

Isle of Wight Council
**UNACCEPTABLE
BEHAVIOUR POLICY INC.
VIOLENCE, AGGRESSION,
HABITUAL OR
UNREASONABLE
(COMPLAINANT)
BEHAVIOUR**
September 2019

1 Document Information

Title:	Unacceptable Behaviour Policy inc. Violence, Aggression, Habitual or Unreasonable (Complainant) Behaviour
Status:	FINAL
Current Version:	V2
Author:	Cate Sheen Resources Cate.sheen@iow.gov.uk ☎ (01983) 821000 ext 4401
Sponsor:	Claire Shand, Director of Corporate Services Human Resources, Corporate Services Directorate ✉ claire.shand@iow.gov.uk ☎ (01983) 821000 ext 6283
Consultation:	
Approved by:	Nick Wright & Jessica Payne
Approval Date:	25 th August 2017
Review Frequency:	Three years
Next Review:	September 2020

Version History		
Version	Date	Description
V1	2012	Original policy
V2	September 2017	Updated to reflect acts of violence, aggression or vexatious behaviour against members of staff (in particular from service users) and the use of social media as a platform for complainants.
V3	September 2019	Updated to reflect change of use of word from vexatious to unreasonable (complainant) behaviour

Unacceptable Behaviour Policy inc. Violence, Aggression, Habitual or Unreasonable Complainant Behaviour
September 2019

2 Contents

1	Document Information	2
2	Contents.....	3
3	Introduction	4
4	Freedom of Information	5
5	Scope.....	6
6	Employer’s Responsibilities.....	7
7	Employee’s Responsibilities	8
8	Manager’s Responsibilities.....	9
9	Members Responsibilities.....	10
10	Recording Names/ Details of Challenging Customers	11
11	Dealing with Inappropriate Behaviour	12
11.1	Written correspondence	12
11.2	Telephone calls.....	12
11.3	Face to face	12
12	Social Media.....	13
13	Other Types of Unacceptable Behaviour	14
14	Sanctions Relative to Unacceptable Behaviour	15
14.1	Warning Letter	15
14.2	Restricting Access	15
14.3	Review.....	16
14.4	Contacting the police	16
14.5	Online Harassment	16
15	Vulnerable Customers.....	17
16	Data Protection Act	18
17	Related Documents.....	19
18	Appendix A - Unacceptable Behaviour Form.....	20
19	Appendix B – Unacceptable Behaviour Review Form.....	23
20	Appendix C – Dealing with Social Media Harassment/ Violence.....	25

3 Introduction

This policy sets out the Isle of Wight Council's approach to the relatively few persons whose actions and behaviour we consider unacceptable during a visit, telephone call, written or electronic method of communication with our staff (including social media). It clarifies the scope of unacceptable behaviour, the procedure to follow if it occurs, the sanctions available to the council and who can authorise them.

The common view of unacceptable behaviour is when a person is abusive. However, there are other behaviours which unreasonably impact on the business of the council and affect service delivery to other persons (see below). Additionally, some behaviour experienced by staff as a result of their jobs will engage the council's duty of care towards its employees.

For example; a person makes constant requests for complex information without apparent good cause; where they are acting in a manner to cause annoyance without the intention of resolving their query; where they engage in frequent and prolonged contact with the council in order to pursue a campaign.

A more recent type of harassment is that experienced via social media. This can consist of a member of the public contacting staff members directly on social media, the complainant complaining on their personal account or on other forums such as message boards. This can take the form of sharing the personal details of individual staff members against whom the person has taken umbrage. Whilst this does not necessarily impact on the business of the council, it can be very stressful for the staff members involved and as it is a result of their employment the council does have a duty of care towards these staff members.

This policy relates not just to those situations where staff are at risk of physical harm, but also where they feel harassed, intimidated, threatened or abused.

It is recognised that there are many reasons for these difficult situations occurring which range from simple frustration to mental illness of the individual. The council will ensure that all staff are aware of the different problems that may arise and are sufficiently trained to handle situations in a calm and positive manner.

In addition, managers and members must also have regard to the Health and Safety at Work etc Act (1974) and consequent regulations and council policies.

All instances of the above should be reported on [WorkRite](#), the Council's on-line accident and incident reporting system.

4 Freedom of Information

Nothing in this policy shall inhibit the person's statutory right to make an application for recorded information under the Freedom of Information Act (or similar legislative provisions). Any such requests shall be dealt with in accordance with the Act and the council's Access to Information Policy, which can be found on the intranet.

5 Scope

This policy applies to all employees of the Isle of Wight Council and Council Members.

For the avoidance of doubt any reference to “customers” in this policy includes any person who contacts the council including; service users and residents under the council’s care. It includes those individuals who have been through the corporate complaints process, as well as those who have not.

The nature and extent of the person’s unacceptable behaviour will determine how they are managed. The council needs to ensure that any sanctions applied are proportionate to the behaviour exhibited.

6 Employer's Responsibilities

The council will endeavour to minimise the risk of 'challenging' behaviour from customers escalating into confrontational situations with council employees by its staff are:

- Carrying out regular, suitable and sufficient risk assessments
- Ensuring all staff receive the appropriate training
- Putting in place adequate control measures to reduce the risk to employees to as low as is reasonably practicable.
- Taking decisive action when challenging situations occur
- Offering employees access to a confidential counselling and support service (Employee Assistance Provision - EAP)
- Applying the hazard marking policy where appropriate
- Reporting the action on WorkRite and through other appropriate channels
- Applying relevant sanctions as appropriate and as outlined in this policy

7 Employee's Responsibilities

- Ensuring they attend all training courses that are provided for them
- Recognise customer's right to raise complaints against the council
- Delivering a high standard of service without expressing personal views
- Observing and following the council's policies and procedures
- Reporting incidents to their manager and on WorkRite at the earliest opportunity following the event

8 Manager's Responsibilities

- Managers are responsible for ensuring that all employees are provided with the appropriate level of training to carry out their duties safely.
- Understanding their responsibility and that of their staff for assessing risks and ensuring incidents are reported on WorkRite
- Knowing how to recognise and react appropriately to potentially escalating situations
- Signposting employees who have been in difficult situations to the counselling and support services provided by the council (EAP)
- Ensuring that this and other relevant policies are applied in relation to customers demonstrating unacceptable behaviour

9 Members Responsibilities

- Ensure that they follow and adhere to the Members Code of Conduct
- Recognise constituent's right to raise complaints against the council and signpost them to the [Complaints Process](#)
- Support council officers in the use and scope of this policy and not impede decisions made in accordance with this policy
- Recognise that their right to home life and privacy is protected and be aware of their right to involve the police when dealing with unwarranted conduct.

10 Recording Names/ Details of Challenging Customers

Details of customers whose behaviour falls within the scope of this policy should be recorded on Workrite. Where it is determined that additional action is required under this policy, then details of the customer will be made available to relevant staff, the distribution of this information and the method of doing so is defined within the relevant policies.

Incidents reported on WorkRite will be regularly monitored by the Health, Safety and Welfare Team who will highlight incidents of concern so that managers can put in place the appropriate measures.

Managers should also apply this policy under their own initiative if the details of the incident make this advisable.

11 Dealing with Inappropriate Behaviour

The following actions should be taken when a customer displays inappropriate behaviour:

11.1 Written correspondence

When the council receives a written communication that contains inappropriate content a written response will be sent to the author by the recipient or their manager stating that a reply will not be sent until the correspondence is re-written removing the inappropriate content. If an appropriate response is thereafter received the council will then respond. If no appropriate response is received the council will not give a substantive reply. If the written correspondence includes specific and credible threats then the details may be passed to the Police.

11.2 Telephone calls

When dealing with a telephone call, where a caller uses inappropriate language, the caller will be warned that the call will be terminated unless the caller is prepared to desist from the use of inappropriate language. If the caller continues to use inappropriate language following the warning then the call may be terminated and the caller be asked to call back when they are prepared to use appropriate language. If the telephone call includes specific threats then refer it to the police and if it includes bomb threats then refer to the bomb threat policy.

11.3 Face to face

When dealing with a customer face to face, and the customer uses inappropriate language or behaves in an inappropriate manner, the appropriate response will depend on the specifics of the situation.

It may be appropriate to ask the customer to desist from the use of inappropriate language or behaviour. However staff should note that they must not place themselves or others in danger to do so.

If the customer continues to use inappropriate language or behaviour following the warning then the customer may be asked to leave and advised that we will write to inform them how their issues will now be addressed which may vary according to circumstances and the severity of the customer's behaviour. Staff should seek guidance from their manager.

If a customer attends the council premises contrary to the council's permission and they refuse to leave, the council's facilities management staff, or as a last resort the police, may be called to remove the customer from the building.

In the event that a customer persistently exhibits inappropriate behaviour or language it will be at the discretion of the relevant manager, with advice from the Head of Service or Strategic Manager to decide whether to discontinue all future face to face contact for a specified period or if additional conditions on contact will be put in place. These can include attending by appointment only or at an agreed third party location. Such decisions will be notified to the customer in writing.

12 Social Media

When dealing with customers or service users, inappropriate behaviour may occur in circumstances such as the individual posting comments on platforms such as Social Media. Postings could include the council employee's personal details or, comments about their nature of work and their own thoughts and perceptions of this.

Regardless of the circumstance, it is important to recognise that this is treated as unacceptable behaviour and will not be tolerated. If this instance occurs, it is important that the employee contacts their manager as soon as possible. This will allow the manager to provide appropriate support/ guidance and to record this on WorkRite. They will need to discuss any action that needs to take place and whether any other department will need to be notified bearing in mind the requirements of the Data Protection and Human Rights Acts.

It is important that any staff member who suffers harassment of this nature keeps a timeline of incidents as this will form a key component of any future action taken.

If the postings continue, police may need to be contacted and further action taken. This will be decided after considering the nature of the allegation, the thoughts of the individual involved and the surrounding circumstances.

Should the posts on social media take the form of specific threats to the safety of employees or their families then the Police should be notified immediately.

13 Other Types of Unacceptable Behaviour

Whilst one instance of some types of behaviour can be deemed unacceptable (such as threats of or actual physical violence) other types of behaviour may become unreasonable when it has occurred on a number of occasions (such as repeated requests for the same information).

The Isle of Wight Council has a responsibility to ensure that its resources are used in a proportionate and reasonable way. It recognises that people often feel under pressure, distressed or that they have to be determined to pursue their concerns. They may also feel angry about their situation. It is important for staff to be able to distinguish between distress, frustration, determination, and behaviour which is unacceptable.

Examples of unreasonable behaviour may include but is not limited to one or more of the following:

- presenting the same issues repeatedly (exactly or with minor differences) but never accepting the explanations & outcomes.
- seeking unrealistic outcomes and persisting until it is reached,
- pursuing a complaint where the council's complaints process has been fully and properly implemented and exhausted,
- making groundless complaints about employees
- attempting to use the complaints procedure to pursue a personal vendetta against an employee or team (professionally or personally),
- contact with the local authority is disproportionately frequent, lengthy, complicated or stressful for staff,
- raising large numbers of detailed but unimportant questions and insisting they are fully answered,
- making and breaking contact with the local authority on an ongoing basis without proper justification,
- repeated approaches to different staff or members of the local authority about the same issue,
- demands impose a significant burden on resources of the council and where the contact:
 - Clearly does not have any serious purpose or value;
 - Is designed to cause disruption or annoyance;
 - Has the effect of harassing the public authority;
- making personal or derogatory comments on social media directed or indirectly at individual staff members in relation to their job or the way it is carried out

14 Sanctions Relative to Unacceptable Behaviour

Where a customer's behaviour could be considered as unacceptable it will be referred to the appropriate Head of Service or Strategic Manager who will, in conjunction with legal, HR or health and safety as necessary, review matters to confirm that they have been fully considered and that there is clear evidence that their behaviour is unacceptable.

The response to unacceptable behaviour will be one or more of the following depending on the seriousness of the behaviour:

14.1 Warning Letter

The Head of Service/Strategic Manager will write to the person concerned to let them know that if their behaviour continues restrictions to their access to council facilities and services may be applied in accordance with this Policy, a copy of which should be provided. The warning should contain the reason why they believe that the behaviour is unacceptable and what will happen if such behaviour continues.

The council may also choose, where appropriate, to outline in the letter possible legal remedies available to the council should the behaviour continue.

If the behaviour continues, the Head of Service/Strategic Manager will review the situation and consider what further action to take.

14.2 Restricting Access

If the unacceptable behaviour is of a more serious nature or if it persists following a warning letter the Head of Service/Strategic Manager will complete an Unacceptable Behaviour Form to document their decision to apply restrictions. Restrictions should be applied for a period of either 6 or 12 months.

Restrictions imposed will be reasonable, proportionate, and balance the interest of the person with the duty to protect the health, safety and well-being of our staff. Examples of restrictions might include:

- removing their license to enter council premises, this can also include schools where the council is the employer or landlord;
- withdrawal of services provided by home visits
- requesting contact in a particular form (for example, letters or e-mail only);
- requiring contact to take place with a specific officer;
- restricting telephone calls to specified days and times;
- asking the customer to enter into an agreement about his future contact with the local authority;

- informing the customer that if they still do not follow this advice, (as stated above) any further correspondence that does not present significant new matters or new information will not be acknowledged, but will be kept on file.

When deciding which restrictions to make due consideration must be given to the council's statutory duties and where these apply alternate arrangements will need to be put in place to ensure that they are discharged.

Irrespective of the person's restricted contact, new issues, including request for information in accordance with the Freedom of Information Act or related legislation will be dealt with, in accordance with the councils Access to Information policy.

In addition, the customer should be advised of their rights to appeal the decision within the council as well as their options for an external review (recourse to the Local Government Ombudsman or Information Commissioner Office or other statutory body).

14.3 Review

Any restrictions applied will need to be reviewed after the relevant period of time has elapsed. Contact over the restricted period will be taken into account and a decision made on whether to continue to apply the policy for a further period, or to remove some or all of the restrictions. A copy of the outcome of this review should be communicated to the person in writing and kept on file.

14.4 Contacting the police

The police should be notified where threats have been made or where unwanted contact has occurred on two or more occasions. If, following threats being made, the behaviour escalates or staff feel unsafe they should contact the Police immediately. It will greatly help the Police to take action if the individual staff member has kept a chronology of events.

14.5 Online Harassment

If harassment is taking place online, this can still be notified to the Police. Staff members should also use the reporting facility available in whichever social media platform they are using. It can be helpful for later evidence if screenshots of the offending material are kept.

15 Vulnerable Customers

In line with our duty to safeguard vulnerable adults and children, where it appears that a customer exhibiting challenging behaviour may be vulnerable, no action or decision will be taken (except as required to ensure the health and safety of staff and other customers) without first consulting with the relevant social services' team. Irrespective of the views of the social services team the incident should still be recorded on WorkRite.

16 Data Protection Act

All details relating to information recorded under this policy, including the original request form, supporting material, decision/review documentation, etc., will be retained while the person is subject to restriction.

When the restriction is removed, all details will be retained for a period of three years or longer if there is a statutory requirement to do so. If, after this time, no further incidents/ circumstances/ situations have arisen that may warrant further restrictions being applied, then all details will be removed from the individual's records.

Under the Data Protection Act, any individual is entitled to request access to their personal information that is held by an organisation. Any request will be dealt with in accordance with the rights of the data subject.

If a person is aggrieved by a decision to record their details, they have a right to serve upon the council a notice indicating that the retention of this information is causing them substantial and unwarranted distress. If such a notice is served upon the council then the legal team should be notified.

Where the records relate to a hazard marking being applied please see that policy for more specific advice.

17 Related Documents

- Protective Marking Policy <http://wightnet.iow.gov.uk/documentlibrary/view/protective-marking-policy-2016>
-

18 Appendix A - Unacceptable Behaviour Form

(to be completed by the relevant Head of Service or Strategic Manager)

Date:

Name of Individual	
Address of individual	
Submitted by	
<u>BACKGROUND</u>	
<u>FURTHER DETAILS</u>	
<u>SUMMARY</u>	
Documents attached:	
Has the contact been through the Complaints Procedure? Yes/No	
If not, what is the nature and stage of contact with the Isle of Wight Council?	
Are there any related complaints currently going through the Complaints Procedure? Yes/No	
If Yes – who is dealing with the matter?	
Has the contact complained to the LGO? Yes/No	
If Yes – what was the outcome?	
Has the contact written to the ICO? Yes/No	
If Yes – what was the outcome?	
Has the contact involved an MP/Ward Councillor or other Councillor? Yes/No	
If Yes please give brief details.	
Has an independent investigator or mediator been involved? Yes/No	
If Yes please give brief details.	
Has there been a meeting with the contact to discuss their particular concerns? Yes/No	
If Yes please give brief details.	

Unacceptable Behaviour Policy inc. Violence, Aggression, Habitual or Unreasonable Complainants Behaviour

September 2019

What is the proposed Strategy should this contact be deemed unreasonably persistent or abusive?

Approved/Not approved

Comment of authorising Head of Service/Strategic Manager:

Signed:.....

Authorising Officer:

Date of authorisation:

19 Appendix B – Unacceptable Behaviour Review Form

(To be completed by the relevant Head of Service or Strategic Manager)

Review Date:

Name of Individual	
Address of Individual	
Submitted by	
Originally Submitted on	
Background leading to the review :	
SUMMARY	
Has the behaviour changed since the policy was applied – please give details below	
Does the behaviour warrant the continuation of the policy: Yes No	
<u>FURTHER DETAILS</u>	

Signed:

Authorising Head of Service or Strategic Manager:

Date of authorisation:

20 Appendix C – Dealing with Social Media Harassment/ Violence

1. Report the incident to your line manager
2. Individual reports the incident on [WorkRite](#)
3. Manager and employee to discuss whether or not, there are any threats being made and whether they are credible.
4. Manager and employee conducts a [risk assessment](#) to determine what, if any, action should be taken including where applicable notifying the police

A non-exclusive list of possible actions could be;

- changes to the employee's working schedule
 - changes to working duties
 - re-allocation of clients
 - re-allocation of work location
 - sending more than one person to meetings/ visits
 - restricting contact
 - ensuring use of the lone worker system
 - use of panic alarms
 - correspondence from legal
 - reviewing personal internet security/ privacy settings
 - managing conflict and resolution/ handling difficult situations training
 - personal safety training
5. Consider reporting incidents to the Social Media platforms complaints/ reports section
 6. Keep a chronology of the events, time, places and what happened
 7. If there are further events, ensure you update WorkRite and notify your manager immediately

