

ARUN DISTRICT COUNCIL
REPORT TO AND DECISION OF THE CORPORATE SUPPORT
COMMITTEE ON 18 JANUARY 2022

SUBJECT : Unreasonable Behaviour Policy for Arun District Council

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DATE: 22 December 2021

EXTN: 37610

SERVICE: Group Head of Law & Governance

EXECUTIVE SUMMARY:

This report is asking the Committee to agree to introduce and implement an Unreasonable Behaviour Policy(attached).

RECOMMENDATIONS:

The Committee is asked to:

- Agree and adopt the Unreasonable Behaviour Policy.

Background

Arun District Council have not had a Policy of this type in place historically.

The reason for introducing it now is that the past few years have seen an increase in challenging behaviour from a minority of customers. When addressing such matters, we have had to rely on guidance available from Ombudsman and Information Commissioners Office (ICO). This guidance directs the Council to the need to adopt an unreasonable behaviour policy. In effect the guidance is that unreasonable behaviour should be dealt with in an open and transparent and consistent manner.

Article 2 of the Council Constitution gives residents the right to complain. Article 2 also explains the corresponding duty on residents to act reasonably. The corporate complaints process partly complies with this article but has provided no teeth to the requirement for residents to be reasonable. This report now contains a request that an Unreasonable Behaviour Policy be adopted in keeping with the constitution and good practice.

2. PROPOSAL(S):

The proposal is that the attached policy is agreed by CMT as necessary and proportionate.

3. OPTIONS:		
1. Do nothing 2. Agree the proposals as recommended and refer report to Corporate Support Committee for adoption 3. Consider the draft policy with suggested amendments		
4. CONSULTATION:		
N/A		
Has consultation been undertaken with?	YES	NO
Relevant Town/Parish Council		x
Relevant District Ward Councillors		x
Other groups/persons (please specify)		x
5. ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail at 6 below)	YES	NO
Financial		x
Legal	x	
Human Rights/Equality Impact Assessment	x	
Community Safety including Section 17 of Crime & Disorder Act		x
Sustainability		x
Asset Management/Property/Land		x
Technology		x
Other (please explain)		x
6. IMPLICATIONS:		
<p>Legal</p> <p>Article 2 of the Council Constitution gives residents the right to complain. Article 2 also explains the corresponding duty on residents to act reasonably. The corporate complaints process partly complies with this article but has provided no teeth to the requirement for residents to be reasonable. The legal implications of this policy are in three dimensions. <u>The first dimension</u> is the citizens right to have their complaints processed efficiently. It is rare to refuse a service to a citizen on the grounds of bad behaviour. This policy is designed to ensure that genuine complaints are processed. <u>The second dimension</u> is responsibility to staff. As an employer the Council is required to provide safe working conditions and that includes the mental health of staff. Unreasonable behaviour by citizens can impact the mental health of staff and this policy is designed to discharge this duty to staff. <u>The third dimension</u> is good governance. Both the ICO and LGSCO acknowledge that there will be unreasonable complainants and require that the Council put in place a transparent process for working with such complainants.</p>		

Human Rights/Equality Impact Assessment – Paragraph 4.2 of the policy draws attention to the need to carry out an equality assessment before this policy is activated. Particular regard is to be had for people with disabilities. Some people with early onset dementia may appear to repeat themselves. Some people with autism may appear pedantic and uncompromising. Some people with depressive illnesses may give more weight to an issue than those without depression. The policy encourages officers to be disability aware before instigating the process. CMT is invited to note that in some services(eg housing) the Council may have on record personal information whereas in other services making the assessment may be more difficult for lack of information.

7. REASON FOR THE DECISION:

The duty of best value requires the Council to continuously review its services for economy efficiency and effectiveness. Both the LGSCO and the ICO believe that that good governance requires an unreasonable behaviour policy.

8. BACKGROUND PAPERS:

None