

# **LYONSHALL PARISH COUNCIL**

## **UNREASONABLE BEHAVIOR POLICY**

### **Introduction**

This policy reflects the fact that unlike a County Council all Parish Councillors are unpaid and give their time freely to assist the community of which they are a part. It is reasonable therefore that Parishioners take this into account in all their dealings with the Parish Council. The Parish Clerk is a paid employee of the Parish Council and for the avoidance of doubt the clerk is responsible and answerable to the Parish Council only.

As the Clerk's employer the Parish Council has a duty in law to ensure the Clerk is treated properly, works in a safe environment, and does not suffer in any way from intimidation or bullying in any form.

In addition we recognise that attitudes concerning the way we treat each other have changed. We now understand that different behaviours impact more on some people than others. We recognise that if for example a person feels bullied there is a problem that needs to be solved. This policy has been produced to create an understanding of what is considered acceptable and unacceptable behaviour when communicating and working with officers and Councillors of Lyonshall Parish Council. It includes dealing with abusive, persistent or vexatious complaints from members of the public and dealing with unnecessary requests for information that is already publicly available.

The Parish Council will not use the powers in this policy lightly and will always seek to maintain good relations with all Parishioners. It will answer all reasonable complaints and questions relevant to the Parish Council as speedily as practical in the circumstances. The Parish Council however is not a source of general information which can be easily found on publicly available resources which include the Parish website and will concentrate its efforts on matters properly relating to the Parish Council.

### **1. The purpose of this policy**

- 1.1. To define the behaviours that are not acceptable and deemed as unreasonable to the Parish Council, including behaviour by people making both formal and informal complaints.
- 1.2. To ensure that the ability of Councillors and staff to conduct business is not adversely affected by those few individuals who behave in an unreasonable manner.
- 1.3. To ensure our Councillors and staff have a safe working environment and are not exposed to unnecessary stress due to the unacceptable behaviour of others, and that they are supported as appropriate.
- 1.4. To empower Councillors and staff to deal confidently and effectively with behaviour deemed unreasonable by the Parish Council.
- 1.5. To recognise that unacceptable behaviour by individuals will put people off joining the Parish Council if it is not stopped.

### **2. Who does this policy apply to?**

- 2.1. This policy applies to all members of the Parish and all those who deal with the Parish Council.

### **3. Unreasonable behaviour when contacting Lyonshall Council**

#### 3.1. What behaviour is unreasonable?

3.1.1. We recognise that, when persons contact the Parish Council that they may have reason to feel aggrieved, upset or distressed.

3.1.2. We do not view assertive behaviour (for example, putting forward a case in a persuasive manner) as unreasonable.

3.1.3. However, we will manage behaviour that is aggressive, rude or abusive, or which places unreasonable demands on our staff under this policy.

3.1.4. Unreasonable behaviour is behaviour or language, whether face to face, by telephone, social media, SMS (text message) or written that may cause staff to feel intimidated, threatened or abused. Examples may include:

- Threats
  - Verbal abuse
  - Racist and sexist language
  - Derogatory remarks
  - Offensive language
  - Rudeness
  - Making inflammatory statements
  - Raising unsubstantiated allegations
  - Insinuating unsubstantiated improper or malicious motivations by Councillors or the Clerk
  - Any form of physical abuse
  - Repeated complaints on the same subject following a response from the Parish Council
- The excessive use of different fonts, sizes of type, bolding and colours in communications that the recipient could reasonably view as being aggressive. For the avoidance of doubt on this point the Parish Council will ignore any incidents which are obviously typing errors.

3.1.5. Whilst we accept that those in contact with us may feel angry at times, it is not considered acceptable when that anger becomes aggression directed towards Parish Councillors or the Clerk.

3.1.6. When social media is used (cyber bullying) we will try to identify the perpetrator, take steps to remove the offending material from view and, where appropriate, initiate action against the offender.

#### **3.2. Unreasonable requests and communication**

3.2.1. Requests may be considered unreasonable by the nature and scale of service expected. Examples may include:

- Requesting a response within unreasonable timescales
- Insisting on speaking with certain members of staff
- Adopting a "capture-all" approach by contacting many Councillors, staff members and third parties about the same issue

3.2.2. Communication may be considered unreasonable if, for example, individuals:

- Continually contact us while we are in the process of looking at a matter
- Make a number of approaches about the same matter without raising new issues
- Refuse to accept a decision made where explanations for the decision have been given
- Continue to pursue complaints/issues which have no substance
- Continue to pursue complaints/issues which have already been investigated and determined
- Continue to raise unfounded or new complaints arising from the same set of facts

3.2.3. We recognise that our resources, including Councillor and staff time, have to be used where they can be most effective. This might mean that we cannot respond to every issue in the way a person would like if, in doing so, it would take up what the Parish Council regards as being a disproportionate amount of time and resources that could be used elsewhere to support our community

3.2.4. Sometimes, due to the volume of work with which we deal, we may not be able to respond immediately to Parishioner requests. This does not mean that those concerns are any less important to us. If we have asked for a parishioner's patience but that Parishioner continues to pursue their concerns, we may consider such behaviour to be unreasonable.

3.2.5.

The Parish Council have the discretion of replying to any complaint or question on two occasions but thereafter engaging on no further correspondence on the matter.

### **3.3. How will we manage unreasonable behaviour?**

3.3.1. All Parish Councillors have the authority to manage unreasonable behaviour. The Parish Council has a zero-tolerance position on violence and threats against its staff and this behaviour will always be reported to the police.

3.3.2. In all other cases the Parish Council may either warn the Parishioner that continued unreasonable behaviour will result in the Parish Council restricting communication with the Parishioner or in the event that the Parish Council decides that the continued unreasonable behaviour has occurred for such a period of time that a restriction in communication is justified it may impose that restriction and notify the parishioner accordingly.

3.3.3.

Before the Parish Council take action to suspend communications with parishioners, they will seek a suitable person (including potentially a Parish Councillor) to mediate with the complainant if they feel that this would be helpful in resolving the problem. Part of that mediation process will involve providing the complainant with a copy of this policy, explaining why the policy is in place, and seeking to persuade the complainant to behave in accordance with the policy.

3.3.4. If we decide a restriction is appropriate, we will consider which of the options best fits the circumstances. The level of restriction that we apply will be proportionate, taking into account the nature, extent and impact of your behaviour on our ability to do our work.

3.3.5. We will be transparent and explain to you what restriction we are putting in place, our reasons for doing so, and how long the restriction will apply.

3.3.6. If the Parish Council has already made a reasonable adjustment for you, this will be taken into account when deciding upon the appropriate course of action.

#### **4. Unreasonable behaviour by someone making a formal complaint to Lyonshall Council**

4.1. Dealing with a complaint is a straightforward process but, in a minority of cases, people pursue their complaints in a way which can either impede the investigation of their complaint, or can have significant resource issues for the Parish Council. This can happen either while their complaint is being investigated or once the council has finished dealing with the complaint.

4.2. We are committed to dealing with all complaints equitably, comprehensively, and in a timely manner.

4.3. We will not normally limit the contact which complainants have with Parish Councillors, however we do not expect Councillors or staff to tolerate unacceptable behaviour by complainants or any person.

4.4. Unacceptable behaviour is explained above (section 3.1.4) and can be applied to complainants.

4.5. We will take action to protect Councillors and staff from such behaviour. If a complainant behaves in a way that is unreasonably persistent or vexatious, we will follow this policy.

4.6. Raising legitimate queries or criticisms of a complaints procedure as it progresses (for example if agreed timescales are not met) should not in itself lead to someone being regarded as a vexatious or an unreasonably persistent complainant.

4.7. Similarly, the fact that a complainant is unhappy with the outcome of a complaint and seeks to challenge it once, or more than once, should not necessarily cause him or her to be labelled vexatious or unreasonably persistent.

#### **4.8. Definitions**

4.8.1. We have adopted the Local Government Ombudsman's (LGO) definition of "unreasonable complainant behaviour" and "unreasonable persistent complaints" and added to that definition points that are relevant to a Parish Council.

4.8.2. We define unreasonably persistent and vexatious complainants as those complainants who, because of the frequency or nature of their contacts with the Parish Council, hinder our Parish business or consideration of their or other people's complaints. The description "unreasonably persistent" and "vexatious" may apply separately or jointly to a particular complainant.

4.8.3. Examples include the way or frequency that complainants raise their complaint with the Parish Council, or how complainants respond when informed of our decision about the complaint.

4.8.4. Features of an unreasonably persistent and/or vexatious complainant include the following (the list is not exhaustive, nor does one single feature on its own necessarily imply that the person will be considered as being in this category):

4.8.5. An unreasonably persistent and/or vexatious complainant may:

- Have insufficient or no grounds for their complaint and be making the complaint only to annoy (or for reasons that he or she does not admit or make obvious)
- Refuse to specify the grounds of a complaint despite offers of assistance
- Refuse to co-operate with the complaints investigation process while still wishing their complaint to be resolved
- Refuse to accept that issues are not within the remit of the complaints policy and procedure
- Refuse to accept that issues are not within the power of the Parish Council to investigate, change or influence
- Make what appear to be groundless complaints about the staff dealing with the complaints, and seek to have them dismissed or replaced
- Make an unreasonable number of contacts with us, by any means, in relation to a specific complaint or complaints
- Make persistent and unreasonable demands or expectations of staff and/or the complaints process after the unreasonableness has been explained to the complainant (an example of this could be a complainant who insists on immediate responses to numerous, frequent and/or complex letters, faxes, telephone calls or emails)
- Harass or verbally abuse or otherwise seek to intimidate staff dealing with their complaint, by use of foul, inappropriate, offensive, or racist language
- Adopt an excessively “scattergun” approach, for instance, pursuing a complaint not only with the council, but at the same time with a Member of Parliament, other councils, elected councillors of this and other councils, the council’s independent auditor, the Standards Board, the Police, solicitors, and the Local Government Ombudsman
- Refuse to accept the outcome of the complaint process after its conclusion, repeatedly arguing the point, complaining about the outcome, and/or denying that an adequate response has been given
- Make the same complaint repeatedly, perhaps with minor differences, after the complaints procedure has been concluded, and insist that the minor differences make these 'new' complaints which should be put through the full complaints procedure
- Persistently approach the council through different routes about the same issue
- Persist in seeking an outcome which we have explained is unrealistic for legal or policy (or other valid) reasons
- Refuse to accept documented evidence as factual
- Complain about or challenge an issue based on a historic and irreversible decision or incident
- Combine some or all these features
- Insist on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice.
- Communicate with Councillors or the Clerk in ways that leave the recipient of that communication feeling that their integrity or competence is being unreasonably questioned.
- Communicate with councillors or the Clerk in a way that insinuates that something is underhand in the way a matter is decided or dealt with without providing any evidence.
- Making accusations of inappropriate or incorrect handling of any business or decision but suggesting that their accusation could be wrong.
- Demanding that the Parish Council provide information about matters outside their control and which can be easily found on public information sources.

4.8.6. When the decision has been taken to apply this policy to a complainant, the Parish Council will contact the complainant in writing (and/or as appropriate) to explain:

- Why we have taken the decision
- What action we are taking
- The duration of that action

#### **4.9. Review**

4.9.1. The status of a complainant judged to be unreasonably persistent or vexatious will be reviewed by Parish Council Officer after six months and at the end of every subsequent six months within the period during which the policy is to apply.

4.9.2. The complainant will be informed of the result of this review if the decision to apply this policy to them has been changed or extended.

#### **4.10. Record keeping**

4.10.1. Adequate records will be retained by the Parish Council of the details of the case and the action that has been taken and retain a record of:

The name and address of each person who is treated as abusive, vexatious, or persistent

- When the restriction came into force and ends
- What the restrictions are
- When the customer was advised

### **5. Options to restrict contact**

The Parish Council will decide on the best methods of restricting contact to protect the Councillors, the Clerk and the ongoing business of the Parish Council. Its decision will take into account the number of complaints received from the Parishioner and the conduct of that Parishioner following the answers to those complaints, the behaviour of the complainant and whether that Parishioner takes up a significantly disproportionate amount of the Parish Council's time to the detriment of other Parish business.

The measures taken by the Parish Council may include the refusal to communicate in any form with the Parishioner, and the preventing the receipt of electronic or electronic communications for a defined period.

In the event that a complainant who has had a restriction placed on correspondence has a serious problem that requires the attention of the Parish Council the complainant should write to the Chair of the Parish Council. The Chair will decide whether the correspondence merits a response during the restriction period. A copy of that communication should be sent to the clerk who will not respond but place a copy of the correspondence in the files. The Clerk will know if the Chair is unavailable and if this is the case the clerk will send the correspondence to the Vice Chair to decide whether to respond or if necessary, to another Councillor.