

## **Unwanted Behaviour toward Employees Policy**

This policy can be made available in other languages and formats such as large print and audio on [request](#).

### **What is it?**

This policy and procedure describe the arrangements to deter, mitigate, report, and respond to unwanted behaviour by adult members of the public toward employees carrying out their work duties.

Unwanted behaviour may include but not be limited to:

- Assault
- Aggressive or threatening actions
- Display or use of weapons
- Offensive, derogatory, rude or abusive language
- Intimidation
- Stalking
- Sexual harassment
- Racial or discriminatory remarks
- Online abuse
- Anti-social interaction or vandalism
- Unreasonable levels of contact or demands

### **Who does it apply to?**

This policy applies to all Wiltshire Council employees, with the exception of teaching and non-teaching staff employed in maintained schools or academies.

This policy also applies to councillors, temporary employees, casuals, consultants, agency workers, staff seconded from other organisations and volunteers.

This policy also seeks to support employees of other organisations sharing a Wiltshire Council worksite by way of mitigating the general risk.

### **When does it apply?**

This policy applies wherever work duties are being undertaken and also where episodes occur outside of working hours or work settings but in association with the employee's employment by the council.

## **What are the main points?**

### Overview

1. It is foreseeable that occasionally staff may encounter any of the types of behaviour listed above when dealing with members of the public in undertaking their role; but no member of staff is ordinarily expected to have to tolerate such behaviour, particularly in a repeated pattern. Nor is any member of staff expected to have to tolerate unwanted behaviour if a member of the public approaches them in relation to a work matter during non-work periods or in non-work settings.
2. In all instances members of staff may take reasonable and proportionate action to protect themselves and other colleagues from any unacceptable behaviour from members of the public. This may mean avoiding certain situations, taking preventative action, curtailing interactions or, in extreme instances, adopting self-defence.
3. The consistent and diligent reporting of incidents involving unacceptable behaviour will enable the council to assess the actions necessary to provide support to employees and to take appropriate action against the perpetrator.
4. The council will seek to deter unacceptable behaviour by members of the public and will take action against those who do perpetrate such behaviour.

### Prevention – risk assessment

5. All work activities that involve contact with members of the public and for which it is foreseeable that unwanted behaviour could occur, should be subject to a written risk assessment to establish the control measures to be applied in order to minimise risks as far as practicable. This includes scenarios in which the contact is in person or by telephone/video call or through social media.
6. Generic risk assessment templates are available for common instances of lone working where staff will come into contact with members of the public [Lone working \(sharepoint.com\)](https://sharepoint.com) Managers must undertake risk assessments based on local service circumstances. The templates may be a useful starting point.
7. Managers must make all relevant employees aware of this policy and of any risk assessment that applies to their work so that they understand how and when each of the control measures are to be applied.

Prevention – staff competencies

8. All relevant employees should receive information, instruction and training regarding the techniques and skills to be used to respond to difficult situations and challenging behaviour from customers. The scale and scope of training should be proportionate to the foreseeable risk and be updated at suitable intervals. It should include training to understand how unresolved trauma can impact on people's ability to regulate their stress and display behaviour that is very challenging; and how best to respond to mitigate this behaviour from escalating. Managers should assess training needs on a regular basis.

Prevention – sharing of intelligence

9. Records will be kept of any member of the public who has displayed unacceptable and harmful behaviour towards staff. Such intelligence will be shared amongst all teams who have contact with the public. For this purpose, each relevant team will nominate a named Intelligence Officer. Nb: records will also include reports of dangerous animals and any other environmental risk linked to a particular address.
10. Records will be retained securely in accordance with corporate data retention protocols and be available to be interrogated prior to any planned contact or visit in order to forewarn employees about potential risks. Only employees planning to meet a particular member of the public or visit a particular address may interrogate the records on a need-to-know basis.
11. Any unauthorised or inappropriate use of these records by a member of staff will be considered as misconduct and may lead to disciplinary action being taken.

Prevention – workplace environments and personal protective equipment

12. Spaces within council workplaces, where members of the public are met and dealt with, should be arranged and furnished so that personal safety risks are minimised. This consideration should be made as part of the overall risk assessment. In higher risk areas, employees should have means to get to a place of safety or to summon immediate assistance. Where alarms are employed, regular testing must occur to ensure that they work and that fixed alarms get the planned response from colleagues.
13. On the basis of a risk assessment, it may be appropriate to issue and operate a personal communication and tracking system via a mobile device or call centre contact arrangement.

14. In exceptional circumstances, usually in respect of enforcement roles, it may be appropriate on the basis of a risk assessment to issue personal protective equipment (PPE) such as body armour. All PPE must be available in different or adjustable sizes and be subject to proper maintenance, storage and use.
15. All spaces used for customer contact will display signs indicating the key messages of this unwanted behaviour policy.

Response – at the point of experiencing unwanted behaviour

16. It is difficult for someone who is dysregulated to engage in conversation so where possible, employees should apply skills learned from training to attempt to calm any situation involving dysregulated behaviour.
17. If calming measures are not effective, the continuation of unwanted behaviour will give employees the right to take any of the following action based on their own assessment of risk:
  - a. Advise the member of public that their behaviour is not acceptable and that continuation may result in curtailment of the contact.
  - b. Temporarily suspend contact to seek support from a colleague or manager.
  - c. Curtail the contact and remove oneself from the area.
  - d. Use available warning systems such as fixed alarms, panic buttons, lone working devices and codewords to summon assistance from others.
  - e. Call the police.
18. Some of the members of the public that staff are likely to encounter will have mental health or learning/behavioural needs, others will be neurodivergent. Staff should attempt to take account of any of these circumstances in assessing risk and using the escalation procedure set out above.

Response – involving the police

19. The police should be called using 999 if the safety of a member of staff or other person is at serious risk. Staff should not attempt to detain any person. Assuming the police have not attended the incident already, the manager should report any suspected criminal offence to the police by ringing 101 or 999, or by using the respective online report form as appropriate and available below. Wiltshire Police has advised that all offences should be reported to aid in the gathering of intelligence as well as the pursuit of justice. There may be exceptional circumstances in which a manager and employee decide that the involvement of the police is not appropriate.

[Report a crime | Wiltshire Police](#)

[Report hate crime | Wiltshire Police](#)

[Report antisocial behaviour | Wiltshire Police](#)

Response – after the episode

20. After the episode, the person(s) involved, and their respective managers should:

- a. Seek/provide support to those affected.
- b. Share non-sensitive details of the incident using local team protocols to ensure other relevant staff are made aware of any on-going risk in dealing with this person.
- c. **Additionally**, report the incident using the corporate online reporting procedure found on HR Direct [Incident Reporting - Wiltshire Council](#). This serves three important purposes:
  - i. to ensure that the incident is properly investigated and that any learning to prevent the likelihood of a recurrence can be applied.
  - ii. to ensure that the perpetrator's details are added to the Employee Safety Database so that other staff in public-facing roles across the council will have the benefit of knowing the history of previous contact with that person should they have reason to have to contact them in future.
  - iii. to provide a full record of details in the event of any escalation to litigation.

**NOTE:** All employees are encouraged to report all incidents but pragmatically there must be scope for some local discretion depending on the severity of the incident. The isolated use of an expletive may not warrant corporate reporting for example.

Response – responding to the perpetrator (of known identity)

21. As a minimum, and within 5 working days, the manager should arrange for a letter to be sent to the perpetrator outlining the nature of the unwanted behaviour and the consequences of any repetition. The letter will also inform the recipient that their details have been retained for the purposes of protecting staff during any future contact. Templates are available at the end of this document.

22. It may be appropriate to apply further and stronger measures according to the circumstances of the incident and the nature of the behaviour displayed. These may include:

- a. restricting future contact to:
  - i. telephone or written correspondence only
  - ii. by appointment only
  - iii. access via nominated members of staff only
- b. removing the right of entry to named council premises for a fixed period.
- c. suspending or withdrawing further services for a fixed period where statutory duties allow.
- d. applying permanent restrictions to the right to entry or to access of services where statutory duties allow.
- e. pursuance of legal action.

23. The decision about which level of measure to apply is to be made only after careful consideration and verification of the behaviour. Restrictions on access and services must be approved by at least a Head of Service or Director and, if appropriate, after consultation with the Legal Service.

24. In every instance, the council will consider how the use of the information from the incident can be used to raise public awareness of the impact of unwanted behaviour and thus act as a deterrent to future incidents.

Response – responding to the perpetrator (of unknown identity)

25. Depending on the circumstances of the unacceptable behaviour, descriptions of perpetrators who are not known by name or address may be circulated amongst relevant public-facing staff.

## Response – Summary Table

### 26. Summary of appropriate action

	DURING INCIDENT			POST INCIDENT				
	VERBAL WARNING GIVEN BY EMPLOYEE	CURTAILMENT OF CONTACT IF BEHAVIOUR CONTINUES	IMMEDIATE EMERGENCY 999 CALL TO POLICE	COMPLETE CORPORATE INCIDENT REPORT FORM	LEADING TO ADDITION TO EMPLOYEE SAFETY DATABASE	FORMAL WARNING LETTER	REPORT TO POLICE	WITHDRAWAL OR RESTRICTION OF NORMAL ACCESS/SERVICES
Verbal insults, derogatory language, anti-social behaviour	<b>YES</b>	<b>YES</b>	UNLIKELY	<b>YES</b> unless very minor	<b>YES</b>	<b>YES</b>	UNLIKELY	CONSIDER
Intimidating behaviour, abusive language	<b>YES</b>	<b>YES</b>	IF AT RISK	<b>YES</b>	<b>YES</b>	<b>YES</b>	CONSIDER	CONSIDER
Physical aggression, sexual or racial harassment, hate language, verbal threats (implied or direct)	<b>YES</b>	<b>YES</b>	IF AT RISK	<b>YES</b>	<b>YES</b>	<b>YES</b>	<b>YES</b>	<b>YES</b>
Assault (physical or sexual), use or threat of weapon	N/A	<b>YES</b>	<b>YES</b>	<b>YES</b>	<b>YES</b>	<b>YES</b>	<b>YES</b>	<b>YES</b>
Property damage	<b>YES</b>	<b>YES</b>	CONSIDER	<b>YES</b>	<b>YES</b>	<b>YES</b>	<b>YES</b>	CONSIDER
On-going risk to personal safety after episode	INDIVIDUAL CASE CONFERENCE TO ASSESS ONGOING RISK AND AGREE CONTROL STRATEGY							

## **Roles and responsibilities**

### Employee responsibilities

27. All employees are required to:

- a. follow their training and any risk assessment instruction to minimise risks from the unwanted behaviour of members of the public.
- b. report all incidents of unwanted behaviour and/or criminal offences.
- c. co-operate with any management investigation and comply with any restrictions placed upon access or services.

Line manager responsibilities

28. Line managers are required to:

- a. ensure suitable and sufficient risk assessments are prepared for the foreseeable risks involving contact with members of the public.
- b. ensure that all relevant employees are aware and understand how the outcomes of the risk assessments are to be applied.
- c. ensure that all relevant employees receive appropriate training to deal with foreseeable situations involving members of the public.
- d. investigate all reported incidents of unwanted behaviour and record details on the corporate reporting system.
- e. report to the police, any behaviour that may amount to a criminal offence that occurs during any interaction with a member of the public.
- f. ensure that perpetrators of unwanted behaviour receive a written warning regarding their behaviour as per this policy and/or to escalate details to the Head of Service or Director for consideration of further measures as per this policy.

**Frequently asked questions**

29. Can I refuse to see a particular member of the public?

If there is good reason for you to be fearful of having to deal with a particular member of the public, then you should make this known to your manager. Your manager will assess circumstances to determine safe and appropriate means of ongoing contact with that individual.

30. Can I discontinue a call or contact with a customer?

Yes. If you encounter unwanted behaviour, you should calmly and assertively inform the customer that the behaviour is not acceptable and ask for it to desist. If the behaviour does not desist and continues to a point beyond *your personal level of tolerance* then you should inform the customer that you are curtailing the call/conversation and, if in person, remove yourself from the vicinity and contact your manager. Your manager will assess circumstances to determine safe and appropriate means of ongoing contact with that individual.

31. Do I need to identify myself to a member of the public?

You are required to identify yourself to any customer (name / post / work contact details) but you should not disclose any personal information or contact details.



You are not required to identify yourself to a member of the public outside of your work role or setting.

32. What training is available to me?

Your manager will assess all of the training that you need to be able to do your job safely. Personal safety training and de-escalation skills training are available from HR/OD.

33. What should I do if I think a work customer is targeting me outside of work?

If you feel in immediate danger, contact the police on 999 and try to get to a safe place where there are other people around. In other circumstances, in the first instance notify your line manager. Your manager will investigate and undertake a risk assessment. If necessary, your manager will work with you to identify sensible and proportionate measures to mitigate any risks. The police will be informed and offer further advice if the risk assessment identifies potentially criminal behaviours and a risk of harm.

34. Do the police need to be informed about all suspected criminal offences?

Reporting all criminal offences gives the police important intelligence and may help prevent further offences being committed. However, if there are compelling reasons why you would not want the police to be notified, you will be able to discuss this with your manager.

Managers may also take into account the mental health or learning/behaviour needs of the alleged offender in determining if the involvement of the police is appropriate.

35. What will happen after the police are notified of an incident?

If the police are notified, the incident will be issued with a crime reference number and be allocated to an investigating officer. That officer may contact you for more details and you may be asked to give a statement. This can be at a police station or another location if you prefer.

36. Will I need to give a witness statement?

If you witnessed an episode of unwanted behaviour from a member of the public then you may be asked to give a witness statement by the investigating manager. If an offence is reported to the police, you may also be asked to provide a statement to aid the police investigation.

**Equal Opportunities**

37. This policy has been Equality Impact Assessed to identify opportunities to promote equality and mitigate any negative or adverse impacts on particular groups.

**Legislation**

38. This policy is subject to the Council’s policy framework and duties to employees under relevant legislation including Health and Safety at Work Act 1974; The Management of Health and Safety at Work Regulations 1999; and The Equality Act 2010.

**Advice and guidance**

39. If you require help in accessing or understanding this policy, you should contact your line manager or trade union representative.

40. If, due to the nature of your query, it is not appropriate to contact your line manager you should contact your Head of Service who will nominate an appropriate manager or colleague to help you.

**Further information**

41. For further information please speak to your manager, or contact [healthandsafety@wiltshire.gov.uk](mailto:healthandsafety@wiltshire.gov.uk) or [hradvisory@wiltshire.gov.uk](mailto:hradvisory@wiltshire.gov.uk)

**Template letters**

42. The following templates are provided to assist managers in written warnings.

- Desist behaviour letter/email
- Further measures letter/email

Policy author	H&S Service
Policy implemented	July 2023
Policy last updated	

**TEMPLATE TEXT FOR 'WARN & DESIST' LETTER/EMAIL**

PLEASE COMPLETE THIS LETTER TEMPLATE WITH THE RELEVANT ALTERNATIVE DETAILS IN ALL PLACES MARKED WITH \* AND THEN REMOVE THIS INSTRUCTION AND ALL HIGHLIGHTING.

Dear

**Re: Incident at xxxxxxxxxxxxxxxx**

I refer to the events which took place at (\*where) on (\*day, date, year).

Our record of the incident is that during an interaction with council staff to \*discuss your council tax bill, you \*used abusive language and behaved in a threatening and intimidating manner to the member(s) of staff.

You should note that such behaviour is unacceptable and that details of the incident have been retained for purposes of ensuring the future safety and well-being of other council staff. \*Wiltshire Police has also been informed in line with the council's policy on unwanted behaviour towards staff.

No matter how difficult the situation, council staff do not deserve to be subject to the type of behaviour you have displayed, and you should be aware that any recurrence of unwanted behaviour towards our employees may result in further action being taken against you to restrict or remove access to services. \*If appropriate Wiltshire Police will also be informed.

Yours faithfully,

**TEMPLATE TEXT FOR ADDITIONAL MEASURES BEING APPLIED  
LETTER/EMAIL**

PLEASE COMPLETE THIS LETTER TEMPLATE WITH THE RELEVANT ALTERNATIVE DETAILS IN ALL PLACES MARKED WITH \* AND THEN REMOVE THIS INSTRUCTION AND ALL HIGHLIGHTING.

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You should note that such behaviour is unacceptable and that details of the incident have been retained for purposes of ensuring the future safety and well-being of other council staff. \*Wiltshire Police has also been informed in line with the council's policy on unwanted behaviour towards staff and consideration is being given to commencement of legal action against you.

No matter how difficult the situation, council staff do not deserve to be subject to the type of behaviour you have displayed. To prevent any further exposure the following restrictions will now apply to you.

- You are prohibited from entering \*designate specific premises and include timeframe
- All further contact with you for the foreseeable period will be conducted only by telephone or online. \*Add contact details
- All contact with you will only be conducted through the following named officers. \* Add name/contact details
- Your access to \*name of service is being temporarily suspended or restricted. This means that \* Add details

Yours faithfully,