



## **Vale of Glamorgan Council**

# **Policy on Unacceptable Actions by Citizens**

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## **1. INTRODUCTION**

- 1.1 This Policy sets out the Council's approach to the relatively few individuals whose actions or behaviour against staff and Councillors is considered unacceptable. The term 'citizen' includes any person who contacts the Council or acts on behalf of another individual in doing so, any complainant, and any person who requests Council information. Where reference is made to 'staff' or 'officers' it is also applicable to Councillors.
- 1.2 The Policy recognises that opportunities for interaction with the Council and its officers have multiplied with increasing popularity of social media platforms. Communication is quick and easy but can quickly become intrusive and difficult to manage on both professional and private profiles.

## **2. POLICY AIMS**

- 2.1 To make clear to all citizens, both at initial contact and throughout their dealings with the Council, the actions which the Council can or cannot take in relation to their enquiries, requests, or complaints. Our aim is to be open and to avoid raising hopes or expectations that cannot be met.
- 2.2 To deal fairly, honestly, consistently, and appropriately with all citizens, including those whose actions are considered unreasonable. The Council believes that all citizens have the right to be heard, understood, and respected and that Council staff and Councillors have the same rights.
- 2.3 To provide services that are accessible to all citizens. However, where a citizen's actions are unacceptable, the right to restrict or change access to the Council is retained.
- 2.4 To ensure that other citizens and Council staff do not suffer any disadvantage from citizens who act in an unacceptable manner.

## **3. POLICY SCOPE AND REQUIREMENTS**

- 3.1 The Policy should only be invoked following careful consideration of all the issues by the Unreasonable Actions by Citizens Panel.
- 3.2 The Unreasonable Action by Citizens Panel (the Panel) will be appointed by the Chief Executive. The Panel will comprise 3 Officers not directly connected with the matter under consideration and will be appointed on an ad hoc basis.
- 3.3 The Chief Executive is to be notified of the decision. If the Chief Executive has been directly involved with the citizen, then the Panel will be appointed by one of the Council's Directors..

#### **4. DEFINING UNACCEPTABLE ACTIONS BY CITIZENS**

- 4.1 People may act out of character in times of trouble or distress. There may have been upsetting or distressing circumstances leading up to their contact with the Council. The 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 Council or unacceptable behaviour towards Council staff. It may also affect the operation of a service by the nature or frequency of contact with the Council. It is these actions that are considered unacceptable and ones that this Policy aims to manage. The Council has grouped these actions under three broad headings:

##### **Aggressive or Abusive Behaviour**

1. Aggressive or abusive behaviour is not necessarily restricted to acts of aggression that may result in physical harm. It may also include behaviours or language (whether oral or written) that may cause staff to feel afraid, threatened or abused and includes unacceptable intrusion or reference to the private lives of staff.
2. Examples of this type of behaviour might include threats, shouting, physical violence, personal verbal abuse, derogatory remarks, questioning professionalism of staff and rudeness. This may apply to a single member of staff or during a combined attack on many staff from one or more citizens. Inflammatory statements and unsubstantiated allegations could also amount to abusive behaviour.
3. Aggressive or abusive behaviour also includes acts or threats against property such as breaking/damaging property or sending computer viruses.
4. Making malicious, unwarranted, or defamatory comments or making remarks which are related to any protected characteristic as defined by the Equality Act 2010 could also be considered as unreasonable and abusive behaviour.
5. The Council expects its staff to be treated courteously and with respect. It has a duty of care to its staff. Aggression or abuse towards staff is unacceptable. Council officers understand the difference between aggression and anger. The anger that may be felt by citizens involves the subject matter of their contact, request, or complaint. However, it is not acceptable when anger escalates into aggression or abuse (whether oral or written) directed towards Council staff.
6. Threats of or use of physical violence by the citizen towards staff at any time will in itself cause personal contact with the citizen and/or their representatives to be discontinued and contact will, thereafter, only be continued through written communication. All such incidences will be documented by the relevant service Chief Officer.
7. If violence abuse or harassment is used or threatened the incident may be reported to the Police and/or may result in the citizen being added to the Council's list of potentially aggressive persons. This will always be the case if physical violence is used or threatened.

## Unreasonable Demands

8. Citizens may make what are considered to be unreasonable demands on the Council through the amount of information they seek, the volume of issues raised, the nature and scale of the service they expect or the number or frequency of approaches they make. Deciding what amounts to unreasonable demands will always depend on the specific circumstances surrounding in each case, any duty, the extent of any such duty owed to the citizen, and the behaviour and seriousness of the issues raised by them.
9. Examples of such actions may include demanding responses within an unreasonable time-scale, insisting on seeing or speaking to a particular member of staff, continual phone calls, letters or e-mails, excessive use of social media, requesting a meeting for a specific reason then raising unrelated matters, and repeatedly changing the substance of the request or raising unrelated concerns.
10. With regard to citizens who are pursuing a matter or complaint this could also include:
  - (a) Having had, while addressing the matter or complaint, an excessive number of contacts with the Council placing unreasonable demands on staff time. For example, excessive telephoning or sending e-mails to numerous staff, writing complex letters on a regular basis, and expecting responses within unreasonable timescales. A contact may also be in person. Discretion must be used in determining the precise number of "excessive contacts" applicable based on the specific circumstances in each individual case.
  - (b) Making unreasonable demands and failing to accept that these may be unreasonable. For example, insisting on responses to matters or complaints or enquiries being provided more urgently than is reasonable within the Council's Complaints procedure or within recognised practice.
  - (c) Not accepting that the issues raised are not within the Council's remit despite having been informed that this is the case.
  - (d) Having adopted a 'scattergun' approach. Whilst recognising a citizen's right to seek independent advice, pursuing a complaint or complaints with the Council and, at the same time, with other third parties. For example, a Member of Parliament/Senedd Member/Councillor/the Council's independent auditor/the Standards Board/local police/solicitors/the Public Services Ombudsman for Wales and the Welsh Government. This may also include a scenario where a citizen may contact a number of Officers of the Council on the same or a related matter.
11. Such demands may be considered unacceptable and unreasonable should they start to impact substantially on the work of the Council, such as taking up an excessive use of resources to the disadvantage of other citizens or the exercise of functions by the Council.

## **Unreasonable Persistence**

12. Some citizens may not accept that the Council is unable to assist them further or provide a level of service other than that provided already. Citizens may persist in disagreeing with the action or decision taken in relation to their individual concerns or may contact the Council persistently about the same issue.
13. Examples of such actions might include persistent refusal to accept a decision made by the Council, persistent refusal to accept explanations relating to what the Council can or cannot do and continuing to pursue an issue without presenting any new information, having already received a response(s). The way in which these citizens approach the Council may be entirely reasonable, but it is their persistent behaviour in continuing to do so in such circumstances that may not be so.
14. With regard to citizens who are pursuing a complaint, this could also include:
  - (a) Persistence in pursuing a complaint where the Council's complaints procedure has been fully and properly implemented and exhausted (e.g. where several responses have been provided). This may include repeat complaints, essentially about the same issues, with additions/variations which the complainant may insist make these 'new' complaints.
  - (b) Changing the substance of a complaint or denying statements made at earlier stages or continually raising new issues or seeking to prolong contact by continually raising further concerns or questions upon receipt of a response. Care will be taken not to discard new issues which are significantly different from the original complaints.
  - (c) Unwillingness to accept documented evidence of action.
  - (d) Unwillingness to accept that the Council has reached a final decision on a particular course of action – repeatedly arguing the point and complaining about the decision.
  - (e) Denying receiving an adequate response despite correspondence specifically answering the citizen's questions.
  - (f) Persisting in pursuing a matter when they have already exhausted other statutory routes of appeal or processes.
  - (g) Failing to clearly identify the precise issues which they wish to be investigated, despite reasonable efforts to help them specify their concerns.
  - (h) Refusal to specify the grounds of a complaint, despite offers of assistance with this from staff.
  - (i) Refusal to co-operate with the complaints investigation process while still wishing their complaint to be resolved.
  - (j) Making what appear to be groundless complaints about staff dealing with complaints and seeking to have them substituted.

- (k) Continuing to seek to pursue a complaint where the concerns identified are not within the remit of the Council to investigate.
  - (l) Focusing on a trivial matter to such an extent that it is disproportionate to its significance and continuing to focus on this point. It is recognised that determining what a 'trivial' matter is can be subjective and careful judgement must be used in applying such criteria.
15. The persistent actions of citizens may be unacceptable when they take up what the Council regards as being a disproportionate amount of time and resources.
  16. Citizens who are known to have electronically recorded meetings face-to-face and/or telephone conversations without the prior knowledge and consent of other parties involved. This may be considered as intimidating to staff or Councillors. If a citizen intends electronically recording a conversation by any means (e.g. mobile phone or dictaphone), that intention must be made clear to the other party beforehand.
  17. There is no obligation for a member of staff/Councillor to agree to the electronic recording of conversations/meetings, other than as already set out in Council procedures. Where a member of staff/Councillor states that they are unhappy to proceed with an electronically recorded conversation/meeting the citizen will be expected to agree not to electronically record the conversation/meeting or the meeting may be refused.
  18. If the member of staff/Councillor is unhappy to continue with an electronically recorded conversation/meeting, the recording must only be retained for personal use by the citizen to assist with their recollection of the discussion. Electronic recordings must not be shared with any third party for any reason, unless directed by court order or upon request with the consent of all attendees of the meeting.
  19. Any covert recording of telephone calls/meetings by citizens may be considered to amount to unreasonable behaviour and the citizen could be subject to appropriate actions outlined in this Policy and in accordance with the relevant laws.

## **5. PROCESS FOR DEALING WITH UNACCEPTABLE ACTIONS BY A CITIZEN**

- 5.1 Council staff and Councillors who directly experience aggressive or abusive behaviour from a citizen have the authority to deal immediately with that behaviour by terminating either the meeting or telephone call following an initial warning to the citizen in line with this Policy. However, if it is a situation which does not require immediate action and an officer of the Council is of the opinion that a citizen's actions or behaviour are unacceptable they shall, in the first instance, discuss this with their line manager in order to consider any informal steps that can be followed to resolve the concerns. The citizen will also be given a copy of this Policy at the informal stage, for information. In the event that no informal steps are considered appropriate or informal attempts to resolve the concerns do not resolve the issue, the officer may make an application for formal steps to be taken. In such circumstances the officer will produce a written summary of the actions and behaviour that they consider to be inappropriate and submit it to their Operational Manager or, in their absence the Department's Head of Service (Chief Officer). Appendix A provides a Procedure Note for Chief Officers on the application of this Policy.

- 5.2 With the exception of any such immediate decisions taken at the time of the incident, decisions to restrict contact will only be taken by the Panel. Where citizens have been identified as having Aggressive or Abusive Behaviour, make Unreasonable Demands or may be considered to be Unreasonably Persistent under the scope of this Policy, taking account of the above criteria, the Panel will determine what action to take, using the pro-forma attached as an Appendix to this Policy - and will notify citizens, in writing, of the reasons why they have been classified as such and any action which may be taken. They will also be notified of the review procedure as described below.
- 5.3 This notification may be copied for the information **of others already involved** in the contact, complaint, request for information etc. or matters closely related to it, e.g. Head of Service, Members, staff, Members of Parliament, Members of the National Assembly for Wales, Welsh Government, the Public Services Ombudsman for Wales and any other relevant party or organisation. The citizen will be notified in advance that such action is being taken. A record will be kept for future reference to the reasons why the citizen demonstrated Aggressive or Abusive Behaviour, Unreasonable Demands or Unreasonable Persistence.
- 5.4 The Panel may decide to deal with the citizen in one or more of the following ways:
- (a) Restrict the duration of calls or meetings with the citizen.
  - (b) Restrict contact to liaison through one named member of staff or a single point of contact who will be nominated as the designated officer.
  - (c) Withdraw contact either in person, by telephone, by e-mail, by letter or any combination of these, provided that at least one form of contact is maintained. If staff intend to withdraw from a telephone conversation with a citizen, it is preferable that a warning is given.
  - (d) Notify the citizen in writing that the Council has responded fully to the points raised and has tried to resolve the contact, complaint or request for information but there is nothing more to add and continuing contact on the matter will serve no useful purpose. The citizen should be notified that any form of contact is to be ended, and that further contact received via e-mail or letter will be read and placed on their file but not acknowledged. A designated officer will be identified and who will read future correspondence.
  - (e) Temporarily suspend, for a period to be specified to the citizen, all contact provided that the Council shall not, without the consent of the Monitoring Officer, withdraw or not provide any services to which the citizen or his/her family are entitled to receive.



## **6. REVIEW OF DECISION**

- 6.1 Once a citizen has been determined as demonstrating Aggressive or Abusive Behaviour, Unreasonable Demands or Unreasonable Persistence such status will need to be reviewed and, where appropriate, discontinued later. Such action may be appropriate where a citizen subsequently demonstrates a more reasonable approach or submits a further complaint for which the normal complaints procedures would appear appropriate.
- 6.2 The Panel will review their decision to categorise a citizen as demonstrating Aggressive or Abusive Behaviour, Unreasonable Demands or Unreasonable Persistence at least every 6 months. Upon review the citizen will be written to and informed of the outcome and if restrictions are to continue to be applied there will be confirmation that a further review will take place in 6 months.
- 6.3 The Panel on review may retain or withdraw the categorisation of a person or amend the restriction being applied to that person.
- 6.4 If the Panel considers it appropriate to withdraw the status, usual contact with the citizen and, if appropriate, application of the Council's complaints procedure will be resumed. Notice of that decision will be given to the citizen, the Head of Service/Operational Manager and the Operational Manager Customer Relations.
- 6.5 Copies of all decisions of the Panel relating to the categorisation of a person will be sent to the Operational Manager Customer Relations who will hold and maintain a central register of such decisions.

## **7. MONITORING ARRANGEMENTS**

- 7.1 As referred to in paragraph 6.2 above – the decisions made by the Panel will be reviewed at intervals of at least 6 months.

## **8. GENERAL**

- 8.1 Nothing in this Policy affects any individual's statutory rights.
- 8.2 This Policy has been considered in line with the Council's data protection principles and data protection legislation.

## **9. REVIEW OF POLICY**

- 9.1 This policy may be subject to further review.

**Policy on Unacceptable Actions by Citizen**

**Procedure Note for Chief Officers**

1. All requests for a citizen to be designated as demonstrating Aggressive or Abusive Behaviour, Unreasonable Demands or Unreasonable Persistence under the Policy on Unacceptable Actions by Citizens ('the Policy') should be made to the relevant department's Operational Manager or, in their absence, the Department's Head of Service (Chief Officer).
2. If the Chief Officer supports the request they shall submit a formal recommendation to the Panel to consider.
3. The formal recommendation shall contain:
  - (i) all relevant details of the background and issues involved which has led the Chief Officer to recommend that the citizen be deemed as demonstrating Aggressive or Abusive Behaviour, making Unreasonable Demands or Unreasonable Persistence under the Policy.
  - (ii) the relevant grounds set out in the Policy which led to this decision; and
  - (iii) the Chief Officer's reason for the recommendation
4. No officer who is the subject of the complaint or involved in the contact or request for information etc. will be included in the Panel. If the Chief Executive is the subject of the complaint or involved in the contact or request for information etc. then the pro-forma and draft letter shall be sent to the Monitoring Officer.
5. The Panel shall consider the recommendation from the Chief Officer and decide whether or not the citizen should be designated as demonstrating Aggressive or Abusive Behaviour, making Unreasonable Demands or Unreasonable Persistence.
6. If the Panel decides that the citizen should be designated as demonstrating Aggressive or Abusive Behaviour, making Unreasonable Demands or Unreasonable Persistence in accordance with the Policy the citizen will be given a notice period of no less than 10 working days to provide any relevant information which they feel should be considered by the panel prior to finalisation. A letter will be sent by the Chair of the Panel to the citizen informing them:
  - (i) of the intention to apply the policy
  - (ii) the reasons for the decision
  - (iii) To provide any information or circumstances which the panel should consider prior to the implementation date.
  - (iv) any other relevant information such as when the decision will be reviewed
  - (v) details of the review procedure
- 7.

8. If the citizen provides information that the Chair considers should be considered the panel will be reconvened within 10 working days.
9. If the citizen does not respond to the Chairperson's letter the Policy will be implemented and a letter confirming this will be sent to the citizen.
10. If the panel is reconvened and the original decision is overturned the Chair of the Panel will inform the citizen in writing.
11. A copy of any letter sent to a citizen designating them as demonstrating Aggressive or Abusive Behaviour, making Unreasonable Demands or Unreasonable Persistence or overturning the original decision of the Panel should be sent immediately to the Chief Executive, Monitoring Officer, Operational Manager Customer Relations, and the Chief Officer who shall inform all relevant staff and third parties of the decision.
12. The Operational Manager Customer Relations shall maintain a register of all persons designated as demonstrating Aggressive or Abusive Behaviour, making Unreasonable Demands or Unreasonable Persistence on behalf of the Monitoring Officer.
13. The relevant Chief Officer shall review each decision after at least 6 months and at 6 monthly intervals whilst the citizen remains designated as demonstrating Aggressive or Abusive Behaviour, making Unreasonable Demands or Unreasonable Persistence and report to the Panel following each review with a recommendation on whether the decision should be rescinded so that usual contact can resume.
14. If the Chief Officer concludes that the decision should not be rescinded the reason for this should be made clear in the report to the Panel and when it is intended to review the situation again.
15. If the Panel decides not to rescind the decision, then a letter will be sent to the citizen stating the reason why the decision will not be rescinded and a reference to when the case will be reviewed again. If the decision is to be rescinded the Panel shall inform the citizen accordingly.
16. A copy of the letter to the citizen relating to the outcome of the review shall be sent immediately to the Chief Executive, Operational Manager Customer Relations and Chief Officer and any other relevant staff or third party.