

Policy on Unacceptable Actions by Individuals

1. Introduction

- 1.1 This Policy sets out the approach of Bangor City Council to the relatively few individuals whose actions or behaviour are considered unacceptable.

2. Policy Aims

- 2.1 To make it clear to all individuals, both at initial contact and throughout their dealings with the office, what the Council can or cannot do in relation to their request. In doing so, the aim is to be open and not raise hopes or expectations that cannot be met.
- 2.2 To deal fairly, honestly, consistently and appropriately with all individuals, including those whose actions are considered unacceptable. The Council believes that all persons have the right to be heard, understood and respected. It is also considered that Bangor City Council staff have the same rights.
- 2.3 To provide a service that is accessible to all individuals. However, where it is considered that individual actions are unacceptable, the right to restrict or change access to the Council's service is retained.
- 2.4 To ensure that other members of the public, the Council or its staff does not suffer any disadvantage from persons who act in an unacceptable manner.
- 2.5 To provide to individuals, details of the complaints procedures if they wish to make a complaint against Bangor City Council and the right to contact the Public Services Ombudsman for Wales if they so wish.

3. Defining Unacceptable Actions by Individuals

- 3.1 People may act out of character in times of trouble or distress. There may have been upsetting or distressing circumstances leading up to their need to contact our office. Bangor City Council does not view behaviour as unacceptable just because an individual is forceful or determined. However, the action of individuals who are angry, demanding or persistent may result in unreasonable demands on the office or unacceptable behaviour towards Council staff. It is these actions that are considered unacceptable and ones that this policy aims to manage. Bangor City Council has grouped these actions under three broad headings:-

3.1.1 Aggressive or Abusive Behaviour

- (i) Violence is not restricted to acts of aggression that may result in physical harm. It also includes behaviour or language (whether oral or written) that may cause staff to feel afraid, threatened or abused.
- (ii) Examples of behaviours grouped under this heading include threats, physical violence, personal verbal abuse, derogatory remarks and rudeness. It is also considered that inflammatory statements and unsubstantiated allegations can be abusive behaviour.

- (iii) We expect our staff to be treated courteously and with respect. Violence or abuse towards staff is unacceptable. However, it is not acceptable when actions escalate into aggression directed toward Council staff.

3.1.2 Unreasonable Demands

- (i) Individuals may make what are considered to be unreasonable demands on the Council office through the amount of information they see, the nature and scale of service they expect or the number of approaches they make. What amounts to unreasonable demands will always depend on the circumstances surrounding the behaviour and the seriousness of the issues raised by the individual.
- (ii) Examples of actions grouped under this heading include demanding responses within an unreasonable timescale, insisting on seeing or speaking to a particular member of staff, continual phone calls or letters, repeatedly changing the substance of the request or raising unrelated matters.
- (iii) These demands are considered unacceptable and unreasonable if they start to impact substantially on the work of the office, such as taking up an excessive amount of staff time to the disadvantage of other individuals or functions.

3.1.3 Unreasonable Persistence

- (i) It is recognised that some individuals will not or cannot accept that the Council is unable to assist them further or provide a level of service other than that provided already. They may persist in disagreeing with the action or decision taken in relation to their request or contact the office persistently about the same issue.
- (ii) Examples of actions grouped under this heading include persistent refusal to accept a decision made in relation to a request, persistent refusal to accept explanations relating to what this office can or cannot do and continuing to pursue information. The way in which these individuals approach the Council may be entirely reasonable, but it is their persistent behaviour in continuing to do so that is not.
- (iii) The actions of persistent individuals are considered to be unacceptable when they take up what the Council regards as being a disproportionate amount of time and resources.

4. Managing Unacceptable Actions by Individuals

- 4.1 There are relatively few individuals whose actions are considered by the Bangor City Council to be unacceptable. How these actions are managed depends on their nature and extent. If it adversely affects the Council's ability to do its work and provide a service to others, individual contact with the office may need to be restricted in order to manage the unacceptable action. Contact in person, by telephone, fax, letter or electronically or by any combination of these may be restricted. Effort will be made to try to maintain at least one form of contact. In extreme situations, the individual will be told in writing that their name is on a 'no personal contact' list. This means that they must restrict contact with the Council either in written communication or through a third party.

- 4.2 The threat or use of physical violence, verbal abuse or harassment towards Council staff is likely to result in the ending of all direct contact with the individual. Incidents may be reported to the police. This will always be the case if physical violence is used or threatened.
- 4.3 Bangor City Council will not deal with correspondence (letter, fax or electronic) that is abusive to staff or contains allegations that lack substantive evidence. When this happens the individual will be told that their language is considered offensive, unnecessary and unhelpful. They will be asked to stop using such language and the Council will state that there will be no response to their correspondence if they do not stop. The Council may require future contact to be through a third party.
- 4.4 Council staff will end telephone calls if the caller is considered aggressive, abusive or offensive. The staff member taking the call has the right to make this decision, tell the caller that the behaviour is unacceptable and end the call if the behaviour does not stop.
- 4.5 Where an individual repeatedly phones, visits the office, sends irrelevant documents or raises the same issues, the Council may decide to:
- Only take telephone calls from the individual at set times on set days or put an arrangement in place for only one member of staff to deal with calls or correspondence from the individual in the future.
 - Require the individual to make an appointment to see a named member of staff before visiting the office or that the individual contacts the office in writing only.
 - Take other action that we consider appropriate. The Council will, however, always tell the individual what action is being taken and why.

5. Deciding to Restrict Contact

- 5.1 Members of Bangor City Council or its staff who directly experience aggressive or abusive behaviour from an individual have the authority to deal immediately with that behaviour in a manner they consider appropriate to the situation and in line with this policy.
- 5.2 With the exception of such immediate decisions taken at the time of an incident, decisions to restrict contact with the Council are only taken after careful consideration of the situation by a more senior member of staff or by a councillor. Wherever possible, we give an individual the opportunity to modify their behaviour or action before a decision is taken. Individuals are told in writing why a decision has been made to restrict future contact, the restricted contact arrangements and, if relevant, the length of time that these restrictions will be in place,

6. Appealing a Decision to Restrict Contact

- 6.1 An individual can appeal a decision to restrict contact. A senior member of staff or a councillor who was not involved in the original decision considers the appeal. They advise the individual in writing that either the restricted contact arrangements still apply or a different course of action has been agreed.

7. Recording and Reviewing a Decision to Restrict Contact

- 7.1 Bangor City Council records all incidents of unacceptable actions by individuals. Where it is decided to restrict individual contact, an entry noting this is made in the relevant file and on any appropriate computer record.
- 7.2 A decision to restrict individual contact may be reconsidered if the individual demonstrates a more acceptable approach. The Town Clerk reviews the status of all individuals with restricted contact arrangements on a regular basis.

Town Clerk

July 2009

Polisi ar Weithredoedd Annerbyniol gan Unigolion

1. Cyflwyniad

1.1 Mae'r Polisi hwn yn esbonio agwedd Cyngor Dinas Bangor tuag at y nifer cymharol fychan o unigolion y bernir fod eu gweithredoedd neu eu hymddygiad yn annerbyniol.

2. Nod y Polisi

- 2.1 Ei gwneud yn glir i bob unigolyn, adeg y cysylltiad cyntaf a thrwy gydol eu hymwneud a'r swyddfa, beth all neu beth na all Cyngor Bangor ei wneud o ran eu cais. Yn hynny o beth, y bwriad yw bod yn agored a pheidio codi gobeithion neu ddyheadau na ellir eu bodloni.
- 2.2 Delio'n deg, gonest, cyson a phriodol gyda phob unigolyn, gan gynnwys rhai y bernir fod eu gweithredoedd yn annerbyniol. Cred y Cyngor bod gan bob person yr hawl i gael eu clywed, eu deall a'u parchu. Credir hefyd fod gan staff y Cyngor yr un hawliau.
- 2.3 Darparu gwasanaeth sy'n hygyrch o bob unigolyn. Fodd bynnag, pan fernir fod gweithredoedd unigol yn annerbyniol, cedwir yr hawl i gyfyngu neu newid y gallu i dderbyn gwasanaeth y Cyngor.
- 2.4 Gofalu nad yw aelodau eraill y cyhoedd, y Cyngor na'i staff yn dioddef unrhyw anfantais gan bersonau sy'n ymddwyn mewn ffordd annerbyniol
- 2.5 Rhoi i unigolion fanylion y trefniadau cwynion os ydynt yn dymuno gwneud cwyn yn erbyn y Cyngor a'r hawl i gysylltu ag Ombwdsmon y Gwasanaethau Cyhoeddus i Gymru os ydynt yn dymuno gwneud hynny.

3. Diffinio Gweithredoedd Annerbyniol gan Unigolion

3.1 Mae pobl yn gallu ymddwyn yn groes i'w cymeriad ar adegau anodd. Efallai fod yna amgylchiadau anodd neu annifyr sydd wedi peri iddynt orfod cysylltu â'n swyddfa. Nid yw Cyngor Dinas Bangor yn ystyried ymddygiad o'r fath yn annerbyniol dim ond oherwydd bod unigolyn yn ymddwyn mewn ffordd ymosodol neu benderfynol. Fodd bynnag, gall gweithredoedd unigolion sy'n flin, yn disgwyl llawer neu'n daer, olygu y gwneir gofynion afresymol ar y swyddfa neu ymddygiad annerbyniol tuag at staff y Cyngor. Dyma'r mathau o weithredoedd a ystyrir yn annerbyniol ac y mae'r polisi hwn yn ceisio eu rheoli. Mae'r Cyngor wedi grwpio'r gweithredoedd o dan dri phennawd bras:-

3.1.1 Ymddygiad Ymosodol neu Ddifriol

- (i) Nid yw trais yn gyfyngedig i weithredoedd ymosodol all arwain at niwed corfforol. Mae hefyd yn cynnwys ymddygiad neu iaith (boed yn llafar neu'n ysgrifenedig) all wneud i staff deimlo'n ofnus, o dan fygythiad neu eu body n cael ei cham-drin.
- (ii) Mae enghreifftiau o fathau o ymddygiad sy'n cael eu grwpio o dan y pennawd hwn yn cynnwys bygythiadau, trais corfforol, camdriniaeth eiriol bersonol, sylwadau difriol ac anfoesgarwch/ Bernir hefyd y gall datganiadau ymfflamychol a chyhuddiadau di-sail fod yn ymddygiad camdriniol.
- (iii) Rydym yn disgwyl i'n staff gael eu trin yn gwrtais a chyda pharch. Mae trais at staff neu eu cam-drin yn annerbyniol. Fodd bynnag, nid yw'n dderbyniol pan mae gweithredoedd yn datblygu'n ymddygiad ymosodol tuag at staff y Cyngor.

3.1.2 Gofynion Afresymol

- (i) Efallai y gwnaiff unigolion yr hyn a ystyrir yn ofynion afresymol ar swyddfa'r Cyngor trwy faint yr wybodaeth y gofynnant amdani, natur a graddfa'r gwasanaeth a ddisgwyliant neu nifer y troeon y cysylltant. Bydd yr hyn a ystyrir yn ofynion afresymol wastad yn dibynnu ar amgylchiadau'r ymddygiad ac ar ddifrifoldeb y materion a godir gan yr unigolyn.
- (ii) Mae enghreifftiau o weithredoedd sy'n cael eu grwpio o dan y pennawd hwn yn cynnwys mynnu cael ateb o fewn cyfnod afresymol o amser, mynnu cael gweld neu siarad ag aelod penodol o'r staff, galwadau ffôn neu lythyrau parhaus, newid cynnwys y cais neu godi materion nad oes a wnelont nhw a'r mater dan sylw.
- (iii) Bernir fod y gofynion hyn yn annerbyniol ac afresymol os ydynt yn dechrau cael effaith amlwg ar waith y swyddfa, megis cymryd gormod o amser staff ar draul unigolion neu gyfrifoldebau eraill.

3.1.3 Dyfalwch Afresymol

- (i) Derbynnir na fydd neu na all rhai unigolion dderbyn nad yw'r Cyngor yn gallu rhoi cymorth pellach iddynt na darparu lefel o wasanaeth sy'n wahanol i'r hyn a ddarparwyd yn barod. Efallai y byddant yn dal ati i anghytuno gyda'r weithred neu'r penderfyniad a gymerwyd ynghylch eu cais neu'n cysylltu'n ddi-ddiwedd a'r swyddfa am yr un mater.
- (ii) Mae enghreifftiau o weithredoedd sy'n cael eu grwpio o dan y pennawd hwn yn cynnwys gwrthod yn barhaus i dderbyn penderfyniad a waned am gais, gwrthod yn barhaus i dderbyn esboniadau am yr hyn y gall neu na all y swyddfa hon ei wneud a dal ati i ofyn am wybodaeth. Efallai fod y ffordd y mae'r unigolion hyn yn trin y Cyngor yn gwbl resymol, ond eu hymddygiad parhaus wrth ddal ati i wneud hynny sydd ddim.
- (iii) Bernir fod gweithredoedd unigolion taer yn annerbyniol pan gymerant yr hyn y mae y Cyngor yn ei ystyried yn gyfran anghymesur o amser ac adnoddau.

4. Rheoli Gweithredoedd Annerbyniol gan Unigolion

4.1 Cymharol ychydig yw'r unigolion y mae - yn barnu fod eu gweithredoedd yn annerbyniol. Mae sut gaiff y gweithredoedd hyn eu rheoli yn dibynnu ar u natur a'u maint. Os yw'n cael effaith andwyol ar allu i'r Cyngor i wneud ei waith ac i ddarparu gwasanaeth i eraill, efallai y bydd angen cyfyngu cysylltiad unigol a'r swyddfa er mwyn rheoli'r gweithredoedd annerbyniol. Efallai y bydd rhaid cyfyngu cysylltiad personol, ar y ffon, ffacs, llythyr neu'n electronaidd neu trwy unrhyw gyfuniad o'r Rhian. Ceisir cadw o leiaf un math o gysylltiad. Mewn sefyllfaedd eithafol, dywedir wrth yr unigolyn yn ysgrifenedig fod ei enw ar restr 'dim cysylltiad personol'. Golyga hynny fod rhaid iddynt gyfyngu eu cysylltiad â'r Cyngor naill ai i gyfathrebu ysgrifenedig neu trwy drydydd parti.

4.2 Mae bygwth neu ddefnyddio trais corfforol, camdriniaeth eiriol neu aflonyddwch tuag at staff y Cyngor yn debygol o arwain at ddiweddu pob cysylltiad uniongyrchol gyda'r unigolyn. Efallai y rhoddir gwybod i'r heddlu am ddigwyddiadau o'r fath. Gwneir hynny bob tro os yw trais corfforol yn cael ei ddefnyddio neu ei fygwth.

- 4.3 Ni fydd y Cyngor yn delio a gohebiaeth (llythyr, ffacs neu electronaidd) sy'n cam-drin staff neu sy'n cynnwys cyhuddiadau sy'n brin o dystiolaeth gadarn. Pan mae hynny'n digwydd dywedir wrth yr unigolyn fod eu hiaith yn cael ei hystyried yn anwedus, yn ddiangen ac yn ddibwrpas. Gofynnir iddynt roi'r gorau i ddefnyddio iaith o'r fath a bydd y Cyngor yn datgan na fydd unrhyw ymateb i'w gohebiaeth os na roddant y gorau i ddefnyddio iaith o'r fath. Efallai y bydd y Cyngor yn mynnu fod unrhyw gysylltiad o hynny ymlaen yn digwydd trwy drydydd parti.
- 4.4 Bydd staff y Cyngor yn dod ag unrhyw alwadau ffôn i ben os bernir fod y galwr yn ymosodol, yn gamdriniol neu'n anwedus. Mae gan yr aelod staff sy'n cymryd yr alwad yr hawl i wneud y penderfyniad hwn, i ddweud wrth y galwr fod yr ymddygiad yn annerbyniol ac i ddod a'r alwad i ben os nad yw'r ymddygiad yn peidio.
- 4.5 Pan mae unigolyn cyn gyson yn ffonio, ymweld â'r swyddfa, danfon dogfennau amherthnasol neu'n codi'r un materion, gall y Cyngor benderfynu:
- Cymryd galwadau ffôn oddi wrth yr unigolyn dan sylw ar adegau penodol ar ddyddiau penodol yn unig neu drefnu mai dim ond un aelod o'r staff sy'n delio a galwadau neu ohebiaeth oddi wrth yr unigolyn o hynny ymlaen.
 - Mynnu fod yr unigolyn yn gwneud apwyntiad i weld aelod penodol o'r staff cyn ymweld â'r swyddfa neu fod yr unigolyn yn cysylltu â'r swyddfa yn ysgrifenedig yn unig.
 - Cymryd camau eraill yr ydym yn eu hystyried yn addas. Fodd bynnag, fe fydd----wastad yn dweud wrth yr unigolyn pa gamau sy'n cael eu cymryd a pham.

5. Penderfynu Cyfyngu Cysylltiad

- 5.1 Mae gan aelodau Cyngor Dinas Bangor neu ei staff sy'n cael profiad uniongyrchol o ymddygiad ymosodol neu gamdriniol gan unigolyn yr awdurdod i ddelio'n syth gyda'r ymddygiad hwnnw mewn modd y maen nhw'n ei ystyried yn addas i'r sefyllfa ac yn unol â'r polisi hwn.
- 5.2 Ac eithrio penderfyniadau o'r fath a gymerir adeg y digwyddiad ei hun, cymerir penderfyniadau i gyfyngu cysylltiad gyda'r Cyngor dim ond ar ôl i uwch aelod o'r staff neu gynghorydd ystyried y sefyllfa'n ofalus. Ble bynnag y bo modd, byddwn yn rhoi cyfle i unigolyn newid eu hymddygiad neu weithred cyn y gwneir penderfyniad. Dywedir wrth unigolion yn ysgrifenedig pam y gwnaed penderfyniad i gyfyngu cysylltiad o hyn ymlaen, beth yw'r trefniadau cysylltu cyfyngedig ac, os yn berthnasol, am faint y bydd y cyfyngiadau hyn yn parhau.

6. Apelio yn erbyn Penderfyniad i Gyfyngu Cysylltiad

- 6.1 Gall unigolion apelio yn erbyn penderfyniad i gyfyngu cysylltiad. Bydd uwch aelod o'r staff neu gynghorydd nad oedd a wnelont a'r penderfyniad gwreiddiol yn ystyried yr apêl. Byddant yn rhoi gwybod yn ysgrifenedig i'r unigolyn nail ai fod y trefniadau cysylltu cyfyngedig yn dal ar waith neu y cytunwyd ar ffordd arall o ddelio a'r mater.

7. Cofnodi ac Adolygu Penderfyniad i Gyfyngu Cysylltiad

- 7.1 Mae Cyngor Dinas Bangor yn cofnodi pob enghraifft o weithredoedd annerbyniol gan unigolion. Pan benderfynir cyfyngu cysylltiad unigol, gwneir nodyn o hyn yn y ffeil berthnasol ac ar unrhyw gofnod cyfrifiadurol perthnasol.
- 7.2 Gellir ail-ystyried penderfyniad y gyfyngu cysylltiad unigol os yw'r unigolyn yn ymddwyn mewn ffordd fwy derbynio. Bydd Clerc y Dref yn adolygu'n rheolaidd statws pob unigolyn a chanddynt drefniadau cysylltu cyfyngedig.

Gwyn Hughes
Clerc y Dref

Gorffennaf 2009