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Unacceptable Behaviours and Actions

Guidance for Community Councils

1. Scope of this Guidance

This guidance applies only to the conduct of members of the public occurring in connection with Community Council (CC) business, including attendance at CC meetings, participation in CC activities, and communications directed to the CC or its members acting in their official capacity.

Nothing in this guidance restricts lawful criticism, political expression, or the raising of concerns on matters of public interest. Community Councils operate openly; however, in line with paragraph 9.5 of the Scheme for the Establishment of Community Councils, this openness is not unconditional and must be balanced with the need to ensure that CC business can be conducted effectively and respectfully.

The purpose of this guidance is to set clear expectations of behaviour so that Community Councillors—who serve voluntarily—are protected from aggressive, abusive or unreasonable conduct, and so that CC business can proceed in an orderly and respectful manner. It is a matter for each CC to deal with Unacceptable Behaviours appropriately and proportionately, but this guidance sets out Dumfries and Galloway Council's expectations and provides suggested parameters and considerations for how CCs may choose to respond to behaviours that they reasonably view as having an unacceptable effect on their business.

2. Defining Unacceptable Behaviours and Actions

Unacceptable behaviours and actions fall into two categories: aggressive or abusive behaviour and unreasonable demands or levels of contact.

2.1 Aggressive or Abusive Behaviour

Aggression includes any behaviour or language, oral or written, that causes Community Councillors or members of the public to feel afraid, threatened or abused. Examples include:

- Threats or physical violence
- Personal verbal abuse, derogatory remarks or rudeness

- Inappropriate comments, harassment or behaviour or language likely to stir up hatred relating to gender, race, disability, age or sexual orientation
- Inflammatory statements or unsubstantiated allegations

2.2 Unreasonable Demands or Levels of Contact

Demands become unreasonable when they excessively impact the work of Community Councillors or hinder their ability to serve others. Examples include:

- Repeatedly demanding responses within unreasonable timescales
- Contacting multiple Community Councillors about the same issue
- Insisting on speaking to a specific Community Councillor when inappropriate or impossible
- Repeatedly changing the substance of an enquiry or raising new issues unnecessarily
- Reposing questions after a response has already been provided

Contact levels become unacceptable when the volume or frequency of communication prevents Community Councillors from addressing the matter effectively or fulfilling other responsibilities. New issues that are materially different should still be considered.

3. Responding to Aggressive or Abusive Actions

Where aggressive or abusive behaviour occurs, a warning should normally be given first. The CC should clearly explain:

- What behaviour is unacceptable
- Why it is unacceptable
- What change is required

Before imposing any restriction, the CC should also consider less restrictive measures first, such as:

- Offering mediation
- Enabling hybrid or remote attendance where appropriate

If an individual is persistently aggressive or abusive during a meeting, the Chair may ask them to leave. If they refuse, the meeting may be adjourned, and the Police may be called.

For abusive correspondence, including social media, the CC should inform the individual that the language or content is offensive and request that it be revised before a response will be provided.

Under section 127 of the Communications Act 2003, sending offensive, menacing or obscene or knowingly false electronic messages for the purposes of causing annoyance, inconvenience or needless anxiety is a criminal offence. Individuals subjected to such behaviour may refer the matter to the Police.

4. Responding to Unreasonable Demands or Levels of Contact

Where unreasonable demands or levels of contact occurs, a warning should normally be given first. The CC should clearly explain:

- What behaviour is unreasonable
- Why it is unacceptable
- What change is required

Before imposing any restriction, the CC should also consider less restrictive measures first, such as:

- Adjusting communication channels
- Limit contact by phone or in writing
- Restrict communication to written correspondence only

If unreasonable demands or excessive contact continue, the CC may decide to:

- Refuse further calls or correspondence
- Disregard irrelevant documentation
- Refer the matter to Police Scotland where criminal activity is suspected

Any determination to restrict an individual's contact shall be made only at a duly convened, quorate meeting of the Community Council. Following such determination, formal written notification must be issued to the affected party or parties. The official Minute, retained by the Community Council and submitted to Dumfries and Galloway Council, shall record the full name of the individual to whom the restriction applies. For the publicly accessible version of the Minute, the individual's name shall be redacted or replaced with an appropriate pseudonym to safeguard personal privacy.

5. Responding to Recurring or Persistent Unacceptable Behaviour

Where unacceptable behaviour persists despite warnings, the Chair should report the circumstances to the CC, providing details of the nature and frequency of incidents. The individual should be given a reasonable opportunity to modify their behaviour before restrictions are imposed.

If behaviour does not improve, the CC may restrict the individual's access to CC meetings or communications for a period of up to six months. During an exclusion:

- Remote attendance may be permitted, unless the CC decides otherwise¹
- The exclusion must be reviewed at the end of the defined exclusion period
- There is no automatic renewal; any extension requires a fresh decision at a properly constituted meeting

¹Remote attendance should be presumed to be acceptable during a period of restriction unless the conduct is of such nature that remote attendance by that person (even with additional measures such as muting the person concerned) would be unlikely to mitigate the disruption caused by the unacceptable behaviour of that person.

If behaviour continues after the review, the CC may impose a further restriction of up to six months.

Any determination to restrict an individual's contact shall be made only at a duly convened, quorate meeting of the Community Council. Following such determination, formal written notification must be issued to the affected party or parties. The official Minute, retained by the Community Council and submitted to Dumfries and Galloway Council, shall record the full name of the individual to whom the restriction applies. For the publicly accessible version of the Minute, the individual's name shall be redacted or replaced with an appropriate pseudonym to safeguard personal privacy.

Following any restriction, the CC must inform:

- The individual concerned in writing
- Community.councils@dumgal.gov.uk within 7 days, including details of the restriction and its end date