we have given them the right opportunity to express their views and opinions and that we have listened and given appropriate thought and effort to resolving and explaining the position and our actions;
- the issue or complaint has been dealt with properly and in line with relevant Council procedures and any statutory guidelines;
- any decision reached has been reviewed and is found to be appropriate;
- the complainant is not now providing any significant new information that might affect our view or decision on the complaint;

4.3 There is not another, more specific path for the complainant to follow, for example an appeal process if they are complaining about a decision taken that directly affects them. Where our efforts to resolve matters with the complainant have not been successful and the complaints procedure has been exhausted, we may close the case. Where appropriate we will advise the person to contact the Local Government Ombudsman or Information Commissioner if they wish to take the matter further. We will also inform the person that we will no longer enter into any correspondence on the same issue unless material new information becomes available.

4.4 Each case will be considered on an individual basis and any decision to classify a complainant as unreasonable will be made by the Council as a whole.

4.5 Actions available may include restrictions on the person's contact with the councillors, such as:

- providing the complainant with a named single point of contact (the Clerk) for all communication;
- requiring any personal contact to take place in the presence of a witness and at a suitable location;
- refusing to register and process further complaints/requests about the same matter;
- informing the complainant that further contact on the matter of the complaint/request will not be acknowledged or replied to;

- requiring the complainant to make contact only through a third party, for example a solicitor/councillor/friend acting on their behalf.

If none of the options listed above offer the protection that the Council is entitled to, other options may be available. In exceptional circumstances, it may be appropriate to apply for a civil injunction against the complainant. Such action will be considered on a case by case basis in consultation with Basingstoke and Deane District Council Legal Services.

- 4.6 Any restrictions must take into account the complainant's individual circumstances, bearing in mind such issues as age, disability, gender, race, religion or belief, etc.

5 **NEW COMPLAINTS OR REQUESTS**

- 5.1 We will not ignore new complaints from complainants who are classified as unreasonable. All such requests will be considered on a case by case basis; however the Council may decide whether any restrictions are still appropriate and necessary in relation to the new complaint or request.

6 **VIOLENT OR ABUSIVE BEHAVIOUR**

- 6.1 There may be circumstances in which a complainant's behaviour exceeds the definition for unreasonable and becomes threatening, violent or abusive. In such cases the procedure detailed below for dealing with incidents of violent or abusive behaviour will be followed and, if necessary, the person will be added to the Council's potentially violent persons list.

- 6.2 The following definition applies to the term violent or abusive behaviour:

Any incident, in which a councillor or Clerk is verbally abused, intimidated, threatened or assaulted by a member of the public in circumstances arising out of the course of his or her engagement. This includes racially or sexually abusive language, threatening behaviour and any written communication which contains abusive language or threats of violence

- 6.3 This policy will be applied to all persons, who display aggression including physical attacks that may or may not result in pain or injury; verbal abuse or threats be they face to face, over the telephone or within written communications; threatening behaviour or any action that causes anxiety, fear or concern and physical attacks on property.

- 6.4 In addition, it is important that members of the Council who only have contact with customers via email or letter are able to identify unreasonable, abusive or threatening language and follow this policy and procedure.

7 PROCEDURE FOR DEALING WITH INCIDENTS OF VIOLENT OR ABUSIVE BEHAVIOUR

- 7.1 All incidents of physical violence, racial or homophobic abuse will be reported to the Police.
- 7.2 If a complainant is abusive or threatening in person or on the telephone the Clerk will advise that they are going to disconnect the call if the behaviour continues. In cases of abusive correspondence, via letter or email, the person will be written to by the Clerk to advise that their behaviour and/or language is unacceptable and will not be tolerated.

8 NOTIFYING CUSTOMERS OF DECISIONS

- 8.1 Once a decision has been made to classify a complainant's behaviour as unreasonable the Clerk will write to the person to:
- detail the action the Council has taken and why;
 - explain what it means for the complainant's future contacts with the Council;
 - set out ways the complainants can contact the Council about new issues, but making it clear that existing issues will not be revisited or responded to;
 - advise how long any restrictions will last and when the decision will be reviewed;
 - enclose a copy of this policy for the complainant's information.

9 REVIEWING DECISIONS

- 9.1 When any restrictions are put in place a review date will set. This will be based on the circumstances of the case, but will usually be 3 months.

10 RECORD KEEPING

- 10.1 All notes will be retained by the Clerk.

11 DATA PROTECTION

- 11.1 All personal information must be processed in line with the requirements of the UK General Data Protection Regulations (31 January 2020) and Data Protection Act 2018. This includes personal information:
- being accurate and up to date;
 - being adequate and not excessive for the purpose;

- only being retained for as long as is necessary; and
- being kept secure.

11.2 Members of the public have the right to request a copy of their personal information held by the Council.