

Dorset Council

Managing Unreasonable Behaviour Protocol

Ref. No.	
Category:	
People	
Place	
Corporate	Yes
In Constitution	

Protocol Details

What is this protocol for?	This document sets out the protocol for managing incidents of unreasonable behaviour, whether violent, potentially violent or vexatious.
Keywords	Complaint, Feedback, Ombudsman, Local Government & Social Care Ombudsman (LGSCO)
Author	Marc Eyre, Service Manager for Assurance - Dorset Council
Dorset Council protocol adopted from	Replaces Dorset Council policy "Policy for Managing Unreasonable and Persistent Complainants"
Does this protocol relate to any laws?	N/A
Is this protocol linked to any other Dorset Council policies?	This protocol supports a number of existing Dorset Council policies: Complaints Policy Violence at Work Policy Equality, Diversity and Inclusion Policy
Equality Impact Assessment (EqIA)	An EqIA has been completed
Other Impact Assessments	None.

Status and Approvals

Status	Live	Version	Version 1.0
Last review date	This is a new Protocol, replacing the unreasonable complainants policy	Next review date	June 2024
Approved by (Director)	CLT	Date approved	March 21
Member/ Partnership Board Approval	Not required	Date approved	

Managing Unreasonable Behaviour Protocol

1. Background

- 1.1 Most customers that contact the Council do so politely and respectfully of Council staff. Even the most challenging customer may have a valid point that needs to be addressed. However there are exceptional circumstances where behaviour can present an issue to the wellbeing of staff or result in an excessive amount of time being spent in response. Dorset Council does not expect its staff to tolerate unreasonable behaviour from members of the public or other points of contact. The organisation has a direct duty of care to its employees and also a responsibility to any associated organisations and/or partners it works alongside.
- 1.2 It is therefore vital that any known risks emerging from contacts with our clients, customers and/or suppliers etc are logged and recorded and are then available to others that may have contact with that individual to protect their personal safety and/or wellbeing.
- 1.3 The purpose of this protocol is to set a process by which unreasonable behaviour (whether violent, potentially violent or vexatious) can be assessed, recorded and made available to employees, whilst recognising also the need to ensure that personal data is managed effectively and appropriately. Dorset Council is committed to being compassionate, responsive, sensitive to its clients, customers, residents and that we have a trained workforce to fully support the needs of those groups and respond appropriately to prevent such situations.
- 1.4 Frontline staff need to take guidance from line managers on how best to resolve using customer services techniques, empathy and the skills required to perform their duties at Dorset Council. This protocol is by exception only to manage those extreme behaviours that are beginning to impact staff wellbeing or are unreasonably time consuming.

2. What constitutes 'unreasonable behaviour'?

- 2.1 Unreasonable behaviour may include:

- Abusive, offensive or threatening language on the telephone;
- Abusive, offensive or threatening language face to face;
- Sending of abusive, offensive or threatening correspondence;
- Making multiple phone calls;
- Sending multiple e-mails;
- Leaving multiple voicemails;
- Sending multiple text messages;
- Repetitious behaviour;
- Publishing unacceptable information in a variety of media such as social media websites and newspapers;
- Threats of violence;
- Actual violence

2.2 This protocol recognises that some behaviour that may be deemed unreasonable may be linked with underlying health issues. In these instances contact will be made with social care colleagues to determine whether this impacts on how the individual's behaviour is managed.

3. What should you do if you believe that you have been or are the subject of unreasonable behaviour?

3.1 Where you believe that there is no immediate risk to yourself or others, you should use your own judgement and customer services skills to resolve the issue where you are able. However, where you do not feel this to be the case, or if you believe that you have been subject to unreasonable behaviour, you should notify your line manager. Where the incident relates to violent or potentially violent behaviour the Violence, Aggression and Harassment at Work policy and guidance should be followed.

3.2 The manager should email details to the dedicated email address spocassurance@dorsetcouncil.gov.uk, including qualifying criteria and numbers of incidents, so that an assessment can be made as to whether the individual displaying unreasonable behaviours needs to be recorded within the 'unreasonable behaviour' database so that other members of staff can review and take appropriate action should they have contact.

4. How is the 'unreasonable behaviour' database maintained?

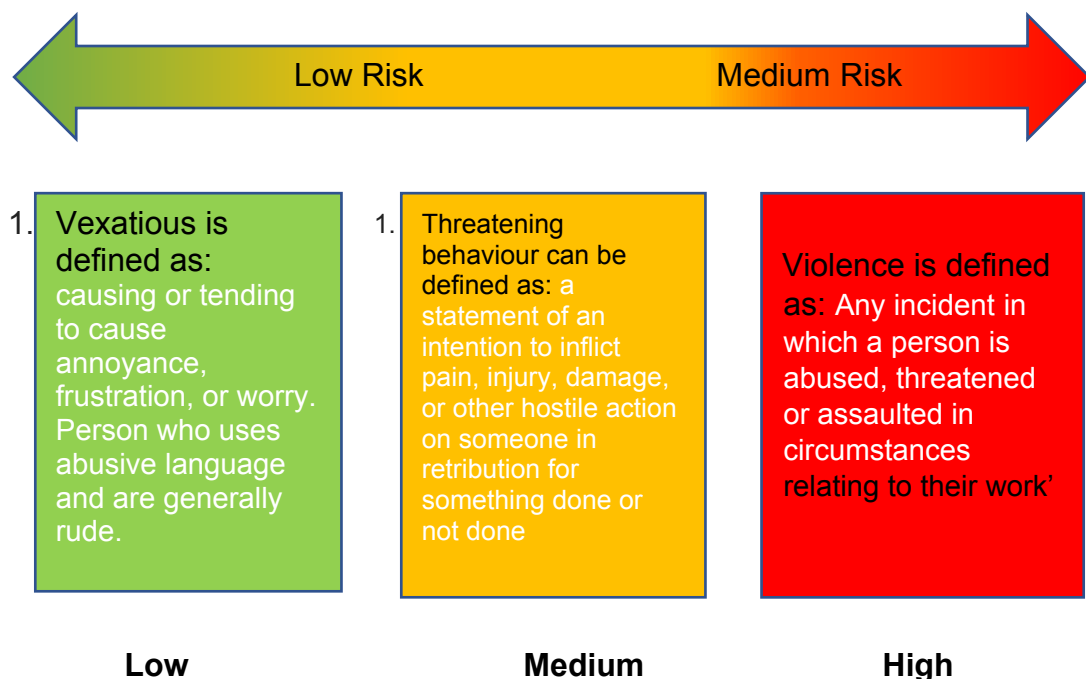
4.1 On receipt of the unreasonable behaviour request, it will be reviewed by the following panel of officers:

- An Operations Manager from the directorate concerned
- Service Manager for Assurance
- Senior Assurance Officer – Complaints
- Customer Services Manager
- A legal representative (Phase 3/High risk cases)
- Health and Safety Manager

(or their nominated representatives)

Where an underlying health issue has been identified, the appropriate social care Operations Manager should be invited to the panel

- 4.2 The panel will decide if the behaviours meet the criteria for Unreasonable Behaviour (UB), using the following risk assessment criteria (Appendix A provides HSE guidance on threatening behaviour). Where a majority decision is not reached, the Operations Manager will have the 'casting vote'. This first stage of consideration will be to assess whether the individual has underlying health issues that may influence their behaviour, and to link in with social care teams:



- 4.3 The panel will in the first instance consider whether the individual has any underlying health issues, and in such cases consideration will be given to any changes to the approach set out below, in conjunction with social care colleagues.
- 4.4 Where the panel's risk assessment determines that the individual should be logged on the unreasonable behaviour database the following three phrases are adopted, which enable action to be ceased where behaviour improves or to be escalated where necessary:

4.5 Low / Medium Risk –

Phase One - A letter or email should be sent from the Directorate using a "phase one" template. This correspondence should describe the incident, location, date and time. The correspondence will advise that they have been logged on the Council's unreasonable behaviour database and that the record will be removed after 12 months as long as there is no repeat

behaviour. The correspondence will be accompanied by an Equalities and Diversity questionnaire. Where the returned questionnaire identifies underlying issues that have not previously been identified, the panel will refer to social care colleagues (as per 4.3 above).

Consideration should be given as to whether a Single Point of Contact (SPOC) is required at this stage. A SPOC will generally be an appropriate Service Manager, but at their discretion this may be delegated to another appropriate officer. If it is identified that there are underlying health issues, it may be appropriate for the SPOC to be an operations manager in the relevant locality.

The incident and follow up actions should be recorded on the unreasonable behaviours database.

Phase Two - If there is a repeat of the behaviour, the panel will reconvene and ensure the behaviours are consistent with the initial incident and take a view on whether phase 2 correspondence should be issued. The correspondence should be signed off at a more senior level to show escalation from the manager at phase 1. The phase 2 correspondence should:

- Refer to the phase 1 correspondence, including date of issue
- Describe the incident, location, date and time.
- Send a strongly worded letter reiterating the Council's position.
- Note that they have been logged on the Council's unreasonable behaviour database and that the record will be removed after 12 months as long as there is no repeat behaviour.

Further consideration should be given as to whether a Single Point of Contact (SPOC) is required at this stage, if not already. At the Panel's discretion, it may be determined that the behaviour demonstrated is sufficiently significant as to move directly to Phase Three.

The further incident and follow up actions should be recorded on the unreasonable behaviours database.

Phase Three - If there is a further repeat of the behaviour, the panel will reconvene and ensure the behaviours are consistent with the initial two incidents and take a view on phase 3 correspondence. The phase 3 correspondence should be drafted by, and sent by legal, and:

- Refer to the phase 1 & 2 correspondence, including date of issue
- Describe the incident, location, date and time.
- Include a cease and desist requirement
- Include a SPOC if not already in place
- Identify the consequences of a breach;

- Note that they have been logged on the Council's unreasonable behaviour and that the record will be removed after 12 months as long as there is no repeat behaviour.

In the event that court action is taken, it is possible that staff summoned to give evidence. In such cases, support should be sought from the line manager in the first instance.

4.6 High Risk –

Where the panel determines the contact to be High risk, Phase 3 will immediately be applied.

5. Who can access the unreasonable behaviours database?

- 5.1 To be effective it is important that the information on 'anticipated risk levels' associated with known individuals and/or specific addresses are widely available. This will ensure that potential issues are known prior to contacts and/or visits and to allow careful consideration to be given to such contacts. Thought should be given to liaising with social care staff to ensure that Mosaic records highlight the status of the individual.
- 5.2 However, the organisation also has a responsibility to ensure that sensitive data is protected and managed appropriately in keeping with the General Data Protection Regulations.
- 5.3 This means that relevant information will need to be 'layered' with certain information only being available on a 'need to know basis'.

6. How will the database be maintained?

- 6.1 Unreasonable behaviour records will be reviewed after 12 months by the panel, and a view taken as to whether or not to remove the individual from the list. Removal from the list will not be communicated to the perpetrator as this may re-oxygenate the issues.
- 6.2 The Service Manager for Assurance will be the Information Asset Owner for the Unreasonable Behaviours database, but the responsibility for individual records will rest with the identified Operations Manager.

7. What happens if the behaviours do not improve?

- 7.1 In the event that behaviours do not improve, the matter should be escalated to legal services to determine what further action needs to be taken.

Marc Eyre, Service Manager for Assurance
March 2021

Definitions

The Health & Safety Executive (HSE) have published some helpful guidance and supporting definitions which the organisation is seeking to utilise to guide its own approach to assessing the level of anticipated risk'.

These definitions are as follows:

VIOLENCE

Any incident in which a person is abused, threatened or assaulted in circumstances relating to their work.

AGGRESSION

Feelings of anger or antipathy resulting in hostile or violent behaviour; readiness to attack or confront.

HARASSMENT

The act of systematic and/or continued unwanted and annoying actions of one party or a group, including threats and demands.

These definitions also include verbal abuse or threat, threatening behaviour, any assault, any serious or persistent harassment and extends from what may seem to be minor incidents to serious assaults and threat against the employee's family.

Also covered by this policy are employees that work from home and work flexibly from home or other locations that are not their normal place of work, as this is still counted as being 'at work'.

These definitions are also taken to include any form of hate crime against any individual or group of people including any form of sexual harassment or discrimination against any of the protected characteristics under equality legislation, i.e.

- Age;
- Disability;
- Gender reassignment;
- Marriage and civil partnership;
- Pregnancy and maternity;
- Race;
- Religion or belief;
- Sex;
- Sexual orientation

The following link can be used to report any hate crimes and all team members should be encouraged to do so - <https://www.dorset.police.uk/do-it-online/report-a-hate-crime-or-incident/>