

# ABERHAFESP COMMUNITY COUNCIL

## Policy on Unacceptable Actions by Individuals

**Reviewed May 2021**

### **1. Introduction**

- 1.1 This Policy sets out the approach of Aberhafesp Community Council to the relatively few individuals whose actions or behaviour are considered unacceptable.

### **2. Policy Aims**

- 2.1 To make it clear to all individuals, both at initial contact and throughout their dealings with the council, what Aberhafesp Community Council can or cannot do in relation to their request. In doing so, the aim is to be open and not raise hopes or expectations that cannot be met.
- 2.2 To deal fairly, honestly, consistently and appropriately with all individuals, including those whose actions are considered unacceptable. Aberhafesp Community Council believes that all persons have the right to be heard, understood and respected. It is also considered that Aberhafesp Community councillors have the same rights.
- 2.3 To provide a service that is accessible to all individuals. However, where it is considered that individual actions are unacceptable, the right to restrict or change access to Aberhafesp Community Council service is retained.
- 2.4 To ensure that other members of the public, councillors or its clerk do not suffer any disadvantage from persons who act in an unacceptable manner.
- 2.5 To provide to individuals, details of the complaints procedures if they wish to make a complaint against Aberhafesp Community Council and the right to contact the Public Services Ombudsman for Wales if they so wish.

### **3. Defining Unacceptable Actions by Individuals**

- 3.1 People may act out of character in times of trouble or distress. There may have been upsetting or distressing circumstances leading up to their need to contact the council. Aberhafesp Community 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 clerk or unacceptable behaviour towards Aberhafesp Community councillors. It is these actions that are considered unacceptable and ones that this policy aims to manage. Aberhafesp Community Council has grouped these actions under three broad headings:

### 3.1.1 Aggressive or Abusive Behaviour

- (i) 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.
- (ii) 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 be abusive behaviour.
- (iii) We expect our clerk/councillors to be treated courteously and with respect. Violence or abuse towards clerk/councillors is unacceptable. However, it is not acceptable when actions escalate into aggression directed towards Aberhafesp Community councillors.

### 3.1.2 Unreasonable Demands

- (i) Individuals may make what are considered to be unreasonable demands on the clerk 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 individual.
- (ii) Examples of actions grouped under this heading include demanding responses within an unreasonable time-scale, insisting on seeing or speaking to a particular councillor, continual phone calls or letters, repeatedly changing the substance of the request or raising unrelated matters.
- (iii) These demands are considered unacceptable and unreasonable if they start to impact substantially on the work of the clerk, such as taking up an excessive amount of time to the disadvantage of other individuals or functions.

### 3.1.3 Unreasonable Persistence

- (i) It is recognised that some individuals will not or cannot accept that Aberhafesp Community Council is unable to assist them further or provide a level of service other than that provided already. They may persist in disagreeing with the action or decision taken in relation to their request or contact the clerk persistently about the same issue.
- (ii) Examples of actions grouped under this heading include persistent refusal to accept a decision made in relation to a request, persistent refusal to accept explanations relating to what this office can or cannot do and continuing to pursue information. The way in which these individuals approach Aberhafesp Community Council may be entirely reasonable, but it is their persistent behaviour in continuing to do so that is not.

- (iii) The actions of persistent individuals are considered to be unacceptable when they take up what Aberhafesp Community Council regards as being a disproportionate amount of time and resources.

#### **4. Managing Unacceptable Actions by Individuals**

- 4.1 There are relatively few individuals whose actions are considered by Aberhafesp Community Council to be unacceptable. How these actions are managed depends on their nature and extent. If it adversely affects Aberhafesp Community Councils ability to do its work and provide a service to others, individual contact with the clerk may need to be restricted in order to manage the unacceptable action. Contact in person, by telephone, letter or electronically or by any combination of these may be restricted. Effort will be made to try to maintain at least one form of contact. In extreme situations, the individual will be told in writing that their name is on a 'no personal contact' list. This means that they must restrict contact with Aberhafesp Community Council either in written communication or through a third party.
- 4.2 The threat or use of physical violence, verbal abuse or harassment towards community councillors is likely to result in the ending of all direct contact with the individual. Incidents may be reported to the police. This will always be the case if physical violence is used or threatened.
- 4.3 Aberhafesp Community Council will not deal with correspondence (letter or electronic) that is abusive to councillors or contains allegations that lack substantive evidence. When this happens the individual will be told that their language is considered offensive, unnecessary and unhelpful. They will be asked to stop using such language and Aberhafesp Community Council will state that there will be no response to their correspondence if they do not stop. Aberhafesp Community Council may require future contact to be through a third party.
- 4.4 Community councillors/clerk will end telephone calls if the caller is considered aggressive, abusive or offensive. The councillor/clerk taking the call has the right to make this decision, tell the caller that the behaviour is unacceptable and end the call if the behaviour does not stop.
- 4.5 Where an individual repeatedly phones, visits the councillors home, sends irrelevant documents or raises the same issues, Aberhafesp Community Council may decide to:
- only take telephone calls from the individual at set times on set days or put an arrangement in place for only one councillor to deal with calls or correspondence from the individual in the future.
  - require the individual to make an appointment to see a councillor or that the individual contacts the clerk in writing only.
  - take other action that we consider appropriate. Aberhafesp Community Council will, however, always tell the individual what action is being taken and why.

**5. Deciding to Restrict Contact**

- 5.1 Aberhafesp Community Councillors/clerk who directly experience aggressive or abusive behaviour from an individual 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 Aberhafesp Community Council are only taken after careful consideration of the situation by councillors. Wherever possible, we give an individual the opportunity to modify their behaviour or action before a decision is taken. Individuals are told in writing why a decision has been made to restrict future contact, 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 An individual can appeal a decision to restrict contact. A councillor who was not involved in the original decision considers the appeal. They advise the individual 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 Aberhafesp Community Council records all incidents of unacceptable actions by individuals. Where it is decided to restrict individual contact, an entry noting this is made in the relevant file and on any appropriate computer record.
- 7.2. A decision to restrict individual contact may be reconsidered if the individual demonstrates a more acceptable approach. The Clerk reviews the status of all individuals with restricted contact arrangements on a regular basis.

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