

UPTON & NORTH ELMSALL PARISH COUNCIL

UNREASONABLE BEHAVIOUR AND PERSISTENT CONTACT POLICY

1. Purpose of this Policy

- 1.1. Upton and North Elmsall Parish Council is committed to dealing with all members of the public fairly, respectfully and consistently.
- 1.2. The Council recognises that people may contact the Council because they are concerned, frustrated, upset or dissatisfied. The Council will always aim to listen properly, respond appropriately, and deal with issues on their merits.
- 1.3. However, in a small number of cases, the nature, frequency or tone of contact can become unreasonable. This can place a disproportionate demand on Council resources, affect the wellbeing of staff and councillors, and reduce the Council's ability to provide services and respond to other residents.
- 1.4. This policy explains how the Council will manage unreasonable behaviour, abusive conduct, or unreasonably persistent contact in a way that is fair, proportionate and transparent.
- 1.5. This policy is not intended to prevent anyone from raising a genuine concern, complaint, request for information, or matter of public interest. It is intended to manage behaviour or contact that has become unreasonable.

2. Scope of this Policy

- 2.1. This policy applies to contact with the Council by members of the public, including residents, service users, complainants, allotment holders, hirers, contractors, representatives of organisations, and other third parties.
- 2.2. It applies to all forms of contact, including:
 - face-to-face contact;
 - telephone calls;
 - emails;
 - letters;
 - social media comments or messages;
 - contact through third parties;
 - attendance at Council premises, meetings, events, or Council-managed land.
- 2.3. This policy applies to behaviour towards Council staff, councillors, volunteers, contractors, and others acting on behalf of the Council.
- 2.4. This policy should be read alongside the Council's Complaints Procedure, Data Protection Policy, Social Media Policy, Health and Safety Policy, Equality and Diversity Policy, and any relevant staff safety or lone working procedures.

3. General Principles

3.1. The Council will:

- treat people fairly, respectfully and without discrimination;
- consider each case individually and on its own facts;
- distinguish between a genuine issue and the way that issue is being pursued;
- make reasonable adjustments where required;
- keep restrictions proportionate and limited to what is necessary;
- explain any restrictions clearly;
- review restrictions at appropriate intervals.

3.2. The Council will not normally apply this policy simply because someone is persistent, assertive, or critical of the Council. Raising legitimate concerns, asking questions, challenging decisions, or disagreeing with the Council does not, in itself, amount to unreasonable behaviour.

3.3. The Council also recognises that unreasonable behaviour does not automatically mean that the underlying issue is without merit. A person may have a legitimate concern, even if the way they pursue it becomes unreasonable.

4. What May Be Considered Unreasonable Behaviour or Contact

4.1. Behaviour or contact may be considered unreasonable where, because of its nature, frequency, persistence or impact, it places a disproportionate burden on the Council or creates an unacceptable impact on staff, councillors, services or other members of the public.

4.2. Examples may include, but are not limited to:

- abusive, aggressive, threatening, intimidating or discriminatory language or behaviour;
- shouting, swearing, personal insults, harassment or attempts to intimidate staff or councillors;
- making excessive or repeated contact about the same matter, particularly where the Council has already responded;
- repeatedly raising the same issue with minor variations after it has been considered and concluded;
- refusing to accept a decision or explanation where the Council has provided a clear response;
- insisting on outcomes that are not within the Council's legal powers or practical control;
- demanding immediate responses or imposing unreasonable deadlines;
- sending large volumes of emails, letters, messages or documents that are disproportionate to the issue;
- contacting multiple councillors, staff members or Council channels about the same issue in a way that causes unnecessary duplication;
- refusing to follow the Council's agreed procedures;
- making repeated allegations without providing evidence;
- recording conversations or meetings without consent where this is inappropriate or intimidatory;
- publishing personal, misleading or inflammatory comments about staff, councillors or others;
- attending Council premises or Council-managed land in a way that causes concern for safety, disruption or distress.

4.3. This list is not exhaustive. Equally, one example on its own will not automatically mean that this policy should be applied. The Council will consider the overall circumstances, impact and proportionality.

5. Reasonable Adjustments and Individual Circumstances

5.1. Before applying restrictions under this policy, the Council will consider whether the person may need reasonable adjustments to help them communicate with the Council or access its services.

5.2. Reasonable adjustments may include, where appropriate:

- allowing communication in a particular format;
- allowing a representative, advocate, friend or family member to assist;
- providing additional explanation of Council processes;
- allowing extra time where reasonable;
- using a preferred method of communication where practical.

5.3. The Equality Act 2010 protects people from discrimination and requires reasonable adjustments in appropriate circumstances.

5.4. The Council will balance any individual needs with its duty to protect staff, councillors and others from abuse, harassment, intimidation or unreasonable demands.

6. Informal Action Before Restrictions Are Applied

6.1. Wherever possible, the Council will try to resolve issues informally before applying formal restrictions.

6.2. This may include:

- explaining why the behaviour or level of contact is causing concern;
- asking the person to communicate in a different way;
- clarifying what the Council can and cannot do;
- confirming that the Council has already responded to the matter;
- directing the person to the appropriate complaints, appeal or review process;
- warning that restrictions may be considered if the behaviour continues.

6.3. In cases involving serious abuse, threats, harassment, aggression or safety concerns, the Council may move directly to formal action without an informal warning.

7. Decision to Apply this Policy

7.1. The Clerk will normally assess whether this policy may need to be applied.

7.2. Where possible and appropriate, the Clerk will consult with the Chair of the Council, or Vice-Chair in the Chair's absence, before any immediate or temporary restrictions are imposed.

7.3. Any restriction expected to remain in place for more than a short-term temporary period will normally be reported to the Council or an appropriate committee for noting or review, subject to confidentiality and data protection requirements.

7.4. Where the matter relates directly to the Clerk, or where it would not be appropriate for the Clerk to assess the matter, the issue may be referred to the Council or to an appropriate committee.

7.5. The Council may consider the following before applying restrictions:

- the nature and seriousness of the behaviour;
- the frequency and volume of contact;

- the impact on staff, councillors, services and other residents;
- whether the person has been warned previously;
- whether reasonable adjustments have been considered;
- whether the Council has already responded properly to the issue;
- whether any restriction would be fair, necessary and proportionate.

8. Possible Restrictions

8.1. Any restriction applied under this policy will be proportionate and tailored to the circumstances.

8.2. Restrictions may include:

- requiring contact to be made only in writing;
- requiring contact to be made only by email;
- requiring contact to be directed to one named officer or Council email address;
- limiting telephone calls to specified times, days or durations;
- declining to respond to repeated contact about a matter already concluded;
- requiring appointments for face-to-face contact;
- requiring any meeting to take place with another person present;
- limiting access to Council premises where there are safety or disruption concerns;
- moderating, hiding, deleting, blocking or restricting contact through Council social media channels where comments breach Council rules, are abusive, discriminatory, defamatory, threatening, or otherwise inappropriate;
- asking the person to communicate through a representative;
- taking legal advice or referring matters to the police where behaviour may amount to harassment, threats, abuse, criminal conduct or a safeguarding concern.

8.3. Restrictions will not prevent the person from raising a genuinely new issue, making a valid complaint, or exercising legal rights such as submitting a request under the Freedom of Information Act 2000, Environmental Information Regulations 2004, UK GDPR or Data Protection Act 2018.

8.4. However, the Council may still manage the method and frequency of contact where necessary.

9. Notification of Restrictions

9.1. Where restrictions are applied, the Council will normally write to the person to explain:

- what behaviour or contact has caused concern;
- what restriction is being applied;
- why the restriction is considered necessary and proportionate;
- how long the restriction will last;
- when it will be reviewed;
- how the person may raise any genuinely new issue;
- how the person may ask for the decision to be reviewed.

9.2. Where there are immediate safety concerns, threats, harassment, or legal issues, the Council may take action without prior notice.

10. Duration and Review

10.1. Restrictions will normally be applied for a fixed period, usually no longer than six months in the first instance.

10.2. The restriction may be reviewed earlier if circumstances change.

10.3. At the end of the restriction period, the Council will decide whether to:

- remove the restriction;
- amend the restriction;
- extend the restriction for a further period.

10.4. The person will be informed of the outcome of the review.

11. New Complaints or New Issues

11.1. A person subject to restrictions under this policy may still raise a new and genuine issue.

11.2. The Council will consider whether the matter is genuinely new, whether it has already been dealt with, and whether it requires a response.

11.3. The Council will not refuse to consider a genuine new matter simply because the person is subject to restrictions.

12. Record Keeping and Confidentiality

12.1. The Council will keep appropriate records of:

- the behaviour or contact causing concern;
- steps taken to resolve the issue informally;
- any warnings given;
- the decision to apply restrictions;
- the reasons for the decision;
- the restriction applied;
- review dates and review outcomes.

12.2. Information will only be shared with staff, councillors, contractors or advisers who need to know in order to manage the matter appropriately.

12.3. Records will be held in accordance with the Council's Data Retention and Disposal Policy and relevant data protection legislation.

13. Safety, Harassment and Legal Action

13.1. Nothing in this policy prevents the Council, its staff, councillors or representatives from taking appropriate action where behaviour may involve:

- threats;
- harassment;
- intimidation;
- abuse;
- criminal damage;
- trespass;
- safeguarding concerns;
- risks to health and safety;
- other unlawful conduct.

13.2. This may include contacting the police, taking legal advice, reporting incidents to insurers, or taking other lawful action.

14. Complaints About the Use of this Policy

14.1. If a person disagrees with the decision to apply restrictions under this policy, they may ask for the decision to be reviewed.

14.2. A request for review will not normally suspend any restriction already in place, unless the Council decides that suspension is appropriate.

14.3. The review will normally be carried out by the Council, a committee, or councillors who were not directly involved in the original decision, where practical.

14.4. The review will consider whether the decision was reasonable, proportionate and properly made.

15. Review of this Policy

15.1. This policy will be reviewed annually at the Annual Meeting of the Council, or sooner if there are changes in legislation, guidance or Council procedures.

16. Policy Summary

16.1. The Council welcomes contact from members of the public and will deal with concerns fairly and properly. However, the Council also has a duty to protect staff, councillors, resources and services from behaviour or contact that becomes abusive, unreasonable or disproportionate. Where restrictions are necessary, they will be applied fairly, proportionately and for a limited period.