

## UNREASONABLE BEHAVIOUR POLICY

### **Introduction**

Suffolk County Council is committed to providing high quality and value for money public services. We want to keep improving on these and, hopefully, exceed the expectations of Suffolk residents. We value feedback – good or bad – and we endeavour to deal with complaints in a timely, fair and proportionate way, working together to resolve issues.

We recognise there may be times when our service may not meet the high standard that we set ourselves and that people expect. In these circumstances, we understand people may have reason to feel aggrieved, upset or distressed. We will work to resolve these concerns as quickly as possible. However, in the process of doing so the Council will not tolerate behaviour which is deemed to be unacceptable, abusive, threatening or violent to staff, councillors or any other person.

We have a duty of care to our employees and councillors to protect them from stress or upset while at work. The following document lays out our definition of unreasonable behaviour and the policies and procedures we follow to protect staff and councillors.

### **Definition**

Behaviour which is unreasonable may include one or two isolated incidents, as well as unreasonably persistent behaviour, which is usually an accumulation of incidents or behaviour over a longer period.

We appreciate that people may use assertive behaviour to put their case forward in a persuasive manner. We would not deem this as unreasonable.

The Council will always take into consideration whether the behaviours result from illness, cultural differences and/or deficiencies in staff performance before instigating the Policy.

### **Examples of actions and unreasonable behaviours**

The following, non-exhaustive list, are examples of unreasonable behaviour which may cause the policy to be invoked. This behaviour would normally continue after the individual(s) has received an explanation of the correct

route for their complaint and/or reasons why the Council cannot deliver the outcomes they want.

- (a) Using behaviour or language, whether face to face, by telephone, social media, e-mail or written that may cause staff to feel intimidated, threatened or abused. Examples may include violence, threatening behaviour, offensive language, racist or sexist language, rudeness, inflammatory statements, unsubstantiated allegations and any other action that causes staff or other customers to feel intimidated or uncomfortable.
- (b) Refusing to specify the grounds of a complaint, despite offers of assistance with this from the Council's staff.
- (c) Refusing to co-operate with the complaints investigation process while still wishing their complaint to be resolved.
- (d) Refusing to accept that issues are not within the remit of a complaints procedure despite having been provided with information about the procedure's scope.
- (e) Insisting on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.
- (f) Making what appear to be groundless complaints about the staff dealing with the complaints, and seeking to have them replaced.
- (g) Changing the basis of the complaint as the investigation proceeds and/or denying statements made at an earlier stage.
- (h) Introducing trivial or irrelevant new information which the complainant expects to be taken into account and commented on, or raising large numbers of detailed but unimportant questions and insisting they are all fully answered.
- (i) Electronically recording meetings and conversations without the prior knowledge and consent of the other persons involved.
- (j) Conducting campaigns through social media that include personal attacks on individuals, their professionalism and/or their motivations.
- (k) Making unnecessarily excessive demands on the time and resources of staff whilst a complaint is being looked into and a process has been set out, by for example excessive telephoning or sending emails to numerous council staff, writing lengthy complex letters every few days and expecting immediate responses.
- (l) Submitting repeat complaints, after complaints processes have been completed, essentially about the same issues, with additions/variations which the complainant insists make these 'new' complaints which should be put through the full complaints procedure.
- (m) Refusing to accept the decision – repeatedly arguing the point and complaining about the decision.

- (n) Creating new social media accounts to get around being blocked or muted due to poor behaviour or using fake accounts to artificially promote a post or message.

### **Considerations prior to taking action under the policy**

Different considerations will apply depending on whether the investigation of a complaint is ongoing or whether it has been concluded. If a complaint has been concluded and the complainant is simply refusing to accept the outcome, the Council has the option of ending all communication with the complainant on that particular matter. Where appropriate the complainant may be referred to the Ombudsman. However, where the complaint is ongoing there may need to be some continuing contact with the complainant.

An important element in any decision making process is whether any restrictions would have a greater impact on an individual because of any disabilities or other protected characteristics. The individual should not be unfairly treated. The individual should always have a method of accessing the Council should they need to do so, to source care services for example or to contact their local councillor.

The decision to designate someone as unreasonable is onerous and could have serious consequences for the individual. Before deciding whether the policy should be applied, the Council should be satisfied that it has done all it can to resolve any outstanding matters or complaints with the individual(s).

If the Council is satisfied it has done so, it should consider whether further action is necessary prior to taking the decision to designate the person as unreasonable. Examples of further action include:

- (a) If no meeting has taken place between the individual and an officer/officers, and provided that the Council knows nothing about the person which would make this unadvisable, offering a meeting with an officer of appropriate seniority. Sometimes such meetings can dispel misunderstandings and move matters towards a resolution.
- (b) If more than one directorate is being contacted by an unreasonable individual:
  - setting up a strategy meeting to agree a cross-departmental approach; and
  - designating a key officer to co-ordinate the Council's response(s).
- (c) If appropriate, an advocate might be helpful to both parties and the Council should consider offering to help the person find an independent advocate.
- (d) Before applying any restrictions giving the individual a warning that if their actions continue the Council may decide to treat them as unreasonable, and explaining why.

### **Options for action**

The precise nature of the action to take in relation to an unreasonable individual should be appropriate and proportionate to the nature and frequency of their contacts with the Council at that time.

The following is a list of possible actions from which one or more might be chosen and applied, **if warranted**. It is not an exhaustive list and there may be particular factors which will be relevant in deciding what might be appropriate action.

- (a) Placing time limits on telephone conversations and personal contacts.
- (b) Restricting the number of telephone calls that will be taken (for example, one call on one specified morning/afternoon of any week).
- (c) Limiting the complainant to one medium of contact (telephone, letter, email etc) and/or requiring the complainant to communicate only with one named member of staff.
- (d) Taking action to remove posts on social media and/or limiting future access to any of the Council administered social media channels.
- (e) Requiring any personal contacts to take place in the presence of a witness.
- (f) Refusing to register and process further complaints about the same matter.
- (g) Where a decision on the individual has been made, providing the complainant with acknowledgements only of letters or emails, or ultimately informing the individual that future correspondence will be read and placed on the file but not acknowledged. A designated officer should be identified who will read future correspondence.
- (h) Reporting the behaviours to the Police.

### **Who decides the policy will be applied?**

A decision on whether or not the policy will be applied to an individual exhibiting unreasonable behaviour should be taken at Assistant Director level or above. The Monitoring Officer should always be consulted before any action is taken. Nothing in this policy is intended to limit customer service or social media agents in acting swiftly, without seeking approval, to take any action deemed necessary to protect the reputation of the Council on social media posts where poor customer behaviour is experienced.

### **What happens if a decision is taken to apply the policy?**

If a decision is taken to apply the policy, write to inform the individual that:

- (a) the decision has been taken;
- (b) what it means for their contacts with the Council;
- (c) how long any restrictions will last; and
- (d) what the individual can do to appeal the decision.

Enclose with the letter a copy of this policy.

### **Keeping adequate records of all contacts with complainants**

Adequate records must be kept of all contacts with individuals displaying unreasonable behaviours, for example:

- (a) when a decision is taken not to apply the policy when a member of staff asks for this to be done, or to make an exception to the policy once it has been applied; or
- (b) when a decision is taken not to put a further complaint from such a complainant through its complaints procedure for any reason; or
- (c) when a decision is taken not to respond to further correspondence, make sure any further letters, or emails from the individual are checked to pick up any significant new information.

The Council will hold a definitive list of customers who have been considered unreasonable by application of this policy in accordance with GDPR legislation. This list will be considered private and confidential, will not be shared with any individual outside the customer service function and will not be considered suitable for public sharing beyond an individual subject access request.

### **Who can consider an appeal against the decision?**

An appeal against the decision to restrict an individual's contacts or the Council's responses to them should be considered by an officer senior to the person who made the original decision. When an appeal is considered, the Council should write to advise the individual of the outcome and, if restrictions are to continue to be applied, when these will next be reviewed.

### **Keep any restrictions under review**

Arrangements should be put in place for a check to be made in, say, six months on whether there has been any further contact from the individual. If

a person has had no contact with the Council within that period, the position should be reviewed and a decision taken on whether any restrictions placed on the individual's contacts should be cancelled. The outcome of this review should be noted on the Council's records. It may not be appropriate to notify the individual that the restrictions have been relaxed as this may trigger a resumption of the unacceptable behaviours. If the restrictions are cancelled, urgent consideration should be given to re-introducing the restrictions if the behaviour which led to the original decision re-commences.

### **What about complaints about new issues?**

When unreasonable individuals make complaints about new issues these should be treated on their merits, and decisions will need to be taken on whether any restrictions which have been applied before are still appropriate and necessary.

### **What happens if the individual then complains to the Local Government and Social Care Ombudsman?**

An individual who has been designated as unreasonable may make a complaint to the Ombudsman about the way in which he or she has been treated. The Ombudsman is unlikely to be critical of the Council's action if the Council can show that its policy has been operated properly and fairly.

### **Referring unreasonable individuals to the Local Government and Social Care Ombudsman**

If relations between the Council and unreasonable individuals break down badly while complaints are under investigation and there is little prospect of achieving a satisfactory outcome, then there is little purpose in following through all stages of the Council's complaints procedure.

Where this occurs the Ombudsman has indicated that he may be prepared to consider complaints before complaints procedures have been exhausted. This is the case even in respect of statutory complaints procedures.