

Cumberland Libraries Adult Banning Policy

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This document applies to all libraries within Cumberland and Westmorland & Furness.

1. Policy Statement

Library Banning Policy

This policy applies to customers from the age of 18 years who engage in abusive, threatening and/or inappropriate behaviour. 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.

The library service in Cumbria is provided by both Cumberland and Westmorland and Furness Councils and both councils share the infrastructure and systems needed to provide the service. As such, once a banning order is made, it will apply to all libraries within both councils.

The policy compliments the **Library Byelaws Library Byelaws (cumbria.gov.uk)**

The policy applies to customers who hinder the function of the library service because of their unreasonable behaviour. The purpose of this banning policy is to define the process of banning a person from the library service following an incident of inappropriate behaviour.

This policy is not intended to prevent customers from raising, or pursuing, legitimate and important concerns, enquiries or requests. However, Cumberland and Westmorland and Furness Councils have a duty to ensure that staff working for the Council and customers have a right to undertake their work or library visit safe from all types of discrimination, abuse, threatening behaviour and harassment. Each council has a duty to protect the safety and welfare of its staff and customers. 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 including verbal and physical assault.
- Antisocial behaviour (towards staff or customers) including discriminatory behaviour or language.
- Damage to property.
- Theft of library stock or property.
- Substance abuse – includes being under the influence of alcohol or drugs.
- Any verbal, sexual, physical threat (or including perceived threat), behavioural and/or psychological in nature or related to any of the protected characteristics under law.
- Repeatedly failing to observe library opening hours.
- Refusing to leave the library when requested to do so by staff.
- Viewing inappropriate material as deemed by library staff on library or personal devices.
- Inappropriate use of library PC's or of customer's own equipment within the library building.

- Online abuse.
- Complaints, requests, concerns or enquiries that have no serious purpose or value.
- Continuing any behaviour deemed inappropriate by library staff after being asked to cease. This includes for example swearing, running, throwing objects, moving furniture.

This is not an exhaustive list. Please also refer to **Library Byelaws Library Byelaws** (cumbria.gov.uk)

2.2 The Process

Evidence will be provided to the authorised banning officer who will make a judgment to review. If deemed necessary to issue a banning notice they will invoke the policy and write or email the customer specifying the reason for and terms of the ban. This communication will make clear the route for appeal.

2.3 Who can authorise a banning order?

Any supervisor or manager authorised by a senior manager. In Cumberland Libraries this could be a Senior Library and Customer Assistant, Library and Customer Manager or the Libraries Operations Lead.

2.4 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 authorised officer's professional judgement.
- Police evidence such as a breach of parole conditions.

The authorised officer will gather all the evidence relating to the behaviour/incident and use this to decide whether to apply a banning order.

The Banning Policy can be used in conjunction with the Unreasonable Customer Policy. In some circumstances a warning may be given prior to invoking a ban, and will be recorded by the authorised officer. Where it is obvious from previous incidents that a warning will have no effect on modifying a customer's behaviour, then the authorised officer will consider invoking the policy and appropriate sanctions.

2.5 What sanctions should be considered

- The authorised officer will determine the length of the banning period based on the severity of the behaviour/incident and previous sanctions.
- For one-off occurrences of poor behaviour, the individual can be asked to leave the premises and will be issued with a verbal warning. This decision can be taken by any member of staff and will be reported to an authorised library officer as soon as possible.

- 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 warning of this action.

Length of banning orders

- 1 calendar month.
- 12 months.
- A longer ban could be considered by an appropriate manager, in Cumberland Libraries this would be the Libraries Operations Lead.
- Permanent ban for criminal convictions against any staff member or library property.

A 1 calendar month ban will apply in the following circumstances:

- Abusive behaviour towards a member of staff or customer.
- Persistent breaches of any of the library byelaws.
- Repeatedly failing to observe opening hours.
- Not leaving the library when asked to do so.
- If a customer has received previous verbal warnings.

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

- Damage to library property including defacing books and other stock.
- Verbal assault or intimidation (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.
- Online abuse.
- When a 1-month ban has already been completed.

A longer ban would apply in the following circumstances, this is not an exhaustive list:

- Physical assault on a member of staff or customer.
- Criminal damage to library property requiring replacement of equipment.
- Criminal behaviour of any nature.
- When a 12-month ban has already been completed.

Permanent ban

- Criminal conviction involving library staff and premises.
- When a longer ban has already been completed.

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

- Sending a copy of, or providing a link to, this policy.
- Explaining why the policy is applied.
- Stipulating the length of the ban.
- Detail rights of appeal.

Whilst a ban is in place, the individual will be prohibited from entering a library premises, and will not have access to any library services, whether online or physical resources.

2.6 Appealing a ban

The customer can appeal the banning order. This should be submitted via email or letter within 7 days of the ban being issued, setting out the reasons for the appeal. An appeal will be carried out within 28 days from receipt of the request. Appeals will be dealt with by a senior library manager.

If the customer has exhausted the Council's complaints procedure, they can request an independent investigation via the Local Government Ombudsman.

2.7 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 any library site (including car park areas) within Cumberland and Westmorland and Furness Councils, except for exceptional circumstances by prior arrangement with the Senior Manager, in Cumberland Libraries this would be the Library Operations Manager. Any breaches of the terms set out in the ban will be documented.

2.8 Information and Record Keeping

During the banning process all incidents and decisions will be recorded in accordance with data protection legislation.