

Meeting of:	<b>Cabinet</b>
Date of Meeting:	<b>Monday, 11 April 2022</b>
Relevant Scrutiny Committee:	Corporate Performance and Resources
Report Title:	Unacceptable Actions by Citizens and Social Media Policies
Purpose of Report:	To seek Cabinet’s approval of the Unacceptable Actions by Citizens and Social Media Policies, prior to consideration by Scrutiny Committee (Corporate Performance & Resources) and final approval by Cabinet.
Report Owner:	Leader of the Council and Executive Member for Performance & Resources
Responsible Officer:	Tom Bowring, Head of Policy & Business Transformation
Elected Member and Officer Consultation:	There are no matters in this report which relate to an individual ward.
Policy Framework:	This is a matter for Executive decision.
<p>Executive Summary:</p> <p>Unacceptable Actions by Citizens Policy</p> <ul style="list-style-type: none"> <li>• The Policy on Unacceptable Actions by Citizens (Appendix 1) sets out the Council's approach to those whose actions or behaviour against staff and councillors are considered unacceptable.</li> <li>• 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</li> <li>• The policy builds, expands on and replaces the Council's Unreasonable Complainants Policy</li> <li>• 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.</li> <li>• The policy defines the actions of individuals who are angry, demanding or persistent to the extent that they result in unreasonable demands on the Council or unacceptable behaviour towards Council staff.</li> <li>• The policy sets expectations and provide guidance on how to communicate with our clients and options/remedies along with a defined process to progress actions/response where there are</li> </ul>	

transgressions. The Policy sets out the internal process for managing the Policy and reviewing its application, including guidance for Chief Officers.

#### Social Media Policy

- The Social Media Policy (Appendix 2) sets out how the Council uses social media to help keep people informed about services and events that are important to them, as well as to share and promote the work of the organisation. Social media channels are also used to ask for views and feedback on certain topics, such as consultations.
- The policy sets out what citizens can expect from the Council when interacting on social media and the way accounts are updated and monitored.
- The policy also sets out what the Council expects from those interacting with the organisation via social media. This is consistent with the Unacceptable Actions by Citizens Policy and provides a social-media specific interpretation of that Policy.

## **Recommendations**

- 1.** That Cabinet consider the contents of this report and the Unacceptable Actions by Citizens Policy (Appendix 1), Social Media Policy (Appendix 2) and associated Equalities Impact Assessment (Appendix 3).
- 2.** That Cabinet approve the Unacceptable Actions by Citizens Policy (Appendix 1) and Social Media Policy (Appendix 2) subject to consideration by Scrutiny Committee (Corporate Performance and Resources) via referral to that Committee.
- 3.** That, subject to recommendations one and two, Cabinet on 25<sup>th</sup> April, 2022 consider the comments of the Scrutiny Committee (Corporate Performance and Resources) on 14<sup>th</sup> April, 2022 and provide final approval for the contents of this report and the Policies at Appendix 1 and 2. Should Scrutiny Committee make no further comments, Cabinet would consider the report and Policies at Appendix 1 and 2 as endorsed and agreed.

## **Reasons for Recommendations**

- 1.** To enable Cabinet to consider the policies and associated procedures.
- 2.** To enable scrutiny of the policies and for Cabinet to receive the comments of the Committee.
- 3.** To ensure a Policy is in place which reflects the capacity that citizens have to engage with the Council and staff in way that may be deemed to be unacceptable, a policy to be in place as to how the Council will operate and interact via social media in order that Council services and staff are protected from interactions that are aggressive, unreasonably persistent or where citizens are making unreasonable demands.

## **1. Background**

- 1.1** The Council has operated an Unreasonable Complainants Policy since November 2009. Unreasonable complainants are individuals who, because of the frequency or nature of their contact with the Council, hinder the Council's consideration of their or other people's complaints.
- 1.2** Fewer than five individuals have been subject to the Unreasonable Complainants Policy since its inception. However, opportunities for interaction with the Council and its officers have multiplied with increasing popularity of social media platforms.
- 1.3** Citizens have the capacity to 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.
- 1.4** Communication is quick and easy but can quickly become intrusive and difficult to manage on both professional and private profiles.

- 1.5 Such demands have the potential 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. At this point their actions may be unacceptable.
- 1.6 Council staff and Councillors who directly experience aggressive or abusive behaviour from a citizen already have the authority to deal immediately with that behaviour by terminating either the meeting or telephone call following an initial warning to the citizen.
- 1.7 In the event that informal attempts to resolve the concerns do not resolve the issue, a policy and process is required to support the staff member and ensure that services provided to other citizens are protected.
- 1.8 With the increased use of social media as a means of interacting with the Council, the opportunity has been taken to produce the Social Media policy which is consistent with the Unacceptable Actions by Citizens policy.

## **2. Key Issues for Consideration**

### **Unacceptable Actions by Citizens Policy**

- 2.1 The Policy on Unacceptable Actions by Citizens (Appendix 1) sets out the Council's approach to the relatively few individuals whose actions or behaviour against staff and Councillors are considered unacceptable.
- 2.2 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.
- 2.3 While recognising that there is a requirement for a policy to address unacceptable citizen behaviour, the Policy recognises that all citizens have the right to be heard, understood, and respected and that Council staff and Councillors have the same rights.
- 2.4 The proposed Policy seeks to ensure that the Council deals fairly, honestly, consistently, and appropriately with all citizens, including those whose actions are considered unreasonable. Services must be accessible to all citizens. However, where a citizen's actions are unacceptable, the Policy provides for the right to restrict or change citizen access to the Council, its services and its staff.
- 2.5 The Policy categorises unacceptable actions by citizens as aggressive or abusive behaviour, making Unreasonable Demands and / or being Unreasonably persistent.
- 2.6 It is important that staff are able to carry out their duties effectively without experiencing aggressive and abusive behaviour. This is not restricted to acts of aggression that may result in physical harm. It may include behaviour or language that may cause people to feel afraid, threatened or abused. It includes unacceptable intrusion or reference to the private lives of staff.

- 2.7** Service delivery may be impacted where citizens make unreasonable demands with regards to 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 approached they make. Deciding what amounts to unreasonable demands will always depend on the specific circumstances surrounding 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.
- 2.8** However, 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.
- 2.9** A citizen may be deemed to be unreasonably persistent where they do not accept that the Council is unable to assist them further or provide a level of service other than that already provided and persist in contacting the Council to disagree with an action or decision taken in relation to their individual concerns.
- 2.10** The Council recognises the need for the Policy, in line with all services, to be applied fairly and transparently. The Policy includes a process for its application which includes appropriate checks and safeguards to ensure that it is not applied inappropriately.
- 2.11** The detailed process is set out in the Policy (Appendix 1) but the key features that ensure fairness include the requirement for a written application setting out citizen's behaviour and its impact, consideration whether to apply the Policy by a panel (of three council officers) and a requirement for any action applied under the Policy to be review at least every 6 months.
- 2.12** The Panel may deal with the citizen in one or more ways including restricting the duration of contact, limit contact with the council to a single point of contact, withdraw contact across one or more communication channels, withdraw contact with the customer on one or more issues, temporarily suspend all contact with the citizen.
- 2.13** Decisions of the Panel will be reviewed at least every six months with the citizen advised of the outcome of reviews in writing
- 2.14** The Policy ensures that that the Council has the tools to deal with the adverse consequences of the increased opportunities that citizens have to interact with services, staff and Councillors. In doing so, it helps protect the wellbeing of staff members and the quality of services being provided to all citizens.

### **Social Media Policy**

- 2.15** The Vale of Glamorgan Council currently uses Facebook, Twitter, YouTube and LinkedIn. Social media is used to help keep people informed about services and events that are important to them, as well as to share and promote the work of the organisation. The social media channels are also used to ask for views and feedback on certain topics, such as consultations.

- 2.16** The Social Media Policy (Appendix 2) sets out the purpose of the Council’s use of social media and how the channels are monitored and operated.
- 2.17** The Policy sets out what the citizen can expect from the Council when interacting with the organisation on social media. It sets out how our intention is to be helpful and transparent when engaging with customers via social media and how we will aim to provide a clear, concise answer to queries where possible. This section of the Policy describes how the Council will respond to different types of interactions, and the way information will be shared with relevant council departments.
- 2.18** The Policy also sets out the expectations the Council has on citizens interacting via social media. In this regard, the Social Media Policy is a consistent interpretation of the Unacceptable Actions by Citizens Policy described earlier in this report.
- 2.19** As with the Unacceptable Actions by Citizens Policy, the Social Media Policy acknowledges that there are very few customers whose actions the Council considers to be unacceptable. The approach described in the Policy is to manage these actions based on their nature and extent and the action that may be taken.
- 2.20** Once approved the Social Media Policy will be published on the Council's website and a link added to the profiles of each of the corporately managed social media accounts to ensure those citizens who engage with the Council online are able to better understand how they can do so and what is and is not considered appropriate.
- 2.21** This report seeks Cabinet approval of the policies at Appendix 1 and 2, subject to referral to Scrutiny Committee (Corporate Performance & Resources) for the Committee’s consideration in order to allow Cabinet to consider the views of the Committee prior to formal approval and adoption of the policies.

### **3. How do proposals evidence the Five Ways of Working and contribute to our Well-being Objectives?**

- 3.1** The policies provide opportunities for staff, Councillors and services to be protected from unacceptable behaviour by citizens, ensuring resources are used sustainably and in a way that best benefits the population of the Vale of Glamorgan.

### **4. Resources and Legal Considerations**

#### **Financial**

- 4.1** There are no direct financial implications associated with this report, however, the policies help ensure that Council funds and resources are used appropriately and services to citizens are protected.

#### **Employment**

- 4.2** There are no direct employment implications associated with this report. The resource impact in relation to application of the policy is likely to be very limited

due to the small number of anticipated applications of the policies and the spread across a range of services and staff.

#### **Legal (Including Equalities)**

- 4.3** An Equality Impact Assessment has been undertaken covering the two policies at Appendix 1 and 2.
- 4.4** The Equality Impact Assessment identifies the following impacts:
- Age - Positive
  - Disability -
  - Gender reassignment, including gender identity -
  - Marriage and civil partnership (discrimination only) -
  - Pregnancy and Maternity -
  - Race -
  - Religion and belief -
  - Sex -
  - Sexual orientation -
  - Socio-economic considerations -
  - Welsh language -
  - Human rights -

#### **5. Background Papers**

None.



## **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.

# VALE OF GLAMORGAN COUNCIL SOCIAL MEDIA POLICY

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VALE of GLAMORGAN



BRO MORGANNWG

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MARCH 2022

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- > Intention and tone 2.1
- > When to expect a response 2.2
- > When not to expect a response 2.3
- > Responses to feedback 2.4

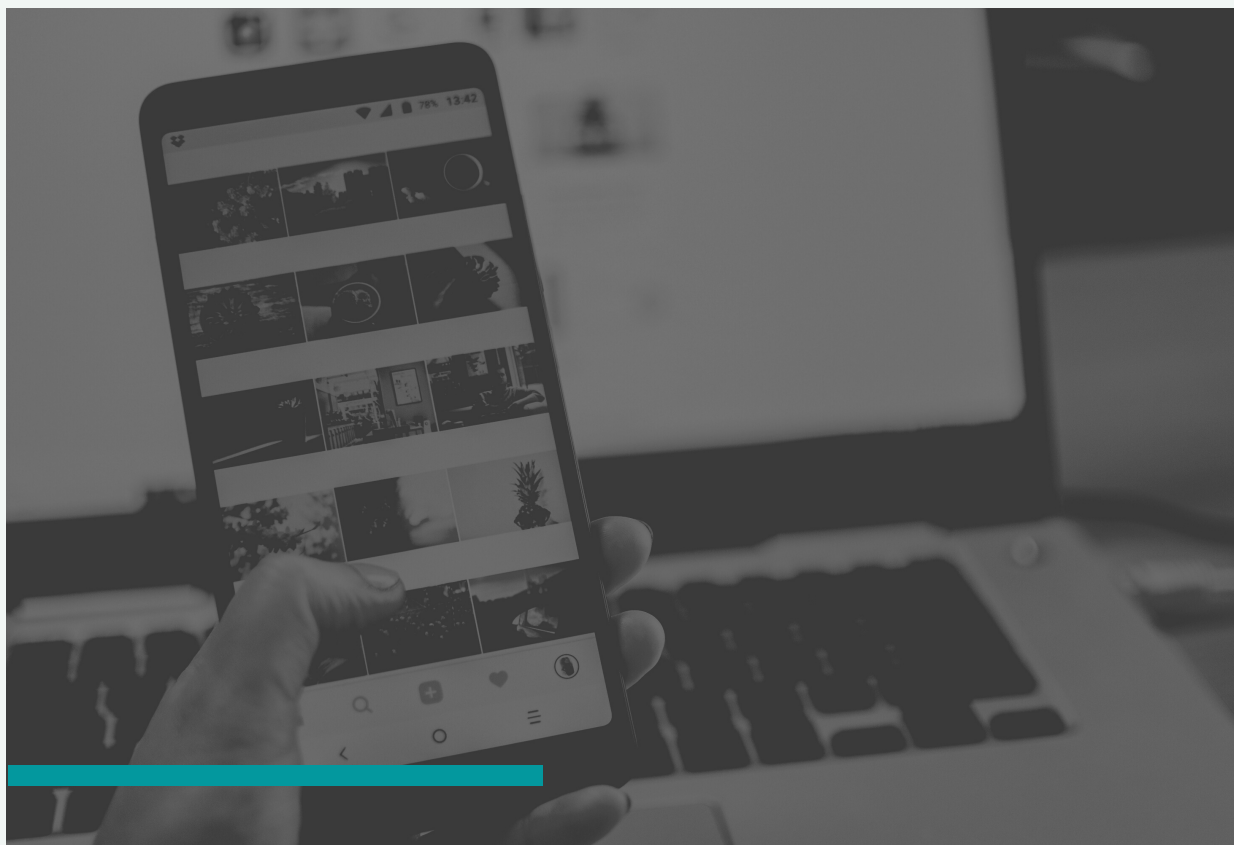
## **What we expect from you.**

- > What types of behaviour we deem unacceptable. 3.1
- > Specific course of action for deleting comments. 3.2
- > Specific course of action for muting / blocking. 3.3.
- > Instances for reporting content to social media platforms 3.4
- > Unacceptable Actions by Citizens Policy and Process 3.5

VALE of GLAMORGAN



# Background



**1.1** The Vale of Glamorgan Council currently uses Facebook, Twitter, YouTube and LinkedIn.

**1.2** We use social media to help keep people informed about services and events that are important to them, as well as to share and promote the work of the organisation. We may also use our social media channels to ask for views and feedback on certain topics, such as consultations.

**1.3** Our social media channels are monitored by the Communications team during normal office hours. Whilst we will routinely share posts over the weekend and public holidays, our feeds are not monitored during this time and customers should expect a delay in response.

Members of the public can contact us for advice on services or general queries, which will either be responded to directly or signposted to the relevant avenue.

# What you can expect from us

**2.1** Our intention is to be helpful and transparent when engaging with customers via social media. We will aim to provide a clear, concise answer to queries where possible.

Where issues are not straightforward, we will relay the query to a specific department. Be aware that because of this, there may be a delay in responding to customers.

The tone that we use on social media should reflect our intention to be helpful and transparent. We will use common sense and empathy when engaging with customers and ensure our tone reflects the nature of the query.

We will occasionally use emojis in our responses, in-line with our approach toward social media posts. We will avoid using jargon and write in plain English.

We will not disclose any staff contact details to customers in the social media feed. When customers ask to be put in contact directly with a member of staff, we will refer them to C1V or ask the department on their preferred course of action.

There may be occasions where a member of staff has given permission for their contact details to be disclosed - this should be done via direct messenger (DM) and as a last resort only.

# What you can expect from us

**2.2** We aim to respond to genuine comments or queries, however there may be occasions where we miss some, particularly at busy times. If we do miss your query, please do not think we are deliberately ignoring you.

If your query is serious, urgent, detailed or involves personal details, we advise you to contact our Customer Relations team directly.

We aim to pass on any positive feedback or comments made about our teams.

**2.3** There may be occasions that we decide not to respond to customers. This could be where an issue has been raised and dealt with in the past, or where there is no specific query / concern raised.

**2.4** We routinely use our social media platforms as part of our consultation work. We may publish links to consultations, or ask for customers to leave comments or respond to a social media poll.

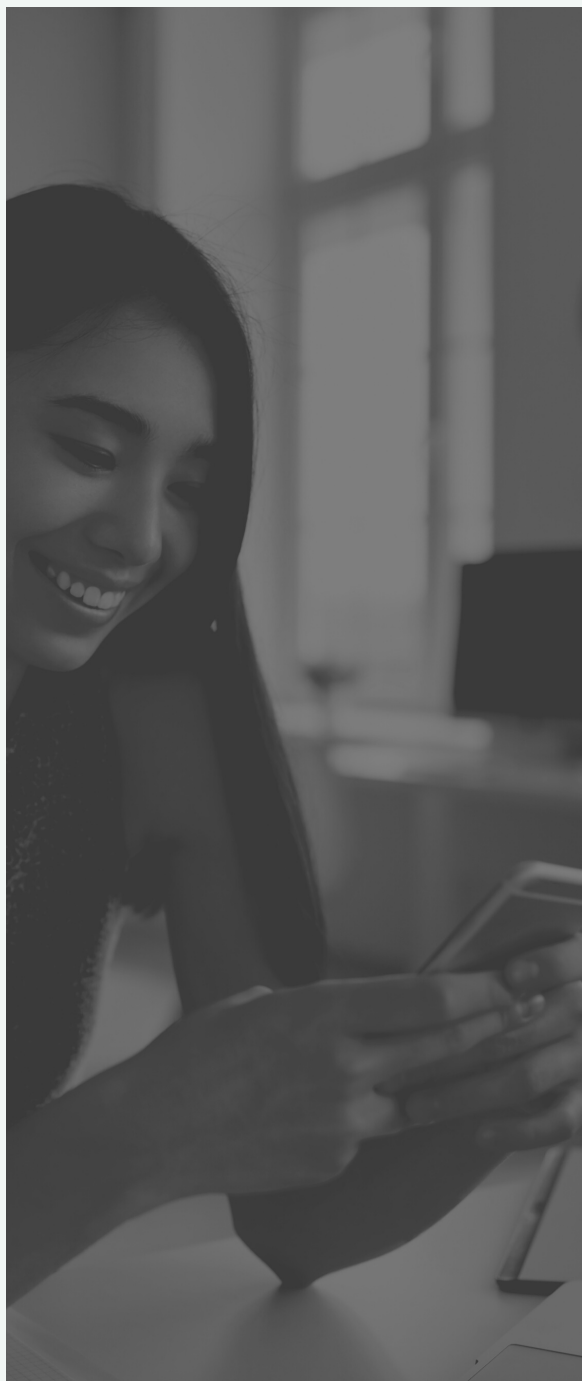
Where we have done this, we will collect all relevant and genuine feedback and ensure these are relayed to the team. We will not routinely engage with customers on posts like these, though where positive feedback has been left, we may 'like' the response.

Where feedback is given that is irrelevant to the original post, we will decide on a case-by-case basis as to whether this requires a response. If it involves a particular incident, or query, that has not yet been raised with the Council, then this will be dealt with.

If this is general feedback or it has already been raised, then we will not respond.

[View the Social Media Responses Flowchart](#)

# What we expect from you



**3.1** There are very few customers whose actions we consider unacceptable. We aim to manage these actions based on their nature and extent. In some cases, we may need to restrict that customers' contact with us via social media.

**3.2** In the first instance, we will remove messages or comments (where function allows) which we believe are:

- Abusive or obscene.
- Deceptive or misleading.
- In violation of any intellectual property rights, including copyright.
- In violation of any law or regulation.
- Off-topic content (in which the aim is to provoke a response).
- Promotional material, including links to external websites and promotions.
- Names members of staff or publishes contact details of staff.
- Publishes personal details.
- Publishes sensitive or private information.

This will be done without giving notice to the customer.



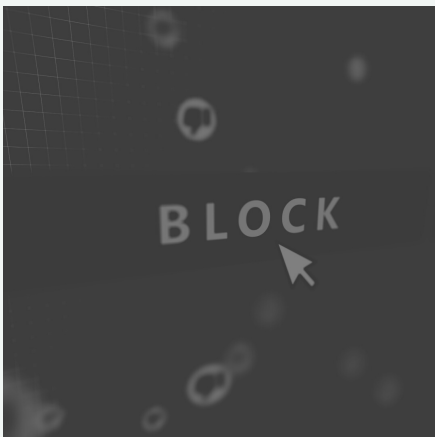
# What we expect from you



**3.3** In the second instance, we will mute or block users as a result of engagement that we believe is:

- Extremely abusive or obscene.
- Spamming (i.e. repeatedly flagging the same issue despite having provided a response).
- Received from bots (fake accounts created to spam or influence the opinions of users).

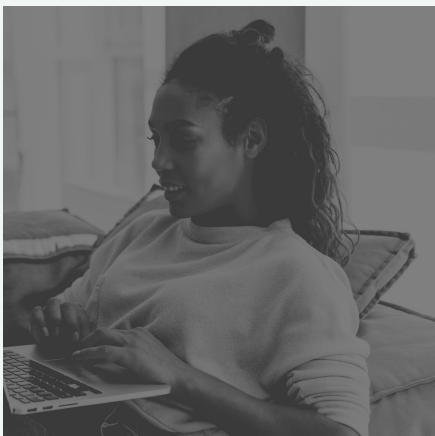
This will be done without giving notice to the customer.



**3.4** In some instances, we will seek to report a user for their comment / post, where the social media platform's guidelines advise us to do so.

**3.5** All of these actions are in line with the Council's Policy on Unacceptable Actions by Citizens.

This Policy sets out the Council's approach to the relatively few individuals whose actions or behaviour against staff and Councillors are 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.



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.

# Equality Impact Assessment

## Including the Welsh Language and Socio-economic Duty

Please click on headings to find general guidance or section guidance with an example. You will find supporting information in appendices at the end of the guidance.

When you start to assess your proposal, arrange to meet Tim Greaves, Equality Co-ordinator, for specific guidance. Send the completed form to him for a final check and so that he can publish it on our Vale of Glamorgan equality web pages.

Please also contact Tim Greaves if you need this equality impact assessment form in a different format.

### 1. What are you assessing?

Policy on Unacceptable Behaviour by Citizens / Social media Policy
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### 2. Who is responsible?

<b>Name</b>	Rob Thomas	<b>Job Title</b>	Chief Executive
<b>Team</b>	Policy & Business Transformation	<b>Directorate</b>	Corporate Resources

### 3. When is the assessment being carried out?

<b>Date of start of assessment</b>	February / March 2022
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### 4. Describe the proposal?

#### What is the purpose of the proposal?

This Policy on Unacceptable Behaviour by Citizens (UBC 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.

# Equality Impact Assessment

## Including the Welsh Language and Socio-economic Duty

The Social Media Policy (SMP) sets out what citizens should expect when interacting with the Council via social media and what Citizen actions may be deemed to be unacceptable on these platforms. This policy is consistent with the Council's Policy on Unacceptable Behaviour by Citizens

### **Why do you need to put it in place?**

The UHB Policy and SMP recognise 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.

### **Do we need to commit significant resources to it (such as money or staff time)?**

Resources committed will be in the form of staff time in considering applications to apply the UBC Policy. However, this will be countered by officer time saved through reduction in in time dedicated to responding to citizen communications that place unreasonable demands on their time.

### **What are the intended outcomes of the proposal?**

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.

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.

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.

To ensure that other citizens and Council staff do not suffer any disadvantage from citizens who act in an unacceptable manner

### **Who does the proposal affect?**

**Note:** If the proposal affects lesbian, gay, homosexual, or transgender people, ensure you explicitly include same-sex couples and use gender neutral language.

The proposal is targeted at all/any Vale of Glamorgan residents and staff members

# Equality Impact Assessment

## Including the Welsh Language and Socio-economic Duty

**Will the proposal affect how other organisations work?**

No

**Will the proposal affect how you deliver services?**

The UBC Policy and SMP will ensure that services 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.

**Will the proposal impact on other policies or practices?**

It is not anticipated that the policies to impact on other policies or practices out with its scope.

**Can you change the proposal so that it further promotes equality of opportunity and fosters good relations?**

The policies have been carefully drafted to ensure that unreasonable behaviour is clearly defined and appropriate governance is in place to ensure appropriate and fair application.

**How will you achieve the proposed changes?**

The policies will be promoted to Council colleagues and a procedure note is provided for guidance on application of the UBC Policy. In addition, the application process requires that the policy is provided to any citizen to who it may be applied.

**Who will deliver the proposal?**

The Unreasonable Action by Citizens Panel will be established by the Chief Executive to consider any requests for application of the UBC Policy.

**How will you know whether you have achieved the proposal's purpose?**

Interactions between citizens and officers of the council are polite and professional. Where application of policies is required this is done fairly and consistently without bias and recognising the individual circumstances of the citizen.

# Equality Impact Assessment

## Including the Welsh Language and Socio-economic Duty

### 5. What evidence are you using?

**The Gunning Principles**, established from past court cases, can be helpful in ensuring we apply fairness in engagement and consultation:

**Principle 1:** Consultation must take place when the proposals are still at a formative stage. You must not have already made up your mind.

**Principle 2:** Sufficient reasons must be put forward to allow for intelligent consideration and response. Have people been given the information and opportunity to influence?

**Principle 3:** Adequate time must be given for consideration and response. Is the consultation long enough bearing in mind the circumstances?

**Principle 4:** The product of consultation must be conscientiously taken into account when finalising the decision.

**Have you complied with the duty to engage as described above and are you sufficiently informed to proceed?**

<b>Yes</b>		<b>No</b>	
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#### **Engagement (with internal and external stakeholders)**

Consider communities of interest or place (where people are grouped together because of specific characteristics or where they live).

Please include engagement with internal networks where appropriate – GLAM and Ethnic Minority Network.

The policies are primarily an internally focussed, recognising the increased opportunities for interaction between officers and citizens and seek to ensure that these do not become intrusive or difficult to manage. The policies have been developed on the basis of a strong

# Equality Impact Assessment

## Including the Welsh Language and Socio-economic Duty

evidence base of unacceptable behaviour from a small number of citizens and with the engagement of officers involved and senior stakeholders within the Council, including the Senior Leadership Team, Corporate Communications Team and Corporate Equalities Team.

During the engagement process changes to the UBC Policy were made to ensure appropriate governance and fair application of the policy and to clearly define what is meant by unreasonable behaviour.

### **Consultation (with internal and external stakeholders)**

Consider communities of interest or place (where people are grouped together because of specific characteristics or where they live).

Please include consultation with internal networks where appropriate – GLAM and Ethnic Minority Network.

Consultation has been undertaken with senior stakeholders including Head of Policy and Business Transformation, Head of Legal, Head of Human Resources and Organisational Development and all Directors via Senior Leadership Team.

Consultation with the Corporate Equalities Team identified the potential for a negative impact on citizens with additional learning needs or mental health conditions which may impact on how they behave when interacting with the council. To safeguard against this an additional step has been put into the application procedure for the UCB Policy which provides an opportunity for any citizen to who the policy is being applied to provide additional information to the Unreasonable Actions by Citizens Panel prior to formal implementation.

### **National data and research**

Including Equality and Human Rights Commission's 'Is Wales Fairer 2018' Report, its Measurement Framework, the Future Generations Report 2020, Welsh Index of Multiple Deprivation, Census.

# Equality Impact Assessment

## Including the Welsh Language and Socio-economic Duty

### Local data and research

Including Vale of Glamorgan Council's Community Impact Assessment.

The Council's Community Impact Assessment recognises the negative impact of the Covid pandemic on individual citizen's economic, social and mental and physical wellbeing. The policies recognise that forceful or determined behaviour or actions borne out of upsetting or distressing circumstances being experienced by citizens do not fall within the definition of unacceptable actions.

## 6. How robust is the evidence?

### Does it show what the impact will be (positive and negative)?

Positive and sound

### What are the gaps?

There is sound evidence that opportunities for interaction between officers and citizens have increased across multiple communication platforms in both professional and personal profiles and that these have (on a very small number of occasions) become intrusive and difficult to manage.

Evidence from engagement and consultation suggests that there is a clear need for the policy and that the proposed process is seen to fair. However, the impact on citizens and officers and the effectiveness requires careful monitoring.

### What will you do about this?

A monitoring report on the application of the policies will be considered by the Senior Leadership team 6 months after implementation and annually thereafter. This will include equalities monitoring data.

### What monitoring data will you collect?

Equalities monitoring data will be collected from citizens when policies are applied.

### How often will you analyse and report on this?

# Equality Impact Assessment

## Including the Welsh Language and Socio-economic Duty

A monitoring report will be produced 6 months after initial implementation of the policy and annually thereafter.

**Where will you publish monitoring data and reports?**

The Operational Manager for Customer Relations and Communications Manager

### 7. Impact

**Is there an impact?**

**No**

**If there is no impact, what is the justification for thinking this? Provide evidence.**

The impact of the policy is neutral with regards to those with protected characteristics as it will be applied fairly and with equality to all citizens in the Vale of Glamorgan and takes into consideration individual circumstances when application is proposed.

**If there is likely to be an impact, what is it?**

SHOW IF YOUR ACTIVITY WILL AFFECT PEOPLE OR GROUPS OF PEOPLE WITH PROTECTED CHARACTERISTICS AND EXPLAIN WHAT WILL BE DONE TO MAXIMISE ANY POSITIVE IMPACTS OR MINIMISE ANY NEGATIVE IMPACTS ...			
Protected characteristics	Will your project / activity have any positive impacts on those with a protected characteristic?	Will your project / activity have any negative impacts on those with a protected characteristic?	Is there any way to maximise any positive impacts or minimise any negative impacts?
Age	Neutral		
Disability	Neutral		
Gender	Neutral		



# Equality Impact Assessment

## Including the Welsh Language and Socio-economic Duty

<b>Gender reassignment</b>	<b>Neutral</b>		
<b>Marriage and civil partnership</b>	<b>Neutral</b>		
<b>Pregnancy and maternity</b>	<b>Neutral</b>		
<b>Race</b>	<b>Neutral</b>		
<b>Religion or belief</b>	<b>Neutral</b>		
<b>Sexual orientation</b>	<b>Neutral</b>		

### **Socio-economic considerations**

The Policy will be applied fairly and with equality to all citizens in the Vale of Glamorgan and takes into consideration individual circumstances when application is proposed.

The overall impact is neutral.

### **Welsh language**

How does your proposal ensure that you are working in line with the requirements of the Welsh Language Standards (Welsh Language Measure (Wales) 2011), to ensure the Welsh language is not treated less favourably than the English language, and that every opportunity is taken to promote the Welsh language (beyond providing services bilingually) and increase opportunities to use and learn the language in the community?

Application of the policies will fully comply with the Welsh Language Measure (Wales) 2011, Welsh Language Standards (No.1) Regulations 2015 and/or subsequent legislation.

# Equality Impact Assessment

## Including the Welsh Language and Socio-economic Duty

- All those to who the policy is applied will be offered support in the language of their choice.
- All project paperwork will be available in Welsh and English.
- All publicity and marketing will be bilingual.

### Human rights

The UK's Human Rights Act 1988 covers matters that include the right to a private life, home and correspondence, freedom of expression, freedom of assembly and association amongst others. These have been considered in developing the policies.

### How do you know?

**Explain this for each of the relevant protected characteristics as identified above.**

As above

### What can be done to promote a positive impact?

**Explain this for each of the relevant protected characteristics as identified above.**

The purpose of the policies to ensure consistency in how the Council deals with citizens. We will monitor whether we are reaching protected groups as part of our general monitoring.

### What can be done to lessen the risk of a negative impact?

**Explain this for each of the relevant protected characteristics as identified above.**

A monitoring report will be produced 6 months after initial implementation of the policies and annually thereafter. Any negative impact in relation to those with protected characteristics identified will be addressed and rectified.

# Equality Impact Assessment

## Including the Welsh Language and Socio-economic Duty

**Is there a need for more favourable treatment to achieve equal outcomes? (Disability only)**

The policies recognise that forceful or determined behaviour or actions borne out of upsetting or distressing circumstances being experienced by citizens or because of mental health issues do not fall within the definition of unacceptable actions.

**Will the impact be positive, negative or neutral?**

**Explain this for each of the relevant protected characteristics as identified above.**

Neutral because of the reasons identified above.

### 8. Monitoring ongoing impact

**Date you will monitor progress and outcomes**

6 months after initial implementation and annually thereafter

**Measures and outcomes that you will monitor**

- Frequency of policy application
- Characteristics of citizens to who the policy is applied to ensure no conscious or unconscious bias

**Date you will review implemented proposal and its impact**

6 months after initial implementation and annually thereafter

# Equality Impact Assessment

## Including the Welsh Language and Socio-economic Duty

### 9. Further action as a result of this equality impact assessment

Possible Outcomes	Say which applies
No major change	Yes
Adjust the policy	
Continue the policy	
Stop and remove the policy	

### 10. Outcomes and Actions

<p><b>Recommend actions to senior management team</b></p> <p>None</p>
<p><b>Outcome following formal consideration of proposal by senior management team</b></p>

### 11. Important Note

**Where you have identified impacts, you must detail this in your Cabinet report when seeking approval for your proposal.**

### 12. Publication

<p><b>Where will you publish your approved proposal and equality impact assessment?</b></p> <p><b>In addition to anywhere you intend to publish your approved proposal and equality impact assessment, you must send a copy to Tim Greaves, Equality Co-ordinator, to publish on the equality pages of the Vale of Glamorgan website.</b></p> <p>Vale of Glamorgan website</p> <p>Staffnet</p>
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# Equality Impact Assessment

## Including the Welsh Language and Socio-economic Duty

Civic Offices Reception

Directly to those who's actions are being considered under the policy

### 13. Authorisation

<b>Approved by (name)</b>	Tom Bowring
<b>Job Title (senior manager)</b>	Head of Service
<b>Date of approval</b>	31 March 2022
<b>Date of review</b>	31 September 2022 (and annually thereafter)