

Lanteglos by Fowey Parish Council

Policy on unacceptable actions by individuals

Introduction

1. Lanteglos-by-Fowey Parish Councillors and staff aim to provide assistance and support to anyone who seeks to use its services. For the largest proportion of persons who contact the Parish Council, the matter is dealt with in line with acceptable procedures. However, there are occasions when it is necessary to protect Councillors and staff against unacceptable behaviour.
2. This Policy sets out the approach of Lanteglos-by-Fowey Parish Council to any persons whose actions or behaviour are considered unacceptable
3. This policy draws upon best practice and advice set out in the Councillors' guide to handling harassment, abuse and intimidation¹ and is a practical approach to behaviour which may constitute a criminal act under Protection from Harassment Act 1997, Malicious Communications Act 1988 and/or Communications Act 2003, Public Order Act 1986 or other relevant legislation².
4. This policy should be read in conjunction with the Council's policy on Policy on Unreasonably Persistent and/or Vexatious Complainants which overlaps where persistent or vexatious behaviour is a category of unacceptable actions . This policy may be helpful in managing some behaviours which may escalate to harassment, abuse or intimidation.

Aim of this Policy

5. To make it clear to all individuals, both at initial contact and throughout their dealings with the Council, what can or cannot be done in relation to their request. In doing so, the aim is to be open and not raise hopes or expectations that cannot be met.
6. To deal fairly, honestly, consistently and appropriately with all individuals, including those whose actions are considered unacceptable. We believe that all persons have the right to be heard, understood and respected. It is also considered that its staff has the same rights.
7. To provide a service that is accessible to all individuals. However, where it is considered that individual actions are unacceptable, the right to restrict or change access to this service is retained.
8. To ensure that other members of the public, Lanteglos by Fowey Parish Council, or its staff do not suffer any disadvantage from persons who act in an unacceptable manner.
9. To provide to individuals details of the complaints procedures if they wish to make a complaint against the Council.

¹ [Councillors' guide to handling harassment, abuse and intimidation](#), Local Government Association

² A useful guide to applicable law and remedies is contained in the Councillors' guide to handling harassment, abuse and intimidation [legal support section](#)

Defining unacceptable actions by individuals

10. People may act out of character in times of trouble or distress. There may have been upsetting or distressing circumstances leading up to their need to contact the Parish Council. This 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 office or unacceptable behaviour towards its staff. It is these actions that are considered unacceptable and ones that this policy aims to manage. Lanteglos-by-Fowey Parish Council has grouped these actions under three broad headings:

- a) Aggressive or abusive behaviour
 - i) Violence is not restricted to acts of aggression that may result in physical harm. It also includes behaviour or language (whether oral or written) that may cause Council Members or staff to feel afraid, threatened or abused. This includes **harassment**³ and **bullying**⁴.
 - ii) Examples of behaviours grouped under this heading include threats, physical violence, personal verbal abuse, derogatory remarks and rudeness. It is also considered that inflammatory statements and unsubstantiated allegations can be abusive behaviour.
 - iii) Council Members or Staff are expected to be always treated courteously and with respect. Violence or abuse towards Council Members or staff is unacceptable. It is not acceptable when actions escalate into aggression directed towards Council Members or staff.
- b) Unreasonable demands
 - i) Individuals may make what are considered to be unreasonable demands on the office through the amount of information they seek, the nature and scale of service they expect or the number of approaches they make.
What amounts to unreasonable demands will always depend on the circumstances surrounding the behaviour and the seriousness of the issues raised by the individual.
 - ii) Examples of actions grouped under this heading include demanding responses within an unreasonable time-scale, insisting on seeing or speaking to a particular member of staff, or targeting their correspondence towards a particular employee or office holder against whom they have some personal enmity, continual phone calls or letters or electronic mail, repeatedly changing the substance of the request or raising unrelated matters.

³ **Harassment** is unwanted conduct that violates a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment. This usually covers, but is not limited to, harassment on the grounds of sex, marital status, sexual orientation, race, colour, nationality, ethnic origin, religion, belief, disability or age

⁴ **Bullying** may be characterised as a pattern of offensive, intimidating, malicious, insulting or humiliating behaviour; an abuse of the use of power or authority which tends to undermine an individual or a group of individuals, gradually eroding their confidence and capability, which may cause them to suffer stress.

- iii) These demands are considered unacceptable and unreasonable if they start to impact substantially on the work of the Parish Council, such as taking up an excessive amount of staff time to the disadvantage of other individuals or functions.
- c) Unreasonable Persistence
- i) It is recognised that some individuals will not or cannot accept that the Council and its staff are unable to assist them further or provide a level of service other than that provided already. They may persist in disagreeing with the action or decision taken in relation to their request or contact the office persistently about the same issue.
 - ii) Examples of actions grouped under this heading include persistent refusal to accept a decision made in relation to a request, persistent refusal to accept explanations relating to what this office can or cannot do and continuing to pursue information. The way in which these individuals approach the Council and its staff may be entirely reasonable, but it is their persistent behaviour in continuing to do so that is not.
 - iii) The actions of persistent individuals are considered to be unacceptable when they take up what the Council regards as being a disproportionate amount of time and resources.

Managing unacceptable actions by individuals

11. There may be some circumstances that are considered by Council to be unacceptable. How these actions are managed depends on their nature and extent. If it adversely affects the Council's ability to do its work and provide a service to others, individual contact with the office may need to be restricted in order to manage the unacceptable action. Contact in person, by telephone, fax, letter or electronically or by any combination of these may be restricted. Efforts will be made to try to maintain at least one form of contact. In extreme situations, the individual will be told in writing that their name is on a 'no personal contact' list. This means that they must restrict contact with office staff either in written communication or through a third party.
12. The threat or use of physical violence, verbal abuse or **harassment** or **bullying** towards Council members is likely to result in the ending of all direct contact with the individual. Incidents may be reported to the police. This will always be the case if physical violence is used or threatened.
13. Council will not deal with correspondence (letter, fax or electronic) that is abusive to staff or contains allegations that lack substantive evidence. When this happens the individual will be told that their language is considered offensive, unnecessary and unhelpful. They will be asked to stop using such language and the Council will state that there will be no response to their correspondence if they do not stop. Council staff may require future contact to be through a third party.

14. Council members will end telephone calls if the caller is considered aggressive, abusive or offensive. The Council member taking the call has the right to make this decision, tell the caller that the behaviour is unacceptable and end the call if the behaviour does not stop.
15. Where an individual repeatedly phones, contacts the council, sends irrelevant documents or raises the same issues, the Council may decide to:
 - a) Only take telephone calls from the individual at set times on set days or put an arrangement in place for only one member of staff to deal with calls or correspondence from the individual in the future.
 - b) Require the individual to make an appointment to see a named member of staff before visiting the office or that the individual contacts the office in writing only.
 - c) Take other action that is considered appropriate. The Council will, however, always tell the individual what action is being taken and why.

Deciding to Restrict Contact

16. Members of Council who directly experience aggressive or abusive behaviour from an individual have the authority to deal immediately with that behaviour in a manner they consider appropriate to the situation and in line with this policy.
17. Except for such immediate decisions taken at the time of an incident, decisions to restrict contact with office staff are only taken after careful consideration of the situation in consultation with a quorum of the Parish Council. Wherever possible, we give an individual the opportunity to modify their behaviour or action before a decision is taken. Individuals are told in writing why a decision has been made to restrict future contact, the restricted contact arrangements and, if relevant, the length of time that these restrictions will be in place.

Reviewing a decision to restrict contact

18. Council records all incidents of unacceptable actions by individuals. Where it is decided to restrict individual contact, an entry noting this is made in the relevant file and/or on any appropriate computer record.
19. A decision to restrict individual contact may be reconsidered if the individual demonstrates a more acceptable approach. The Chairman reviews the status of all individuals with restricted contact arrangements on a regular basis.

Policy adopted - 28th February 2023