

Suffolk County Council

Unreasonable Behaviour Policy

Owner : Jamie Swinyard

Version : 2.0

Date : October 2024

We will on request produce this Policy, or particular parts of it, in other languages and formats, in order that everyone can use and comment upon its content.

DOCUMENT CONTROL

Change History

Issue / Version No	Issue Date	Author	Summary of Changes
1.0	March 2019	Jane Swift	Version 1.0
2.0	October 2024	Jamie Swinyard	Version 2.0

Authorisation (Responsible Owner)

Role	Name	Approval Date
Customer Experience Operations Manager	Jamie Swinyard	13/10/2024

Approval (Accountable Owner)

Role	Name	Approval Date
Monitoring Officer	Nigel Inniss	18/11/2024

Reviewers (Consulted)

Role and Review Responsibilities	Name	Approval Date
Assistant Director - Customer Experience and Digital	Mark Burgess	14/11/2024
Deputy Chief Executive	Stephen Meah-Sims	18/11/2024

Review Period

Date Document to be Reviewed	By whom
October 2025	Customer Experience Operations Manager & Monitoring Officer

SUFFOLK COUNTY COUNCIL UNREASONABLE BEHAVIOUR POLICY

Introduction

Suffolk County Council is committed to providing high quality and value for money public services. As part of our commitment to continuous improvement and learning we operate an open and accessible complaints process, and we welcome feedback from customers. We endeavour to deal with complaints in a timely, fair and proportionate way, working together to resolve issues. We recognise there may be times when our service may not meet the high standards that we set ourselves and that people expect. In these circumstances, we understand people may have reason to feel aggrieved, upset or distressed. We will work to resolve these concerns as quickly as possible. However, in the process of doing so the Council does not tolerate behaviour which is deemed to be unacceptable, abusive, threatening or violent to staff. We have a duty of care to our workforce to protect them from abuse, stress or upset whilst undertaking their role. The following document lays out our definition of unreasonable behaviour and the policies and procedures we follow to manage this and protect staff.

Definition

Behaviour which is unreasonable may include one or two isolated incidents, as well as unreasonably persistent behaviour, which is usually an accumulation of incidents or behaviour over a longer period. We accept that people may display frustration and use assertive behaviour to put their case forward in a persuasive manner. We would not deem this as unreasonable. There is no universal measure for when actions may be classed as unreasonable, and the Council will always take into consideration the wider circumstances surrounding an individual's behaviour.

Examples of actions and unreasonable behaviours

The following, non-exhaustive list, are examples of unreasonable behaviour which may cause this policy to be invoked. This behaviour would normally continue after the individual(s) has received an explanation of the correct route for their complaint and/or reasons why the Council cannot deliver the outcomes they want.

- Being abusive, threatening or acting in a manner intended to intimidate staff. This includes any use of racist, sexist, homophobic or other discriminatory and offensive language.
- Putting, or threatening to put information on social media or websites which includes personal information about Council staff without their consent and/or making defamatory statements about staff online.
- Making excessive demands on the time and resources of staff with lengthy phone calls, emails to numerous council staff, or detailed correspondence every few days or more often, and expecting immediate responses.

Suffolk County Council
Unreasonable Behaviour Policy

- Submitting repeat contacts or complaints with minor additions/variations which the complainant insists make these 'new' complaints.
- Refusing to specify the grounds of a complaint, despite offers of help.
- Refusing to cooperate with the complaint investigation process. For example, failing to provide information requested that is important for the investigation.
- Insisting on the complaint being dealt with in ways which are incompatible with the complaint's procedure or with good practice.
- Making unjustified complaints about staff who are trying to deal with the issues and seeking to have them replaced.
- Frequently changing the basis of the complaint as the investigation proceeds.
- Raising many detailed but unimportant questions, and insisting they are all answered.
- Providing false information and/ or submitting falsified documents from themselves or others.
- Adopting a 'scatter gun' approach: pursuing parallel complaints or contact about the same issue with various organisations.
- Inappropriately approaching or attempting to contact council staff outside of their council duties.
- Recording interactions with council staff without good reason.
- Putting recordings online or live broadcasting interactions without the consent of those being recorded.
- Manipulating or editing recordings/communication with council staff.

Considerations prior to taking action under the policy

Different considerations will apply depending on whether the investigation of a complaint is ongoing or whether it has been concluded. If a complaint has been concluded and the complainant is simply refusing to accept the outcome, the Council has the option of ending all communication with the complainant on that particular matter. Where appropriate the complainant may be referred to the Local Government and Social Care Ombudsman (LGSCO). However, where the complaint is ongoing there may need to be some continuing contact with the complainant. An important element in any decision-making process is whether any restrictions would have a greater impact on an individual because of any disabilities or other protected characteristics. The Council will consider whether there are any underlying explanations for unreasonable actions. This could be due to unmet communication or support needs; therefore the Council will consider if it needs to make reasonable adjustments under the Equality Act 2010. The individual should not be unfairly

treated. The individual should always have a method of accessing Council services should they need to do so. Before deciding whether the policy should be applied, the Council should be satisfied that it has done all it can to resolve any outstanding matters. If the Council is satisfied it has done so, it should consider whether further action is necessary prior to taking the decision to designate the person as unreasonable. Examples of further action include:

- If no meeting has taken place between the individual and an officer/officers and provided that the Council knows nothing about the person which would make this unadvisable, offering a meeting with an officer of appropriate seniority. Sometimes such meetings can dispel misunderstandings and move matters towards a resolution.
- If more than one directorate is being contacted by an unreasonable individual, setting up a strategy meeting to agree a cross-departmental approach; and designating a key officer to co-ordinate the Council's response(s).
- If appropriate, an advocate might be helpful to both parties and the Council should consider offering to help the person find an independent advocate.
- Where an individual's actions are considered unreasonable, it may be appropriate for the Council to speak with other teams, departments and external bodies (e.g. mental health services) involved to share information for the purposes of safeguarding the individual's welfare and exploring other ways in which they can be supported through inter or cross-organisational working.
- Before applying any restrictions, giving the individual a warning that if their actions continue the Council may decide to treat them as unreasonable, and explaining why.

Options for action

The precise nature of the action to be taken in relation to an unreasonable individual should be appropriate and proportionate to the nature and frequency of their contacts with the Council at that time. The following is a list of possible actions from which one or more might be chosen and applied, if warranted. It is not an exhaustive list and there may be particular factors which will be relevant in deciding what might be appropriate action.

Restrictions may include:

- Restricting contact to an individual named officer or team.
- Placing correspondence on file without acknowledgement or reply.

Suffolk County Council
Unreasonable Behaviour Policy

- Restricting access to certain buildings or premises controlled by the organisation.
- Restricting contact to written contact only (having regard to any agreed reasonable adjustments).
- Restricting the length and frequency of telephone calls.
- Restricting access to discretionary services.
- Reporting the behaviours to the Police.
- Withdrawal of services (withdrawal of a service is a serious step and the Council will review human rights and equality duties when reaching such a decision).

Who decides the policy will be applied?

A decision on whether or not the policy will be applied to an individual displaying unreasonable behaviour should be taken at Assistant Director level or above. The Monitoring Officer and Customer Experience Operations Manager should always be consulted before any action is taken. Staff members should also be able to take immediate action in response to unreasonable actions such as terminating phone calls, asking someone to leave the premises or pausing communications. Any immediate steps should be followed by either an informal warning about future conduct or consideration of further action under the Council's unreasonable behaviour policy.

What happens if a decision is taken to apply the policy?

If a decision is taken to apply the policy, we will write to inform the individual that:

- (a) the decision has been taken
- (b) what it means for their contacts with the Council
- (c) what restrictions will be put in place and how long these will last; and
- (d) what the individual can do to appeal the decision.
- (f) enclose a copy of this policy with the letter.

Who can consider an appeal against the decision?

An appeal against the decision to restrict an individual's contacts or the Council's responses to them should be considered by an officer senior to the person who made the original decision. When an appeal is considered, the Council should write to advise the individual of the outcome and, if restrictions are to continue to be applied, when these will next be reviewed. There is no further right of appeal beyond this step, and should the appellant remain dissatisfied they would have the right to contact the Local Government and Social Care Ombudsman (LGSCO).

Keep any restrictions under review

Arrangements should be put in place for a check to be made at an appropriate point to review whether there has been any further unreasonable behaviour from the individual. If the person has not demonstrated unreasonable behaviours towards the Council within that period, the position should be reviewed and a decision taken on whether any restrictions placed on the individual's contacts should be removed. The outcome of this review should be noted on the Council's records. In some cases, it may not be appropriate to notify the individual that the restrictions have been relaxed as this may trigger a resumption of the unacceptable behaviours. If the restrictions are removed, urgent consideration should be given to re-introducing the restrictions if the behaviour which led to the original decision recommences.

What about complaints about new issues?

When unreasonable individuals make complaints about new issues these should be treated on their merits, and decisions will need to be taken on whether any restrictions which have been applied before are still appropriate and necessary.

What happens if the individual then complains to the Local Government and Social Care Ombudsman?

An individual who has been designated as unreasonable may make a complaint to the Local Government and Social Care Ombudsman about the way in which they have been treated. The Ombudsman is unlikely to be critical of the Council's action if the Council can show that its policy has been applied appropriately and fairly.

END