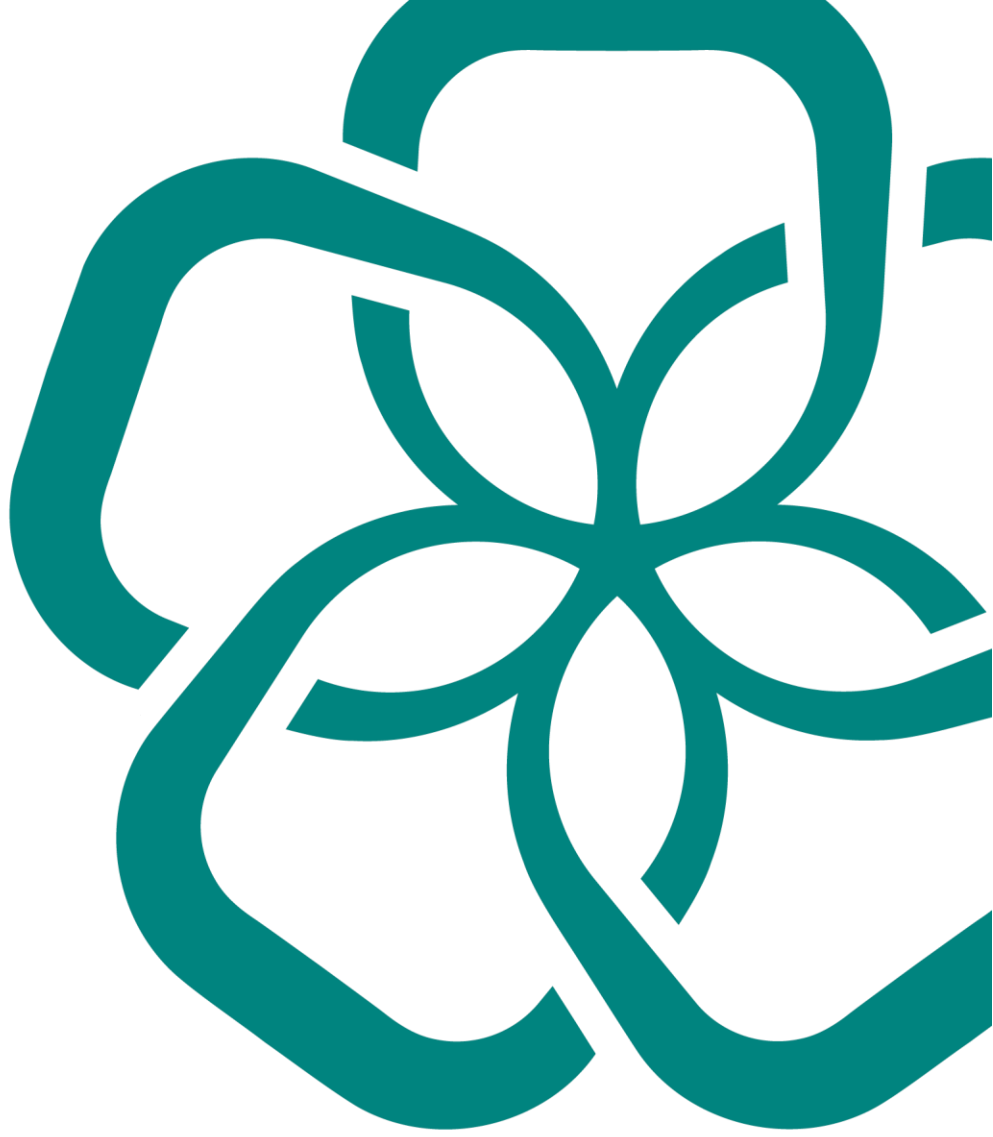




West
Yorkshire
Combined
Authority

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Unreasonable Behaviour Policy

August 2026

Unreasonable Behaviour Policy

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1. Policy Purpose

- 1.1 The purpose of this Policy is to deal fairly, transparently, and proportionately with unreasonable behaviour from members of the public, while making sure that all relevant concerns are addressed without other service users being unfairly or unreasonably disadvantaged.
- 1.2 It will also help officers of West Yorkshire Combined Authority (the 'Combined Authority', 'CA', 'WYCA', 'we', 'us') and those officers with responsibility for supporting the West Yorkshire Mayor and/or Deputy Mayor for Policing and Crime to understand what is expected of them, what options for action are available, and who can authorise these actions.
- 1.3 We know that people have very different needs and circumstances. In serving over 2 million people, we have to ensure we are fair and that we balance competing needs, and that our resources are used proportionately and appropriately. We want to make sure we are aware of all legitimate complaints and casework enquiries and that we have the right information to do something about them promptly, effectively, and efficiently, whilst at the same time, having a policy in place to identify unreasonable, and unreasonably persistent behaviour.

2. Policy Scope

- 2.1 This policy applies to any individuals contacting or otherwise accessing the Combined Authority's services, whether in person, online or otherwise, and includes unreasonable behaviour directed towards the Mayor, the Deputy Mayor for Policing and Crime and Combined Authority staff, and Members.
- 2.2 The Combined Authority may receive repeated or persistent rights requests under the Freedom of Information Act 2000 (FOIA), the Environmental Information Regulations 2004 (EIR), or the UK General Data Protection Regulation (UK GDPR) and Data Protection Act 2018 (DPA 2018).
- 2.3 The Combined Authority has a statutory duty to consider and respond when individuals exercise their rights, in accordance with the relevant legislation. Accordingly, compliance with these legal obligations will ordinarily take precedence over the application of this Unreasonable Behaviour Policy.
- 2.4 However, where the relevant legislation permits a request to be refused or otherwise limited — for example, where a request is determined to be vexatious, manifestly unfounded, or excessive — the Combined Authority may consider the application of this Policy where appropriate and proportionate.
- 2.5 As such, to ensure compliance with legislation, rights exercised under the FOIA, EIR, UK GDPR and DPA 2018 will be handled by the Information Governance team in the first

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instance, under the relevant policies and procedures.

3. Related Policies and Procedures

3.1 The policies that are related to this one include:

- Customer Complaints Policy
- Data Protection & Confidentiality Policy
- FOI/EIR & Transparency Policy
- Whistleblowing Policy
- Procedure for Considering Complaints in Relation to Members' Code of Conduct
- Procedure for Managing and responding to threats, aggressive behaviour, violence, and crime from members of the public.
- Police and Crime Team's Enquiries and Complaints Policy

4. Definition

- 4.1 Unreasonable behaviour is exhibited by individuals who, because of the frequency, persistency or the manner in which an individual makes contact with the CA, whether intentionally or unintentionally, hinder consideration of their own, or other people's complaints or casework.
- 4.2 An individual can be persistent on an entirely reasonable basis if the specific circumstances justify this such as persistent inaction by the CA in a matter the CA has legal responsibility.
- 4.3 Unreasonable behaviour, however, is unacceptable. Individuals may have justifiable cause for concern but may be pursuing it in inappropriate ways, or they may be simply intent on pursuing matters which appear to have no substance, or which have already been addressed and determined. Their contact with the Combined Authority might be placing very heavy demands on staff time, or the individual may be very emotionally charged creating a distressing situation for all those involved.
- 4.4 Examples of behaviour that the Combined Authority considers to be unreasonable, can be found at Appendix 1.

5. Stage 1: Considerations Before Taking Action

- 5.1 Before deciding whether the policy should be applied, the officer dealing with the individual, in consultation with their line manager will satisfy themselves that:
- The complaint or casework is legitimate and is being, or has been, handled in a reasonable and proportionate manner.

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- Any decision reached is an appropriate one and has been communicated clearly to the individual.
- Communications with the individual have been adequate, timely and appropriate and that they have received additional support where it is needed.
- The individual is not providing any significant new information which might affect the views of the staff handling the matter.
- Consideration needs to be given as to whether the individual is suffering from a disability and determine whether any reasonable adjustments need to be made.

5.2 Before the officer dealing with the individual seeks to apply this policy, they will provide the individual with a warning that should their actions continue, steps will be taken to apply this policy. The officer will confirm the behaviour of the individual that the officer deems to be unreasonable. The officer will also provide the individual with a copy of this Policy as part of this correspondence.

5.3 Where the officer, deems the behaviour falls within the definition of wholly unacceptable, as set out in Appendix 1, no warning will be given, and the matter will move straight to Stage 2. The Combined Authority has a no tolerance approach to this type of behaviour.

5.4 West Yorkshire Police have a named operation which will be triggered when the Mayor of West Yorkshire or Deputy Mayor for Policing and Crime, their family or a member of their constituency staff (including the Police & Crime case work team and the Mayoral team) believe that they are subject to intimidation and/or have been the victim of crime in West Yorkshire. This must be in connection with their official position. The application of this Policy will continue to be applied separate to any Police action.

6. Stage 2: Applying This Policy

6.1 Where an officer dealing with the individual seeks to apply this Policy, the case will be referred to their Head of Service who will determine whether this policy should be applied.

6.2 If the Head of Service determines that the behaviour exhibited meets one or more of the definitions set out in Appendix 1, they will write to the individual (or when the CA does not have an address or email address the Head of Service will telephone the individual) confirming:

- that the decision has been taken to make them subject to this Policy,
- when the decision was taken
- whether any restrictions have been applied, and any affect it may have on how they contact the Combined Authority
- when the decision will be reviewed / how long the restriction(s) will last.

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- that the decision does not prohibit them from exercising any of the statutory rights, such as their right to make a Freedom of Information request or a request under UK GDPR.
- that there is no right of appeal against the decision.

If the CA has an address/email address for the individual it will also provide a copy of this Policy if they have not been previously provided with one.

Options for action

- 6.3 The following is a non-exhaustive list of restrictions which the Combined Authority may apply where an individual's behaviour is found to be unreasonable:
- Placing time limits on telephone conversations and personal contact.
 - Restricting the manner and form of communications with the individual.
 - Restricting the number of telephone calls that will be taken from the individual.
 - Limiting the individual to one appropriate method of contact (telephone, letter, or email) and/or requiring the individual to communicate only with one named member of staff.
 - Requiring any personal contact to take place in the presence of a witness.
 - Refusing physical attendance at a public WYCA or Mayoral event.
 - Requiring the individual to use an advocate for any further contact.
 - Refusing to register, process or discuss further contact about the same matter.
 - Drawing up a signed agreement with the individual that sets out a code of behaviour.
 - Providing the individual with an acknowledgement to their correspondence only if the correspondence relays significant new information.
 - Reading future correspondence and placing them on the file without acknowledgment or response, unless the correspondence relays significant new information.
 - Asking the individual to re-submit their complaint without the inclusion of discriminatory or offensive language before the complaint will be dealt with.
- 6.4 As noted in the Policy Scope, rights requests made under the FOIA, EIR, UK GDPR and DPA 2018 will be processed by the Information Governance team in accordance with the legislation. This may mean that some restrictions are not applicable, depending on the context of the rights request and the parts of legislation that have been engaged.
- 6.5 In addition to any restrictions placed on the individual, where material, comments or actions are grossly offensive or threatening and may be construed as an offence under the Public Order Act 1986, the Protection from Harassment Act 1997 or the Malicious Communications Act 1988, the Combined Authority may involve the police or instigate its own criminal or civil proceedings.

7. Stage 3: Reviewing the Restrictions

- 7.1 Usually 12 months from the start of the restrictions, the Head of Service who applied the restrictions under Stage 2 will review the restrictions in place and assess whether they are still appropriate. Where restrictions are no longer required, they will be lifted.
- 7.2 Decided on a case by case basis, the Head of Service will write to the individual confirming:
- The outcome of the review,
 - Whether any restrictions continue to apply, and any affect it may have on how they contact the Combined Authority,
 - when the decision will next be reviewed.
- 7.3 Where restrictions are lifted, and an individual exhibits similar behaviour, the officer dealing with the individual, in consultation with their line manager, may proceed to Stage 2 of this Policy, without first applying Stage 1. If restrictions are re-applied the Head of Service has discretion to apply the restriction(s) for more than 12 months and no more than 2 years and to review the restrictions 2 years from the start of the re-applied restrictions where applicable.

8. Flagged Individual Log

- 8.1 The Combined Authority operates a flagged individual log which is a single, secure and centralised log. When individuals are demonstrating unreasonable behaviour and this policy has been considered or applied to that individual, a record of this will be recorded in the log.
- 8.2 All incidents of unreasonable behaviour will be documented in the log including those referred to the Police.
- 8.3 This record will be managed and maintained by the Legal, Governance & Compliance directorate.

9. Escalation

- 9.1 In serious cases where a potential criminal offence or civil wrong has occurred the Combined Authority reserves the right to refer the matter to the Police, if this hasn't already occurred, or taking its own legal action including on behalf of affected staff or members. The Combined Authority will support an employee that wishes to take legal action against a perpetrator subject to, and in accordance with, section 9.3 (below).

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9.2 Examples of potential criminal offences or civil wrongs include, but are not limited to offences and civil wrongs under the Malicious Communications Act 1988, Online Safety Act 2023 Section 181, sending threatening communications, Communications Act 2003 section 127, sending message that is grossly offensive or of an indecent, obscene or menacing character over a public electronic communications network and Harassment Act 1997 where someone's actions amount to harassment when they make the victim feel distressed, humiliated, threatened.

9.3 Escalation will require the relevant Head of Service to support this who will provide a report to the Assistant Director - Legal, Governance & Compliance. The Assistant Director - Legal, Governance & Compliance (or their nominee) will decide what, if any, legal action is proportionate and appropriate in the circumstances.

9.4 Where another body, such as the Police, propose to or take action which involves a member of staff of the Combined Authority as a potential witness the decision on whether to assist with that action will be taken by the relevant Head of Service and the Assistant Director - Legal, Governance & Compliance (or their nominee) following consultation with the member of staff who is a potential witness.

9.5 In exceptional cases where the threatened or actual criminal offence is serious the Combined Authority or the victim may immediately report the matter to West Yorkshire Police (WYP). When the victim reports the matter to WYP they will notify their Head of Service.

10. Equality Impact Assessment

10.1 In the creation of this policy, consideration has been given to any possible adverse equality impact for the following groups: disability; gender; gender reassignment; marital status (including civil partnerships); sexual orientation; race; religion or beliefs; age; pregnancy and maternity. The policy is considered to have little or no adverse equality impact.

11. Data Protection

11.1 Personal data provided to the Combined Authority as part of the enquires and complaints process is processed under our statutory obligation to respond to enquiries or complaints. Personal data of the individual exhibiting unreasonable behaviour or flagged under this policy may be shared internally on a need-to-know basis to ensure effective coordination and implementation of this policy, the safety of Combined Authority staff including the Mayor and the Deputy Mayor, and its Members. In some instances, the Combined Authority will share personal data with West Yorkshire Police for the purposes defined above and where there is a lawful basis to do so. Personal data processed for the purposes of handling enquiries and general complaints will be retained for a period in

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line with the relevant Combined Authority retention schedule. The data kept within the log and the records kept to maintain the log will be reviewed annually.

- 11.2 Enquiries or Complaints Made on Behalf of Other People – should you wish to make a complaint on behalf of someone else and where this involves divulging their personal information to us, we will usually require evidence of consent from that person before we will investigate. Should this not be possible, our ability to investigate the complaint will be considered on a case-by-case basis, in line with the requirements of relevant legislation (e.g. the UK GDPR).

12. Policy Review or Changes

- 12.1 The Combined Authority reserves the right to amend this policy as required. This policy will be monitored and reviewed on an annual basis, to ensure that it meets the needs of the Combined Authority and ensure compliance with relevant legislation. The Assistant Director - Legal, Governance & Compliance is authorised to approve amendments to this policy.

Appendix 1: What We Consider Unreasonable Behaviour

The Combined Authority, sets out below some of the behaviours it considers unreasonable with reference to further sub-headings. This is not an exhaustive list but provides some examples that have frequently come to the attention of the Local Government and Social Care Ombudsman or Independent Office for Police Conduct (IOPC):

Unreasonable Behaviour

- Refusing to specify the grounds of a complaint, despite offers of assistance.
- Refusing to cooperate with the Combined Authority's processes for handling complaints or casework while still wishing their issue to be resolved.
- Adopting false identities or forging documents.
- Refusing to accept that issues are not within the remit of the Combined Authority (including its Policing and Crime function), despite having been provided with information about their powers and responsibilities.
- Insisting on a complaint being dealt with in ways which are incompatible with the complaints policy, relevant legislation, case law, or statutory guidance.
- Making what appear to be groundless complaints about the staff dealing with the issue(s) and seeking to have them replaced.
- Changing the basis of a complaint as the matter proceeds and/or denying statements made at an earlier stage.

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- Introducing trivial or irrelevant new information which the individual expects to be taken into account and commented on, or raising large numbers of detailed but unimportant questions and insisting they are all fully answered.
- Making inflammatory statements and unsubstantiated allegations.
- Electronically recording meetings and conversations without the prior knowledge and consent of the other persons involved.
- Adopting a 'scattergun' approach: pursuing an issue with the Combined Authority and at the same time with others such as with the Chief Constable, a Member of Parliament, local councillors, the IOPC etc.
- Making unreasonably excessive demands on the time and resources of staff while an issue is being looked into, for example by excessive telephoning or sending emails to numerous people, writing lengthy complex letters every few days and demanding immediate responses.
- Submitting repeat complaints or casework, after proper processes have been completed, essentially about the same issues, with additions and/or variations which the individual insists make these 'new' matters which should be thoroughly considered.

Unreasonable Demands

- Insisting a complaint is dealt with outside of the Combined Authority's Customer Enquiries and Complaints Policy.
- Demanding responses within an unreasonable timeframe.
- Persistently demanding to see or speak to a particular member of staff.
- Continuing to raise issues that fall outside the remit of the Combined Authority and refusing to accept this once notified.
- Continual phone calls, letters or other customer contact including via Social Media channels. comments that are not relevant to the matter – all these must be looked at and included in our consultation reports.
- Demanding unreasonable compensation. This includes demands disproportionate to the complaint or demands for compensation from the Combined Authority without legal basis

Unreasonably Persistent Behaviour

- Actions that are obsessive, persistent, harassing, prolific, repetitious and/or otherwise unreasonable
- An insistence on pursuing unjustifiable complaints or other matters and/or unrealistic outcomes; beyond reason
- An insistence on pursuing justifiable complaints or other matters in an unreasonable manner or being uncooperative with those trying to resolve them
- Persistent refusal to accept a decision or accept an explanation made by the Combined Authority

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- Continuing to pursue a concern without presenting any additional information.
- Repeatedly making the same complaint, sometimes with minor differences and insisting this is a new issue that requires consideration.
- Adopting an excessive “scattergun” approach by submitting the same complaint to the Combined Authority and other external stakeholders at the same time or by persistently communicating with and pursuing complaints and issues through different Combined Authority contacts and departments at the same time.
- Continuing to pursue a complaint that relates to an issue based on a historic case.
- Excessive demands on the Combined Authority’s resources including lengthy phone calls, multiple emails, or insistence on face to face contact.
- Repeated comments submitted to surveys.

Wholly Unacceptable Behaviour

- Swearing, threatening and abusive words or behaviour
- Racial, religious, or sexual abuse
- Making personal derogatory comments about the individual
- • Shouting at or seeking to intimidate
- The making of threats.
- The making of threats of physical violence, abuse, derogatory remarks and/or rudeness, in writing or spoken.
- Threats, harassment, and other attempts to intimidate, which would include, but is not limited to, the posting of material on all and any social media platforms.
- Unsubstantiated allegations including unjustified complaints about staff who are trying to deal with the issues.
- Continued/ persistent contact, unwanted attention or stalking of a specific staff member/s. This includes in person and online for example staff members personal social media account or contact details.

Staff members have the right to terminate telephone calls where they consider that the caller is being aggressive, abusive, or offensive, after telling the caller that their behaviour is unacceptable and/or is placing unreasonable demands on the organisation. In this event a note will be made of the action taken.

Staff members who directly experience aggressive, offensive, abusive or unreasonable behaviour from an individual have the right to deal immediately with this behaviour either by removing themselves from the situation or asking the individual to leave the premises.

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Document Control

Title:	Unreasonable Behaviour
Version number:	1.6
Effective from:	August 2026
Revision date:	August 2029
Authorised by:	Corporate Management Board
Policy Owner:	Assistant Director - Legal, Governance & Compliance
Directorate:	Legal, Governance & Compliance
Unique document ID reference:	<i>TBC – for records management purposes</i>



Find out more
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All information correct at time of writing