CILYBEBYLL COMMUNITY COUNCIL

Policy on Unacceptable Actions by Individuals

1. Introduction

1.1 This Policy sets out the approach of Cilybebyll Community Council to the relatively few individuals whose actions or behaviour are considered unacceptable.

2. Policy Aims

2.1 To make it clear to all individuals, both at initial contact and throughout their dealings with the office, what the Council can or cannot do in relation to their request. In doing so, the aim is to be open and not raise hopes or expectations that cannot be met.

2.2 To deal fairly, honestly, consistently and appropriately with all individuals, including those whose actions are considered unacceptable. Cilybebyll Community Council believes that all persons have the right to be heard, understood and respected. It is also considered that Council staff have the same rights.

2.3 To provide a service that is accessible to all individuals. However, where it is considered that individual actions are unacceptable, the right to restrict or change access to Council service is retained.

2.4 To ensure that other members of the public, the Council or its staff do not suffer any disadvantage from persons who act in an unacceptable manner.

2.5 To provide to individuals, details of the complaints procedures if they wish to make a complaint against the Council, and the right to contact the Public Services Ombudsman for Wales if they so wish.

3. Defining Unacceptable Actions by Individuals

3.1 People may act out of character in times of trouble or distress. There may have been upsetting or distressing circumstances leading up to their need to contact our office. Cilybebyll Community Council does not view behaviour as unacceptable just because an individual is forceful or determined. However, the actions of individuals who are angry, demanding or persistent may result in unreasonable demands on the office or unacceptable behaviour towards Council staff. It is these actions that are considered unacceptable and ones that this policy aims to manage. Cilybebyll Community Council has grouped these actions under three broad headings:

3.1.1 Aggressive or Abusive Behaviour

(i) Violence is not restricted to acts of aggression that may result in physical harm. It also includes behaviour or language (whether oral or written) that may cause staff to feel afraid, threatened or abused.

(ii) Examples of behaviours grouped under this heading include threats, physical violence, personal verbal abuse, derogatory remarks and rudeness. It is also considered that inflammatory statements and unsubstantiated allegations can be abusive behaviour.

(iii) We expect our staff to be treated courteously and with respect. Violence or abuse towards staff is unacceptable. However, it is not acceptable when actions escalate into aggression directed towards Council staff.

3.1.2 Unreasonable Demands

(i) Individuals may make what are considered to be unreasonable demands on the Council and / or its staff through the amount of information they seek, the nature and scale of service they expect or the number of approaches they make. What amounts to unreasonable demands will always depend on the circumstances surrounding the behaviour and the seriousness of the issues raised by the individual.

(ii) Examples of actions grouped under this heading include demanding responses within an unreasonable time-scale, insisting on seeing or speaking to a particular member of staff, continual phone calls or letters, repeatedly changing the substance of the request or raising unrelated matters.

(iii) These demands are considered unacceptable and unreasonable if they start to impact substantially on the work of the office, such as taking up an excessive amount of staff time to the disadvantage of other individuals or functions.

3.1.3 Unreasonable Persistence

(i) It is recognised that some individuals will not or cannot accept that the Council is unable to assist them further or provide a level of service other than that provided already. They may persist in disagreeing with the action or decision taken in relation to their request or contact the office persistently about the same issue.

(ii) Examples of actions grouped under this heading include persistent refusal to accept a decision made in relation to a request, persistent refusal to accept explanations relating to what the Council's staff can or cannot do and continuing to pursue information. The way in which these individuals approach the Council may be entirely reasonable, but it is their persistent behaviour in continuing to do so that is not.

(iii) The actions of persistent individuals are considered to be unacceptable when they take up what the Council regards as being a disproportionate amount of time and resources.

4. Managing Unacceptable Actions by Individuals

4.1 There are relatively few individuals whose actions are considered by the Council to be unacceptable. How these actions are managed depends on their nature and extent. If it adversely affects the Council's ability to do its work and provide a service to others, individual contact with Council staff may need to be restricted in order to manage the unacceptable action. Contact in person, by telephone, fax, letter or electronically, or by any combination of these may be restricted. Effort will be made to try to maintain at least one form of contact. In extreme situations, the individual will be told in writing that their name is on a 'no personal contact' list. This means that they must restrict contact with the Council and its staff, either in written communication or through a third party.

4.2 The threat or use of physical violence, verbal abuse or harassment towards the Council's staff is likely to result in the ending of all direct contact with the individual. Incidents may be reported to the police. This will always be the case if physical violence is used or threatened.

4.3 The Council will not deal with correspondence (letter, fax or electronic) that is abusive to staff or contains allegations that lack substantive evidence. When this happens the individual will be told that their language is considered offensive, unnecessary and unhelpful. They will be asked to stop using such language and the Council will state that there will be no response to their correspondence if they do not stop. The Council may require future contact to be through a third party.

4.4 Council staff will end telephone calls if the caller is considered aggressive, abusive or offensive. The staff member taking the call has the right to make this decision, tell the caller that the behaviour is unacceptable and end the call if the behaviour does not stop.

4.5 Where an individual repeatedly phones, visits the office, sends irrelevant documents or raises the same issues, the Council may decide to:

- only take telephone calls from the individual at set times on set days or put an arrangement in place for only one member of staff to deal with calls or correspondence from the individual in the future.
- require the individual to make an appointment to see a named member of staff before visiting the office or that the individual contacts the office in writing only.
- take other action that we consider appropriate. The Council will, however, always tell the individual what action is being taken and why.

5. Deciding to Restrict Contact

5.1 Members of Cilybebyll Community Council or its staff who directly experience aggressive or abusive behaviour from an individual have the authority to deal immediately with that behaviour in a manner they consider appropriate to the situation and in line with this policy.

5.2 With the exception of such immediate decisions taken at the time of an incident, decisions to restrict contact with the Council are only taken after careful consideration of the situation by a more senior member of staff or by the Chairman / Vice Chairman of the Council. Wherever possible, we give an individual the opportunity to modify their behaviour or action before a decision is taken. Individuals are told in writing why a decision has been made to restrict future contact, the restricted contact arrangements and, if relevant, the length of time that these restrictions will be in place.

6. Appealing a Decision to Restrict Contact

6.1 An individual can appeal a decision to restrict contact. A senior member of staff or a councillor who was not involved in the original decision considers the appeal. They advise the individual in writing that either the restricted contact arrangements still apply or a different course of action has been agreed.

7. Recording and Reviewing a Decision to Restrict Contact

7.1 Cilybebyll Community Council records all incidents of unacceptable actions by individuals. Where it is decided to restrict individual contact, an entry noting this is made in the relevant file and on any appropriate computer record.

7.2. A decision to restrict individual contact may be reconsidered if the individual demonstrates a more acceptable approach. The Clerk reviews the status of all individuals with restricted contact arrangements on a regular basis.

Note - This policy was adopted by Cilybebyll Community Council on 02 October 2007 (Minute 103 refers), and is based on a similar policy adopted by the Public Service Ombudsman for Wales

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Cilybebyll Community Council

The Community Council, Councillors and staff aim to provide assistance and support to anyone who seeks to use its services. For the largest proportion of persons who contact the Community Council, the matter is dealt with in line within acceptable procedures.

However, there are occasions when it is necessary to protect Councillors and staff against unacceptable behaviour.

Examples are
- aggressive or abusive behaviour
- unreasonable demands
- unreasonable persistence

The procedures setting out how we deal with such responses are set out in our Policy on Unacceptable Actions by Individuals.

If you consider that you have not been treated as you should have been, please write to the Clerk to the Community Council at 6 Llys Ynysgeinon, Godre'r Graig SA9 2BJ.