



Case Management Policy for Councillors –
Unacceptable behaviour and actions by
members of the public

March 2014

1. Introduction

The Council is a democratic body led by councillors who are elected to represent the communities which they serve. At the heart of the democratic process is the ability for there to be free and regular contact between members of the public and their councillors.

2. Unacceptable behaviours and actions by members of the public

Councillors will normally wish to give members of the public unlimited contact to them. However, there may be occasions where a member of the public makes unreasonable demands for information without apparent good reason or where they act in a manner to cause annoyance, or infringe the normal relations which exist between a member of the public and a councillor.

The common view of unacceptable behaviour is when a member of the public is abusive either verbally or physically. However, there are other behaviours which unreasonably impact on the relationship between the member of the public and a councillor. For example, where a person makes constant requests for information without apparent good reason or where they are acting in a manner to cause annoyance without the intention of resolving their query. It is particularly this type of behaviour on which a councillor may need guidance, in order to deal with the effects on themselves and the Council. In the most extreme cases a councillor may wish to request that the Case Management Policy for Councillors be invoked.

3. What are Unacceptable Behaviours and Actions?

The following definitions are not intended to cover all possible unacceptable or difficult behaviour by a member of the public; however, they are intended to provide a clear guide to support councillors.

- Offensive or insulting behaviour – behaviour which is rude or unpleasant including repeated use of inappropriate language.
- Abusive or threatening behaviour – behaviour which is threatening or intimidating, either through the use of abusive or threatening language or a clearly threatening manner or tone intended to intimidate. Abusive or threatening behaviour is where a councillor thinks that they have been personally abused or threatened as a result of a member of the public's behaviour.
- Difficult behaviour – this can be exhibited by any person causing the councillor dealing with them difficulty for whatever reason. It is important to note that this may not be due to any unacceptable behaviour by a member of the public. This could be due to them refusing to accept a decision

made by the Council or not agreeing with a policy which is already in place.

- Unreasonably persistent contact – repeated contact with the Council raising the same issues or a variation of the same issues each time. Taking a ‘scatter gun’ approach and contacting many different councillors, services and other bodies about the same issue. Unreasonably persistent behaviour could include repeat requests for information and unreasonable or inappropriate use of the councillor’s time.
- Unreasonable demands – expecting resolution or response within unreasonable timescales. Members of the public who demand to speak with councillors which would not normally be appropriate for that enquiry/contact.
- Discriminatory - failure to afford equal respect to an individual on the basis of disability, gender, race, religion, age, sexuality and marital status.

Where the behaviour is considered to be of a criminal nature, such as harassing/aggressive behaviour that threatens councillor safety and welfare, this may lead to police involvement or legal action. In such cases, the councillor or council may not give the member of the public prior warning of this action.

4. Equality and Diversity

If a councillor is aware that a particular member of the public has a disability or may find it difficult to use the Council’s services for any reason, they should consider whether this may cause them to exhibit certain types of behaviour which might otherwise be deemed difficult or unacceptable.

If a member of the public has a disability their behaviour can still be defined as difficult or unacceptable under this procedure. However, they are advised to use reasonable adjustments when communicating with a member of the public with disabilities if appropriate. They may also wish to consider seeking advice from a relevant support organisation or statutory service provider.

5. Measures which councillors may consider where they experience unacceptable behaviour or actions by a member of the public

In situations where a member of the public’s behaviour or action has become unacceptable, it is recommended that the councillor concerned writes to the person setting out their concerns. A sample letter is attached in Appendix A.

Should the behaviour or action continue it is suggested that they seek the advice of the Group Leader.

Should the Group Leader consider that the level of unacceptable behaviour or action has reached a level where it is not capable of being resolved between the councillor and the person concerned, it may be referred to the Monitoring Officer to determine whether this Case Management Policy should be applied to the individual concerned.

6. Case Management Policy as a result of a referral by a councillor regarding unacceptable behaviour and actions

To progress the issue, the person's name and contact details along with an account of numbers/types of contact and behaviours should be provided by the councillor to the Monitoring Officer.

The Monitoring Officer will then meet with the Customer & ICT Services Business Manager and the Executive Director (Resources & Support Services) who will jointly decide whether or not it is appropriate to invoke this Case Management Policy. At this stage information about interaction between the council and the individual will be reviewed. This meeting may consider information relating to any interaction between the council and the individual, including the information provided by the councillor.

This Case Management Policy is initiated when the Customer & ICT Services Business Manager writes to a person (via letter or email if appropriate) to explain why they are being monitored. The following information will be provided:

- The behaviour that has caused concern;
- The expectations of the Council with regards to future contact and behaviour from them;
- The time period for which their contact will be monitored - three months;
- The name and contact details of the person who will be their single point of contact from the date of the letter. This person will be the Customer & ICT Services Business Manager assisted by the Customer Relations Officer;
- The potential outcome, including any sanctions, if the person's behaviour does not significantly change;
- A copy of the Case Management Policy for Councillors.

Once the letter has been received, in normal circumstances, the person will be expected to only contact the Council via the nominated staff member who will monitor the frequency and content of the contact for a period of three months. However there may be instances where, for purposes of service delivery, correspondence may continue between the person and a designated officer in the service area .e.g .where a person continues to submit and receive Planning advice regarding an application. Such correspondence will be monitored by the Customer & ICT Services Business Manager for compliance with the Policy.

If after three months, contact has been acceptable, a letter will be written to the person to thank them for their co-operation and to inform them that their contact will no longer be monitored via this Case Management Policy.

If, after three months, the person's contact has continued to be unacceptable, the Chief Executive may decide to apply one of the following sanctions:

- Extend the monitoring period.
- Limit the contacts to a certain number per week/month, in a specified form (telephone/email/letter etc.) and during a particular time slot.
- In extreme circumstances ask the person not to contact the Council for a period of time after which the Case Management Policy for Councillors will be invoked again to monitor contact for a further period of three months.

The person must be informed in writing (via letter or email if appropriate) by the Customer & ICT Business Manager of any sanctions.

If the Chief Executive decides they will have no further contact with a member of the public, the Customer & ICT Business Manager must take all reasonable steps to advise all Council staff and Members of future arrangements for handling that member of the public.