

# Unacceptable Behaviour Policy

## Context

Every day, Gloucestershire County Council deals with thousands of customer contacts quickly, effectively and without incident. We expect our staff and councillors are expected to treat individuals with courtesy, respect, and fairness. We also expect our staff and councillors to be treated in the same way and will act to protect their welfare and safety. Acts of intimidation or violence toward staff will not be tolerated.

This policy explains how we will deal with the small number of cases where the actions of individuals become unacceptable or unreasonable.

This policy applies to:

- all areas of our work.
- anyone who contacts us, including existing or potential customers, representatives, and businesses.
- all methods of contact including telephone, face-to-face, letters, e-mails, social media, and other digital channels.

We accept that people may act out of character in times of trouble, distress, or frustration. We also accept that customers may be unhappy when they contact us or may not agree with the Council's actions. We do not view behaviour as being unacceptable just because a customer is forceful or determined.

## Equality, Diversity, and Inclusion

We must have awareness of the protected characteristics and how to ensure these characteristics are respected when we as an authority are engaging with our customers.

Some customers may have a mental health and/or disability (neurodiversity) or language barrier. This may make it difficult for those customers to communicate clearly and appropriately. In such cases, we will consider the individual's needs, and those of our staff, before deciding how best to manage the situation. We will always ask customers whether they need the Council to make any changes to the way they are dealt with, to ensure they do not face any avoidable barriers in communicating with us, and we will then consider making reasonable adjustments.

Some customers may also experience types of negative bias in their normal day to day life, whether intentionally or unintentionally, which may have an impact on how customers will react if faced with the same situation from our staff, even if it is totally unintentional. An example being if someone is unintentionally misgendered. In such cases, we will clarify the reason for the negative reaction, ensure that it is not repeated, and work with the customer to ensure they are able to fully engage with us. For example, the customer speaking to another staff member if that is the appropriate response. Contact may need to be managed further in an appropriate way if a situation cannot be resolved, or it continues to escalate.

The safety of our staff whilst carrying out their duties will be of paramount importance and our duty of care towards our staff will be the main priority, whilst at the same time balancing the rights of customers to access our services.

## **Decision-making**

Before we make any decisions under this policy, we will conduct a review of what has happened, and we will always consider the customer's individual circumstances. A decision to act will only be made in circumstances where all reasonable efforts have been made to find an alternative solution.

## **Confirmation of what 'unacceptable behaviour' looks like**

We will not accept or tolerate behaviour that we consider to be aggressive or abusive (whether intentional or not), such as:

- behaviour or language (verbal or written) that may cause staff to feel offended, afraid, threatened or abused.
- insulting, obscene, degrading language/gestures.
- discrimination like racism, sexism, or homophobia.
- personal grudges toward certain staff, making serious allegations against staff without any evidence.
- threats of physical harm.
- physical abuse of any kind.
- threats towards others associated with a member of staff.
- disrupting meetings.
- unreasonable demands (frequent/excessive/duration).

We may also decide that comments aimed not at us, but at third parties, are unacceptable because of the likely effect of listening to, or reading them, may have on our staff.

We will always try to help our customers understand what they can expect from us. However, if a customer makes unreasonable demands, this is likely to impact our ability to provide a service; we want to be available to everyone who approaches us.

### **Examples of unreasonable demands include (but are not limited to):**

- insisting on a response or action within an unreasonable timescale.
- demanding an immediate call back from a manager/member of staff.
- insisting on speaking to a senior manager/specific individual when we have explained this is not the appropriate person.
- persistent refusal to accept explanations or disagreeing with the action/decision taken in relation to a case.
- expecting excessive contacts.

We understand that customers will contact us to discuss their issue or seek updates. However, if the frequency or length of contact becomes excessive it can impact on our ability to do our job.

### **Examples of excessive contact include (but are not limited to):**

- making the same request to multiple members of staff without good reason.
- making repeated phone calls or visits to our offices, sending repeated emails or letters when we have already provided a response, and/or we have set expectations about when and how to expect a response.
- unreasonable use of our complaints processes.
- repeat, unrelated commenting/posting on our social media channels.

## **What we may do – Potential sanctions**

Where we find that behaviour is unacceptable, we will consider whether to impose sanctions. We will aim to keep any impact to the minimum necessary to solve the problem, whilst safeguarding our staff. The sanctions that we may consider could include (but are not be limited to), the following:

- limiting how much time we spend on the phone, or in person with you.
- stop engaging with you face-to-face, only helping you by phone or email.
- not replying to or returning your communications.
- stop communicating with you about a particular issue.
- stop communicating with you by phone and limiting communications to written contact; audio recording or via a designated third party/advocate.
- restricting access to GCC buildings.
- restrict or block your ability to communicate with us via social media.
- informing the Police where we are concerned about the personal safety of our staff or councillors.
- notifying other public sector colleagues.

## **Our Processes**

We have designated steps to ensure that our response to unacceptable behaviour is proportionate and fair. Where sanctions are being considered, we will provide an opportunity for behaviour to change before any significant sanctions are put in place.

Only in extreme circumstances will an individual member of staff apply sanctions on their own. In the main, the approval process for the application of any sanctions is set out below.

All contact that causes concern will be logged to provide the evidence to support any further/future action/escalation.

The steps we will take are summarised below.

### **Step 1. Identify behaviour as unacceptable**

In instances where a customer's behaviour is unacceptable, the relevant Head of Service will explain to them why and ask them to modify it; this explanation will be put in writing and sent to the individual. We will explain that if this does not happen, we will apply sanctions to their contact with us. We will then monitor their behaviour and give them the opportunity to improve.

### **Step 2. Sanctions on unacceptable behaviour**

If after we have asked for the behaviour to be modified and it continues to be unacceptable the relevant Director will agree proportionate sanctions to the customer's contact with us. These will be put in writing and sent to the individual and a copy kept on record at the county council.

Where the unacceptable behaviour continues, or where the behaviour is so extreme from the beginning that no other option is proportionate, whilst having regard to the specific situation the Director will consider completely or partially disengaging from contact with a customer and whether contacting the Police is necessary.

In circumstances where we cannot completely disengage contact with an individual for statutory reasons, we will ensure a contact plan is in place that is tailored to the individual and the specific circumstances to manage this contact. Any contact plan put in place under these circumstances will be subject to a continuous review.

### **Step 3. Recording & sharing information**

To ensure that we meet GDPR regulations regarding the storage and processing of personal data, we will be required to satisfy criteria that are set out as part of seven key principles:

- Lawful, fair and transparent  
The information that we will be processing as part of this policy is classed as 'personal data.' To lawfully do this, we need to satisfy one of the six bases as set out in Article 6 of GDPR for processing personal data. As such, this process meets the following base: '***Processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller.***'
- Purpose limitation  
We will only use the information collected for the purposes set out in this policy only. The information will not be used for any other purpose and will not be made available to anyone else not stated in this policy document.
- Data minimisation  
We will only be collecting data that is absolutely necessary to fulfil the purpose of this policy. Personal information will be limited to names, addresses, gender, and contact details, plus details of the unacceptable behaviour, the action taken and any sanction put in place with confirmation of the duration of sanctions. It may also be relevant to keep details regarding disability if this is cited as a reason for the unacceptable behaviour (neurodiversity). Any additional paperwork that is relating to a case will be uploaded onto a dedicated and secure SharePoint site, with paper copies discarded via confidentiality rules unless there is a specific need to keep the hard copies. Should this be the case, these paper copies will be kept with the Corporate Complaints team.
- Accuracy  
The information relating to any behaviour deemed unacceptable as per this policy will be kept on a dedicated SharePoint site, and input by colleagues who will be appointed and given the necessary access rights. A review of information kept will be completed every six months, with the Corporate Complaints team liaising with the individual Directorates across the organisation. Should individuals need to change any personal details outside of these six month reviews, they are to contact the individual Directorate teams or through the Corporate Complaints team.

- Storage limitation

The Corporate Complaints Team will have overall responsibility for the information collected and stored as part of the Unacceptable Behaviour process. It will, however, be the responsibility of individual Directorates to review data relating to their section every six months to ensure accuracy of the information kept. The Corporate Complaints Team will work with the Directorates to ensure this is maintained. The retention period for data relating to the Unacceptable Behaviour Policy will be specific to the type of incident and who is involved, and is covered as part of the Health and Safety reporting function:

**SHE 01.02 – Incidents/accidents that cause injury to adults.** To be retained for **3 years**.

**SHE 01.03 – Incident reporting of any case that does not involve personal injury.** To be retained for **6 years**.

Further specifics relating to the above can be found as part of the GCC Corporate Retention Schedule.

- Integrity and confidentiality

In order to keep information secure, we will create a SharePoint page specifically to store all of the relevant information required as part of this policy. Access to the page will be restricted to a selected list of officers where access will be given through the IT administrator channels as used Council wide. Any paper notes that currently exist will be shredded once information has been transferred to the SharePoint site, with the current list that is kept and maintained online to be archived and discontinued.

- Accountability

We have completed a DPIA checklist to confirm that all principles are being met and that privacy of details are embedded in the process. The completed checklist will be made available to view on the Unacceptable Behaviour SharePoint site.

#### **Step 4. Review of sanctions**

We hope that sanctions will not need to be applied indefinitely. So, where individuals commit to behaving with courtesy, respect, and fairness there will be opportunities to review behaviours and vary/lift sanctions where improvements have been sustained.

We will complete a review of sanctions every six months in line with the overall review of information kept and stored. The review will be initiated by the Corporate Complaints team liaising with the individual Directorates across the organisation. This policy also allows for the review of sanctions to be completed at any time deemed necessary in exceptional cases. Examples of exceptional cases include more extreme breaches involving threatening behaviour to staff, repeated or persistent failure to comply despite having imposed sanctions or as soon as sanctions are lifted. The definition of what constitutes an exceptional case will be

determined by the Corporate Complaints team in conjunction with the relevant Directorate representative and policy owner and judged on a case by case basis.

Individuals that are sanctioned will be informed in writing confirming the duration of the sanctions, when and how the sanctions will be reviewed, and the outcome of any review that is completed.

There is no appeal against the imposition of any sanctions.

### **Extreme behaviour**

Where behaviour is so extreme that we consider it to be an immediate threat to the safety and welfare of staff or others, a senior manager will consider whether it is necessary to report the matter to the Council's Legal Team and/or the Police to consider taking legal action. In such cases we may not give a warning to the individual but will inform them of the steps taken as soon as is appropriate.

### **Policy review process**

This Unacceptable Behaviour Policy will be reviewed every three years, or sooner depending on changes to relevant legislation during the interim period that requires the review date to be brought forward.

The policy owner will be responsible for ensuring that this policy is applied consistently and fairly according to the rules and processes that have been detailed. The policy owner will do this in conjunction with the Corporate Complaints team and relevant Directorates. A review ensuring the correct application of the policy will be completed every six months in line with the general review of all information kept and stored, in addition to the review of sanctions. The owner of the policy can initiate a review at any time outside of the set review period if deemed necessary.

Should any individual want to challenge how this policy has been applied, initial written communication is to be sent to the policy owner in the first instance to initiate a review relating to the specifics of the challenge. The findings of the review will be communicated in writing to the individual who raised the challenge.

The owner of this policy is Rob Ayliffe, Director of Policy, Performance and Governance.

| Last updated   | Signatory  | Version |
|----------------|--|---------|
| April 2024     | (Rob Ayliffe to sign)                                    | V1      |
| September 2025 | Approved by Director of Policy, Performance & Governance | V2      |