

CC88 – 2014



**Powys County Council
Policy on Unacceptable Actions by Service Users**

1. Introduction

This Policy sets out the Council's approach to the relatively few individuals whose actions or behaviour are considered unacceptable. The term 'service user' includes any person who contacts the Council or acts on behalf of another individual, any complainant and any person who requests Council information.

2. Policy Aims

- 2.1 To make clear to all service users, both at initial contact and throughout their dealings with the Council, the action which the Council can or cannot take in relation to their requests or complaints. Our 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 and that Council staff have the same rights.
- 2.3 To provide services that are accessible to all service users. However, where 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 contact with the Council. The 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 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 and also includes unacceptable intrusion or reference to the private lives of staff.

3.1.2 Examples of behaviour grouped under this heading include threats, physical violence, personal verbal abuse, derogatory remarks and rudeness. Inflammatory statements and unsubstantiated allegations can also be abusive behavior.

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. Reasonable annoyance in relation to a complaint is to be expected, 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 or frequency of approaches they make. Deciding 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, or insisting that the Council has not provided an adequate response to a query or complaint despite evidence that the Council has provided a comprehensive response. Other examples are not accepting that the issues raised are not within the Councils remit despite having been informed that this is the case eg partner agencies. The Council accepts that persistence is not necessarily a form of unacceptable behavior. What amounts to unreasonable demands will always depend on the circumstances of the matter and the seriousness of the issues raised

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 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 Council may be entirely reasonable, but it is their persistent behaviour in continuing to do so that is not.

3.3.3 The persistent actions of service users 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. If an officer of the Council is of the opinion that a customer actions or behavior are unacceptable they shall, in the first instance, discuss this with their line manager in order to consider any informal steps that can be followed to resolve the concerns. The way in which 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 actions.

- 4.2 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 or 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 'no personal contact' list. This means that they must restrict contact with the Council to either written communication or through a third party.
- 4.3 The threat or use of physical violence, verbal abuse or harassment towards Council staff is likely to result in the ending of all direct contact with the service user and the service user being informed that they have been placed on the 'no personal contact' list. Such incidents may also be reported to the police. This will always be the case if physical violence is used or threatened.
- 4.4 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 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.
- 4.5 Council staff will end telephone calls if the caller is considered aggressive, abusive or offensive. The staff member taking the call has the right to make this decision to tell the caller that the behaviour is unacceptable and end the call if the behaviour does not stop.
- 4.6 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;
or,

- 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; or,
 - 4.5.3 place the service user on the 'no personal contact' list and require the service user to contact the Council in writing only
 - 4.5.4 return the documents to the service user or, in extreme cases, advise the service user that further irrelevant documents will be destroyed.
 - 4.5.5 take other action that is considered appropriate. The Council will, however, always explain to the service user what action is being taken and why.
- 4.7 Where a service user continues to correspond on a wide range of issues, and this action is considered excessive, then the service user may 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. In extreme cases, where the demands impact unreasonably on the work of the Council, the service user will be told that the Council will cease to consider their requests.
- 4.8 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 the Head of Service for the service being delivered. 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 are the restricted contact arrangements 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 Director 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 Head of Service will review the status of all service users with restricted contact arrangements for their service, every 6 months.

Change and Governance
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