Unacceptable Behaviour: Policy Statement

1. Introduction

1.1 At the Canal & River Trust ("the Trust") we believe that individuals have a right to be heard, understood, and respected. We understand that customers can sometimes become frustrated and we do our best to listen, understand and help.

1.2 We recognise that people may act out of character in times of trouble or distress, and that there may have been upsetting or distressing circumstances leading up to their contact. We do not view behaviour as unacceptable just because an individual is forceful or determined.

1.3 We work hard to be open and accessible to everyone. To do this, it is important that we are able to communicate with someone so we can make sure we fully understand them. We therefore do not normally limit the contact that people have with us.

1.4 However, on some occasions the behaviour or actions of individuals using our service makes it very difficult for us to deal with their contact. In such instances we need to take steps to protect our employees and volunteers (collectively referred to as 'colleagues' in the remainder of this Policy Statement). This Policy Statement sets out how we will manage:

- Violence and aggression, as defined in section 2 below, from customers and members of the public; and
- Unreasonable contact from customers and members of the public, which may take the form of:
    - Contact from an individual which is so frequent or unreasonable that it makes it more difficult to complete our work or help other customers; or

- An unreasonable refusal to co-operate when we seek to resolve an individual's enquiry or issue; or

- Repeated complaints from an individual, the effect of which is to harass, or to prevent the Trust from pursuing a legitimate aim or implementing a legitimate decision.

2. Violence and Aggression

2.1 We define violence and aggression as:

"Any incident in which a colleague feels that they have been abused, threatened, or assaulted in circumstances relating to their duties, whether that incident occurs in or out of work".

2.2 This includes physical attacks, behaviour or language (written or spoken) that could cause colleagues to feel afraid, threatened or abused. Such behaviour could take place in person, by phone, online, or via correspondence. It includes any work-related incident involving a colleague, or their family, which happens away from the workplace. Some examples of such behaviour are at Appendix 1.

2.3 Violence and aggression towards Trust colleagues will not be tolerated and is likely to result in a termination of all direct contact with the individual. We may also take action in response to violence and aggression aimed not at us but at third parties where that behaviour has an adverse effect on our colleagues.

2.4 Any colleague who experiences violence and aggression from an individual in person, by phone, or via video-call has the authority to take appropriate immediate action to deal with that behaviour. This may include (but is not limited to):

- warning the individual that their behaviour is unacceptable and that the interaction will be ended if the behaviour persists;

- terminating the interaction;

- taking steps to de-escalate the situation;

- otherwise removing themselves from the situation; and/or

- escalating the matter to a more senior Trust colleague.

2.5 Where correspondence (in any format) constitutes violence and aggression we will not respond substantively to the issues raised in that correspondence. Upon receipt of such correspondence we will:

- write to the sender explaining why we will not respond substantively, stating that we consider the content of the correspondence to be unacceptable; and

- state that we will not respond to future correspondence if the action or behaviour continues.

2.6 Following an incident of violence and aggression we may:

- make a decision to restrict future contact with an individual in accordance with paragraph 6 below; and/or

- report the incident to the police, if appropriate. This will always be the case if physical violence is used or threatened.

3. Excessive or unreasonable contact

3.1 Contact becomes unacceptable when the volume of such contact or the meeting of demands made in such contact has a substantial adverse impact on our ability to respond, our ability to deal with other people's contact, or our ability to continue our broader work. Some examples of excessive or unreasonable contact are provided at Appendix 1.

3.2 If we consider a person's contact is excessive or unreasonable, we will tell them why and will ask them to modify this behaviour. If further excessive or unreasonable contact occurs, we may make a decision to restrict future contact with the individual concerned, in accordance with paragraph 6 below.

3.3 Where an individual has had:

- any freedom of information request refused[1] by the Trust on the basis that the request was vexatious[2]; or

- any environmental information request refused[3] by the Trust on the basis that the request was manifestly unreasonable[4]

this may be taken into account when determining whether to apply the provisions of this Policy Statement.

[1] Including the exhaustion of any internal review
[2] As defined in section 14 of the Freedom of Information Act 2000
[3] Including the exhaustion of any internal review
[4] As defined in regulation 12(4)(b) of the Environmental Information Regulations 2004

4. Unreasonable refusal to co-operate

4.1 When we are looking at an issue raised by an individual, we may need to ask them to work with us. For example, we may ask them to:

- agree the scope of the enquiry or complaint to be addressed;
- provide us with further information, evidence or comments; or
- help us by summarising their concerns or completing a form for us.

4.2 Sometimes, an individual repeatedly refuses to co-operate and this makes it difficult for us to proceed. We will always seek to assist someone if they tell us that they find it genuinely difficult to comply with a request. However, if we consider that a person is unreasonably refusing to co-operate with a reasonable request, we will inform them that unless they co-operate we will be unable to give further consideration to the issue they have raised. In the event that they continue to refuse to co-operate we will stop considering the issue that they have raised and will notify them of this decision.

5. Unreasonable use of the Complaints Process

5.1 Individuals with complaints about the Trust have the right to pursue their concerns by: raising them with a colleague and giving us the opportunity to resolve the issue; raising them through our Complaints Process; or addressing them through alternative dispute resolution. They also have the right to complain more than once if subsequent incidents occur. We consider access to our Complaints Process to be important.

5.2 However, in some cases use of the Complaints Process becomes unreasonable if the effect of repeated complaints from an individual is to harass the Trust, or to prevent the Trust from pursuing a legitimate aim or implementing a legitimate decision.

5.3 If we consider a person is using the Complaints Process unreasonably, we will ask them to modify their behaviour. In the event that they fail to do so we may, in exceptional circumstances, decide to restrict an individual's contact with us in accordance with paragraph 6 below.

6. Restricting future contact

6.1 Where appropriate we may take steps to restrict the frequency or nature of our future contact with a named individual. We aim to do this in a way that allows an individual to progress through our processes. We will try to ensure that any action we take is the minimum required to solve the problem,

considering relevant personal circumstances including the seriousness of the contact and the needs of the individual.

6.2 Restrictions may include (but are not limited to):

- Requiring future contact to be in writing only;
- Requiring future contact to be via telephone only, at set times on set days;
- Requiring future contact to be via a nominated member of staff ('single point of contact') who will deal with calls or correspondence from the individual;
- Requiring future contact to be via an identified third party only;
- Seeing the individual by appointment only;
- Moving social media contacts offline, deleting posts or blocking accounts;
- Advising the individual that only a certain number of issues will be considered in each period and asking them to limit or focus their requests accordingly.

6.3 Such restrictions do not affect any statutory rights that an individual may have which involve contacting the Trust.

6.4 Decisions to restrict contact with the Trust are taken after careful consideration of the situation by the responsible senior manager or director. Wherever possible, we will give the individual an opportunity to change their behaviour or action before a decision to restrict contact is taken.

6.5 In exceptional cases, we may decide not to consider a complaint/correspondence or future complaints/correspondence from an individual. In such cases we will consider the impact on the individual and whether there would be a broader public interest in considering their complaints/ correspondence further. Such decisions will be taken by the Head of Boating & Customer Service, or other relevant Senior Manager where appropriate.

7. How we let people know we have made a decision to restrict future contact

7.1 When a decision has been made to restrict future contact, the individual will be informed in writing[5] of the reasons for this decision, the restricted contact

[5] This can be supplemented if written communication is not the most appropriate form for the individual.

arrangements and, if relevant, the length of time that these restrictions will be in place.

8. The process for appealing a decision to restrict contact

8.1 Where we have decided to restrict future contact with a person in accordance with paragraph 6 above, that person may appeal our decision to restrict future contact. Such appeals must be submitted in writing and we must receive them within one calendar month of the decision to restrict contact. You may submit an appeal:

- By email to your designated point of contact; or
- By post to:

Head of Boating & Customer Service
Canal & River Trust
National Waterways Museum Ellesmere Port
South Pier Road
Ellesmere Port
Cheshire
CH65 4FW

8.2 Appeals will only be considered where they relate to the restriction imposed; they must not relate, for example, to either a complaint or contact made to us or to our decision to close a complaint or contact. Appeals could therefore include an individual saying that their actions were wrongly identified as unacceptable, that the restrictions were disproportionate, and/or that they will adversely impact on the individual because of personal circumstances.

8.3 Appeals will be considered by a senior member of staff who was not involved in the original decision. They must make reasonable and proportionate enquiries to enable them to consider the matters raised, and must make their decision based on the evidence available to them. They have discretion to quash or vary the restrictions as they think best. They must advise the individual in writing[6] that either the restricted contact arrangements still apply, or that a different course of action has been agreed, and must briefly summarise the reasons for their decision.

8.4 Save in exceptional circumstances, appeals must be determined and the outcome communicated within one calendar month of receipt.

[6] This can be supplemented if written communication is not the most appropriate form for the individual.

9. How we record and review a decision to restrict contact

9.1 We record all incidents of unreasonable contact and of violence and aggression. Such information is used and stored in accordance with our Privacy Notice and associated privacy schedules.

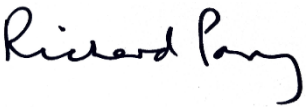
9.2 Where it is decided to restrict an individual's contact, an entry noting this is made in the relevant file and on appropriate computer records. Each quarter a report on all restrictions will be presented to the Head of Customer Service Support so that they can ensure that this Policy Statement is being applied appropriately.

10. Equality Act 2010

10.1 We will make reasonable adjustments in line with the Equality Act 2010 in order to remove barriers to accessing our service. It is important to us though, that we provide a safe environment for our colleagues to work in, which may mean we decide to restrict how someone can contact us. We will take into account any equality issues that may affect a person's behaviour before deciding whether to take action under the Policy Statement. This should include reviewing any reasonable adjustments currently in place and deciding whether any further steps could be taken to manage the person's behaviour.

David Orr CBE

Chair to the Board of Trustees



Richard Parry

Chief Executive

November 2024

Appendix 1: Examples

Examples of violence and aggression

- Physical attack (whether visible injury occurs or not) or threats of physical harm;
- Animal attack – where an animal is used as a threat or to inflict actual injury;
- Verbal abuse - when a colleague feels threatened or intimidated and the abuse is personally directed. This also includes cyber-aggression through texts, email messages or social media sites (for example, defamatory, offensive or insulting comments on forums or within social media groups designed to question the integrity or professionalism of a colleague);
- Attack or damage to property or belongings of the colleague or the Trust;
- Behaviour or language (whether verbal or written) that may cause colleagues to feel uneasy, uncomfortable, distressed, anxious, unsafe, intimidated, humiliated, afraid, threatened or abused;
- Language which is designed to insult, defame, or degrade, is offensive, racist, sexist or homophobic or which makes serious allegations that individuals have committed criminal, corrupt or perverse conduct without any evidence.

Examples of Excessive or Unreasonable Contact

- Repeatedly demanding responses within an unreasonable timescale;
- Insisting on seeing or speaking to a specific colleague when that is not possible;
- Repeatedly changing the substance of a complaint or raising unrelated concerns;
- Making demands that take up an excessive amount of colleague time and in so doing disadvantaging other customers by preventing their own correspondence from being dealt with quickly;
- Contacting us multiple times within a short period (for example, multiple times in one day or one hour);
- Repeatedly making long telephone calls to us over an extended period of time;
- Inundating us with copies of information that has been sent already or that is irrelevant to the enquiry or complaint;
- Malicious allegations;
- Regular requests for contact on subject matter to which the Trust has already responded in detail.