Unacceptable behaviour policy

June 2016
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1. **Introduction**

1.1 We are committed to providing a fair, consistent service for all our customers. However, we have to balance this by providing as part of a duty of care, a safe working environment for our staff to operate within and to ensure that our work is undertaken in an efficient and effective manner.

1.2 On occasions, customers may make unreasonable demands that could affect the services we provide to customers, or interact in a manner which causes offence to our staff. Where this occurs, we reserve the right to manage customer contact in an appropriate manner to protect staff and to maintain the effectiveness of our services to other customers.

1.3 This policy sets out our approach to managing those customers whose actions or behaviour are considered unacceptable and are either having a harmful impact on members of staff or their ability to provide a consistent level of service to all customers.

2. **Equality and diversity**

2.1 We recognise that, in some circumstances, customers may have a mental health problem and/or disability where it may be difficult for them to either express themselves or communicate clearly and/or appropriately. Where unacceptable behaviour is evidence under these circumstances, we will consider the individual needs and circumstances of the customer and staff before deciding on how best to manage the situation.

3. **Defining unacceptable behaviour**

3.1 What is deemed to be unacceptable behaviour will often differ depending upon the individual(s) involved and their particular circumstances. Examples of unacceptable behaviour are grouped under two broad headings as follows:

- aggressive, abusive or offensive language or behaviour; and
- general unreasonable behaviour and unreasonably persistent customers.

3.2 Aggressive, abusive or offensive language or behaviour

3.2.1 Staff have the right not to be subjected to aggressive, abusive or offensive language or behaviour, regardless of the circumstances.

3.2.2 Examples of this behaviour include, but are not limited to:

- actual or threats of physical violence;
- intimidating behaviour;
- harassment;
- swearing;
- inappropriate cultural, gender identity, disabled, racial or religious references; and
- rudeness, including derogatory remarks.
3.2.3 Violence is not restricted to acts of aggression that may result in physical harm. It also includes behaviour or language (written or spoken) that may cause staff to feel distressed threatened or abused.

3.3 General unreasonable behaviour or unreasonably persistent

3.3.1 On occasions, customers may make unreasonable demands through the amount of information they seek, the nature and scale of service they expect or the number 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. For example, customers may persist in disagreeing with the action or decision taken in relation to their case, or contact us repeatedly about the same issue. The method or tone in which these communications are received may not in itself be unreasonable – it is the persistent behaviour in continuing to do so that is considered unacceptable.

3.3.2 What amounts to generally unreasonable behaviour or demands will always depend on the circumstances surrounding the behaviour and the seriousness of the issues raised by the customer.

Examples of this behaviour include, but are not limited to:-

- demanding responses within an unreasonable time-scale
- repeatedly contacting or insisting on speaking to a particular member of staff who is not directly dealing with the matter;
- excessive telephone calls, emails or letters;
- sending duplicate correspondence requiring a response from more than one member of staff;
- persistent refusal to accept a decision;
- persistent refusal to accept explanations; and
- continuing to contact the council without presenting new and relevant information.

4. Dealing with unacceptable behaviour

4.1 No member of staff has to tolerate unacceptable behaviour. Where this occurs, the member of staff has the right to end the interaction. However, before taking such action, it is reasonable to expect that the customer is warned that their conduct is considered to be offensive and to allow them the opportunity to moderate their behaviour.

4.2 In the instance where the interaction has caused distress, the member of staff must report the matter to their immediate line manager and the employee must complete an accident and incident form. An accident and incident form must be filled out otherwise we will have no record of the incident.

5. Available restrictions

5.1 Where a customer continues to communicate in an unacceptable manner, we will exercise our right to restrict contact.

5.2 We must tell the customer that their behaviour is unacceptable and ask them to change it.
This could be communicated during a face-to-face or telephone conversation or in paper or email correspondence. Before the restrictions outlined under this policy can be activated, a written communication must be sent to the customer signed by the appropriate Head of Service or Deputy in absence giving the customer a final opportunity to amend their behaviour. The precise nature and action will be appropriate and proportionate to the nature of the unacceptable behaviour and the circumstances of members of staff and the customer.

If the unacceptable behaviour continues, we will, as a last resort, take action to restrict the customer’s contact with its office.

The options to be considered are:-

- limit future contact to a particular form and / or frequency – for example, emails or letters only – and these will be reviewed once per week / month;
- requiring contact to take place with a named officer;
- restricting any telephone calls to specified days and times;
- asking the customer to enter into an agreement about their future conduct;
- banning the customer from specific or all council premises;
- block/ terminate telephone calls and/ or block emails from being received;
- if the customer is a complainant under the our Corporate complaint’s policy, terminate all contact. This may mean that we discontinue looking in to their complaint until the customer modifies their behaviour;
- take legal action, such as applying for an injunction or court order to prohibit contact/ poor behaviour;
- visiting in pairs as part of Lone working and personal safety policy.

If a restriction is necessary, the prior approval of the appropriate Head of Service will be required, who must discuss the matter with the appropriate Director and Corporate Customer Services Manager in conjunction with Legal Services to establish whether the procedure will apply corporately (in which case all other Chief Officers must be informed) or departmentally and in order that a view can be taken as to the likely duration of the special arrangement.

Before ending the special arrangements, we will expect the customer to agree to adjust their future conduct and will set out in writing the required acceptable behaviour.

The customer shall be informed that if they are aggrieved by the application of this policy, they can make a complaint under our corporate complaints policy.

When making a decision to restrict contact, we will take in to account any special requirements of those affected by the decision. For example, where someone cannot read, we are unlikely to limit communications in writing only unless we are satisfied that there are reasonable adjustments in place to enable the customer to read our response.

Wherever possible a reasonable degree of access to council services should be maintained, but at the same time give due regard to members of staff. An example may be limiting customer contact to a specific internal email address and/ or a specific internal telephone number.
6. Threats and actual violence received to council employees

6.1 We take any threats or actual violence to our staff very seriously. If a member of staff is threatened or assaulted, the matter must be immediately reported to the member of staff’s line manager, who will work with the staff member in question to ensure that all necessary steps to ensure their wellbeing are taken care of. The incident must also be reported to the Health and Safety Manager by way of filling in an Incident report form.

6.2 Any request to supply evidence of the threat or assault (for example, copies of correspondence or voice recordings) to the third party or the police, must be directed to the Corporate Customer Services Manager in accordance with the Data Protection Act 1998. The Corporate Customer Services Manager will seek advice from Legal Services, if necessary.

7. Letting the customer know about the restriction

7.1 Where contact is being restricted, the customer must be told of the decision. Wherever possible this should be by letter or email but may be done by telephone and supported by a suitable case note in the relevant file. The communication does not have to be from the relevant Head of Service. However, authorisation to implement the restriction must be obtained from the Head of Service before informing the customer.

7.2 In certain circumstances, where a manager is unable to contact the Head of Service immediately and where there is an immediate threat of violence or verbal abuse to employees, then the manager can impose a temporary restrict subject to authorisation from the Head of Service.

7.3 The communication should inform the customer of the following:-
- the reason why their behaviour is considered to be unacceptable;
- details of any earlier warning(s) issued about their behaviour;
- the restrictions(s) to be imposed;
- how long the restriction(s) will last, (if applicable) and a review date; and
- If aggrieved by the application of the policy, the right to make a complaint under the corporate complaints policy.

7.4 In the event of a complete restriction; the customer must also be informed of their right of appeal and how to do this. Communication of the right of appeal may be done by reference to this policy.

7.5 A copy of the letter or email issued to the customer should be sent to the Corporate Customer Services Manager. The Corporate Customer Services Manager is responsible for maintaining restrictions in place, which will be made available to the relevant members of staff to view via CRM.

8. Complying with relevant legislation, regulatory and other relevant council policies/documents

8.1 The council will ensure that any action is reasonable and in accordance with relevant legislation and statutory requirements, including the following:-
- Health and Safety at Work etc. Act 1974
- Data Protection Act 1998
• Human Rights Act 1998
• Crime and Disorder Act 1998
• Equality Act 2010.

8.2 This policy links closely with the following relevant policies and documents:
• 8.2.1 Data protection policy and associated policies
• 8.2.2 Corporate complaints policy
• 8.2.3 Health and safety policy
• 8.2.4 Lone working and personal safety policy.

9. Customer appeals

9.1 A customer may only appeal a decision to restrict contact where all forms of contact have been restricted.

9.2 The customer shall be informed that their appeal should be submitted either by email or in writing and sent to Harrogate Borough Council, Civic Centre, St Lukes Avenue, Harrogate, HG1 2AE within 10 working days of the restriction being issued. The appeal will be considered as soon as reasonably possible by either the Chief Executive or an officer nominated by the Chief Executive. The appeal will be considered by a different member of staff from the person making the original decision to restrict contact.

9.3 The customer will be advised in writing or by email whether the restricted contact arrangements still apply or a different course of action has been agreed. The Corporate Customer Services Manager shall record the appeal decision on CRM.

10. Customer record management

10.1 Where any decision has been taken to restrict access, it is the responsibility of the person authorising the restriction to inform the Corporate Customer Services Manager of the restriction.

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

11. Monitoring, reporting and review

11.1 The Management Board will monitor this policy from time to time to ensure that it is being applied in a fair, reasonable and consistent manner. This policy will be reviewed as set out in 11.2 below.

11.2 The Review date for the policy will be every three years. Policy approved by management Board 21 July 2016.
Flowchart – Unacceptable behaviour policy

Is the behaviour unacceptable (see Section 3 of Policy)

Yes

Has customer’s behaviour caused distress to member to staff?

Yes

Has customer been warned about their behaviour and requested to modify it?

No. Give customer appropriate warning and request that customer modifies their behaviour

No. No action required. Service Manager to consider whether staff members requires additional training

Yes

Has customer modified their behaviour?

No

Has Head of Service given the customer a final opportunity in writing to amend his/ her behaviour?

No send final warning

Yes

No further action required at this stage

Yes

Consider type of restriction to be put in place.

Send appropriate correspondence to customer?