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This document applies to all Libraries

Policy Statement

Adults Banning Policy.

This policy applies to customers from the age of 19 years who engage in abusive, threatening and inappropriate behaviour.

The policy compliments the County Council policy on Unreasonable Customers, which defines unreasonable or unreasonably persistent customers as being those which, because of the frequency or nature of their contact, hinder the authority's consideration of complaints, enquiries or requests. Officers may recognise one or more of the following indicators as characteristic of unreasonable or unreasonably persistent customers

The purpose of the banning policy is to define the process of banning a person from the library service following an incident of inappropriate behaviour.

It is a formal process involving a letter being sent to the user (recorded delivery) or handed to them if no address is available.

This policy is not intended to prevent customers from raising legitimate and important concerns, enquiries or requests, or from pursuing them. However, Cumbria County Council has a duty to ensure that staff working for the Council and service users have a right to undertake their work free from all types of discrimination, abuse, threatening behaviour and harassment. The council has a duty to protect the safety and welfare of its staff and service users. We therefore shall not tolerate what we consider to be unacceptable behaviour by customers.

2. Procedure

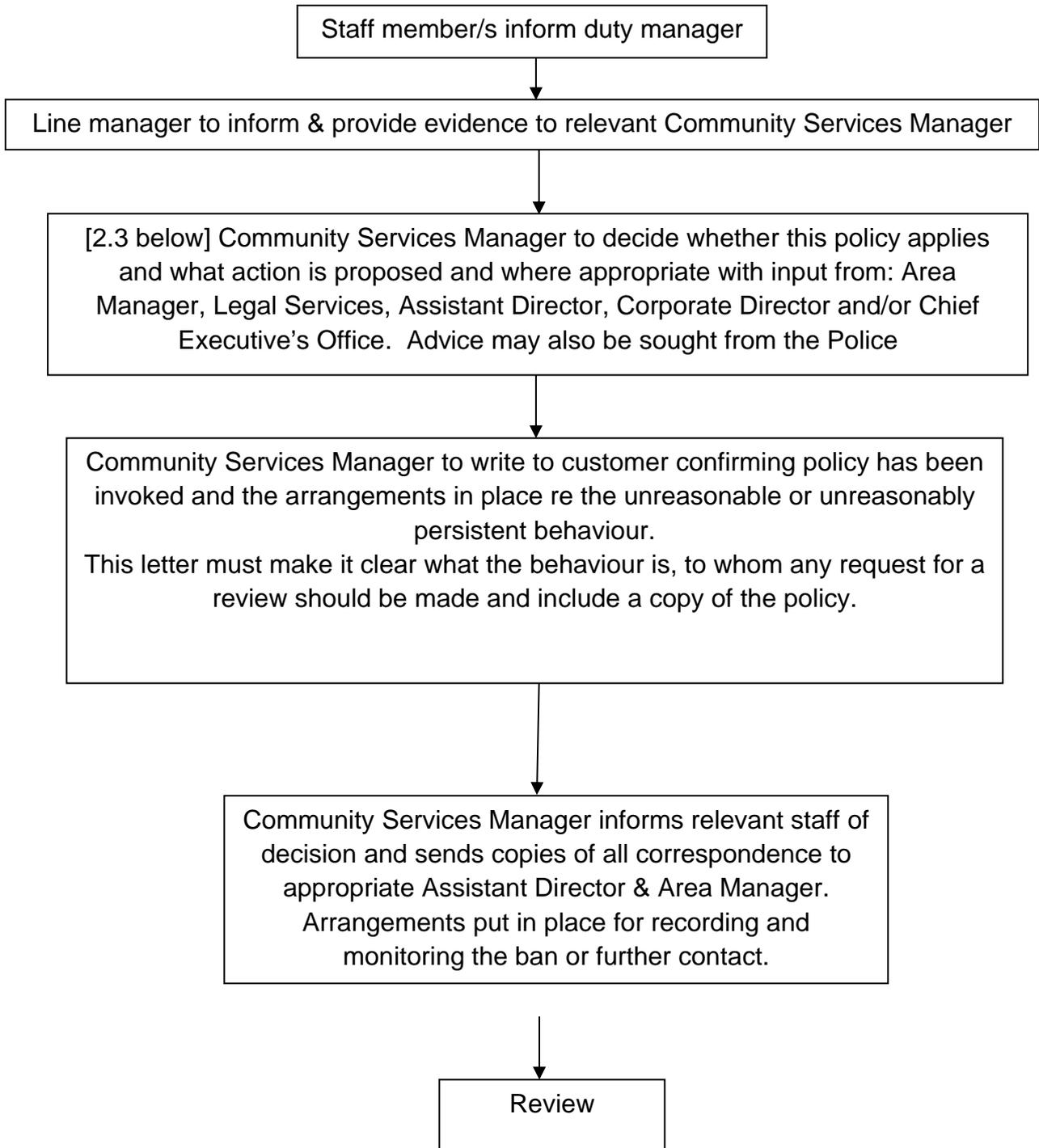
2.1 Definitions

Unacceptable behaviour can include:

- abusive, offensive or threatening behaviour
- behaviour which amounts to bullying or harassment
- Antisocial behaviour (towards staff or customers)
- Damage to property
- Physical assault or perceived threat of physical assault (towards staff or customers)
- Verbal assault (towards staff or customers)
- Inappropriate behaviour of a sexual nature (towards staff or customers)
- Discriminatory behaviour or language in relation to race, gender, age, disability, sexual orientation (towards staff or customers)
- Inappropriate use of library PCs or of customer's own equipment within the library building
- Substance abuse – includes being under the influence of alcohol or drugs

2.2 The Process

If any member of staff experiences one, or a number of, the examples given in the definitions section then they may be dealing with an abusive or unreasonably persistent customer. In this instance they are advised to follow the process below:



Who can authorise a banning order?

Community Services Manager, authorised deputy or the Area Manager if the Community Services Manager is unavailable.

2.3 Deciding whether the policy applies

A decision to ban a customer will be based on:

- Staff reports of an incident/behaviour
- Recorded evidence of existing and/or previous unacceptable behaviour
- The Community Services Manager's professional judgement
- Police evidence such as a breach of parole conditions.

The Community Services Manager will gather all the evidence relating to the behaviour/incident and use this to decide whether or not to apply a banning order.

The banning policy can be used in conjunction with the Unreasonable Customer policy. In particular, prior communications with any customer who is exhibiting unreasonable or unreasonably persistent behaviour will have included a warning that their behaviour is unacceptable, and so it is important that this is recorded. Where it is obvious from previous correspondence that a warning will have no effect on modifying a customer's behaviour then a Community Services Manager should consider invoking the policy and appropriate sanctions.

2.4 What sanctions should be considered

- The Community Services Manager will determine the length of the banning period based on the severity of the behaviour/incident.
- For one-off occurrences of poor behaviour the perpetrator can be asked to leave the premises. This decision should be reached by an Operational Lead or Community Services Manager.

Length of banning orders

- 1 month
- 12 months
- 5 years or longer

A 1month ban will apply in the following circumstances

- Abusive behaviour towards a member of staff or service user
- Persistent breaches of the library bylaws such as eating, consuming alcohol
- Repeatedly failing to observe opening hours.
- Damage to library property including defacing books and other stock (should this occasion a longer ban?)

A 12 months or longer ban will apply in the following circumstances

- Physical assault or perceived threat of physical assault (towards staff or customers)
- Verbal assault (towards staff or customers)
- Inappropriate behaviour of a sexual nature (towards staff or customers)
- Discriminatory behaviour or language in relation to race, gender, age, disability, sexual orientation (towards staff or customers)
- Inappropriate use of library PCs or of customer's own equipment within the library building
- Theft of library stock

A 5 years or longer ban would apply in the following circumstances

- Physical assault on a member of staff or customer
- Criminal Damage to library property requiring replacement of equipment.

We will communicate with the customer where a ban has been applied by

- sending a copy of this policy
- explaining why they are applying the policy to the customer
- detailing what it means for their future contact with the Council and how long any restrictions will last
- explain how the customer may challenge this if they disagree with the course of action by means of a request for a review to a senior manager
- the relevant Community Services Manager will then inform appropriate staff and managers including Operational Lead and Area Manager that this action has been taken

Repeated incidents

If a user has received a number of verbal warnings the Community Services Manager could decide to impose a banning order.

The criteria for this could be *2 verbal warnings + new additional warning = banning order*

If a user has received several banning orders, the Community Services Manager could decide to impose a 5 years or longer ban.

The criteria for this could be *2 previous bans + new additional ban = 5 years or longer ban*

The borrower record

A note should be placed on the borrower record, e.g.: *Banned for 6 months. Verbal assault. 25/07/14 – 24/07/15.*

Change the borrower status to *barred*

Reviewing a ban

A ban should be reviewed ahead of its end date.

The block/bar on the customer's card should be removed on the last day of the ban. The note outlining the details of the ban must be left on the record.

Appealing a ban

The customer can challenge the action taken by requesting a review which should be submitted in writing within 14 days of the policy being invoked, setting out the reasons for the review. Any review will be carried out within 28 days from receipt of the request for a review. Reviews will be carried out by an independent senior manager.

In relation to complaints, if the customer has exhausted the Council's complaints procedure, then they can request an independent investigation via the Local Government Ombudsman.

Behaviour considered to be harassment, aggressive or a threat to staff safety and welfare may also lead to police involvement or legal action. In such cases, where there is a need or justification for protecting staff, the Council may not need to give the customer prior warning of this action.

Managing breaches of a banning order

During the period of the ban, the customer must adhere to the terms of the ban and not enter the library/archive premises, covered by the ban, except by prior arrangement with the Community Services Manager. Any breaches of the terms set out in the ban will be recorded. Staff should take action in the following circumstances:

If person enters building ask them to leave.

If customer refuses to leave, call police.

Repeated instances of entering buildings - call police.

Record all of these incidents in Health and Safety Incident Report Portal

<https://genohsisportal.cumbria.gov.uk/Portal/>.

2.5 Information and Record Keeping

Whenever this policy is applied, we will record:

- Any correspondence or interactions with the customer written, verbal (to be documented)
- Full details of the complaint or enquiry, including the customers contact details are recorded via the Health and Safety Incident Report Portal <https://genohsisportal.cumbria.gov.uk/Portal/>.

Appendix 1 Banning letter template

Dear.....

**As a result of an incident in.....Library, on..... (date), I am issuing you with a banning notice for a period ofmonths/year.*

**As a result of a telephone call/SMS text/email of an abusive nature to(name of staff member), at.....(Library), on..... (date), I am issuing you with a banning notice for a period ofmonths*

**DELETE AS APPROPRIATE*

You are banned from all libraries in Cumbria for the specified period. This means that you are barred from entering any library premises in Cumbria.

In addition we will not accept contact from you by landline phone, mobile phone or email while the banning order is in place.

A breach of this order will result in staff calling the police to remove you from the premises.

Information relating to this ban will be placed on your borrower record.

When the banning order has expired you will be eligible to use the library service again, but any repeated instances of unacceptable behaviour could result in a further ban for a specified period, or possibly a lifetime ban.

The banning order takes immediate effect and your library account will be blocked for the specified period.

You have the right to appeal this ban and appeals should be submitted in writing to the Community Services manager.