**Managing unacceptable and/or unreasonable behaviour**

South Tyneside Council is committed to providing an inclusive and accessible service for all of our customers, but we also need to ensure we provide a safe working environment for our staff.

South Tyneside Council recognises that, in some circumstances, customers actions may be affected by disability, including mental illness, substance misuse or other factors and may need additional support. Where this is the case, the individual needs and circumstances of the customer will be considered before deciding how best to manage the situation.

Customers may make unreasonable demands that could affect the service we provide to other customers, or communicate with us in a manner which causes offence to our staff. Where this occurs, the Council reserves the right to manage customer communication so that we protect our staff and maintain our service to other customers.

Also in a minority of cases, people can pursue their complaints in a way that can either impede the investigation of their complaint or can have significant resource issues for the Council.

This policy sets out our approach to managing those customers whose actions or behaviour are considered unacceptable, unreasonable or unreasonably persistent and are either having a harmful impact on our staff or their ability to provide an excellent service to other customers.

**What is unacceptable behaviour?**

**Aggressive, abusive or offensive language or behavior**

All of our staff have the right not to be subjected to aggressive, abusive or offensive language or behaviour, regardless of the circumstances. Some examples of this behaviour include:

* threats of physical violence;
* swearing;
* inappropriate cultural, racial or religious references; and rudeness, including derogatory remarks.

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

This type of behaviour is not covered by this procedure - when a customer behaves in this way, members of staff will call the police and log any incident with Health and Safety.

In these circumstances the council reserves the right to restrict contact access to buildings, staff and types of contact, please see paragraph 9.4.

**What is unreasonable behaviour?**

On occasions, our customers may make unreasonable demands through the amount of information they seek, an unrealistic level of service they expect or the number of enquiries they make.

For example some customers may not accept that the Council is unable to assist beyond the level of service that has already been provided and may persist in disagreeing with an action or decision, or contact the Council repeatedly about the same issue. The method or tone in which these communications are received may not be unreasonable - it is the persistent behaviour in continuing to raise the issues that is considered to be unreasonable.

Examples of the behaviours include:

* demanding responses within an unreasonable time-scale;
* repeatedly contacting or insisting on speaking to a particular member of staff who is not directly dealing with the matter;
* excessive telephone calls, emails or letters;
* sending duplicate correspondence requiring a response to more than one member of staff;
* persistent refusal to accept a decision; persistent refusal to accept explanations;
* continuing to contact us without presenting new and relevant information
* sending multiple correspondence through various routes of access (e.g. complaints, FOI requests, data protection, grievance) in order to harass
* Refusing to specify the grounds of a complaint, despite offers of assistance with this from members of staff.
* Refusing to accept that issues are not within the remit of our complaints procedure, despite having been provided with information about the procedure’s scope.
* Making what appear to be groundless complaints about the staff dealing with the complaint, and/or seeking to have them replaced.
* Adopting a 'scattergun' approach: pursuing a complaint or complaints with the authority and, at the same time, with a Member of Parliament/a councillor/ independent auditor/the Standards Board/local police/solicitors/the Local Government Ombudsman/the press.

**Decision to restrict**

In most instances when we consider someone’s behaviour is unreasonable we will explain why and ask them to change it. We will also warn them that, if the behaviour continues, we may take action to restrict their contact with our offices.

Where the behaviour is so extreme that it threatens the immediate safety and welfare of our staff we may report the matter to the police or consider taking legal action. In such cases, we may not give the complainant prior warning.

The decision to designate someone as an unreasonable or unreasonably persistent is difficult and could have serious consequences for the individual. Before deciding whether the policy should be applied we need to be satisfied that:

* the complaint or issue is being or has been investigated properly
* any decision reached on it is the right one
* communications with the customer have been adequate, and
* the customer is not now providing any significant new information that might affect our view on the complaint or issue

If we are satisfied on these points we need to consider whether further action is necessary before we take a decision to designate the customer as unreasonable or unreasonably persistent.

**Potential restrictions**

Where a customer continues to communicate in an unacceptable manner, using the above criteria, the Council will exercise its right to restrict contact.

When making a decision to restrict contact, we will take into account any special requirements of those affected by our decision. For example, where someone cannot read, we would not limit communications to writing only unless we are satisfied there are reasonable adjustments in place to enable the customer to read our response. Examples of possible restrictions are:

* block telephone calls and/or emails from being received;
* arrange for a single, named member of staff to deal with all future enquiries from the customer;
* put in place an arrangement whereby there will be no lone visits to a property
* limit future contact to a particular form and/or frequency - for example, emails or letters only - and these will be reviewed once per week/month;
* restrict the customer from attending Council offices or other council-owned premises except by appointment.
* inform the customer that their correspondence will be read to ensure no new issues have been raised, but then filed, without further acknowledgement.

**Telephone calls**

Our staff do not have to tolerate unacceptable behaviour over the telephone. Where this occurs, all of our staff have the right to end the call. However, before taking such action, it is reasonable to expect that the caller is warned about their behaviour to allow them the opportunity to moderate their behaviour.

**Email and letters**

As with telephone calls, none of our staff has to tolerate unacceptable behaviour communicated via email or letter. Where there is a legitimate request for information contained within the communication, irrespective of the language used, it is reasonable to provide that information, but at the same time the customer will be warned that their conduct is considered to be offensive and will not be tolerated in the future.

Where no legitimate information is being requested, staff do not have to respond to an abusive email or letter.

**Informing the customer about a restriction**

Where contact is being restricted, the customer should be told of the decision.

The communication should inform the customer of the following:

* the reason why the Council considers their behaviour to be unacceptable;
* details of any earlier warnings issued about their conduct;
* the restriction(s) the Council is imposing; and, if appropriate;
* how long the restriction(s) will last — initial restrictions will normally last for 6 months in the first instance;
* In the event of a complete restriction, the customer must also be informed of their right of appeal and how to do this.
* Include a copy of the policy.

**Customer appeals**

A customer may only appeal a decision to restrict contact where all forms of contact have been restricted. Appeals should be submitted in writing and sent to the Customer Advocacy Team