

Managing Unreasonable Behaviour Policy

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1.0 Overview

- 1.1 This policy should be used in conjunction with other Council policies including [Customer Complaints and Feedback](#), [Equalities](#) and [Managing Reasonable Adjustments](#)
- 1.2 The Council recognises the importance of listening to the views of its residents about the service they receive from us.
- 1.3 One of our values is to be “Welcoming and Responsive”. To achieve this we strive to be approachable, open to feedback and challenge and swift to act.
- 1.4 Occasionally individuals pursue their enquires or complaints in a way which is unreasonable or unreasonably persistent or take a “scattergun” approach by making multiple contacts to numerous different officers or councillors across the Council about the same or similar complaint. They may make demands which are unreasonable or make a high number of complaints such as making serial complaints about different matters or continuing to raise the same or similar matters repeatedly which can have significant resource implications for us in delivering its services to all. However, some individuals may have justified complaints but may pursue them in inappropriate ways. Others may pursue complaints which appear to have no substance, or which have already been investigated and determined. Their contacts with the Council, via one or various contact channels, may be amicable but still place heavy demands on staff and councillors time, or they may be emotionally charged and distressing for all involved.
- 1.5 This policy details how we respond to such unreasonable behaviour. This can be one or two isolated incidents, as well as unreasonably persistent behaviour, which is

usually a build-up of incidents or behaviour over a longer period. This behaviour can be linked to general enquires or unreasonable actions by complainants.

- 1.6 We are committed to dealing with all customers fairly and impartially. However, we will not tolerate unacceptable behaviour, for example, that which is abusive, offensive, or threatening and we will take action to protect our staff and councillors from such behaviour. If we consider an individual's behaviour to be unacceptable, we will consider taking proportionate and appropriate action in accordance with our Violence at Work Policy.
- 1.7 In these situations we will consider how we manage the relationship going forward and use restrictions of access **as a last resort**. This will ensure that our resources are used effectively and that other customers, staff or councillors do not suffer any detriment as a result of the behaviour. The controls (detailed in section 5.4) can occur either while the enquiry or complaint is being investigated, or once the Council has dealt with the enquiry.
- 1.8 This Policy applies to unreasonable actions from individuals directed towards staff and councillors.
- 1.9 Where behaviour is so extreme that it threatens the immediate safety or welfare of our staff, councillors or others, the matter will be reported to our safety and risk manager and may be reported to the police. We may consider taking legal action (without giving notice) alongside any action under this policy.

2.0 What is unreasonable behaviour?

- 2.1 It is considered reasonable for individuals to be determined and assertive when pursuing an enquiry or making a complaint about services, and to provide us with regular updates if there have been further incidents or new information which we need to know or consider.
- 2.2 Unreasonable actions are those which, because of the nature or frequency of contact with us, hinder our delivery of services or consideration of complaints. Examples of unreasonable actions and behaviours are detailed below. This list is not exhaustive but gives guidance as what may be classed as unreasonable:
- Demanding responses within an unreasonable timescale
 - Insisting on dealing with a specific person
 - Making excessive demands on the time and resources of staff or councillors with lengthy telephone calls, emails to numerous staff or councillors, or submitting correspondence every few days or more often, and expecting immediate responses.
 - Repeatedly changing the substance of the contact or raising unrelated concerns
 - Refusing to accept that issues are not within the remit of the Council or its [Customer Complaints and Feedback Policy](#) or insisting that a complaint is dealt

with in a way which is incompatible with the Customer Complaints and Feedback Policy.

- Further demands relating to a specific issue where the [Customer Complaints and Feedback Policy](#) has already been followed and exhausted.
- Persistent refusal to accept a decision or raising similar complaints where there is no benefit to the Council or complaint to pursue.
- Persistent refusal to accept explanations as to what the Council can and cannot do.
- Continuing to pursue a matter that has been properly investigated e.g. raising a repeat complaint without providing new or relevant information.
- Changing the basis of the complaint as the investigation proceeds and or denying statements made at an earlier stage.
- Putting, or threatening to put information on social media or websites which includes personal information of our staff or councillors without their consent.
- Making untrue statements about staff or councillors online.
- Being abusive, threatening or acting in a manner intended to intimidate staff or councillors.
- Adopting a 'scatter gun' approach: pursuing parallel complaints or contact about the same issue with various organisations.
- Submitting comments regarding the same subject onto numerous different public channels leading to a plethora of enquires all relating to the same topic.

2.3 Situations can escalate and sometimes individuals can become abusive, offensive, or threatening. Such situations would be managed in accordance with our internal Violence at Work Policy

3.0 Considerations Prior to Action

3.1 As part of assessment of whether the individual should be considered unreasonable, we will consider:

- That the enquiry or complaint is being or has been investigated properly.
- Any decision reached is the right one given the information available.
- That communications with the individual have been appropriate.
- Whether any significant new information is being provided which may affect our response.
- Whether there are any underlying explanations for unreasonable actions. This could be due to unmet communication or support needs and if so consider if any reasonable adjustments are required.
- The benefit of meeting the individual via a suitable method, to discuss the ongoing issues as this can dispel misunderstandings and move matters towards a resolution.
- Designating one officer to co-ordinate the response if the enquiry relates to more than one service area.
- Writing to the individual, sharing this policy with them, and warning them that restrictive actions may need to be applied if their behaviour continues.

4.0 **Reasonable Adjustments**

4.1 We understand that some individuals may find it difficult to express themselves or communicate clearly, especially when they are anxious or upset. In order to do this, we ask that they explain what adjustments they are looking for and how this will support them. This is in line with our Managing Reasonable Adjustments policy.

4.2 We will always consider making reasonable adjustments if we are asked to do so. Examples of adjustments we can consider include:

- using different methods of communication
- providing written communication in large print or different text
- giving clear warnings if conversations become unproductive and allowing individuals the opportunity to modify their behaviour before ending a call.

4.3 We may still apply the provisions of this policy if there are actions or behaviours which are having a negative effect on our staff or our work even where a reasonable adjustment has been made or where a reason for the unacceptable behaviour has been identified but a reasonable adjustment is not available.

5.0 **The Process**

5.1 Staff or councillors who consider an individual's behaviour to be unreasonable or persistent, will raise this with their business manager who will complete an incident form and submit it to the customer services business manager. Their details will be reviewed against other information we hold against the individual.

5.2 The customer services business manager will review the incident in conjunction with either the risk and safety manager or the public protection business manager. The decision to adjust the services provided to an individual will usually be taken in conjunction with a director.

5.3 In such cases, every effort will be made to ensure the action taken in relation to unreasonable behaviour is appropriate and proportionate and that all other alternatives are exhausted.

5.4 Depending on the behaviour, one or more of following controls will be considered:

- Time limits on contacts e.g. telephone conversations or face to face contacts
- Restricting the number of contacts during a specific period (for example, one telephone call on one specified morning or afternoon per week)
- Limiting contact to one suitable communication channel e.g. telephone, letter or email and restricting the duration of the telephone call.
- Limiting contact to one named member of staff or email address.
- Requiring a witness to be present for interactions
- Refusing to register and process further correspondence or separate complaints about the same matter though the correspondence will be logged.

- Future correspondence to be read and placed on the file but not acknowledged unless it contains new information. A designated officer will be identified who will read future correspondence.

6.0 Operating the Policy

- 6.1 The individual will need to be advised that their access is being restricted or that their behaviour is being monitored. In some cases, it will be appropriate to issue the individual with a warning letter advising if their behaviour continues to be disruptive then it could result in access being restricted. The warning letter provides the individual the opportunity to change their behaviour.

Once a decision has been taken to apply restricted access, we will write or email the individual to explain:

- why the decision has been taken, including details of their actions we have considered to be unreasonable
- what this means for their future contact with us
- how long any restrictions will last.
- when the decision will be reviewed (dependant on circumstances).
- the appeals process and how to challenge the decision.
- that their details on being kept on the Dealing with Unreasonable Behaviour register.

- 6.2 The restriction will apply for up to 12 months and will be reviewed prior to being removed.

7.0 Appeals and Reviews

- 7.1 The individual can appeal our decision to restrict our services and the inclusion on the register. The appeal must be submitted within 28 calendar days of the letter being issued. The appeal will be considered by a director not involved in the initial decision.

- 7.2 The decision will be reviewed after an agreed period dependant on the circumstances.

- 7.3 When reviews are carried out, we will write to advise the individual of the outcome and, if restrictions are to continue to be applied, the date when these will next be reviewed.

8.0 Review of the Policy

- 8.1 The Policy is to be reviewed every two years or in response to changes in relevant legislation and or other Newark & Sherwood District Council policies, procedures and agreements.

Approval, Consultation and Review Timetable

Document title	Managing Unreasonable Behaviour Policy		
Version number	DRAFT v.1 – replaces 1 February 2022 policy	Protective marking	Official
Lead Director	Director Customer Services and Organisational Development		
Lead Business Unit	Customer Services		
Lead Contact	Customer Services Business Manager		
Date approved (SLT)	14 May 2024	Date approved (Members)	3 July 2024 – Portfolio Holder decision
Reviews due:	July 2026		
Consultation			
Consultee	Date	Comments received	Material change requested (yes/no)
Involved Tenants	June 2024	No	No