



Kempsey Parish Council

Management of Unreasonable Behaviour Policy

Document revisions

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Policy definition

Kempsey Parish Council (KPC) recognises that, on occasion a member of the public or complainant may feel that their views or complaint have not been satisfactorily resolved or answered. We aim to deal with all such matters fairly and professionally. However, in a minority of cases people may pursue their issues and complaints in a way that is unreasonable.

They may behave unacceptably, or be unreasonably persistent in their contacts and submission of information or requests for information. This can impede the investigation of their complaint or complaints by others and can have significant resource issues for KPC. These actions can occur either while a matter is being investigated, once KPC has concluded an investigation or at any time.

This policy is designed to manage unreasonable behaviour, prevent duplication and abortive work by employees, and protect KPC's employees and Councillors from harassment, harm and bullying.

Identification of unreasonable behaviour

For the purposes of this policy, unreasonable behaviour may include, but is not limited to; persistent, frivolous, vexatious or aggressive behaviour. This may be a one off incident or it could be a continued, repeated pattern of incidents/behaviour. It could be behaviour that is perceived as bullying or causes alarm, distress or harassment to KPC employees or threatens to put KPC at risk.

Unreasonable and unreasonably persistent behaviour occurs when a member of the public and/or complainant who, because of the nature or frequency of their contacts with KPC, hinder KPC's service delivery, consideration of their or other constituent's complaints/issues or generally disrupt the daily efficient working of KPC.

Some complainants or members of the public may have justified complaints/issues to raise- but may pursue them in inappropriate ways. Others may pursue complaints/issues which appear to have no substance or which have already been investigated and determined. Their contacts with KPC may be amicable but still place very heavy demands on staff time, or they may be very emotionally charged and distressing for all involved.

A persistent and/or vexatious complainant or member of the public can be someone who repeatedly raises issues about what they consider to be within the remit of KPC despite being told otherwise. That person, despite having had an original complaint investigated, or an issue considered and been notified of the result, may not accept that the matter is concluded and then start a barrage of contact to undermine the efficient workings of KPC.

Very occasionally people may also act deceitfully by forging documents, making covert recordings of meetings, adopting false identities and so on. Such behaviour is unacceptable and managing it can become a distraction from service delivery.

Situations can escalate and, in a few cases, people become abusive, offensive, threatening and unacceptable. In response KPC may have to exercise its duty of care to all employees and invoke procedures for protecting them bullying alarm, distress and harassment.

Examples of unreasonable actions and behaviours

There is no exhaustive list of the types of behaviour and actions that can be classed as unreasonable and each incident must be considered on its own merits with regards background and specific issues. Whilst single incidents may be deemed unacceptable, more often problems arise as a result of unreasonably persistent behaviour, which becomes time consuming and distracts from the daily work of KPC. Nevertheless the Local Government and Social Care Ombudsman and Information Commissioners Office provide invaluable guidance which KPC will always refer to when considering incidents.

Options for action

Any actions KPC takes will be proportionate to the nature and frequency of the Member of the Public contacts. The objective is to manage the contact and unreasonable behaviour in such a way that issues can be concluded briskly and without distractions. When it is necessary to designate a Member of the Public as behaving unreasonably, KPC will consider the most appropriate action in the circumstances. The options may include (but are not limited to):

- Offering the Person a meeting with an officer or Councillor of appropriate seniority to explore scope for a resolution of the issues and explain why their current behaviour is seen as being unreasonable;
- Sharing the policy with the Person and warning them that restrictive actions may need to be applied if the behaviour continues;
- Placing limits or a time limited ban on the number and duration of contacts with staff;
- Offering a restricted time slot for calls;
- Limiting the Person to one medium of contact (telephone, letter, email etc.)
- Requiring any personal contacts to take place in the presence of a witness and in a suitable location
- Refusing to register and process further contact of a similar nature or on the same matter;
- Reporting the matter to the Police. Especially where it includes actual or threatened violence, or causes alarm/distress or harassment to the officer or councillor.
- Any other action that KPC deems reasonable, appropriate, justified and proportionate in the circumstances.

Procedure

Should an officer or Councillor form the view that a member of the public is behaving unreasonably then the matter should be referred as soon as possible to the Chairman of the Finance & General Purposes Committee (F&GP).

In addition, the person should be notified of this and they should be advised to take independent professional advice if necessary.

The Chairman of the F&GP Committee will consider the issues and if necessary convene an F&GP Committee meeting or a full council meeting to discuss the issue and decide if an unreasonable behaviour finding should be made.

Once a decision has been made KPC will write to the person with a copy of this policy and explain what action if any they have decided to take and why.

Where an unreasonable behaviour finding is made, for example where a decision has been made to restrict access, the complainant should be informed if future correspondence will/will not be read or acknowledged and if it will be kept and placed on the file but not acknowledged, unless it contains material new information.

If deemed appropriate a designated Councillor should be identified who will read future correspondence. Notes should be attached to and remain with any file, record or account of the complainant, detailing the matter which has been closed.

KPC will endeavour to ensure that any fresh complaint/new issues are not overlooked or that a person who is the subject of this policy is not now providing any significant new information that might affect KPC's view on the issue.

When complaints or new issues are raised, these should be treated on their merits unless there is reason not to do so and the person is notified of the same. If this occurs, KPC will consider whether any restrictions previously applied are still appropriate and necessary.

Reviewing decisions

When imposing an unreasonable behaviour finding, KPC will specify a review date. On review, the finding and or any restrictions will be reviewed and either extended in whole or part, continued with monitoring, lifted or amended with further review/monitoring.

KPC will inform the individual of the outcome of the review. Also, if the finding and any associated actions are to continue, the reasons will be explained and the date on which the restrictions will next be reviewed will be stated.

Appeals

There is no appeal to KPC's decision. However, if a member of the public feels that the above process/procedure has not been followed they may raise the issue with the Local Government and Social Care | Ombudsman.

Variation to above procedure

Where the Clerk in conjunction with the Chairman of KPC is satisfied that a complaint/issue is unreasonable but raises additional matters, they may authorise a referral of the said complaint/issue to the Council's internal complaints policy and procedure.

Once considered under that complaints policy and procedure the Management of Unreasonable Behaviour Policy will be deemed to be exhausted.