



Fermanagh & Omagh
District Council
Comhairle Ceantair
Fhear Manach agus na hÓmaí

Guidance on Unreasonable Behaviour

May 2022

1. Introduction

- 1.1 The Council is committed to delivering high quality services in an efficient, effective and professional manner while providing easy access to information. However, the Council prioritises a safe working environment for staff. Everyone who comes into contact with the Council has the right to be listened to, acknowledged and respected, but the Council considers that staff have the same rights and reserves the right to manage contact in an appropriate manner to protect staff and to maintain the effectiveness of our service.
- 1.2 Occasionally, Council staff engage with individuals who communicate in a manner that causes offence, who use a disproportionate amount of Council time and resources, or who hinder the implementation of a service request, or the investigation of an enquiry or complaint they have made.
- 1.3 In this guidance, the term 'request' can also mean enquiry or complaint.
- 1.4 Staff should be mindful, there could be another reason for an individual acting in an unreasonable manner, and if staff have any concerns for a person's welfare they should look to the [Council's Safeguarding Policies](#).

2. Aims

- 2.1 The aims of this Guidance are to support Council staff:
 - to identify where individual behaviour could be considered unreasonable;
 - to understand what is expected of them, what options for action are available, and who can authorise / elect designated 'investigation officers' (so that no one who was personally affected by the harassment or in close daily contact with the person who was harassed is investigating these actions); and
 - to manage situations where behaviour could be considered unreasonable.

3. Definition of Unreasonable Behaviour

- 3.1 It is important to distinguish between people who make several requests because they think things have gone wrong, and people who are unable or unwilling to accept a decision. We must also recognise that individuals may sometimes act out of character when anxious or distressed and reasonable allowances should be made for this. We must also recognise that some individuals require support when contacting us and provide them with guidance where appropriate.
- 3.2 However, we do not expect staff to tolerate unacceptable behaviour from individuals. We will deal with individuals politely and with respect, and we expect the same in return from them. Unreasonable behaviour could be:
 - Abusive, aggressive, offensive, or threatening language and/or behaviour, either face to face, on the telephone, in writing or on social media;
 - Unreasonable demands; or

- Unreasonable persistence.

For us, unreasonable behaviour is from individuals who, because of the frequency or nature of their contact with the Council, hinder the Council's ability to deal with other Council business; to deal with other enquiries; to consider their, or other people's complaints; and may leave staff feeling afraid, threatened or abused.

3.3 The behaviour that this guidance covers can include the following:

Abusive, aggressive, offensive, or threatening language and/or behaviour – face to face, on the telephone, in writing or on social media:

- Threats, harassment, intimidation, physical violence, verbal abuse, and rudeness.
- Inflammatory statements and unsubstantiated allegations.
- Inappropriate use of social or other media.

Unreasonable demands:

- Unreasonable expectations of the level or type of service that we can offer.
- Refusing to give details, or respond to requests for clarification, which are needed to handle the request, yet still wanting the matter resolved.
- Insufficient, or no, grounds for the request made; and/or following a request through for reasons not made clear.

Unreasonable persistence:

- Raising many detailed questions and/or requesting large volumes of information, and insisting they are all answered within an unreasonable timeframe.
- Refusing to accept that certain issues are not the Council's responsibility, not services that we offer, or are not within the scope of the [Corporate Complaints Procedure](#) (because there is a suitable alternative procedure to follow).
- Insisting on the request being dealt with in ways which are incompatible with good practice (such as insisting that there should be no written record of the request) or Council standards, policies, procedures or protocols.

Other behaviours that are unacceptable may include:

- Submitting falsified documents from themselves or others.
- Making unjustified comments about or to staff who are trying to deal with the issue.
- Bypassing the relevant Officer to escalate the issue prematurely. The Council will determine which member of staff is the right person at the right level in the organisation to handle the individual's request.
- Making an unreasonable number of contacts with us, in relation to a specific request.
- Demanding responses in an unreasonable timescale.
- Refuting statements they made at an earlier stage.
- Introducing new information at a later stage to get a different answer or submitting another request to have it further considered. (We must ensure not to disregard new requests that are significantly different to the original one).
- Changing the basis of the request as it proceeds.
- Electronically recording meetings and conversations without the prior knowledge and consent of the other person involved.
- Refusing to accept the Council's decision; repeatedly arguing points with no new evidence and/or denying that an adequate response has been given.

- Vexatious requests i.e. those that are made without sufficient grounds but made to cause annoyance or disruption.

The list is not exhaustive, nor does one single feature on its own necessarily imply that the person will be considered as behaving unreasonably.

4. Managing Contact

4.1 Addressing the behaviour at the earliest stage

- Telephone calls - Where a caller's words are threatening, harassing, rude, offensive, abusive or intimidating, the staff member will inform the caller that if they continue speaking in the same manner the call will be terminated. If they continue, the staff member has the right to make the decision to terminate the call. The details of the call and termination of call should be reported to a line manager and the details recorded.
- Face to face contact - Where an individual's behaviour is threatening, harassing, rude, offensive, abusive or intimidating, the staff member will inform them that if they continue with the same behaviour, they will not continue the conversation. If the behaviour continues, the staff member has the right to walk away. The details of the conversation should be reported to a line manager and the details recorded.
- Written and electronic correspondence - Where correspondence is threatening, harassing, rude, offensive, abusive or intimidating, the person should be informed that their correspondence is inappropriate and it will not be considered and/or responded to, unless edited and resubmitted. The details of the correspondence should be reported to a line manager and the details recorded.

If a staff member has had to do any of the above, their line manager may contact the individual, if possible, by phone, in writing or by email to explain why their behaviour is unreasonable and give the individual a chance to discuss the incident. The line manager should explain the actions that the Council may take if the behaviour does not change.

4.2 Dealing with more immediate or escalated cases of unreasonable behaviour

Unfortunately, there may be exceptional cases where it is apparent that efforts to de-escalate a situation are not feasible. Incidents will be reported to the PSNI, where applicable.

In such cases, future contact may be restricted to: face to face, telephone, written, electronic, or by any combination of these. In severe cases, a member of the Senior Management Team may decide to add an individual to a 'restricted contact' list. This means that they must restrict contact with the Council to one form of communication with one person/email address, or only communicate through a third party, as decided by the Council. In the most severe cases, a member of the Senior Management Team may put a temporary ban on an individual entering Council premises. An individual should be notified in writing, where possible, if this action is taken.

If the issue is being handled as a complaint, we must ensure that the complaint is being, or has been, investigated properly in accordance with the Council's Complaints Procedure, unless it forms part of the unreasonable behaviour/investigation. If the issue is being dealt with as an Access to Information request (FOI, EIR, SAR) we must ensure that the request is being, or has been, responded to, unless it forms part of the

unreasonable behaviour/investigation.

4.3 Deciding to Restrict Contact

Before deciding to restrict contact, where possible, an individual should be given a chance to modify their behaviour. Except for immediate decisions taken at the time of interaction, decisions to restrict ongoing contact will only be taken after careful consideration by a member of the Senior Management Team. Individuals will be informed, in writing:

- why a decision has been made to restrict future contact;
- the restricted contact arrangements;
- the length of time that these restrictions will be in place inc. end date (in most cases restrictions will apply for a period of six months but in exceptional cases may be extended);
- their right of appeal;
- their right to contact NIPSO;
- if/when the decision will be reviewed; and
- if applicable, detail of their complaint or request for information.

To help decide on restricting contact, a timeline of contact should be compiled.

The sort of restrictions imposed could include:

- Limiting contacts to specified amount and form (e.g., a maximum of one letter, email/phone call per week/month);
- A temporary ban on entering Council premises;
- Arranging for contact to take place with one member of staff only;
- Allowing only focussed requests;
- Requiring the individual to either make an appointment to see a member of staff, or to only contact the office in writing;
- Requiring the individual to enter into an agreement about their future behaviour before any contact proceeds;
- More than one member of staff will visit them (external visits); and
- Managing contact with the help of an independent advocate.

One form of contact should always be left open to the individual.

Where behaviour is so extreme, or it threatens the immediate safety and welfare of staff, we will consider other options, for example reporting the matter to the police or taking legal action. In such cases, we may not give the individual prior warning of that action.

4.4 Contact about work issues outside of normal working hours, or normal work location

If an individual:

- contacts a staff member on their home phone/personal mobile, they should hang up.
- contacts a staff member through their personal email account or through social media, they should not respond.
- approaches a staff member outside of work, the staff member should walk away.

If any of the above situations arise, it should be reported to a line manager.

5. Recording and Reviewing Decisions

- 5.1 Records should be retained, in line with Data Protection regulations, by the Senior Management Team and shared with appropriate Officers on a need-to-know basis on all incidents of unacceptable actions by complainants. Records must include:
- name and contact details of the individual;
 - details of the case and the action that has been taken, inc. any restrictions imposed;
 - period that the restriction is in force for;
 - if/when staff members and relevant departments were advised; and
 - date on which the decision is due to be reviewed/lifted.
- 5.2 At the end of the restriction period, an appropriate member of staff will review the decision and if the individual has complied with the terms of the restrictions. This is primarily to determine if the restriction(s) can be removed or the period of restrictions needs to be extended. The individual will be informed if the outcome of the review changes, or extends, the restrictions applied. There is no need to instigate further contact with the individual if the period of restrictions is simply allowed to expire.
- 5.3 A decision to restrict contact may be reconsidered if the individual demonstrates a more acceptable approach.

6. Re-occurrence of the same issue or concerns

- 6.1 Failure to comply with the restrictions set in place may result in escalation. The extent of escalation shall be determined on a case-by-case basis.
- 6.2 If, after the period of restriction has expired, the individual continues to raise the same issue, the member of staff who reviewed the case at the end of the restriction period should consider:
- whether the time that has elapsed since the original issue:
 - is sufficient to warrant a new investigation taking place; or
 - to re-invoke the restriction. If this course of action is decided, an appropriate restriction period should be determined, and the individual should be advised directly, together with a further right to appeal to an appropriate person.
 - whether Council policy or procedure has changed since the last investigation and decision.

7. Appeal

- 7.1 An individual can appeal a decision to restrict contact. A member of the Senior Management Team, who was not involved in the original decision, should consider any such appeal. Having considered the appeal, they should advise the individual in writing

that either the restricted contact arrangements continue to apply or that a different course of action has been agreed.

For queries on this guidance, please contact the Head of Corporate and Strategic Services.