

APPENDIX 11



**South Ayrshire Council**

**Unacceptable Actions Policy  
for Community Councils**

## **Policy on Unacceptable Actions by Constituents (Voting Members of the Public)**

### **1. Introduction**

- 1.1 This Policy sets out South Ayrshire Community Councils' approach to the relatively few constituents whose actions or behaviour we consider unacceptable. The term also includes anyone acting on behalf of a constituent or who contacts us in connection with Community Council business. The principles set out in this Policy also apply to our dealings with constituents who are complaining about us (Community Council) and they will be referred to the Community Council complaints procedure.

### **2. Policy aims**

#### **2.1. *In this Policy, we aim to:***

- 2.1.1. deal fairly, honestly, consistently and appropriately with all constituents, including those whose actions we consider unacceptable. We believe that all constituents have the right to be heard, understood and respected. We also consider that our Community Councillors have these same rights.
- 2.1.2. be accessible to all our constituents. However, we retain the right, where we consider a constituent's actions to be unacceptable, to restrict or change access to our service.
- 2.1.3. ensure that other constituents, Community Councillors or Council staff do not suffer any disadvantage from someone who acts in an unacceptable manner.

### **3. Unacceptable Actions by Constituents**

#### **3.1 *Definition:***

People may act out of character in times of trouble or distress. There may have been upsetting or distressing circumstances leading up to a constituent coming to us. We do not view behaviour as unacceptable just because a constituent is forceful or determined. However, the actions of constituents who are angry, demanding or persistent may result in unreasonable demands on our resources or in unacceptable behaviour towards our Community Councillors. It is these actions that we consider unacceptable and aim to manage under this Policy. We have grouped these actions under three broad headings:

#### **3.2 *Aggressive or Abusive Behaviour:***

- 3.2.1 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 members of the Community Council to feel afraid, threatened or abused.
- 3.2.2 Examples of behaviours grouped under this heading include threats, physical violence, personal verbal abuse, derogatory remarks, and rudeness towards our members when they are engaged on Community Council business. We also consider that inflammatory statements and unsubstantiated allegations can be abusive behaviour.
- 3.2.3 We expect our Community Councillors to be treated courteously and with respect. Violence or abuse towards them is unacceptable. We understand the difference between aggression and anger. The anger felt by many constituents involves the subject matter of their contact with us.

However, it is not acceptable when anger escalates into aggression directed towards Community Councillors.

### 3.3 **Unreasonable Demands:**

3.3.1 Constituents may make what we consider unreasonable demands on on the Community Council members 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 constituent.

3.3.2 Examples of actions grouped under this heading include:

- demanding responses within an unreasonable time-scale;
- insisting on seeing or speaking to a particular Community Councillor;
- continual phone calls or letters: and,
- repeatedly changing the substance of the issue or complaint or raising unrelated concerns.

3.3.3 We consider these demands as unacceptable and unreasonable if they start to impact substantially on the work of the Community Council, such as taking up an excessive amount of Councillor time to the disadvantage of other constituents, services or functions.

### 3.4 **Unreasonable Persistence:**

3.4.1 We recognise that some constituents will not or cannot accept that we are unable to provide a level of service other than that provided already. Constituents may persist in disagreeing with the action or decision taken in relation to their issue or complaint or contact us persistently about the same issue.

3.4.2 Not all concerns raised can be dealt with under the Community Council complaints process. Where a matter falls outside the Scheme, it may be redirected to a more appropriate body. Decisions on validity and progression of complaints are made on a case-by-case basis.

3.4.3 Examples of actions grouped under this heading include:

- persistent refusal to accept a decision made in relation to an issue or complaint;
- persistent refusal to accept explanations relating to what we can or cannot do; and,
- continuing to pursue an issue or complaint without presenting any new information.

3.4.4 The way in which these constituents approach us may be entirely reasonable, but it is their persistent behaviour in continuing to do so that is not.

3.4.5 We consider the actions of persistent constituents to be unacceptable when they take up what we regard as being a disproportionate amount of time and resources.

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

4.1 There are relatively few constituents whose actions we consider unacceptable. We aim to manage these actions based on their nature and extent. If our ability to do our work and provide a service to others is affected adversely, we may need to restrict that constituent's contact with us in order to manage the unacceptable action.

- 4.2 We aim to do this in a way, wherever possible, that allows a complaint to progress to completion through our Community Council Complaints Procedure.
- 4.2.1 We may restrict contact in person, by telephone, fax, letter or electronically or by any combination of these.
- 4.2.2 We try to maintain at least one form of contact.
- 4.2.3 In extreme situations, we tell the constituent in writing that their name is on a 'no personal contact' list. This means that they must restrict contact to the Community Councillor identified within the Community Council Complaints Procedure only, whether this is in writing, personal contact or through a third party.
- 4.3 The threat or use of physical violence, verbal abuse or harassment towards members is likely to result in the ending of all direct contact immediately with the constituent. Incidents may be reported to the police. This will always be the case if physical violence is used or threatened.
- 4.4 We also view the use of social media to be covered by this policy.
- 4.5 We do not deal with correspondence (letter, fax or electronic) that is abusive to members. When this happens we tell the constituent that we consider their language offensive, unnecessary and unhelpful. We ask them to stop using such language and state that we will not respond to their correspondence. We may require future contact to be through a third party if they persist.
- 4.6 Community Councillors will end telephone calls if the caller is considered aggressive, abusive or offensive. The Community Councillor 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.
- 4.7 Where a constituent repeatedly phones, visits, sends irrelevant documents or raises the same issues, we may decide to:
- only take telephone calls from the constituents at set times on set days or put an arrangement in place for a third party to deal with calls or correspondence from the complainant in future.
  - require the constituent to make an appointment to see a named third party; or,
  - that the constituent contacts the Community Council in writing only;
  - return the documents to the constituent or, in extreme cases, advise them that further irrelevant documents will be destroyed; or
  - take other action that we consider appropriate. We will, however, always tell the constituent what action we are taking and why.
- 4.8 Where a constituent continues to correspond on a wide range of issues, and this action is considered excessive, then they will be told that only a certain number of issues will be considered in a given period and be asked to limit or focus their requests accordingly.
- 4.9 Constituent action may be considered unreasonably persistent if all internal review mechanisms have been exhausted and the constituent continues to dispute the Community Council's decision relating to their complaint or issue. The constituent will be told that no future phone calls will be accepted, or interviews granted concerning this complaint or issue. Any future contact by the constituent on this issue must be in writing. Future correspondence is read and filed, but only acknowledged or responded to if the constituent provides significant new information relating to the complaint or issue.

## **5. Constituent Confidentiality**

- 5.1 Where appropriate, we will always respect the confidentiality of a constituent. However, confidentiality is not an absolute obligation as the law has always recognised that where appropriate it is permissible to release information which would normally be confidential if this is necessary to fulfil an overriding public interest, such as protecting someone else from harm. There may be cases where the professional's view is that there is no substance behind such a threat. If someone threatens someone else, we should be able to take appropriate steps in response such as alerting that person, the police or associated agencies.

## **6. Deciding to Restrict Constituent Contact**

- 6.1 Community Councillors that directly experience aggressive or abusive behaviour from a constituent have the discretion to deal immediately with that behaviour in a manner they consider appropriate to the situation and in line with this Policy.
- 6.2 Except for such immediate decisions taken at the time of an incident, decisions to restrict contact with the Community Council are only taken after careful consideration of the situation and may include advice taken from a third party and/or legal services. Wherever possible, we give a constituent the opportunity to modify their behaviour or action before a decision is taken.
- 6.3 Constituents will be issued with a warning letter containing a copy of this Policy. They will be told why their actions are deemed to be unacceptable, and asked to moderate this behaviour. If this is not done, then they will be told that a contact restriction can be put in place.
- 6.4 When a decision has been made to restrict future contact, the constituent will be written to with details of the restricted contact arrangements and, if relevant, the length of time that these restrictions will be in place.
- 6.5 If a serious threat of violence is made, then a warning letter is not necessary and the constituent can be issued with a restricted contact letter immediately.

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

- 7.1 A constituent can appeal a warning letter, on the grounds of factual inaccuracy. They can do so, in writing only, to the Chair of the Community Council.
- 7.2 A constituent can appeal a decision to restrict contact. This must be done within 10 working days of receipt of the letter. Another third party, previously not involved in the original decision considers the appeal. They advise the constituent in writing that either the restricted contact arrangements still apply or a different course of action has been agreed. This should be done within 10 working days.

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

- 8.1 Where it is decided to restrict constituent contact, an entry noting this is made in the relevant file and on appropriate computer records.
- 8.2 A decision to restrict contact may be reconsidered if the constituent demonstrates a more acceptable approach. The Community Council reviews the status of all constituents with restricted contact arrangements on a regular basis.