



City of
Doncaster
Council

Barnsley and Doncaster Council

Household Waste Recycling Centres

Zero Tolerance Policy

October 2022

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1. Introduction

The Councils operate 10 Household Waste Recycling Centres (HWRCs) within Barnsley and Doncaster, managed by a private waste management company, for Barnsley and Doncaster residents to dispose of their own household waste.

The Councils have a statutory duty to ensure that all staff, irrespective of their employer, can work in safe conditions and experience no harassment, verbal, or physical abuse.

The Councils have statutory requirements under:

- The Health and Safety at Work etc. Act 1974,
- The Management of Health and Safety at Work Regulations 1999 (section 14)
- Equalities Act 2010 (section 26)
- Protection from Harassment Act 1997

The purpose of this policy is to determine good practice and to demonstrate clarity and consistency in dealing with unacceptable behaviour that can affect the delivery of the HWRC service.

This policy relates to the following issue that can occur at the HWRCs:

- **Abuse of staff and other site users** – where a member of staff, including third party contractors, or any other HWRC user/customer, is subjected to harassment, physical harm or verbal abuse by a site user.

The Councils expect site users to behave in a way that is not anti-social, nor cause nuisance to any other site user or member of staff.

The HWRCs have staff employed directly by the contractors, and, from time to time, agency staff and third-party contractors, who are responsible for the smooth and successful operation of the sites. This policy will also apply to any other visitors to the HWRCs and other site users.

It should be noted that all site users should also expect site staff to be polite, courteous, helpful and professional at all times. In the event that this is not the case, this should be reported to the Council as a complaint that will be investigated in conjunction with the appointed contractor.

2. Definitions of unacceptable behaviour towards staff and other site users

The Councils have a zero-tolerance stance regarding unacceptable behaviour on our HWRCs towards either members of staff, third-party contractors, or any other HWRC user/customer.

Unacceptable behaviour can include but is not restricted to:

- abusive, offensive or threatening behaviour
- behaviour which amounts to bullying or harassment
- damage to property
- physical harm or perceived threat of physical harm
- verbal assault
- inappropriate behaviour of a sexual nature
- discriminatory behaviour or language in relation to race, gender, age, disability, sexual orientation

3. Actions to be taken following an incident

- the first action will be for site staff to take any health and safety actions as necessary – e.g. administer first aid, complete an incident form, report to their Area Supervisor, and call the Police.
- all instances and injuries resulting from abuse, violence and aggression at the HWRCs will be reported to South Yorkshire Police. The Police will undertake their own investigations.
- photographs, body worn video footage, CCTV and written statements may be used as evidence in investigations carried out by the Police, our contractor, and the Council.
- if the Police do not act then the Council will consider seeking other routes for protection. This could be a warning, or if necessary, exclusion from site.
Exclusion from site could take one of two forms:
 - 1) an exclusion order issued by the Council or
 - 2) an injunction by way of the Courts that can be enforced by civil action for non-compliance.

Dependent on the type of unacceptable behaviour exhibited by a site user, the Council will seek to obtain vehicle keeper details from the Police/ Driver Vehicle Licensing Agency (DVLA), if not already obtained through the Household Waste Recycling Centre Account. A warning letter will be issued in the first instance.

4. Deciding whether the policy applies

The decision to take action against a site user will be based on:

- staff reports of an incident/behaviour
- recorded evidence

The **council's Waste Manager** will be provided with all the evidence relating to the behaviour/incident and use this to decide whether to apply an exclusion order.

5. Action to be taken

Depending on the nature and severity of the reported incident, the **council's Waste Manager**, at their discretion and after discussion with the contractor, issue a warning letter (see Appendix 1) instead of an exclusion order.

When the **council's Waste Manager** takes the decision to implement an exclusion order, it could be a:

- 12-month exclusion from one HWRC or
- 12-month exclusion from all HWRCs

Exclusion orders will apply in the following circumstances:

- verbal assault towards staff or other site users
- abusive, offensive or threatening behaviour
- behaviour which amounts to buying or harassment
- physical harm or perceived threat of physical harm
- inappropriate behaviour of a sexual nature
- discriminatory behaviour or language in relation to race, gender, age, disability, sexual orientation
- damage to property

6. Notification of the decision

Where a decision has been made to take action in relation to a site user under this policy, the **council's Waste Manger** will communicate with the site user to explain the following:

- the decision that has been taken
- the reason/s why the decision has been taken
- that the restrictions will remain in force unless notified otherwise in writing
- how a request can be made to have the decision reviewed and the time limit in which to make a request
- send out a copy of this policy

7. Appealing an exclusion order

The site user can challenge the decision by requesting a review which should be submitted in writing within 14 days of the exclusion order being invoked, setting out the reasons for the review.

The customer can do this by contacting either:

Waste Management Contracts Team
Smithies Depot
Smithies Lane
Barnsley
S71 1NL

Or by emailing wastemanagementcontracts@barnsley.gov.uk

Doncaster Council
Customer Experience Officer
Floor 1
Civic Office
Waterdale
Doncaster
DN1 3BU

Or by emailing complaints@doncaster.gov.uk

Where a valid request has been made to review the decision within the appropriate time limit, a Head of Service/Assistant Director will carry out the review. The review will be conducted as the Head of Service/Assistant Director sees fit, including considering any relevant documents that informed the original decision, the decision letter and the information provided in the request for a review.

Any review will be carried out within 28 days from receipt of the request for review.

The Head of Service/Assistant Director has the discretion to uphold the original decision/restriction(s), uphold the original decision and amend the restriction(s), or reject the original decision in its entirety. The site user will be notified of the decision by letter.

Full details of the complaints procedure for Barnsley Council can be found online at the below web address:

[Complaints and compliments \(barnsley.gov.uk\)](http://barnsley.gov.uk)

Full details of the complaints procedure for Doncaster Council can be found online at the below web address:

[Complaints and compliments - City of Doncaster Council](http://doncaster.gov.uk)

Should you not have access to the internet and would like a copy of the council's complaints process then you can contact Barnsley on 01226 773555 or Doncaster on 01302 736000 and ask for a copy to be sent out by post or, you can visit the council office.