

Ennerdale & Kinniside Parish Council

Adopted 16th January 2024

Unacceptable Behaviour Policy

Document Distribution

This policy is to be distributed to staff and elected members of Ennerdale & Kinniside Parish Council and placed on the Council's website.

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Purpose

This policy sets out how Ennerdale & Kinniside Parish Council can identify unacceptable behaviour from customers, stakeholders and members of the public.

Policy Benefits

This Unacceptable Behaviour Policy will enable the Council to:

- Deal respectfully, fairly and reliably with all members of the public including those who are deemed to have shown unacceptable behaviour.
- Provide its services, in an accessible way, to all members of the public. The Council shall seek to manage an individual's contact with a service if a person's actions or behaviour has been deemed unacceptable.
- Allow Council employees to be able to deal confidently and effectively with unreasonable behaviour.
- Ensure that Council employees have a safe working environment and are not exposed to unnecessary stress, harassment or violence due to unacceptable behaviour.
- Identify and manage vexatious complaints/requests that seek to be disruptive to the Council.
- Ensure that employees enjoy the same level of security whether their job involves them working as a lone worker, in an office or an external environment

Introduction

The Council aims to deal with everybody in an open and respectful manner, using its resources to achieve the best services for residents and visitors to the Parish.

The Council encourages and welcomes feedback on those services but recognises that a minority of people can act or behave in a way towards councillors and employees that can be unacceptable. This policy has been produced to create a joint understanding of what is considered unacceptable behaviour.

Unacceptable behaviour can take many forms but for the intent of this policy is categorised as:

- aggressive, intimidating or abusive behaviour.
- vexatious requests/complaints.
- unacceptable levels of persistence and demands.

Scope

This policy applies to all Ennerdale & Kinniside Parish Council employees, elected members of the Council, the general public and all contractors and vendors receiving or delivering services to or for the Council.

The Council's Dignity at Work policy includes fundamental principles that this policy adheres to. Ennerdale & Kinniside Parish Council believes that its employees have a right to a working environment in which the dignity of individuals is respected, and the Council is committed to providing a safe and healthy workplace for its employees. To this end, the Council seeks to promote equal treatment for all employees and potential employees regardless of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

Definitions

The Council: Ennerdale & Kinniside Parish Council.

Elected Member: A councillor elected to serve on Ennerdale & Kinniside Parish Council.

Employees: People employed by Ennerdale & Kinniside Parish Council.

Lone Worker: Lone working is defined by the Health and Safety Executive as those who work by themselves without close or direct supervision. This does not necessarily mean that the worker is physically alone; it could mean they are in a separate location to the rest of their team or manager, for example, on a site or home visit.

Public Services: A public service is a service provided such as health care, transport, or the removal of waste, which is organized by the government or an official body in order to benefit all the people in a particular society or community.

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'.

Aggressive, intimidating 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.

Aggressive, intimidating 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.

Insulting or Offensive Remarks: Remarks or comments made to cause insult or offense.

Physical Aggression: Behaviour causing or threatening physical harm towards others.

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. This could include pointing a weapon or moving erratically with it in close proximity to someone.

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.

Rudeness: Discourteous or impolite, especially in a deliberate way.

Racist Language: Language showing prejudice against people of other races, belief system or believing that a particular race is superior to another.

Sexist Language: Language relating to or categorised by prejudice, stereotyping, or discrimination based on gender characteristics.

Adopting a 'Scattergun' Approach: Pursuing a complaint or complaints with the Council and, at the same time, with another member of staff/Member of Parliament/a Councillor/the Council's independent auditor/local police/solicitors/the Ombudsman/other public bodies.

Cross Request/Complaint: A complaint made against a person in response to that person raising a complaint.

Managed Contact: A restriction or restrictions placed upon a customer to protect Council employees/members and ensure the Council can continue to operate efficiently.

Zero Tolerance: The policy of applying penalties to even minor infringements of a code in order to reinforce its overall importance.

Roles and Responsibilities

The Council has overall responsibility for approving and implementing this policy.

The Council is responsible for:

- Ensuring that the agreed process is complied with and that it is effectively, fairly and consistently applied.
- Ensuring that all employees are made aware of this policy and their responsibilities in relation to it.
- Ensuring that the processes for dealing with unacceptable behaviour are followed correctly and feedback is given back to the relevant staff.

All employees, elected members, contractors and agency staff have a responsibility to report unacceptable behaviour incidents and follow the procedures described in this policy.

The Chair of the Staffing Committee will be responsible for reporting to staff what action has been taken after they have raised an issue of unacceptable behaviour.

Policy Details including Procedures

Aggressive, Intimidating or Abusive Behaviour

Examples of this behaviour include, but are not exclusive to, the use of insulting and offensive remarks, physical aggression, threats, threats of personal legal action being taken, rudeness, racist or sexist language, intimidating behaviour stalking behaviour, contact outside work or through someone's home life.

This behaviour can take place in many forms such as, but not limited to, contact via face-to-face, telephone, email, social media or SMS (text message). Inflammatory statements and unsubstantiated allegations can also be considered unacceptable behaviour.

This policy will be made available on the Council's website to ensure the public are aware of what behaviour will not be tolerated by the Council.

Harassment, verbal abuse or intimidation by the use of foul, inappropriate, offensive, sexist or racist language will not be tolerated. Physical intimidation in any form shall not be tolerated.

Personal grudges and unfounded accusations are classed as abusive behaviour. This is defined as when, for whatever reason, the customer is targeting their correspondence towards a particular employee or office holder against whom they have some personal enmity. It may also include making groundless complaints about staff dealing with their complaint and seeking to have the officer replaced or dismissed or making unsubstantiated accusations against the public authority or specific employees.

Vexatious Requests/Complaints

Under Section 14(1) of the Freedom of Information Act 2000, public authorities do not have to comply with vexatious requests.

The Information Commissioner's Office (ICO) has issued guidance on dealing with vexatious requests, 'Dealing with Vexatious Requests (Sections 14) 2014. The Council will use this guidance in making a decision about whether a request is vexatious.

Examples of vexatious requests/complaints can include the following (this list is not exhaustive):

- Harassment, verbal abuse or otherwise seeking to intimidate staff dealing with their complaint or in relation to their complaint.
- The use of offensive or racist language and/or publishing their complaints on other forms of media.
- Complaining about or challenging an issue based on a historic and/or irreversible decision or incident.
- Making what appear to be groundless complaints about the staff dealing with the complaints and seeking to have them replaced.
- Adopting a 'scattergun' approach.
- 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.
- Submitting repeat complaints, after complaints processes have been completed, essentially about the same issues, with additions/variations, which the complainant insists make these 'new' complaints, which should be put through the full complaints procedure.
- Making a cross request/complaint in a 'tit for tat' manner.

Unacceptable Persistence and Demands

The Council recognises that 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. Complaints can be made that the Council cannot provide a level of service that people desire or they may persistently complain and continually contact the Council about an issue.

Council resources, including staff time, have to be used where they can be most effective. Ennerdale & Kinniside 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 generally and/or to other members of the public.

Examples of this type of behaviour could be repeated contact with a service or particular employees about the same issue without presenting any new information or refusal to accept a decision or explanation given by the Council.

Managing Unacceptable Behaviour

All Ennerdale & Kinniside Parish Council employees and councillors have the authority to challenge unacceptable behaviour.

The Council has a zero-tolerance position on violence, threats and intimidation whether intentionally or not, against its employees or elected members and this behaviour will be reported to the police.

Ennerdale & Kinniside 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. Depending on the severity of the threat restriction may be put in place at the first communication.

The Council's principle is that a person should always be given an opportunity to rectify their behaviour unless in the most extreme instances of unacceptable behaviour such as physical violence. Employees should explain that they find a person's behaviour unacceptable and give the person a chance to remedy, moderate or change their behaviour only once.

If the person persists in the behaviour, the employee will consult with the Chair and Vice-Chair, and if agreed, the person will be notified that their behaviour will be

referred to the Council for a decision under this policy. Communications will be paused until after the Council has made its decision.

Ennerdale & Kinniside Parish Council accepts 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. However, the priority remains staff safety at all times. Where someone has a disability, mental health crisis or a condition which may affect behaviour all options will be explored to maintain contact e.g., using video calls or always attending with a support worker, social worker or Police in attendance to keep everyone safe.

When a customer has been identified as unreasonably persistent or guilty of unacceptable behaviour, the Council may decide to manage contact with the customer and class the customer as vexatious.

This must be decided by the Council by hearing the matter confidentially at the next available meeting following an incident or referral. The restrictions will be decided by the Council and can include refusing to process new requests/complaints from the customer. The decision to refuse to process new requests/complaints from a customer will only be used in extreme circumstances, for example, where the resources required to process the requests and complaints are so demanding that it effects the Council's ability to conduct business.

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 managed contact with the Council and their services.

When an incident of unacceptable behaviour has taken place, employees and elected members must refer to this policy.

Monitoring of Policy Adherence

Operationally, the Clerk will ensure that the policy is adhered to consistently within the Council. They will liaise with the Chair and Vice-Chair and report to the full Council.