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# Moray Community Councils Unacceptable Actions Policy

Published by the Community Support Unit, The Moray Council,  
Council Office, High Street, Elgin, IV30 1BX



Document	First published 2019
Document Status	FINAL
Document Date	12/08/2019
Sharebird Ref	SPCE-640836275-597
S9 Handbook	230 - 15932

## **1. Introduction**

- 1.1. This policy sets out the Community Councils of Moray's approach to managing the relatively few members of the public whose actions or behaviours are considered to be unacceptable. The term 'member of the public' includes anyone acting on behalf of another person or who contacts a Community Council in connection with any issue. The principles set out in this policy apply to the Community Council's dealings with members of the public in all circumstances.

Members of the Community Council are unpaid volunteers, and carry out their duties in their spare time, while also having work, family or other commitments. Community Council members will use reasonable endeavours to fulfil their responsibilities as set out in this Policy, subject to those other time commitments

## **2. Policy Aims**

- 2.1. To deal fairly, honestly, consistently and appropriately with all members of the public, including those whose actions the Community Council considers unacceptable. The Community Council believes that all members of the public have the right to be heard, understood and respected. The Community Council also considers that our members whether elected, co-opted, or associate have the same rights.
- 2.2. To provide a service that is accessible to all members of the public. However, where the Community Council considers a member of the public's actions to be unacceptable, the Community Council retains the right to restrict or change access to Community Council business (where it is appropriate to do so).
- 2.3. To ensure that other members of the public and Community Council volunteers are not disadvantaged by the acts of an individual members of the public who behave in an unacceptable manner.
- 2.4. To ensure that the Community Council's effectiveness is not compromised by individuals who act in a manner that makes excessive and unacceptable demands on Community Council time and resources.

## **3. Community Council Pledge**

- 3.1. We will:
- Provide high quality service however you wish to contact us
  - Offer you choices in how you contact us to get information, request assistance or information or tell us what you think
  - Provide a responsive service where issues are resolved at the first point of contact wherever possible
  - Be polite, helpful, sensitive and discreet in all our dealings with you
  - Treat you fairly and equally, keeping our language clear
  - Keep your information safe

- Respond to routine enquiries promptly or tell you why it will take longer. Urgent enquiries will be responded to as a priority, and we will keep you informed of progress
- Use members of the public's views including complaints to help improve and shape future outcomes
- Check regularly that the terms of our Scheme of Establishment are being delivered to you

### 3.2. What we expect in return:

To deliver a high quality services, we need your help. Here are some things you can do to make it easier for us to do our job:

- Give us all of the information we need to help you
- Let us know if you require additional assistance or support
- Attend appointments on time, letting us know if you will be late or can't attend
- Ask us to explain anything you are unsure of
- Communicate with our members in a respectful manner
- Tell us how we can improve our services

## 4. **Defining Unacceptable Actions**

4.1. People may act out of character in times of trouble or distress. An action is not viewed as unacceptable purely because a person is forceful or determined. However, the actions of members of the public who are angry, demanding or persistent may result in unreasonable demands or unacceptable behaviour towards Community Council members who are working for you on a completely voluntary basis. The Community Council has grouped these actions under three broad headings with an explanation as to how they will be managed:

### 4.2. **Aggressive or abusive behaviour**

4.2.1. We understand that members of the public can sometimes become angry. However, if that anger escalates into aggression towards individual members or property, this is unacceptable.

4.2.2. We will try to remain calm and understanding of the situation; however, any aggression or abuse directed towards members or property will not be tolerated.

4.2.3. Aggressive or abusive behaviour includes language (whether verbal or written) that may cause members to feel afraid, threatened or abused and may include threats, personal verbal abuse, derogatory remarks and rudeness.

4.2.4. Inflammatory statements, remarks of a racial or discriminatory nature and false allegations are also abusive behaviour.

### **4.3. Unreasonable demands**

4.3.1. A demand becomes unreasonable when it starts to impact excessively on the work of members dealing with the matter, especially if this disadvantages other members of the public

4.3.2. For example:

- Repeatedly demanding responses within an unreasonable timescale;
- Demanding responses from several members on the same subject;
- Insisting on seeing, meeting or speaking to a particular member when that is either not possible or it is inappropriate;
- Repeatedly changing the substance of an enquiry or complaint or raising unrelated concerns;
- Repeatedly posing a question, when a response has already been given, because the individual may not like the answer they have received.

### **4.4. Unreasonable levels of contact**

4.4.1. The level of contact is unacceptable when the amount of time spent talking to a member of the public on the telephone, or reviewing and responding to written or electronic communication, impacts on the ability to deal with the relevant matter, or on the ability of members to deal with other members of the public.

## **5. Managing Aggressive or Abusive Actions**

5.1. Our members will try to help a member of the public as much as they can; they appreciate that they may be in an unpleasant situation. If the individual is persistently abusive or aggressive to our members, they will terminate contact and request police attendance if necessary. Abusive or aggressive behaviour can be physical violence, verbal abuse or harassment towards a person or wilful destruction of property.

5.2. Where correspondence is received by any means, including social media, which is abusive to a member or contains inflammatory or malicious allegations that are unfounded, we will inform the individual that their language or the content of the message is considered offensive, unnecessary and unhelpful. Where possible we will remove such language and in other cases we will ask the individual to edit their correspondence to remove any offensive text and resend it, otherwise we will not respond. Under section 127 of the Communication Act 2003, it is a criminal offense to use electronic communications networks to send or (cause to be sent) offensive, obscene messages or messages that the sender/instigator knows to be false. The individual to whom these messages relate would be within their rights to refer the matter to the police.

5.3. Where there are repeated incidents of aggressive or abusive behaviour, longer term decisions to restrict an individual's contact with the Community

Council may be taken after careful consideration of the circumstances by the Chair of the Community Council. In these circumstances, we will also take account of any query we are currently dealing with for the individual and whether it would be impacted. Wherever possible, the individual will be given the opportunity to change their behaviour before a decision to restrict contact is taken.

- 5.4. Where an individual has been identified as exhibiting unacceptable behaviour, this information will be shared with all Community Council members who may have cause to deal with that individual. Where it is anticipated that an individual may become abusive or aggressive, a minimum of two members will be present. Such meetings may be required to take place in an open space covered by CCTV.

## **6. Managing Unacceptable Actions**

- 6.1. Unacceptable actions adversely affecting our ability to do our work and provide a service to others may result in restricted contact with the Community Council in order to manage them. We may restrict contact to
- in person
  - by telephone or fax
  - by letter, text or email
  - any combination of these.

We will try to maintain at least one form of contact. In extreme situations, we will tell the individual in writing that their name is on a 'no personal contact' list. This means that contact with the Community Council will be restricted to either written communication or through a third party.

- 6.2. Where an individual unreasonably and repeatedly phones, attends meetings, raises the same issue, or sends excessive written or electric communication about which the relevance is not clear, we may decide to:
- Limit customer contact to telephone calls at set times on set days;
  - Restrict contact and written communication dealings to a nominated member;
  - See the individual by appointment only;
  - Restrict contact to written correspondence only;
  - Refuse to deal with further calls, written or electronic communication;
  - Advise the individual that further irrelevant documentation will be destroyed;
  - Advise the individual that their information is being logged, however no further correspondence will be sent
  - Take any other action that is considered appropriate to the circumstances.
- 6.3. Where continued correspondence on a wide range of issues is excessive, the individual may be advised that only some of these issues will be considered in a given period and the individual will be asked to limit or prioritise their requests accordingly.

## **7. Deciding to Restrict an individual's Contact & Advising the individual**

- 7.1. When a member makes an immediate decision to end contact with an individual in response to unacceptable behaviour, the individual will be advised that contact is ceasing because of their unacceptable behaviour. The member will then submit an email to the Chair detailing the circumstances as this may inform future decisions to restrict contact.
- 7.2. Decisions to restrict contact with the Community Council will only be taken after careful consideration of the situation by all members. Wherever possible, we will give the individual the opportunity to modify their behaviour or action before a decision is taken. Individuals will be 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.
- 7.3. A report will be submitted by the Community Council to the Community Council Liaison Officer in order to keep them aware of the number of cases where the Members of the Public Unacceptable Actions Policy has been applied.

## **8. Appealing a Decision to Restrict Contact**

- 8.1. Where an individual has been informed that contact is to be restricted, they will be advised of their right of appeal.
- 8.2. Any appeal must be made in writing and submitted to the Chair of the Community Council where the unacceptable action occurred. This must be made within 10 working days of the date of the letter advising restricted contact. Only in exceptional circumstances will an appeal made outwith this timescale be considered. A written letter of appeal should clearly set out why the customer feels the decision to restrict contact is unreasonable.
- 8.3. The appeal will be considered by the Community Council and seek guidance from members of the Joint Community Councils of Moray. Any reversal or amendment of the restriction arrangements will be at the discretion of the Community Council.
- 8.4. The individual will be notified in writing of the outcome within 30 working days of receipt of their appeal. The decision of the Community Council is final.
- 8.5. Thereafter all paperwork in relation to the process will be sent to and held by the Community Council Liaison Officer

## **9. Recording and Reviewing a Decision to Restrict Contact**

- 9.1. We will record all incidents of unacceptable actions which have resulted in contact being restricted. Where it is decided to restrict contact, an entry noting this will be made on the complaints database maintained by the Community Council.

- 9.2. A decision to restrict contact as described above may be reconsidered if the customer demonstrates a more acceptable approach. The Community Council will review the status of all restricted contact arrangements on a regular basis.