

Unacceptable, Violent and Abusive Behaviour Policy

Introduction

All members of the Parish Council have the right to work without fear of violence and abuse.

We expect members of the Public to behave in a reasonable way towards members of the Parish Council. This policy outlines the steps that will be taken where behaviour is unacceptable.

At all times the common purpose remains clear: to achieve zero tolerance of violence, threatening behaviour or abuse and to ensure all members of the Parish Council, can be confident that they are operating within a safe environment.

Types of behaviour that are considered serious and unacceptable and will not be tolerated:

- Shouting at members of the Parish Council, either in person or over the telephone
- Physically intimidating a member of the Parish Council, e.g. standing very close to her/him
- The use of aggressive hand gestures
- Threatening behaviour
- Shaking or holding a fist or finger towards another person
- Swearing
- Pushing
- Hitting, e.g. slapping, punching and kicking
- Spitting
- Racist or sexist comments
- Aggressive and threatening phone calls or emails.
- Aggressive or threatening behaviour towards of the Parish Council or their families via social media

This is not an exhaustive list but seeks to provide illustrations of such behaviour.

Unacceptable behaviour may result in the local authority and the police being informed of the incident.

Procedure to be followed

If a member of the Public behaves in an unacceptable way towards a member of the Parish Council team, the Chair or appropriate senior member of the Parish Council will seek to resolve the situation through discussion and mediation. If necessary, the Parish Council's complaints procedures should be followed. Where all procedures have been exhausted, and aggression or intimidation continue, or where there is an extreme act of violence, the member of the Public may be banned by the Chairperson from the Parish Council premises or meetings for a period of time, subject to review.

In imposing a ban, the following steps will be taken:

1. The member of the Public will be informed, that she/he is banned from the premises, subject to review, and what will happen if the ban is breached, e.g. that police involvement or an injunction application may follow.
2. Where an assault has led to a ban, a statement indicating that the matter has been reported to the local authority and the police will be included.

The length of a ban

The ban should be finite in length, as only the most serious misconduct would justify an indefinite ban. The duration needs to be sufficient to convey a clear message about the seriousness of the associated misconduct, but not so long as to be disproportionate. The aim should always be to restore “normal” relations as soon as is reasonably practicable.

Even if a ban is permanent, it should be reviewed periodically, taking account of subsequently demonstrated patterns of behaviour.

What does a ban achieve?

- It confirms to the member of the Public that the Parish Council will not tolerate misbehaviour
- It shows the Parish Council takes health and safety of the Parish Councils members seriously.
- It provides a key element in making it easier to use legal remedies to prevent repeated misconduct, and to enable Police removal and possible prosecution of those on Parish Council members premises without permission
- It may form the basis for an application for an injunction to curtail repeated instances of misbehaviour.

Member of the Public Rights

Every attempt should be made to maintain normal communications with the member of the Public,

Even where the member of the Public has been banned from the Parish Council members premises, they retain their right to an annual consultation. However, the Parish Council may determine who will be present at the and its location.

Options for the Chairperson

After evaluating all available information, and any other relevant factors, there are several actions the Chairperson may wish to take. These can include:

Inviting the Member of the Public to a meeting to discuss events

This could be helpful where a planned and structured meeting has either not been held before or has previously been productive. Skilled facilitators may need to be used. A full restorative meeting may be considered, but if it is not safe to bring all the parties together at a meeting, a restorative process can still take place through the exchange of information. The safety and

well-being of those attending such a meeting must be carefully considered. It is strongly recommended that members of Parish Council should be accompanied by at least one other colleague at any such meeting. Consideration should be given to the seating arrangements, and care taken to ensure exits cannot be blocked by a Member of the Public who could potentially become aggressive. The main points of discussion and any agreed actions should be noted, and a follow-up letter sent to confirm the Parish Council's expectations and any agreed actions. Some members of the Member of the Public may covertly record meetings and then seek to use the information obtained to support their case, and therefore Parish Councils should state explicitly that information obtained without permission will not be permissible.

Clarifying to the member of the Public what is considered acceptable behaviour by the Parish Council

In some instances, it may be appropriate simply to ensure the member of the Public is clear about behaviour standards expected by the Parish Council. This could be explained at a meeting, or by letter, however any verbal explanation should be followed by a written confirmation of the discussion and the standards of behaviour outlined.

Forming strategies to manage future situations of potential conflict

It is sometimes possible to identify situations of potential conflict and to plan for these in a way that minimises potential risks. For example, where a Member of the Public persistently engages in arguments with of the Parish Council the Member of the Public could be informed that any discussions with Parish Council must be held by prior appointment. Alternatively, the Member of the Public may be asked not to approach the Parish Council but should instead arrange to meet the Chairperson (or other member of the senior leadership team), who will deal with their concerns. In more serious cases a further option may be to advise the Member of the Public that in future their concerns should be dealt with by written communication. Any such arrangements should be confirmed in writing to the Member of the Public.

Withdrawing permission for the Member of the Public to enter the Parish Council site and/or buildings

In more serious cases of actual or threatened aggression/violence, or persistent abuse/intimidation, the Chairperson may need to consider whether it is safe for the Member of the Public to continue to come onto the Parish Council site or enter the buildings. Cases of actual assault should be also reported to the local authority.

Calling for police assistance

In an emergency, police assistance should be sought. In cases where a ban is in place but is ignored and the person comes onto the Parish Council site, the police should be notified immediately.

In situations where there is no immediate threat to of the Parish Council, or other members of the Parish Council community or the Parish Council's property, the Chairperson may still wish to make their local community police officer aware of the situation.

The police could give consideration to warning the offender of formal action, which may include legal proceedings.

Legal proceedings

Where individuals persist in coming onto the Parish Council site even when permission to do so has been withdrawn, it is possible for legal proceedings to be pursued.

Anti-social behaviour orders (Crime and Disorder Act 1998)

These are most likely to be used where the offender has acted in a manner which causes harassment, alarm or distress, and is needed to protect others in the same area from similar behaviour.

Anti-social behaviour orders (ASBOs) may be sought by the local authority or the chief officer of police. ASBOs are designed to deal with persistent bad behaviour, and the police will need to show that other options have been tried or are unsuitable.

Restraining orders (Protection from Harassment Act 1997)

Section 2 of the Protection from Harassment Act 1997 provides for criminal or civil prosecution, for cases where someone causes alarm or distress to another person on more than two occasions. Section four provides for criminal or civil prosecution where people have been put in fear of violence on at least two occasions. In each case the sanctions include both criminal penalties (fines, imprisonment or community sentences) and a restraining order. These orders are generally quicker and easier to obtain but are part of a criminal conviction.

Prosecution for criminal damage/assault

Prosecutions for causing deliberate damage or injury may occasionally be the most appropriate course of action. If the police are called, the option to make criminal allegations is readily available, and they may arrest suspected offenders there and then. Official allegations should only be made if there is no intention of later withdrawing the complaint. Criminal proceedings can be initiated at a later date. All possible steps should be taken to prevent the loss of evidence. In particular witnesses should be asked to make a record of exactly what they saw and heard at the earliest opportunity.

Record keeping

There will be clear and detailed records of all events which must be kept up to date. Any witness statements (where appropriate) and notes of any subsequent meetings held to discuss the events should also be retained. Notes should be signed and dated. Any physical evidence should be bagged and labelled, and witnesses should be asked to make a record of exactly what they saw and heard at the earliest opportunity.

It is also advisable to ensure that in every case, even where a formal letter is not required, the Member of the Public receive a written confirmation of the events and the Chair person's response.

If the police are asked to deal with an incident as a criminal investigation, there are a number of actions that may thwart this process. Witness details should not be made known to suspected offenders or their families. Groups of witnesses or suspects should not be left together, or allowed to discuss what happened, before the police interview them. If in doubt always seek the advice of the police officer first.

Dealing with abusive telephone calls

Sometimes of the Parish Council may have to deal with challenging, abusive, aggressive or threatening telephone calls. It is unacceptable for any member of the Parish Council to be subjected to such abuse.

This guidance has been produced to assist of the Parish Councillors and staff if they are faced with such a situation. To reduce the likelihood of callers becoming abusive the Parish Council should conduct themselves in a courteous and professional manner. The Parish Council should also have the confidence that it is acceptable to end an abusive telephone call.

Always

- Remain calm and polite
- Stay in control of the situation
- Actively listen – repeat information back to the caller to test understanding of the issue and gain their agreement
- Inform the caller they are trying to help them
- Be positive and say what you can do
- Be clear and avoid using jargon
- If necessary, apologise for an error and take action to put it right
- If you have to go and get some information, let the caller know why you are putting them on hold and do not leave them on hold for a long time. Update them as necessary.
- Make notes of the conversation
- Follow the procedure below if appropriate
- Refer to the caller to the Chairperson, deputy etc.

Never

- Respond in the same manner as an abusive caller
- Take it personally
- Allow yourself to be bullied
- Slam the phone down.

Script for abusive telephone calls

When the caller starts to raise their voice/be abusive:

Mr/Mrs/Ms... please don't raise your voice/swear at me, I am not raising my voice/being rude to you. If you continue to raise your voice/be rude to me then I will be forced to terminate the call.

When the caller continues to raise their voice/be abusive:

Mr/Mrs/Ms.... I understand you are upset/frustrated however I am not prepared to continue to be shouted/sworn at so you can either call back when you have calmed down or if you prefer you can put your views in writing.

If, despite the two warnings above, the caller continues to raise their voice/be abusive:

Mr/Mrs/Ms.... I advised you earlier during this call about raising your voice/swearing and you have continued to do this, so I am afraid I am going to have to terminate this call. **Hang up.**

Further actions:

Make a written note of the telephone call or use the incident report form and report the incident to the chair.

Abuse/bullying using cyber technology

The Parish Council may become targets of cyber abuse/bullying and, like other forms of bullying, it can have a significant impact on their health, well-being and self-confidence. Protecting the Parish Council from abuse is best done within a prevention framework, including whole Parish Council policies and appropriate practices.

Cyber abuse/bullying may consist of threats, harassment, embarrassment, humiliation, defamation or impersonation. It may take the form of general insults, or prejudice-based abuse, e.g. homophobic, sexist, racist or other forms of discrimination. It may involve email, virtual learning environments, chat rooms, websites, social networking sites, mobile and fixed-point phones, digital cameras, games and virtual world sites.

Abuse using cyber technology can occur at any time and incidents can intrude into the victim's private life. The audience for such messages can be very large and can be reached rapidly. The content of electronically forwarded messages is hard to control and the worry of content resurfacing can make it difficult for the victim to move on.

The Parish Council operates a zero-tolerance policy towards direct or indirect harassment or assault against any member of the Parish Council, volunteers and governors. This includes the use of social media and other forms of electronic communications to facilitate the act.

Cyberbullying and the law

While there is not a specific criminal offence called cyberbullying, activities can be criminal offences under a range of different laws, including:

- The Protection from Harassment Act 1997
- The Malicious Communications Act 1988
- Section 127 of the Communications Act 2003
- Member of the Public Order Act 1986
- The Defamation Acts 1952 and 1996

It is the duty of every employer to ensure, so far as reasonably practicable, the health, safety and welfare at work of all employees. Incidents that are related to employment, even those taking place outside the hours or place of work may fall under the responsibility of the employer.

Effectively tackling abuse using cyber technology

Parish Council behaviour policies and procedures should explicitly refer to and outline how the Parish Council will deal with cyber abuse/ bullying of both of the Parish Council. They should include:

rules on the use of equipment, software and network access provided by the Parish Council, the use of Parish Council owned equipment and internet access routes, where they are used on Parish Council premises and within Parish Council hours, e.g. mobile phones, digital cameras and laptops acceptable behaviour including behaviour outside of Parish Council e.g.

use of social networking services and other sites, with regard to harming others and bringing the Parish Council into disrepute.

Responding to incidents

Of the Parish Council should never retaliate i.e. personally engage with cyberbullying incidents.

- Keep any records of abuse – texts, emails, voice mails, or instant messages. Take screen prints of messages or web pages. Record the time, date and address of the site.
- Inform the appropriate person e.g. Chairperson, or head of year at the earliest opportunity.
- Where the perpetrator is known to be a current co-worker, this should be dealt with through the Parish Council's own behaviour management / disciplinary procedures.
- A designated member of the leadership team should contact the police where it appears that a law has
- If a potential criminal offence has been committed and the Parish Council is not able to identify the perpetrator, the police may issue a Regulation of Investigatory Powers
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Getting offensive content taken down

Where online content is upsetting / inappropriate and the person(s) responsible for posting is known, the quickest way to get material taken down is likely to be to ensure that the person who posted it understands why the material is unacceptable and to request that they remove it.

If the person responsible has not been identified, or will not take the material down, the Parish Council will need to contact the host (i.e. the social networking site) to make a request to get the content taken down. The material posted may breach the service provider's terms and conditions of use and can then be removed.

It is important to be clear about where the content is – for example by taking a screen capture of the material that includes the URL or web address. If you are requesting, they take down material that is not illegal, be clear how it contravenes the site's terms and conditions. In cases of actual/suspected illegal content, the Parish Council should contact the police.