



Managing Unacceptable Behaviour

Better Services

Better Opportunities

Better Communities

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Overview

Clackmannanshire Council is committed to providing a safe working environment for staff to operate within and to ensure that our work is undertaken in an efficient and effective manner.

We will ensure that our staff and other service users do not suffer any disadvantage from people whose actions or behaviour are unacceptable.

Where this occurs, Clackmannanshire Council reserves the right to protect our staff and to maintain the effectiveness of our service to other customers.

This policy sets out our approach to managing customers where customer actions or behaviour are considered unacceptable and are either having an impact on our staff or their ability to provide a consistent level of service to other customers.

Clackmannanshire Council Unacceptable Behaviour Policy

1. Introduction

- 1.1 This Policy explains Clackmannanshire Council's approach in the event of unacceptable behaviour or actions by service users.
- 1.2 We will make it clear to all service users what we can do and cannot do in relation to issues they raise. However, where customers make unreasonable demands that could affect the service we provide to other customers, or communicate with us in a manner which causes offence to staff, we will retain the right to restrict or change access to our services.
- 1.3 We are committed to providing fair, consistent and accessible services for all customers.
- 1.4 We will however ensure that our staff and other service users do not suffer any disadvantage from people whose actions or behaviour are unacceptable.
- 1.5 This policy will be applied in accordance with other related policies, in particular the Council's Customer Charter, Complaints Handling, Equality and Diversity, Health and Safety, Data Protection and Risk Management.

2. Defining Unacceptable Behaviour

- 2.1 What is deemed to be unacceptable behaviour may differ depending upon the individual(s) involved and their particular circumstances. Examples of unacceptable behaviour can be grouped under three broad headings, as follows:
 - Aggressive, abusive or offensive language or behaviour
 - Vexatious or malicious complaints
 - General unreasonable behaviour

Aggressive, Abusive or Offensive Language or Behaviour

- 2.2 All staff have the right not to be subjected to aggressive, abusive or offensive language or behaviour, regardless of the circumstances.
- 2.3 Examples of this behaviour include, but are not limited to:
 - shouting;
 - making threats;

- using physical violence or intimidation;
- verbal abuse;
- derogatory remarks;
- inflammatory statements;
- unsubstantiated allegations, and
- vandalism to council buildings or equipment.

2.4 Violence includes acts of aggression that may result in physical harm; it also includes behaviour or language that may cause staff to feel afraid, threatened or abused. It can also include acts or threats against property, such as breaking furniture or sending computer viruses.

Vexatious or Malicious Complaints

2.5 We will not accept vexatious or malicious complaints which set out to harass, undermine or injure our staff and/or other service users, or which set out to obstruct normal working practice.

General unreasonable behaviour

2.6 Actions may be considered unreasonable through the amount of information sought by service users, the nature and scale of service they expect, or the frequency with which they make contact.

2.7 Some customers may not, or cannot, accept that Clackmannanshire Council is unable to assist beyond the level of service already provided. For example, customers may persist in disagreeing with an action or decision taken, or make repeated contact 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.

2.8 Determining what is unreasonable will always depend on the individual case and the seriousness of the issues. We will consider each circumstance on its merit. Examples of this behaviour include but are not limited to:

- demanding responses within an unreasonable timescale;
- excessive telephone calls, emails or letters (including unsolicited marketing calls, letters and emails that are considered to be 'spam' or 'phishing');
- repeatedly contacting or insisting on speaking to a particular member of staff who is not directly dealing with the issue;
- sending duplicate correspondence requiring a response to more than one member of staff or elected member;
- persistent refusal to accept explanations and a decision; and
- continuing to contact Clackmannanshire Council without presenting new and relevant information.

3 Managing Unacceptable Behaviour

- 3.1 We will always try and maintain access and communication with service users in line with relevant council policies. We will not take decisions to reduce or withdraw contact and/or services lightly and, wherever possible, will give the individual the opportunity to change their behaviour before contact is removed.
- 3.2 However, where the behaviour or actions of a service user are deemed to be unacceptable, we may consider the following (this is not exhaustive and will depend on each individual case):
 - 3.2.1 We may restrict contact in person, by telephone, email, letter or other contact method. We will try to maintain at least one form of contact and will communicate this to the service user.
 - 3.2.2 We may nominate a single point of contact for the service user to communicate with.
 - 3.2.3 We reserve the right to end all direct contact with anyone who threatens or uses physical violence, verbal abuse or harassment. We will report such incidents to the Police.
 - 3.2.4 Staff experiencing aggressive or abusive behaviour have 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.
 - 3.2.5 We reserve the right to terminate calls where unacceptable behaviour is made by telephone. We will normally warn the service user that their conduct is considered to be offensive and give them the opportunity to moderate their behaviour before terminating the call.
 - 3.2.6 We will not deal with correspondence of any kind that is abusive or contains unsubstantiated allegations. We will inform the service user of this.
 - 3.2.7 We will administer any request to supply evidence of the threat (for example copies of CCTV footage, correspondence or voice recordings) to a third party or the Police, in conjunction with the Data Protection Act.

4. Restrictions on Customer Access

- 4.1 As outlined above, we will exercise our right to restrict contact, proportionate to the nature of the unacceptable behaviour.
- 4.2 We will take account of any special requirements of those affected by our decision. For example, where someone cannot read, we are unlikely to limit communications to writing only unless we are satisfied there are reasonable adjustments in place to enable the customer to read our response.
- 4.3 We may decide to, amongst other considerations, to:
- ban customers from council offices/premises;
 - block telephone calls and/or emails from being received;
 - limit contact to a particular form and/or frequency - for example, emails or letters only to be received once per week/month;
 - if the customer is a complainant and has been through both Stage 1 and Stage 2 of the complaints system and has elevated their complaint to the Scottish Public Services Ombudsman, all contact will be terminated;
 - report behaviour to the appropriate regulator as a potential example of professional misconduct;
 - refer the matter to the Police where a criminal offence has been threatened or committed, or
 - take legal action to prohibit contact.
- 4.4 Where contact is being restricted, we will inform the service user of the reasons, provide details of any earlier warning(s) issued about their conduct, the restrictions we are imposing, and, if appropriate, how long the restrictions will last.

5. Customer Appeals

- 5.1 Appeals against decisions made should be submitted either by email or mail to:

Email: customerservice@clacks.gov.uk

Mail: Strategy & Customer Services
Clackmannanshire Council
Kilncraigs, Greenside Street
Alloa, FK10 1EB

- 5.2 The appeal will be considered as soon as reasonably possible. The customer will be advised in writing or by email about the outcome of the appeal.

6. Equality & Diversity

Clackmannanshire Council recognise that, in some circumstances, customers may have a physical, mental or psychological health problem and/or other disability where it may be difficult for them to express themselves or communicate clearly and/or appropriately. Where unacceptable behaviour is evidenced under these circumstances, Clackmannanshire Council will consider the individual needs of the service user and our staff before deciding on how best to manage the situation.

7. Review of Unacceptable Behaviour Policy

We will review this Policy every 3 years or sooner if required by best practice and/or legislation.