



**BANNAU BRYCHEINIOG (BRECON BEACONS)
NATIONAL PARK AUTHORITY**

UNREASONABLE BEHAVIOUR POLICY (EXTERNAL)

October 2024



Unreasonable Behaviour Policy (External)

The intention of this policy

The intention of this policy is to create a clear understanding of what is considered acceptable and unacceptable behaviour when working with officers and Members of Bannau Brycheiniog National Park Authority (The Authority) and to address the rare occasions when unacceptable behaviour is encountered.

Our volunteers also undertake valuable work for the Authority and are not expected to deal with unreasonable behaviour. If they encounter any problems they are asked to inform staff who will operate in line with this policy.

Introduction

The Authority is keen to positively and proactively work with the public and to resolve any issues that may arise. It includes dealing with abusive, persistent or unreasonable behaviour and vexatious complaints from members of the public.

This policy has four main sections:

Section 1: Unreasonable behaviour when contacting or dealing with The Authority

Section 2: Vexatious/persistent complainants

Section 3: Options to restrict and manage contact

Section 4: Record keeping and monitoring of those who are subject to the unreasonable behaviour policy

The purpose of this policy

- to define the behaviours that are not acceptable to the Authority, including behaviour by people making formal complaints
- to ensure that the ability of staff and Members to conduct business is not adversely affected by individuals who behave in an unreasonable manner
- to ensure that our employees and Members have a safe working environment and are not exposed to unnecessary stress, harassment, threat of violence or actual violence due to the unacceptable behaviour of others, and that they are supported as appropriate
- to ensure that employees and Members can deal confidently and effectively with unreasonable behaviour

Who does this policy apply to?

This policy applies to all members of the public and all those who have contact with the Authority.

Section I:

Unreasonable behaviour when contacting Bannau Brycheiniog National Park Authority

The Authority has a duty of care to its employees and Members to protect them from avoidable stress and upset at work and to use policies and procedures to protect them from what we consider to be unacceptable levels or types of contact. We recognise that when you contact the Authority you may have reason to feel aggrieved, upset or distressed. However, it is not considered acceptable when these feelings become aggressive and/or personal and are directed towards individual members of staff or Members.

1.1 What behaviour is unreasonable?

1.1.1 Unreasonable behaviour is behaviour or language, whether face to face, by telephone, social media, SMS (text message) or written, that may cause staff or Members to feel intimidated, threatened or abused. Examples may include:

- Threats of violence
- Verbal abuse
- Racist, sexist or discriminatory language of any kind
- Derogatory remarks
- Offensive language
- Rudeness
- Making inflammatory statements
- Raising unsubstantiated allegations
- Any form of physical abuse
- Excessive telephone calls, emails or letters

1.1.2. The Authority does not view assertive behaviour (such as putting forward your case in a persuasive manner) as unreasonable.

1.1.3. However, we will manage behaviour that is aggressive, violent, threatening, rude or abusive, or which places unreasonable demands on our staff or Members under this policy. If an employee or a Member is talking to a member of the public either face to face or by telephone or via any other means, should the member of the public become abusive or the colleague feel threatened they are empowered to terminate that contact immediately.

1.2. Unreasonable requests and communication

1.2.1. Requests may be considered unreasonable either by the nature and /or scale of service expected. Examples may include:

- Requesting a response within unreasonable timescales
- Insisting on speaking with certain officers / Members
- Adopting a 'catch-all' or scattergun approach by contacting officers, Members or third parties about the same issue

1.2.2. Communication may be considered unreasonable if, for example, individuals:

- Continually contact us while we are in the process of looking at a matter
- Make a number of approaches about the same matter without raising substantively new issues
- Refuse to accept a decision made where explanations for the decision have been given
- Continue to pursue complaints / issues which have no substance
- Continue to pursue complaints/issues which have already been investigated and determined
- Continue to raise unfounded or new complaints arising from the same set of facts
- Continue to make contact by one method of communication when the Authority has requested contact via a particular means

1.2.3. We recognise that our resources, including staff time have to be used where they can be most effective. This might mean that we cannot respond to every issue in the way a person would like if, in doing so, it would take up what the Authority regards as being a disproportionate amount of time and resources that could be used elsewhere to support our wider obligations.

1.2.4. Sometimes, due to the volume of work we deal with, we may not be able to respond immediately to requests. This does not mean that those concerns are any less important to us. If we have asked for your patience, but you continue to pursue your concerns, we may consider such behaviour to be unreasonable.

1.3 Unreasonable communication through social media

1.3.1. Social media is a rapidly evolving area of technology that many public bodies are using to build relationships with the public, both visitors and local communities. However, this form of communication can sometimes be used to bully and harass staff and Members. Many social media users fail to observe basic good manners online. All social media users should adopt the same level of courtesy used when communicating via email, telephone or face to face.

1.3.2. If a member of the public posts a message that may cause offence – or is otherwise unsuitable – about a member of staff or a Member, the Authority will do its best to have that post removed from the social media site in the first instance by asking the originator of the post to take it down.

1.3.3. When social media is used inappropriately (cyber bullying), the service area will try to identify the offender, take steps to remove the offending material from view and, where appropriate, initiate action against the offender.

1.3.4. Inappropriate content includes pornography, racial or religious slurs, gender specific comments, information encouraging criminal or terrorism activity, threats, abuse or personal comments which may be regarded as defamatory. This definition of inappropriate content or material also covers any text, images or other media that could reasonably offend someone based on race, age, sex, religious or political beliefs, national origin, disability, sexual orientation or any other characteristic protected by law.

1.4. How we will manage unreasonable behaviour

1.4.1. All Authority staff and Members are empowered to manage unreasonable behaviour. The Authority has a zero-tolerance position on physical violence, verbal abuse, threats or harassment against our staff and Members. Any personal assault against staff or Members will be reported to the police who may decide to prosecute.

1.4.2. The decision to invoke this policy and place restrictions (see section 3) on an individual will be taken by a senior manager or a service director of the service area that has been affected by the unreasonable behaviour. In the case of Members, this will be a joint decision between the Monitoring Officer and the Chief Executive.

1.4.3. For individuals whose behaviour has been found to be unreasonable, the Authority has developed a list of possible ways in which their contact with us can be managed or restricted. These options can be found in section 3. Any one of the options, or a combination of these may be applied to an individual.

1.4.4. In cases where staff or Members have felt physically threatened by a potentially violent individual, we will consider placing a violence warning marker on our record management system / safety risk register

1.4.5. In all cases, the Authority will only place restrictions on an individual if we have informed them that their behaviour is unreasonable and have asked them to modify their behaviour. We will explain what action will be taken if the warning is ignored. If they do not modify their behaviour, we will take steps to restrict their communications / contact with us.

1.4.6. If we decide a restriction is appropriate, we will consider which of the options best fits the circumstances. The level of restriction that we apply will be proportionate, taking into account the nature, extent and impact of the unreasonable behaviour.

1.4.7. We will be transparent and will write to the individual to explain what restriction /s we are putting in place, our reasons for doing so, and how long the restriction /s will apply.

1.4.8. The restrictions will be in place for a maximum period of 12 months and the restrictions will be reviewed periodically (typically on a 6 month basis). The individual will be informed of the review frequency in the original explanatory letter.

1.4.9. We will inform the individual if the result of the review is that the restriction that we have put in place has been changed or extended.

Section 2:

Vexatious / persistent complainants

2.1 Clarification

2.1.1. An individual is 'vexatious or persistent' if they demonstrate unreasonable behaviour while making (or having made) a formal corporate complaint against the Authority using the Complaints and Concerns Policy.

2.1.2. Dealing with a complaint is a straightforward process, but, in a minority of cases, people pursue their complaints in a way which can either impede the investigation of their complaint or can have significant resource issues for the Authority. This can happen either while their complaint is being investigated or once the Authority has finished dealing with the complaint.

2.2. How we deal with complaints

2.2.1. We are committed to dealing with all complaints in line with our policies.

2.2.2. Complaints regarding Members are dealt with through the Public Services Ombudsman for Wales and by our Standards Committee.

2.3. What do we mean by unreasonable behaviour

2.3.1. Unreasonable behaviour is defined above (section 1.1) and can be applied to complaints going through the formal complaints process.

2.3.2. We will take action to protect staff from unreasonable behaviour. If a complainant behaves in a way that is unreasonably persistent or vexatious, we will follow this policy, which may include invoking one or more of the options detailed in section 3.

2.3.3. Raising legitimate queries or criticisms of a complaints procedure as it progresses (for example if policy timescales are not met) should not in itself lead to someone being regarded as a vexatious or unreasonably persistent complainant.

2.3.4. Similarly, the fact that a complainant is unhappy with the outcome of a complaint and seeks to challenge it once, or more than once, should not necessarily cause him or her to be labelled vexatious or unreasonably persistent.

2.4 Definitions

2.4.1. We define unreasonably persistent and vexatious complainants as those complainants who, because of the frequency or nature of their contacts with the Authority, hinder our

consideration of their or other people's complaints. The description 'unreasonably persistent' and 'vexatious' may apply separately or jointly to a particular complainant.

2.4.2. Examples include the way or frequency that complainants raise their complaint with employees, or how complainants respond when informed of our decision about their complaint.

2.4.3. Features of an unreasonably persistent and / or vexatious complainant include the following (the list is not exhaustive, nor does one single feature on its own necessarily imply that the person will be considered as being in this category):

2.4.4. An unreasonably persistent and/or vexatious complainant may:

- Have insufficient or no grounds for their complaint and be making the complaint only to annoy, or for other reasons that are not made obvious
- Refuse to specify the grounds of a complaint despite offers of assistance
- Refuse to cooperate with the complaints investigation process while still wishing their complaint to be resolved
- Refuse to accept that issues are not within the remit of the complaints policy and procedure despite having been provided with information about the scope of the policy and procedure (eg planning appeals)
- Refuse to accept that issues are not within the power of the Authority to investigate, change or influence (eg something which is the responsibility of another organisation)
- Make what appear to be groundless complaints about a Member of staff or Members dealing with the complaints and seek to have them dismissed or replaced
- Make an unreasonable number of contacts with us, by any means, in relation to a specific complaint or complaints
- Make persistent and unreasonable demands or expectations of employees, Members or the complaints process (e.g. someone who insists on immediate responses)
- Harass or verbally abuse or otherwise seek to intimidate staff or Members dealing with their complaint, by use of foul, inappropriate or otherwise offensive language
- Raise subsidiary or new issues whilst a complaint is being addressed that were not part of the complaint at the start of the complaint process
- Introduce trivial or irrelevant new information whilst the complaint is being investigated and expect this to be taken into account and commented on
- Change the substance or basis of the complaint without reasonable justification whilst the complaint is being addressed
- Deny statements they made at an earlier stage in the complaint process
- Electronically record meetings and conversation without the prior knowledge and consent of the other person involved
- Adopt a 'scatter-gun' approach. For example, by pursuing a complaint with the Authority, other public bodies, Members of the Authority or other public bodies, the police, solicitors, and the Public Services Ombudsman for Wales

- Refuse to accept the outcome of the complaint procedure after conclusion, repeatedly arguing the point, complaining about the outcome, and/or denying that an adequate response has been given
- Make the same complaint repeatedly, perhaps with minor differences, after the complaints procedure has been concluded, and insist that the minor differences make these new complaints which should be put through the full complaints procedure
- Persistently approach the Authority through different routes about the same issue
- Persist in seeking what has been explained to be an unrealistic outcome for legal, policy or other valid reasons
- Refuse to accept documented evidence as factual
- Complain about or challenge an issue based on an historic and irreversible decision or incident
- Combine some or all of these features
- Insist on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice

2.5 How we will manage vexatious or persistent complainants

2.5.1 The complaints team will bring to the attention of the relevant Director if a complainant is becoming persistent or vexatious. When the decision has been taken to apply this policy, a warning letter will be sent from the Director of the service area to the complainant that unless the behaviour changes the policy will be invoked. A copy of the letter will be sent to the Chief Executive.

2.5.2. If the behaviour persists, the Chief Executive may make the decision to make the individual a vexatious complainant. The Chief Executive will contact the complainant in writing to explain:

- Why we have taken the decision
- What action we are taking (list of options in section 3)
- The duration of that action
- The review process of this policy
- The right of the complainant to contact the Public Services Ombudsman for Wales about the fact that they have been treated as a vexatious /persistent complainant

2.5.3. The Chief Executive will include a copy of this policy with the letter to the complainant.

2.5.4. Where a complainant continues to behave in a way which is unacceptable, the Chief Executive, following consultation with a senior manager, may decide to refuse all contact with the complainant and stop any investigation into his or her complaint.

2.5.5. Where the behaviour is so extreme or it threatens the immediate safety and welfare of our staff or Members, we will consider other options, for example reporting the matter to the police or taking legal action. In such cases, we may not give the complainant prior warning of that action.

2.6. New complaints from complainants who are treated as abusive, vexatious or persistent

2.6.1 New complaints from people who have had their behaviour addressed under this policy will be treated on their merits. The Chief Executive will decide whether any restrictions applied previously are still appropriate and necessary in relation to the new complaint. We will not ignore genuine service requests or complaints where they are founded.

2.6.1 The fact that a complainant is judged to be unreasonably persistent or vexatious, and any restrictions imposed on our contact with them will be recorded and notified to those who need to know within the Authority.

2.7 Review

2.7.1 The status of a complainant judged to be unreasonably persistent or vexatious will be reviewed by the Chief Executive after six months and at the end of every subsequent six months within the period in which the policy is to apply.

2.7.2 The complainant will be informed of the result of this review if the decision to apply this policy to them has been changed or extended.

2.8 Referring unreasonably persistent or vexatious complainants to the Public Services Ombudsman for Wales

2.8.1 In some cases the relationship between the Authority and an unreasonably persistent or vexatious complainant may break down completely whilst complaints are under investigation and there is little prospect of achieving a satisfactory outcome. In such circumstances, there may be little purpose in following all the stages of the complaints procedure. Where this occurs, the Public Services Ombudsman for Wales may be prepared to consider a complaint before the procedure has run its course.

Section 3:

Options to restrict and manage contact

Option 1:

Requiring you to contact a named employee(s) only (single point of contact).

Option 2:

Restricting contact (whether via telephone, face to face, or digital) to specified places, days and times as agreed with you.

Option 3:

Terminating contact if you persistently raise issues to which we have already responded in full, no matter how these contacts are made. If we believe a pseudonym is being used, we will seek to confirm true identity.

Option 4:

Terminating contact if you are aggressive, rude, abusive or offensive or if our staff or Members feel threatened by you. As in Option 3, if we believe a pseudonym is being used, we will seek to confirm true identity.

Option 5:

If you have threatened our staff or Members with physical violence verbally, face to face, in writing, or in any other form we may place a warning marker on any electronic records management systems where we hold your records.

Option 6:

Restricting the issues we will correspond on.

Option 7:

If you send us a large volume of irrelevant information we may return any documentation to you. We may advise you that further irrelevant information will be destroyed.

Option 8:

If we have already fully explained our reasons for a decision and you have exhausted the procedure to request a review of that decision, we will decline to respond to further correspondence which does not raise new issues and we will expect you to clearly identify those new issues. The correspondence will be read and filed but we will not acknowledge your correspondence unless you provide what we consider to be significant new information or evidence relating to the matter.

Option 9:

We may block or re-direct your emails to a single point of contact (SPOC) if the number and length of emails sent causes difficulties for us to conduct our business.

Option 10:

We will not respond to correspondence (via any means) which is abusive or offensive.

Option 11:

If you make a large number of reports to us which prove to be unfounded, we may ask that in future any further allegations you submit are supported by an independent third party such as a legal representative or advocate to ensure that our resources are used in an appropriate way.

Option 12:

If you post derogatory, defamatory, offensive or threatening remarks on social media and you have not voluntarily taken them down we will ask the site to remove them and to block your account.

Option 13:

If you are aggressive, threatening or uncooperative to staff or Members or other members of the public in an Authority owned site, or in a Authority meeting whether in person or online we will ask you to leave or exclude you from the meeting and ban you from attending Authority meetings or entering Authority sites for an agreed period.

Section 4:

Record keeping and monitoring of those subject to the unreasonable behaviour policy

4.1 The Authority will retain adequate records of the details of the case and the action that has been taken when this policy has been invoked. The Authority will retain a record of:

- The name and address of each member of the public who is treated as abusive, vexatious or persistent and is being managed under this policy
- The name and address of anyone that has been identified as potentially violent towards our staff or Members and has a warning marker on our record management systems
- When the restriction came into force and when it ends
- What the restrictions are
- When the member of the public was advised of the restrictions

4.2 Where a person has been identified as potentially violent and we have an electronic records management system that already contains details of the individual or premises, we will activate a warning marker on our system. We will generally notify the individual, however, there may be exceptional circumstances in which we would decide not to notify them – for example if we believe this will provoke a violent reaction.

4.3 The Audit and Risk Committee which receives reports about complaints, will be provided with an annual report giving information about members of the public who have been dealt with under this policy.