REPORT TO:	Policy Development Panel
DATE:	9th April 2024
SUBJECT:	Unreasonable Behaviour Policy
PURPOSE:	To present a draft updated Unreasonable Behaviour Policy for the Council and seek feedback from the Committee
KEY DECISION:	No
PORTFOLIO HOLDER:	Councillor Jim Astill - Corporate, Governance & Communications
REPORT OF:	John Medler, Assistant Director Governance and Monitoring Officer
REPORT AUTHOR:	Richard Steele – Group Information Manager and Data Protection Officer
WARD(S) AFFECTED:	ALL
EXEMPT REPORT?	No

SUMMARY

The current policy was last updated in November 2017.

There is a clear need to manage the safety of Employees and Members of the Council, and to limit the unnecessary impact on Council resources. This policy is designed to achieve this aim, whilst ensuring that customers are dealt with fairness, consistency and proportionately.

This draft document has been fully reviewed, updated, and aligned across the partnership. Reviewing the policy ensures any updates are captured in the new aligned policy, as well as ensuring the policy is still fit for purpose and complies with all current statutory requirements.

RECOMMENDATIONS

That the Committee considers the draft Unreasonable Behaviour Policy at **Appendix A** and recommends it to Cabinet for approval.

REASONS FOR RECOMMENDATIONS

To ensure the council has suitable procedures in place for dealing with unreasonable and abusive behaviours and unreasonably persistent complainants.

OTHER OPTIONS CONSIDERED

Keep current policy – not recommended.

1. BACKGROUND

1.1 The Council is responsible for ensuring it has a suitable policy in place for dealing with abusive behaviour and unreasonably persistent complainants.

1.2 The Council wants to deal with complainants in a way that is open, fair and proportionate. A policy-led approach helps staff understand what is expected of them, what options for action are available, and who can authorise these actions. Having a policy that can be shared with complainants if they start to behave unreasonably can help in managing their expectations and behaviour.

1.3 Reviewing, updating, and aligning this policy means the council has a clear policy for dealing with these incidences of unreasonable behaviour and unreasonably persistent complaints.

2. REPORT

2.1 The policy is being aligned to be the same across the 3 Councils in the S&ELCP - this will provide consistency for all staff when dealing with these incidences.

2.2 The policy gives the Council a framework to implement and take appropriate action against incidences of unreasonable behaviour and unreasonably persistent complainants. It clearly defines unacceptable actions under three broad heading of 'aggressive or abusive behaviour,' 'unreasonable demands,' and 'unreasonably persistent.'

2.3 The policy also provides detail as to how the Council will manage unreasonable customer behaviour.

2.4 This policy has been designed to include corporate oversight and monitoring and has also been reviewed against the LGSCO guidance.

2.5 There has been an increase in examples of abusive behaviour, as detailed at **Appendix B**, 'Unreasonable Behaviour Statistics.' Page 13 of the Policy document (**Appendix A**) provides examples of customer behaviours or complaints that may be considered unreasonable, abusive, or unreasonably persistent.

2.6 The old SHDC Policy was titled "Policy for dealing with unreasonably persistent complaints and customer behaviour and vexatious requests." It started with an Introduction, Purpose (including objectives) and then had 2 sections – 1 for 'unreasonable behaviour' and one for

'vexatious request'. Each section then had the same set of sub-headings dealing with definitions, decisions on restricting contact, review, referrals, appeals, etc.

2.7 The new policy has a simplified title of "Unreasonable Behaviour Policy." It starts in the same way as the previous policy with an Introduction, Purpose and Objectives. The new policy has a single set of sub-headings which deal with definitions, decisions on restricting contact, review, referrals, appeals, just as the previous Policy did.

2.8 This policy has links to the way the Council deals with customer complaints and feedback. Officers are in the process of drafting a Customer Feedback Policy to recommend for adoption. Currently, South Holland District Council simply has a "How do I make a complaint, compliment or provide feedback?" page on their website, which links to information. The link to this page is How do I make a complaint, compliment or provide feedback? - South Holland District Council (sholland.gov.uk)

3. CONCLUSION

3.1 The policy has been fully reviewed and updated to ensure the information is easily accessible and understood by officers and members of the public alike, clearly setting out the processes for different situations.

EXPECTED BENEFITS TO THE PARTNERSHIP

An updated and aligned policy will provide an opportunity to promote the policy and confirm procedures to ensure service areas are aware of their responsibilities in relation to situations which may arise.

IMPLICATIONS

SOUTH AND EAST LINCOLNSHIRE COUNCILS PARTNERSHIP

This will be an aligned policy, so officers are working to a single policy and set of procedures, ensuring consistency for officers and residents alike.

CORPORATE PRIORITIES

None

STAFFING

None

WORKFORCE CAPACITY IMPLICATIONS

None

CONSTITUTIONAL AND LEGAL IMPLICATIONS

The impact on individuals Human Rights have been considered throughout the policy.

DATA PROTECTION

The provisions of the Data Protection Act 2018 (including UK GDPR) will be complied with at all times when dealing with people.

FINANCIAL

None

RISK MANAGEMENT

None

STAKEHOLDER / CONSULTATION / TIMESCALES

None

REPUTATION

None

CONTRACTS

None

CRIME AND DISORDER

None

EQUALITY AND DIVERSITY/ HUMAN RIGHTS/ SAFEGUARDING

There is a need to balance people's right to access information against their individual needs. The Policy makes it clear that considerations must be made in respect to each person's circumstances.

HEALTH AND WELL BEING

The health and wellbeing of staff and members is paramount. This Policy supports a safer working environment where teams are empowered to act where appropriate. Customers would be assessed in respect of their additional needs when considered under the Policy, and ideally a clear mechanism would be put in place to support those individuals.

CLIMATE CHANGE AND ENVIRONMENTAL IMPLICATIONS

None

LINKS TO 12 MISSIONS IN THE LEVELLING UP WHITE PAPER

None

ACRONYMS

LGSCO – Local Government and Social Care Ombudsman.

APPENDICES Appendices are listed below and attached to the back of the report: -	
APPENDIX A	Draft Unreasonable Behaviour Policy
APPENDIX B	Unreasonable Behaviour Statistics

BACKGROUND PAPERS
No background papers as defined in Section 100D of the Local Government Act 1972 were used in the production of this report.

CHRONOLOGICAL HISTORY OF THIS REPORT	
Name of body	**Date**
Cabinet	11/2017
PDP	10/2017

REPORT APPROVAL	
Report author:	Richard Steele – Group Information Manager and Data Protection Officer
Signed off by:	John Medler, Assistant Director – Governance & Monitoring Officer
Approved for Publication:	Councillor Jim Astill - Corporate, Governance & Communications