

MANAGING UNREASONABLE DEMANDS POLICY

1. Introduction

The Council's aim is to deliver an excellent level of customer service across all our services. The Council is committed to being open and approachable to all its customers and service users. Occasionally, however, the behaviour or actions of some individuals become unreasonable and very difficult to manage.

This policy sets out the Council's approach to managing communication and engagement with those individuals whose demands or actions are considered unreasonable.

This policy is part of the Council's suite of policies and standards for customer service delivery.

2. Policy Aims

This policy aims to ensure the Council's effectiveness is not compromised by the actions of individuals who make unreasonable demands on Council resources. It ensures that the Council deals with all customers in a way which is demonstrably consistent, fair and reasonable.

The Council's approach to dealing with violent or aggressive behaviour is set out in a specific separate policy, which should be considered alongside this more general policy, to provide support to staff in managing unreasonable and unacceptable behaviour and demands.

3. What actions do the Council consider to be unacceptable?

The Council understands that people may act uncharacteristically when they are distressed. It is also clear that behaviour should not be viewed as unreasonable just because it is forceful or determined. However, the Council does consider the following behaviours to be unacceptable. It should be noted that this list is not exhaustive and refers to face-to-face, verbal and written communications: -

- Violent, aggressive or abusive behaviour, including the use of foul language
- Intentional damage to an employee's personal property
- Threatening or intimidating behaviour
- Unreasonable demands in terms of what is being asked or looked for
- Unreasonable persistence such as multiple emails, telephone calls or voicemails within a short period of time

3.1 Violent, aggressive or abusive behaviour, etc.

This is not restricted to actions that may result in physical harm; it also includes behaviour and language which may cause employees to feel afraid, threatened or abused. This can include: -

- Physical violence – injury
- Physical violence – no injury
- Aggression, verbal or written abuse
- Cyber bullying
- Sexual abuse
- Racial abuse
- Intentional damage to an employee's personal property
- Animal attack

Cases of such behaviour are not covered by this policy; staff will follow the relevant guidance issued by the Council's Health, Safety and Wellbeing team.

3.2 Unreasonable Demands

Whether something is considered as unreasonable will always depend on the circumstances surrounding the behaviour, the seriousness of the issue raised and the Council's legal obligations. However, a person may decide to contact the Council repeatedly, continually change the substance of the issue under discussion, insist on contact with a particular member of staff, demand unreasonable outcomes, or demand responses within an unreasonable timescale that is outwith the Council's [Customer Service Standards](#) or [Complaints Handling Procedure](#).

When this happens the Council may decide that their behaviour has an unreasonable impact on the work of the Council, its staff, or that it disadvantages other service users or members of the public.

3.3 Unreasonable Persistence

The Council recognises that individuals may sometimes feel that a degree of persistence is required on some occasions when they're dealing with the Council. However, if an individual repeatedly refuses to accept a decision that has been made, continues to pursue a matter which the Council considers to be closed without presenting new information or evidence, or refuses to accept an explanation about what the Council can or cannot do, their behaviour may be considered unreasonable by the Council. This is because dealing with this behaviour takes up a disproportionate amount of time and resources, which impacts on service provision.

4. How does the Council manage unreasonable behaviour?

The action the Council takes to manage unreasonable behaviour depends on the circumstances, nature and severity of the behaviour that has been displayed.

If someone has behaved violently or aggressively towards a member of staff the Council may decide that it is appropriate to contact the police, restrict access to Council buildings or to insist that the individual only contacts the Council in writing or through a third party.

If the Council considers that the behaviour that has been displayed amounts to antisocial behaviour as defined in the Antisocial Behaviour etc. (Scotland) Act 2004, the Council may apply to the court for an antisocial behaviour order, or take other legal action to prohibit the behaviour.

However, whenever it is possible to do so, individuals will be warned that the Council considers that their behaviour is becoming problematic, and advise them that the Council is considering taking action under the terms of this policy.

If the unreasonable behaviour continues the Council may decide to take one or more of the following actions:

- Request that the individual restricts the number of issues that they raise, or decide to deal with issues raised sequentially
- Restrict the times or ways in which the person may contact the Council
- Refuse to deal with correspondence that is abusive, seeks to intimidate staff or makes unsubstantiated allegations
- Refuse to respond to correspondence about a particular issue, or to discuss it further
- Restrict the officers whom the individual can contact
- Read, acknowledge and file further communications only, unless we receive new evidence about a matter.

Action will only be taken, however, where there is appropriate, documented evidence of the person's unreasonable demands. If the Council decides that it has sufficient evidence to warrant taking one or more of these actions, the Council will tell the individual about the action being taken and why it is considered necessary to do so.

5. The process we follow when we decide to take action

The decision to take action under the terms of this policy will be made by a senior member of staff – an Executive Director or a Head of Service - in consultation with the Head of Legal and Governance.

In all cases, if the Council does decide to restrict contact the affected individual will be contacted in writing to advise them this decision has been taken, the arrangements that are being put in place for them and if relevant, details of how long these arrangements will last and / or a date for a review of the arrangements.

The individual will always be able to contact the Council about certain matters, such as requesting a repair to a council house, to make payments or to report adult or child protection issues. If the affected person is unclear about the extent of the restrictions that have been placed on them, they should contact the writer of the letter for further clarification.

6. How an individual can appeal against a decision to manage their contact with the Council

An individual can appeal to the Chief Executive about a decision that has been taken to manage their contact with the Council, except in cases where legal action has been taken when there is no right of appeal under the terms of this policy.

The Chief Executive will acknowledge the appeal request and appoint a Head of Service or Executive Director, who was not involved in the original decision, to consider the appeal. This officer will advise the affected individual, in writing, about their decision within 15 working days of receiving the appeal.

The appeal will only consider matters relating to the arrangements that have been put in place, and not to the issues about which the individual has been contacting the Council.

If a decision is taken that the arrangements to manage unreasonable actions should remain in place, no further appeal will be considered for six months from the date of the decision. After this, appeals will not be considered more frequently than once every six months.

7. Recording and reviewing a decision to restrict contact

A record of all decisions to take action under the terms of this policy will be kept by the Council's Corporate Complaints Team within Legal and Governance Services. While the arrangement for restricted contact is in place, this will also be recorded on relevant systems across the Council.

The Complaints Co-ordinator within each Council Service will request a review of the restricted contact arrangements by the relevant senior officer at least annually, to ensure affected individuals are informed about any changes to the arrangements that are in place for them.

8. Reviewing this policy

This policy will be reviewed by the Council's Corporate Complaints Team on a regular basis to make sure that its aims are being achieved.

Please contact the Council's Customer Service Centre at enquiries@pkc.gov.uk or on 01738 475000 if you would like this information in another language or format.