



West
Yorkshire
Combined
Authority

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West Yorkshire



Unreasonable Behaviour Policy

March 2024

Unreasonable Behaviour Policy

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1. Policy Purpose

- 1.1 The purpose of this Policy is to deal fairly, transparently, and proportionately with unreasonable behaviour from members of the public, while making sure that all relevant concerns are addressed without other service users being unfairly or unreasonably disadvantaged.
- 1.2 It will also help officers of West Yorkshire Combined Authority (the Combined Authority) and those officers with responsibility for supporting the West Yorkshire Mayor and/or Deputy Mayor for Policing and Crime to understand what is expected of them, what options for action are available, and who can authorise these actions.
- 1.3 We know that people have very different needs and circumstances. In serving over 2 million people, we have to ensure we are fair and that we balance competing needs, and that our resources are used proportionately and appropriately. We want to make sure we are aware of all legitimate complaints and casework enquiries and that we have the right information to do something about them promptly, effectively, and efficiently, whilst at the same time, having a policy in place to identify unreasonable, and unreasonably persistent behaviour.

2. Policy Scope

- 2.1 This policy applies to any individuals contacting or otherwise accessing the Combined Authority's services, whether in person or otherwise, and includes unreasonable behaviour directed towards the Mayor, the Deputy Mayor for Policing and Crime and Combined Authority staff, and Members.

3. Related Policies and Procedures

- 3.1 The policies that are related to this one include:
 - Customer Complaints Policy
 - Data Protection & Confidentiality Policy
 - FOI/EIR & Transparency Policy
 - Whistleblowing Policy
 - Procedure for Considering Complaints in Relation to Members' Code of Conduct
 - Procedure for Managing and responding to threats, aggressive behaviour, violence, and crime from members of the public.

4. Definition

- 4.1 Unreasonable behaviour is exhibited by individuals who, because of the frequency, persistency or the manner in which an individual makes contact with the CA, whether intentionally or unintentionally, hindering consideration of the their own., hinder consideration of their own, or other people's complaints or casework.
- 4.2 It should be noted that an individual can be persistent on an entirely reasonable basis. Sometimes persistence is not only justified but necessary.

- 4.3 Unreasonable behaviour, however, is unacceptable. Individuals may have justifiable cause for concern but may be pursuing it in inappropriate ways, or they may be simply intent on pursuing matters which appear to have no substance, or which have already been addressed and determined. Their contact with the Combined Authority might be placing very heavy demands on staff time, or the individual may be very emotionally charged creating a distressing situation for all those involved.
- 4.4 Examples of behaviour that the Combined Authority considers to be unreasonable, can be found at Appendix 1.

5. Stage 1: Considerations Before Taking Action

- 5.1 Before deciding whether the policy should be applied, the officer dealing with the individual, in consultation with their line manager will satisfy themselves that:
- The complaint or casework is legitimate and is being, or has been, handled in a reasonable and proportionate manner.
 - Any decision reached is an appropriate one and has been communicated clearly to the individual.
 - Communications with the individual have been adequate, timely and appropriate and that they have received additional support where it is needed.
 - The individual is not providing any significant new information which might affect the views of the staff handling the matter.
 - Consideration needs to be given as to whether the individual is suffering from a disability, and determine whether any adjustments need to be made.
- 5.2 Before the officer dealing with the individual seeks to apply this policy, they will provide the individual with a warning that should their actions continue, steps will be taken to apply this policy. The officer will confirm the behaviour of the individual that the officer deems to be unreasonable. The officer will also provide the individual with a copy of this Policy as part of this correspondence.
- 5.3 Where the officer, deems the behaviour falls within the definition of wholly unacceptable, as set out in Appendix 1, no warning will be given, and the matter will move straight to Stage 2. The Combined Authority has a no tolerance approach to this type of behaviour.

6. Stage 2: Applying This Policy

- 6.1 Where an officer dealing with the individual seeks to apply this Policy, the case will be referred to their Head of Service who will determine whether this policy should be applied.
- 6.2 If the Head of Service determines that the behaviour exhibited meets one or more of the definitions set out in Appendix 1, they will write to the individual confirming:
- that the decision has been taken to make them subject to this Policy,
 - when the decision was taken
 - whether any restrictions have been applied, and any affect it may have on how they contact the Combined Authority
 - when the decision will be reviewed / how long the restriction(s) will last.

- that the decision does not prohibit them from exercising any of the statutory rights such as their right to make a Freedom of Information or Data Subjects Rights Request unless such contact can be characterised as a repeated, vexatious, or unreasonable use of the legislation.

The individual will also be provided with a copy of this Policy if they have not been previously provided with one.

Options for action

6.3 The following is a non-exhaustive list of restrictions which the Combined Authority may apply where an individual's behaviour is found to be unreasonable:

- Placing time limits on telephone conversations and personal contact.
- Restricting the manner and form of communications with the individual.
- Restricting the number of telephone calls that will be taken from the individual.
- Limiting the individual to one appropriate method of contact (telephone, letter, or email) and/or requiring the individual to communicate only with one named member of staff.
- Requiring any personal contact to take place in the presence of a witness.
- Requiring the individual to use an advocate for any further contact.
- Refusing to register, process or discuss further contact about the same matter.
- Drawing up a signed agreement with the customer that sets out a code of behaviour.
- Providing the individual with acknowledgements to their correspondence only unless the correspondence relays significant new information.
- Reading future correspondence and placing them on the file without acknowledgment or response, unless the correspondence relays significant new information.
- Asking the customer to re-submit their complaint without the inclusion of discriminatory/offensive language before the complaint will be dealt with.

6.4 In addition to any restrictions placed on the individual, where material, comments or actions are grossly offensive or threatening and may be construed as an offence under the Public Order Act 1986, the Protection from Harassment Act 1997 or the Malicious Communications Act 1988, the Combined Authority may involve the police or institute proceedings.

7. Stage 3: Reviewing the Restrictions

7.1 Usually 6 months from the start of the restrictions, the Head of Service who applied the restrictions under Stage 2 will review the restrictions in place and assess whether they are still appropriate. Where restrictions are no longer required, they will be lifted.

7.2 Decided on a case by case basis, the Head of Service will write to the individual confirming:

- The outcome of the review,

- Whether any restrictions continue to apply, and any affect it may have on how they contact the Combined Authority,
- when the decision will next be reviewed.

7.3 Where restrictions are lifted, and an individual exhibits similar behaviour which resulted in the restrictions being applied, the officer dealing with the individual, in consultation with their line manager, may proceed to Stage 2 of this Policy, without first applying Stage 1.

8. Unreasonable Behaviour Log

- 8.1 When individuals are demonstrating unreasonable behaviour and this policy has been applied to that individual, a record of this must be kept.
- 8.2 All incidents of unreasonable behaviour will be documented in an unreasonable behaviour log.
- 8.3 This record will be managed and maintained by the Head of Legal and Governance Services.

9. Equality Impact Assessment

9.1 In the creation of this policy, consideration has been given to any possible adverse equality impact for the following groups: disability; gender; gender reassignment; marital status (including civil partnerships); sexual orientation; race; religion or beliefs; age; pregnancy and maternity. The policy is considered to have little or no adverse equality impact.

10. Data Protection

- 10.1 Personal data provided to the Combined Authority as part of the enquires and complaints process is processed under our statutory obligation to respond to enquiries or complaints. The data is not processed for any other purpose or shared with any third parties other than where this is necessary for the handling of the complaint. The data will be retained for a period of minimum 1 year following the resolution of the complaint and then securely destroyed. Our full privacy notice can be viewed on our website at <https://www.westyorks-ca.gov.uk/footer/privacy-notice> and <https://www.westyorks-ca.gov.uk/footer/privacy-notice-and-cookie-policy/cookie-policy/>
- 10.2 Enquiries or Complaints Made on Behalf of Other People – Should you wish to make a complaint on behalf of someone else and where this involves divulging their personal information to us, we will usually require evidence of consent from that person before we will investigate. Should this not be possible, our ability to investigate the complaint will be considered on a case-by-case basis, in line with the requirements of relevant legislation (e.g., The Data Protection Act).

11. Policy Review or Changes

11. The West Yorkshire (Mayoral) Combined Authority reserves the right to amend the details of this policy as required following consultation with relevant parties. This policy will be monitored and reviewed on an annual basis, to ensure that it meets the needs of the West Yorkshire (Mayoral) Combined Authority and ensure compliance with relevant legislation.

Appendix 1: What We Consider Unreasonable Behaviour

The Combined Authority, sets out below some of the behaviours it considers unreasonable with reference to further sub-headings. This is not an exhaustive list but provides some examples that have frequently come to the attention of the Local Government and Social Care Ombudsman or Independent Office for Police Conduct (IOPC):

Unreasonable Behaviour

- Refusing to specify the grounds of a complaint, despite offers of assistance.
- Refusing to cooperate with the Combined Authority's processes for handling complaints or casework while still wishing their issue to be resolved.
- Adopting false identities or forging documents.
- Refusing to accept that issues are not within the remit of the Combined Authority (including its Policing and Crime function), despite having been provided with information about their powers and responsibilities.
- Insisting on a complaint being dealt with in ways which are incompatible with the complaints policy, relevant legislation, or statutory guidance.
- Making what appear to be groundless complaints about the staff dealing with the issue(s) and seeking to have them replaced.
- Changing the basis of a complaint as the matter proceeds and/or denying statements made at an earlier stage.
- Introducing trivial or irrelevant new information which the individual expects to be taken into account and commented on, or raising large numbers of detailed but unimportant questions and insisting they are all fully answered.
- Making inflammatory statements and unsubstantiated allegations.
- Electronically recording meetings and conversations without the prior knowledge and consent of the other persons involved.
- Adopting a 'scattergun' approach: pursuing an issue with the Combined Authority and at the same time with others such as with the Chief Constable, a Member of Parliament, local councilors, the IOPC etc.
- Making unreasonably excessive demands on the time and resources of staff while an issue is being looked into, for example by excessive telephoning or sending emails to numerous people, writing lengthy complex letters every few days and demanding immediate responses.

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- Submitting repeat complaints or casework, after proper processes have been completed, essentially about the same issues, with additions and/or variations which the individual insists make these 'new' matters which should be thoroughly considered.

Unreasonable Demands

- Insisting a complaint is dealt with outside of the Combined Authority's Customer Enquiries and Complaints Policy.
- Demanding responses within an unreasonable timeframe.
- Persistently demanding to see or speak to a particular member of staff.
- Continuing to raise issues that fall outside the remit of the Combined Authority and refusing to accept this once notified.
- Continual phone calls, letters or other customer contact including via Social Media channels. comments that are not relevant to the matter – all these must be looked at and included in our consultation reports.
- Demanding unreasonable compensation. This includes demands disproportionate to the complaint or demands for compensation from the Combined Authority without legal basis

Unreasonably Persistent Behaviour

- Actions that are obsessive, persistent, harassing, prolific, repetitious and/or otherwise unreasonable
- An insistence on pursuing unjustifiable complaints or other matters and/or unrealistic outcomes; beyond reason
- An insistence on pursuing justifiable complaints or other matters in an unreasonable manner or being uncooperative with those trying to resolve them
- Persistent refusal to accept a decision or accept an explanation made by the Combined Authority
- Continuing to pursue a concern without presenting any additional information.
- Repeatedly making the same complaint, sometimes with minor differences and insisting this is a new issue that requires consideration.
- Adopting an excessive "scattergun" approach by submitting the same complaint to the Combined Authority and other external stakeholders at the same time or by persistently communicating with and pursuing complaints and issues through different Combined Authority contacts and departments at the same time.
- Continuing to pursue a complaint that relates to an issue based on a historic case.
- Excessive demands on the Combined Authority's resources including lengthy phone calls, multiple emails, or insistence on face to face contact.
- Repeated comments submitted to surveys.

Wholly Unacceptable Behaviour

- Swearing, threatening and abusive words or behaviour
- Racial, religious, or sexual abuse
- Making personal derogatory comments about the individual
- Shouting at or seeking to intimidate
- The making of threats.

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- The making of threats of physical violence, abuse, derogatory remarks and/or rudeness, in writing or spoken.
- Threats, harassment, and other attempts to intimidate, which would include, but is not limited to, the posting of material on all and any social media platforms.
- Unsubstantiated allegations including unjustified complaints about staff who are trying to deal with the issues.
- Continued/ persistent contact, unwanted attention or stalking of a specific staff member/s. This includes in person and online for example staff members personal social media account or contact details.

Staff members have the right to terminate telephone calls where they consider that the caller is being aggressive, abusive, or offensive, after telling the caller that their behaviour is unacceptable and/or is placing unreasonable demands on the organisation. In this event a note will be made of the action taken.

Staff members who directly experience aggressive, offensive, abusive or unreasonable behaviour from an individual have the right to deal immediately with this behaviour either by removing themselves from the situation or asking the individual to leave the premises.

Document Control

Title:	Unreasonable Behaviour
Version number:	1.4
Effective from:	March 2024
Revision date:	March 2025
Authorised by:	Corporate Centre Management Board -
Policy Owner:	Head of Legal and Governance
Directorate:	Corporate Centre
Unique document ID reference:	<i>TBC – for records management purposes</i>



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All information correct at time of writing