



National Park Authority Unacceptable Behaviours Policy

Version: 2_0 September 2021

Owner: Corporate Performance

Approved: Executive September 2021

1. Purpose and scope	1
2. How is unreasonable complaint behavior defined?	2
3. Examples of unreasonable persistent behaviour.....	2
4. Examples of abusive and/or vexatious complainants.....	3
5. Managing unreasonable complaint behavior.....	3
6. Matters to take into account before taking action	4
7. Imposing restrictions	4
8. Appealing a decision to restrict contact.....	5
9. New complaints from those who have been treated as being abusive, vexatious and/or unreasonably persistent complainants	5
10. Review of restrictions.....	5
11. Equality and Diversity Impact Assessment	6
12. Best Value	6
13. Document controls.....	6

1. Purpose and scope

The National Park Authority is committed to providing a complaints process that is accessible to all. This Policy sets out our approach to those relatively few customers whose actions or behaviour we consider unacceptable. The term 'customer' includes anyone acting on behalf of a customer or anyone who contacts the National Park Authority in connection with a complaint.

It is considered that all customers have the right to have their concerns examined in line with the relevant complaints procedure. In most cases, dealing with complaints will be a straightforward process; however in a minority of cases, the customer may act in a manner that is deemed unacceptable.

A customer may act in a way that is considered abusive, unreasonably persistent or vexatious, and by doing so it may hinder the National Park Authority's ability to investigate their complaint or the complaints of others. This behaviour may occur at any time before, during or after a complaint has been investigated.

The time spent on dealing with all complaints should be proportionate to the nature of the complaint and consistent with the outcome that is being sought being realistic and achievable.

2. How is unreasonable complaint behavior defined?

It should be noted that raising a complaint about a National Park Authority service does not in itself constitute unreasonably persistent behaviour, neither do customers who escalate through all stages of the relevant complaints procedure, or those who express criticism about the complaints process itself.

Unreasonable and unreasonably persistent complainants are those customers who, because of the nature or frequency of their contact, unreasonably hinder the National Park Authority's work and adversely impact on the delivery of public services.

3. Examples of unreasonable persistent behaviour

(This list is not exhaustive, nor does one single characteristic on its own imply that the person will be considered as being in this category)

- Refusing to specify the grounds of a complaint, despite offers of help.
- Refusing to cooperate with the complaints investigation process.
- Refusing to accept that certain issues are not within the scope of the National Park Authority's jurisdiction or within the scope of a complaints procedure.
- Insisting on their complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.
- Making unjustified complaints about staff who are trying to deal with the issues, and seeking to have them replaced.
- Changing the basis of the complaint as the investigation proceeds.
- Denying or changing statements made at an earlier stage.
- Introducing trivial or irrelevant new information at a later stage.
- Raising many detailed but unimportant questions, and insisting they are all answered.
- Submitting falsified documents from themselves or others.
- Adopting a 'scatter gun' approach: pursuing parallel complaints on the same issue with various members of staff and/or organisations.
- Making excessive demands on the time and resources of staff with lengthy phone calls, emails to numerous staff, or detailed correspondence every few days, and expecting immediate responses.

- Submitting repeat complaints with minor additions/variations, which the complainant insists make these 'new' complaints.
- Refusing to accept the decision; repeatedly arguing points with no new evidence.

4. Examples of abusive and/or vexatious complainants

The National Park Authority will take steps to protect its staff from members of the public who are behaving in a way which is considered abusive and/or vexatious. This may include physical or verbal abuse and could include the following (however this list is not exhaustive):

- Speaking to a member of staff in a derogatory manner which causes offence.
- Swearing, either verbally or in writing despite being asked to refrain from using such language.
- Repeatedly contacting a member of staff regarding the same matter which has already been addressed
- Threatening or abusive language, verbally or in written communications of any kind, including social media
- Making unsubstantiated allegations against a member of staff
- Physical aggression towards a member of staff

5. Managing unreasonable complaint behavior

This policy may be invoked if the National Park Authority considers that a customer has behaved in a manner which is deemed unreasonable (see above). The National Park Authority may take any actions against a customer that it considers to be reasonable and proportionate in the circumstances.

Types of actions the National Park Authority may take include:

- Where a customer tries to reopen an issue that has already been considered through the National Park Authority's complaints process, they will be informed in writing that the process has been exhausted and that the matter is now closed.
- Where a decision on a complaint has been made, the customer will be informed that future correspondence will be read and placed on file, but not acknowledged, unless it contains important new information.
- Limiting the customer to one type of contact (e.g. telephone, letter, email, etc.).
- Placing limits on the number and duration of contacts with staff per week or month.
- Requiring contact to take place with a named member of staff and informing the customer that if they do not keep to these arrangements, any further correspondence that does not highlight any significantly new matters will not necessarily be acknowledged and responded to, but will be kept on file.

- Assigning one officer to read the customer's correspondence, in order to ensure appropriate action is taken.
- Offering a restricted time slot for necessary calls to specified dates and times.
- Requiring any face to face contacts to take place in the presence of a witness and in a suitable location.

6. Matters to take into account before taking action

Before taking a decision to invoke this policy, consideration should be given to whether any further action is necessary, such as:

- Consideration about whether it is appropriate to convene a meeting with the customer and a senior officer in order to seek a mutually agreeable resolution
- If it is known or suspected that the customer has any special needs, suggest the assistance of an independent advocate to help the customer with their communication with the National Park Authority
- Where more than area of business is being contacted by the customer, agree a cross departmental approach; and designate a lead officer to co-ordinate the National Park Authority's response.
- Staff must be satisfied before taking any action as defined by this policy that the customer's individual circumstances have been taken into account including such issues as age, disability, gender, race and religion or belief.

7. Imposing restrictions

In the first instance the Corporate Performance Team in consultation with the relevant Operational Manager will communicate to the customer either by phone or in writing to explain why their behaviour is causing concern, and ask them to change their behaviour. The Corporate Performance Team will explain what actions the National Park Authority may take if their behaviour does not change.

If the customer continues with their unreasonable behaviour the Corporate Performance Team will consider whether it is necessary to take appropriate action by invoking this policy.

When the decision has been taken to apply this policy to a customer, the Corporate Performance Team will contact the customer in writing (and/or as appropriate) to explain:

- why this decision has been taken,
- what action the National Park Authority will be taking,
- the duration of that action, and

- the review process of this policy.

If the customer continues to behave in a way which is deemed unacceptable, the Corporate Performance Team, in consultation with the Executive Team may decide to refuse all contact with the customer and cease any investigation into his or her complaint.

Where the behaviour is so extreme or it threatens the immediate safety and welfare of staff, the National Park Authority will consider other options, for example reporting the matter to the Police or taking legal action. In such cases, we may not give the customer prior warning of such action.

8. Appealing a decision to restrict contact

A customer can appeal to the Director of Corporate Services concerning a decision to restrict contact. A representative of the Director of Corporate Services who was not involved in the original decision would consider the appeal. They will advise the customer in writing that either the restricted contact arrangements still apply or a different course of action has been agreed.

Any restriction that is imposed on a customer's contact with the National Park Authority will be appropriate and proportionate and the customer will be advised of the period of time the restriction will be in place for. In most cases restrictions will apply for between three and six months but in exceptional cases may be extended. In such cases the restrictions would be reviewed on a quarterly basis.

9. New complaints from those who have been treated as being abusive, vexatious and/or unreasonably persistent complainants

Any new complaints received from customers who have come under this policy will be treated on their merits. The National Park Authority does not support a blanket ban on genuine complaints simply because restrictions may be imposed upon a customer.

10. Review of restrictions

The Corporate Performance Team will review any restrictions which are imposed upon a customer after three months and at the end of every subsequent three months within the period during which the restriction is to apply.

Should a decision be taken to extend a period of restriction, the customer will be advised in writing how the National Park Authority plans to go about this and that the decision to restrict contact will be put in place for a further specified period (e.g. six months).

The outcome of any subsequent review will be communicated to the customer, outlining if the restrictions will continue to apply and if so why.

If at the end of the restricted period it is considered that the customer's behaviour is no longer deemed to be unreasonable, the National Park Authority will confirm this in writing advising that the restrictions have now been lifted.

11. Equality and Diversity Impact Assessment

An equality impact assessment has been completed for this policy. It is recognised that customers may have additional needs and require additional support in making a complaint to the National Park Authority. Ongoing monitoring of complaints handling will take into account lessons learned and available advice to meet our equality obligations in the delivery of a fair complaints handling process.

12. Best Value

This policy has been assessed under the terms of Best Value, and is considered to meet the requirements of Governance and Accountability and our Equality obligations.

13. Document controls

Prepared by	Corporate Performance
Date effective from	September 2021
Review frequency	As required to comply with SPSO regulations
Contact	Corporate Performance

Revision history

Version	2_0
Date	September 2021
Summary of changes	Content revised
Name	Information Manager

Distribution

This document has been distributed to:

Name	All staff
Title/Division	All staff
Date of Issue	September 2021
Version	2_0

Name	All staff
Title/Division	All staff
Date of Issue	February 2015
Version	1_0