

Policy on Unacceptable Actions by Service Users

1. Introduction

This Policy sets out the Council's approach to the relatively few service users whose actions or behaviour are considered unacceptable. The term 'service user' also includes anyone acting on behalf of another individual and any complainant.

2. Policy Aims

- 2.1 To make clear to all service users, both at initial contact and throughout their dealings with the Council, what the Council can or cannot do in relation to their requests or complaints. In doing so, the aim is to be open and to avoid raising hopes or expectations that cannot be met.
- 2.2 To deal fairly, honestly, consistently and appropriately with all service users, including those whose actions are considered unacceptable. The Council believes that all service users have the right to be heard, understood and respected. It is also considered that Council staff have the same rights.
- 2.3 To provide services that are accessible to all service users. However, where it is considered that a service user's actions are unacceptable, the right to restrict or change access to the Council is retained.
- 2.4 To ensure that other service users and Council staff do not suffer any disadvantage from service users who act in an unacceptable manner.

3. Defining Unacceptable Actions by Service Users

People may act out of character in times of trouble or distress. There may have been upsetting or distressing circumstances leading up to the contact with the Council. The Council does not view behaviour as unacceptable just because an individual is forceful or determined. In fact, it is accepted that being persistent can be a positive advantage when pursuing a complaint. However, the actions of individuals who are angry, demanding or persistent may result in unreasonable demands on the Council or unacceptable behaviour towards Council staff. It is these actions that are considered unacceptable and ones that this policy aims to manage. The Council has grouped these actions under three broad headings:

3.1 Aggressive or Abusive Behaviour

- 3.1.1 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 staff to feel afraid, threatened or abused.
- 3.1.2 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 also be abusive behaviour.
- 3.1.3 The Council expects its staff to be treated courteously and with respect. Violence or abuse towards staff is unacceptable. Council staff understand the difference between aggression and anger. The anger felt by many service users involves the subject matter of their request or complaint. However, it is not acceptable when anger escalates into aggression or abuse (whether oral or written) directed towards Council staff.

3.2 Unreasonable demands

- 3.2.1 Service users may make what are considered to be unreasonable demands on the Council 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 service user.
- 3.2.2 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, continual phone calls, letters or e-mails, repeatedly changing the substance of the request or complaint or raising unrelated concerns. Issues raised from different angles or via different routes, for example Chief Executive, Council Member, Assembly Member or Member of Parliament in the hope of getting a different response or putting pressure on the authority.
- 3.2.3 These demands are considered unacceptable and unreasonable if they start to impact substantially on the work of the Council, such as

taking up an excessive amount of staff time to the disadvantage of other service users or functions.

3.3 Unreasonable persistence

3.3.1 Some service users will not or cannot accept that the Council is unable to assist them further or to provide a level of service other than that provided already. Service users may persist in disagreeing with the action or decision taken in relation to their concerns or may contact the Council persistently about the same issue.

3.3.2 Examples of actions grouped under this heading include persistent refusal to accept a decision made by the Council, persistent refusal to accept explanations relating to what the Council can or cannot do and continuing to pursue an issue without presenting any new information. The way in which these service users approach the authority may be entirely reasonable, but it is their persistent behaviour in continuing to do so that is not.

3.3.3 The actions of some people who are in persistent contact with the Council about the same issue are considered to be unacceptable when they take up what the Council regards as being a disproportionate amount of time and resources.

4. Managing Unacceptable Actions by Service Users

4.1 There are relatively few individuals whose actions are considered by the Council to be unacceptable. How these actions are managed will depend on their nature and extent. If it adversely affects the Council's ability to do its work and provide a service to others, the service user's contact with the Council may need to be restricted in order to manage the unacceptable action. The Council will aim to do this, wherever possible, in a way that allows a request or complaint to progress to completion through the usual processes and will explain in writing to the service user any restrictions it puts in place. Contact in person, by telephone, fax, letter, electronically or by any combination of these may be restricted. The Council will try to maintain at least one form of contact. In extreme situations, the service user will be told in writing that their name is on a 'restricted contact' list. This means that they must restrict contact with the Council to either written communication or through a third party.

- 4.2 The threat or use of physical violence, verbal abuse or harassment towards staff is likely to result in the ending of all direct contact with the service user. Incidents may be reported to the police. This will always be the case if physical violence is used or threatened.
- 4.3 The 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 service user will be told that their language is considered offensive and unacceptable. 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. The Council may require future contact to be through a third party.
- 4.4 Council staff will end telephone calls if the caller is considered aggressive, abusive or offensive. Neither is it considered acceptable for callers to use a speaker phone or record a call without notifying and obtaining the agreement of the staff member at the beginning of the conversation. If the staff member does not agree to the call being recorded then the caller will be expected to respect that. Any covert calls will be considered unacceptable behaviour. The staff member taking the call has the right to make the decision to tell the caller that in these cases the behaviour is unacceptable and end the call if the behaviour does not stop. The same rules would apply to any form of recording.
- 4.5 Where a service user repeatedly phones, visits the office, sends irrelevant documents or raises the same issues, the Council may decide to:
- 4.5.1 Only take telephone calls from the service user 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 service user in the future.
 - 4.5.2 Require the service user to make an appointment to see a named member of staff before visiting the office or that the service user contacts the office in writing only.
 - 4.5.3 Return the documents to the service user or, in extreme cases, advise the service user that further irrelevant documents will be destroyed.

Take other action that is considered appropriate. The Council will, however, always explain to the service user what action is being taken and why.

- 4.6 Where a service user continues to correspond on a wide range of issues, and this action is considered excessive, then the service user will be told that only a certain number of issues will be considered in a given period and asked to limit or focus their requests accordingly.
- 4.7 A service user's action may be considered unreasonably persistent if all internal review mechanisms have been exhausted and the service user continues to dispute the Council's decision relating to their request or complaint. The service user will be told that no future phone calls will be accepted or interviews granted concerning the matter. Any future contact by the service user on the issue must be in writing. Future correspondence will be read and filed, but only acknowledged or responded to if the service user provides significant new information relating to the matter.

5. Deciding to Restrict Service User Contact

- 5.1 Council staff who directly experience aggressive or abusive behaviour from a service user have the authority to deal immediately with that behaviour in a manner they consider appropriate to the situation and in line with this policy.
- 5.2 With the exception of such immediate decisions taken at the time of an incident, decisions to restrict contact with the Council will only be taken after careful consideration of the situation by a senior officer grade 10 or above. Wherever possible, service users will be given the opportunity to modify their behaviour or action before a decision is taken. Service users will be told in writing why a decision has been made to restrict future contact, what the restricted contact arrangements are and, if relevant, the length of time that these restrictions will be in place.

6. Appealing a Decision to Restrict Contact

- 6.1 A service user can appeal a decision to restrict contact. A senior officer grade 10 or above, who was not involved in the original decision will consider the appeal. The service user will be advised in writing that either the restricted contact arrangements still apply or a different course of action has been agreed.

7. Recording and Reviewing a Decision to Restrict Contact

- 7.1 The Council records all incidents of unacceptable actions by service users. Where it is decided to restrict service user contact, an entry noting this is made in the relevant file and on appropriate computer records.
- 7.2 A decision to restrict service user contact may be reconsidered if the service user demonstrates a more acceptable approach. The Corporate Complaints Officer will monitor the status of all service users with restricted contact arrangements on a regular basis. Any decision to change the status will normally be taken by the officer who made the decision in paragraph 5.2 or who considered the appeal in paragraph 6.1. In their absence the decision will be taken by an appropriate senior officer.

Any questions or queries regarding this policy should be directed to the Corporate Complaints Officer, Torfaen County Borough Council, Civic Centre, Pontypool, NP4 6YB, email corporatecomplaints@torfaen.gov.uk or telephone 01495 742164