

Unacceptable Behaviour Policy

Produced by Revenues, Welfare and Customer Services, Legal Services and Corporate Health & Safety

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1. Introduction

Harrogate Borough Council (HBC) is committed to providing a high quality and consistent service to all our customers. We are also responsible for the health and safety of our employees and have a duty of care to provide a safe working environment for our staff, elected Members, volunteers and contractors to operate in.

There are occasions when customers may make unreasonable demands that can impact the services we provide to customers, or interact in a way that causes offence or distress to our employees and/or Members. When this occurs, we have a duty to manage customer contact in an appropriate manner to protect staff and to maintain the effectiveness of our services to other customers.

This policy sets out our definition of unacceptable behaviour, and our approach to dealing with it when such incidents occur.

2. Equality and Diversity

Where a customer is behaving in a difficult, persistent or unacceptable manner, we must consider whether this may be caused by any personal difficulties or characteristics they have, which may be making our services more difficult to access or use. However, a customer who has rights under the Equality Act 2010 may still be considered to be acting in a persistent, difficult or unacceptable manner under this procedure.

Where unacceptable behaviour arises in these circumstances, we will consider the individual needs and circumstances of both the customer and employee when determining the best course of action.

3. What is unacceptable behaviour?

Unacceptable behaviour will differ depending on the individuals involved and the particular circumstances of the interaction. HBC categorises unacceptable behaviour into two general areas which are:

- Aggressive, abusive or offensive
- Unreasonable or persistent

3.1. Aggressive, abusive or offensive

There are no circumstances where aggressive, abusive or offensive behaviour will be tolerated by HBC. Violence is not restricted to acts of aggression resulting in physical harm. Behaviour or language (written or spoken) that may cause staff to feel distressed, threatened or abused are also included. Examples of this behaviour include (but are not limited to):

- Actual physical violence
- Threats of physical violence
- Harassment or inappropriate physical contact
- Intimidating behaviour
- Inappropriate cultural, gender identity, disabled, racial or religious references
- Personal remarks or derogatory comments

3.2. Unreasonable or persistent behaviour

Persistent behaviour can manifest itself in different ways. Customers can become preoccupied with one organisation, with the council or with a specific person. They can also raise the same issues repeatedly under different guises.

On occasion, customers may make unreasonable demands through the amount of information they seek, the nature and/or scale of service they expect or the number and frequency of approaches they make. Some customers may not, or cannot accept that we are unable to assist beyond the level of service that has already been provided. This includes scenarios such as continued, repeated contact about the same issue, or persistent disagreement with the action or decision taken. The method or tone of the communication may not in itself be unreasonable; however it is the persistent behaviour in continuing to contact us contrary to the advice that has been given that is unacceptable under this policy.

Each case will be considered separately however examples include (but are not limited to):

- Demanding responses within an unreasonable timescale
- Repeatedly contacting or insisting on speaking to a particular officer or Member who is not directly involved in the case
- Excessive telephone calls, emails, letters, faxes and social media posts or other communications
- Sending duplicate correspondence requesting a response to multiple employees and/or Members
- Persistent refusal to accept a decision
- Persistent refusal to accept an explanation
- Continuing to contact the council without new or relevant information
- Insisting issues are dealt with in a manner incompatible with established procedures or good practice
- Failing to engage with an established process and using a 'scatter gun' approach: pursuing parallel enquiries or complaints on the same issue with multiple officers and/or Members.

4. Dealing with unacceptable behaviour

Note all references within the policy to 'employees' or 'staff' apply equally to Council Members, volunteers and contractors.

When considering whether a customer has behaved unacceptably, we will take in to account that some interactions between our customers and employees can be emotionally charged. In this situation, we would expect our employees to do their best to manage such interactions through to

a successful conclusion. However, HBC does not expect its employees to tolerate unacceptable behaviour of any kind. If a customer displays unacceptable behaviour, the employee has the right to end the customer interaction. Before taking such action, the customer must be warned that their conduct is considered to be unacceptable and therefore given the opportunity to moderate their behaviour.

Where the interaction has caused distress to the employee, it must be reported to their line manager or the Head of Legal and Governance for Elected Members, and a near miss, incident and accident form (available on the Hub under forms) completed to ensure records are maintained and customer behaviour is monitored.

All incidents involving threats against an individual employee or HBC, or physical violence will be reported to the police.

5. Impacts of unacceptable behaviour

Employees may be adversely affected by the behaviour of a customer that is perceived to be unacceptable. Whilst a wide range of services within HBC can result in employees dealing with challenging customer behaviour, as an employer we have a responsibility to ensure the correct support is in place for the employee to deal with these incidents.

Training is available to ensure employees have the skills to achieve this. Where a training need is identified, the corporate training team should be contacted to enable this to be delivered.

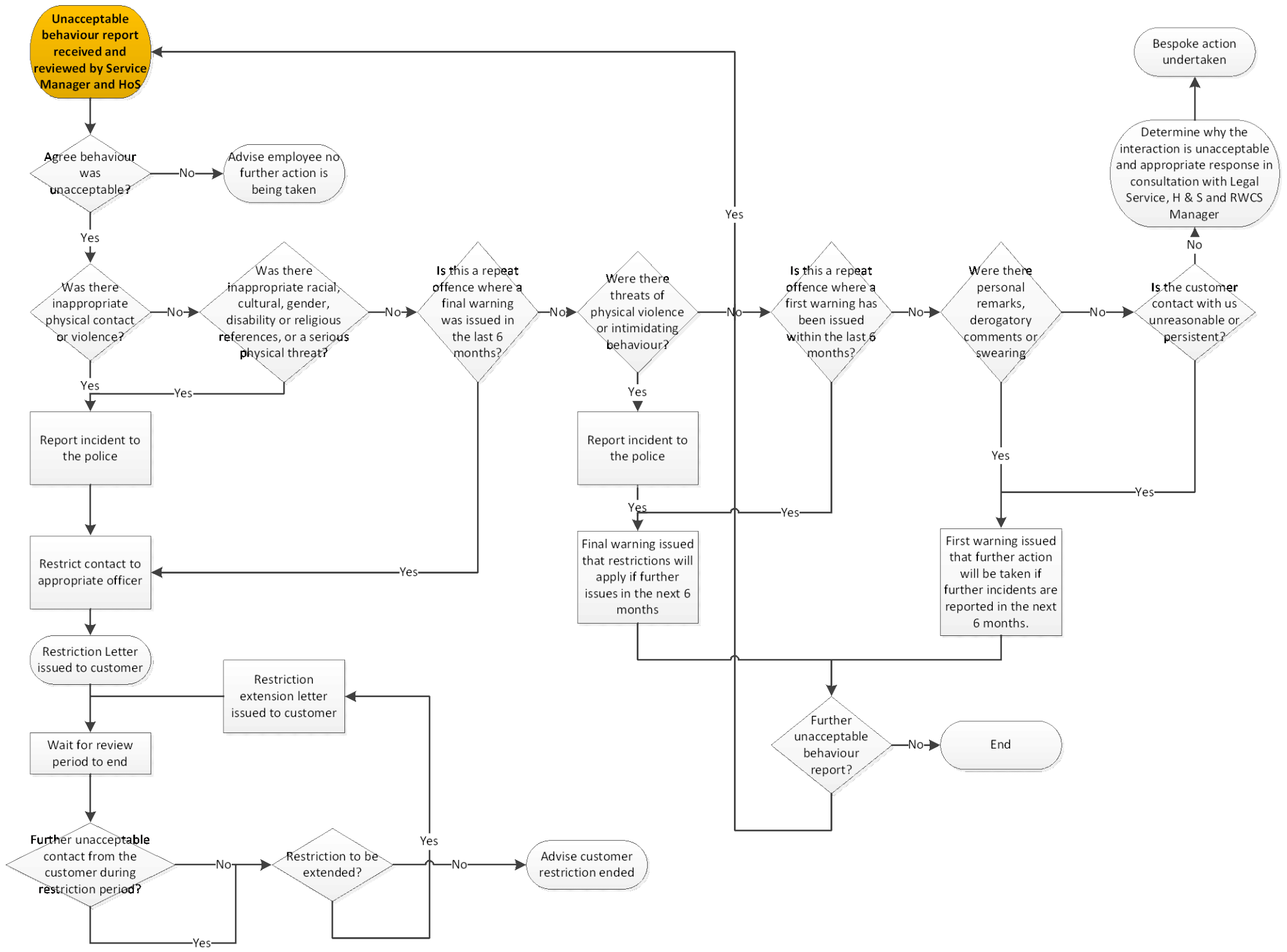
Following an incident, the employee should discuss the incident with their line manager, and if appropriate the corporate health and safety team should be involved to identify other support options, including the Insight healthcare service.

6. Action under the unacceptable behaviour policy

Action under the policy should be proportionate based on the interaction, and the behaviour experienced. The process overleaf outlines the decision points and outcomes that should be followed by managers and senior managers on determining the action to be taken on being informed of an unacceptable behaviour incident.

Note, there may be occasions, in particular with Elected Members where it may be appropriate to arrange a meeting with the customer to discuss issues and agree a managed approach to dealing with their concerns.

The flow chart provides guidance and consistency of approach across the organisation. However, decision makers should use judgment and discretion to consider whether proposed action is appropriate based on the merits of the case taking in to account the particular circumstances involved.



The line manager in conjunction with the Head of Service should determine the correct action to be taken. In situations concerning Elected Members, the political group leader, and Head of Legal and Governance should be consulted. Any concerns or questions should be raised with the Revenues, Welfare and Customer Services Manager in the first instance for support.

All instances where action has been taken will be flagged on the customer record in customer services for the period a case is live. Section 6.3 below sets out situations where a customer's behaviour may continue to be flagged after a case has been closed.

The council will endeavour to respond to an incident of unacceptable behaviour in a proportionate way and depending on the nature of incident, the following warnings / restriction may be put in place and may be escalated to a final warning or restriction as appropriate.

6.1. Initial warning

An initial warning letter will be issued where the circumstances identify it is appropriate to do so. For example purposes only, an initial warning may be issued for the following types of incidents::

- Personal remarks
- Derogatory comments
- Sustained swearing and/or shouting
- Inability to accept a decision, and repeated requests for a review
- Multiple requests for progress updates in an unacceptable time period

Initial warnings will be held in place for a period of six months from the date of issue of the initial warning letter. At this point, the case is reviewed and if there have been no further incidences of unacceptable behaviour, the initial warning is deleted from the customer record.

6.2. Final warning

Where a customer has received an initial warning in the previous six months and a subsequent incident occurs, a final warning may be issued. Depending on the severity of an incident, it may be appropriate to move directly to a final warning rather than an initial warning. Some examples of circumstances where a final warning may be issued in place of an initial warning are listed below:

- Threats of physical violence
- Intimidating behaviour

Final warnings are held in place for a period of six months from the date of issue of the final warning letter, however further incidents of unacceptable behaviour in this period may result in specific restrictions being put in place as set out at 6.3 below. If there is no recurrence of the unacceptable behaviour within the six month period from the date of issue of the final warning letter, the final warning will be deleted from the customer record.

6.3. Restriction

If there is a further incident or incidents of unacceptable behaviour, or the severity of an incident suggests a restriction is appropriate, customer contact with the council may be limited.

Examples of behaviours where a restriction would be appropriate in the first instance are given below:

- Inappropriate racial, cultural, gender, disability or religious references
- Physical violence
- Inappropriate physical contact
- Severe threats of physical violence

HBC has a zero tolerance approach to all these types of behaviour and therefore where a restriction is given in the first instance for the types of behaviour set out above, the police will also be informed.

Restrictions will be set for an initial period of up to a maximum of one year with reasonable reviews build in to the period. If no further incidents are reported, the restriction may be lifted after the designated period, and the report will be removed from the customer record.

The types of restrictions to be given include but are not limited to:

- Limiting contact to a particular communication type (such as email) and/or the frequency of contacts
- Contact only allowed with a specific named officer
- Restricting contacts to particular days or times
- Restricting or banning access to some/all council premises

Where a restriction is applied on to the customer, it should not unreasonably restrict customer access to council services. Where there are continued incidents of unacceptable behaviour, further restrictions may be put in to place or extended for a further period of time. The relevant Head of Service will consult with the Head of Legal and Governance if further extensions to the restriction period are required.

Where a restriction is being lifted, the customer will be advised in writing that the restriction is being ended and advised of the expected behaviour for future contacts.

If a further customer incident occurs within six months of a previous restriction being lifted, following consultation with Legal Services, where it is appropriate to do so, and the council has the right to progress directly to restricting customer contact.

Where an incident has involved physical violence or direct threats against an employee, at the point a flag is to be removed a data protection impact assessment will be completed. This will evaluate whether the flag should be removed or should remain against the account for a further defined period.

In certain circumstances it may be necessary and appropriate for the council to take formal legal action against individuals. This could take the form of an injunction under the provisions of the Anti Social Behaviour, Crime and Policing Act 2014 or the Protection from Harassment Act 1997. Legal Services will provide further guidance and advice where appropriate.

Any customer requirements will be considered in determining the appropriate restriction to ensure the action taken does not discriminate against the customer under the Equalities Act 2010, or increase their level of vulnerability.

Wherever possible a reasonable degree of access to council services will be maintained, but with due regard to the safety and wellbeing of council employees.

The council will ensure that action is reasonable and in accordance with relevant legislation including but not limited to:

- Health and Safety at Work Act 1974
- Human Rights Act 1998
- Crime and Disorder Act 1998
- Equalities Act 2010
- General Data Protection Regulations 2018 and Data Protection Act 2018

6.4. Keeping the customer informed

Whenever the unacceptable behaviour policy is activated and customer behaviour is found to be unacceptable, the customer must be informed in writing. Where a restriction has been put in place, the customer must also be informed in writing that the restriction has come to an end and either advised that restriction has been lifted, or informed of any extension to the restriction. If the restriction is to be extended, the customer will be provided with reasons.

6.5. Right of appeal

When the customer is informed of action under the unacceptable behaviour policy, they must also be informed of their right of appeal.

Where action is taken under the policy, customers who are aggrieved by the action taken against them can make a complaint under the council's corporate complaints policy. Complaints against the imposition of a restriction will initially be investigated by the Revenue, Welfare and Customer Services Manager at Stage 1 of the Corporate Complaints Policy.

7. Social Media

Social media is now a very popular means of communication that allows people greater freedom in how they express themselves both socially and for business purposes. For many it is now their preferred way of finding out what is going on or contacting organisations like the council. The majority of people who use social media do so responsibly, courteously and respectfully. However, on occasions a problem can arise with a small minority.

We know there will be times when people may be unhappy with what the council does (or does not do) or the decisions it takes and that individuals may feel aggrieved, upset or distressed. However, it is not considered acceptable when these feelings become abusive or aggressive or are directed towards individual employees or councillors. While we wish to encourage public debate and have no intention of stifling discussion about us as an organisation, we do draw the line at posts or

messages on social media sites that target named members of staff with direct, unacceptable criticism that constitutes harassment; abuse; bullying; and/or defamation.

The council's social media accounts, along with other groups and posts (where possible), are monitored daily. The name and handle of any accounts posting content considered unacceptable will be recorded with the date, the social media post, and why it is unacceptable. If the posts are considered unacceptable, a written warning will be issued to the author in private via a direct message (if possible). The warning will link to this policy and remind the individual of acceptable behaviour. It will be a standard message. Either the inappropriate material will be removed from the council's social media profile(s), or the author/group admin will be asked to delete it.

If the unacceptable behaviour continues, or posts are not removed within 48-hours when the author has been requested to move them, the council will consider further restrictions on the way the individual can communicate with the council, in accordance with this policy.

8. Monitoring and Reporting

Incidents under the unacceptable behaviour policy will be reported quarterly to the corporate Health and Safety Group to ensure consistent and fair application of the policy throughout the organisation.

This policy will be reviewed every three years to ensure it continues to be fit for purpose.

9. Customer Record Management

Where any decision has been taken to restrict access, it is the responsibility of the person authorising the restriction to inform the Revenues, Welfare and Customer Services Manager of the restriction and provide copies of any correspondence to be held on file.

The Revenues, Welfare and Customer Services Manager is responsible for maintaining records of those customers who have received a restriction. Following the update of the customer record, the Corporate Customer Services Manager will run a report held on SharePoint which all relevant staff can view. The report will provide details of the customer, case reference number and the nature and duration of the restriction(s) in place.