



Library Banning Policy

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This document applies to all Libraries

1. Policy Statement

Child and Young Person Banning Policy.

This policy applies to customers age 0 -18 (inclusive) years who engage in abusive, threatening or inappropriate behaviour. The purpose of the banning policy is to define the process of banning a child or young person from the library service following an incident of inappropriate behaviour. It is a formal process involving a letter being sent to the child's parent or guardian (recorded delivery) or handed to the child if no address is available or the parent/guardian are not with the child. In branches where a PCSO has a presence the PCSO may hand deliver the banning letter alongside their community disorder notice.

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

This policy is not intended to prevent young people or their legal guardian 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 library 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 customers. We therefore shall not tolerate what we consider to be unacceptable behaviour by children and young peoples.

2. Procedure

2.1 Definitions

- 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
- Activities deemed to be abusive, threatening or inappropriate
- Theft

2.2 The Process

If any member of staff or customer experiences or witnesses inappropriate behaviour they are advised to report to a staff member who will apply the policy, procedure and guidance. Subsequent banning decisions will be based on:

- Staff reports of an incident or a behaviour
- Recorded evidence of existing and/or previous unacceptable behaviour
- The Community Services Manager or authorised deputy's professional judgement

The staff member responsible for the issue of a banning order (branch specific) should gather evidence relating to the behaviour/incident and use this to decide whether or not to proceed with issuing recording on the electronic incident reporting tool

For one-off occurrences of poor behaviour the young person can be asked to leave the premises. This decision should be reached by a Community Services Manager or authorised deputy or in some instances security staff or PCSOs

Who can authorise a banning order?

Community Services Manager or authorised deputy

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 or authorised deputies judgement
- Intelligence from local PCSO/police

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

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 or authorised deputy should consider invoking the policy and appropriate sanctions.

2.4 What sanctions should be considered

- The Community Services Manager or authorised deputy will determine the length of the banning period based on the severity of the behaviour/incident.
- The person responsible for issuing the banning order (branch specific) will determine the length of the banning period based on the severity of the behaviour/incident/repeat offending

Length of banning orders

- 1 week
- 2 weeks
- 1 month
- 6 months
- 12 months

A 12 months 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

We will communicate with the young person or legal guardian where a ban has been applied by

- sending either a paper copy of the policy or a link
- 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 young person or their parent/guardian may challenge this if they disagree with the course of action by means of a request for a review to a senior manager
- exceptional circumstances will be considered and supported by a meeting with the Community Services Manager or authorised deputy
- the relevant Community Services Manager or authorised deputy will then inform appropriate staff that this action has been taken

Repeated incidents

Incidents for children and young people to incur a 1 week ban. If after that ban the child or young person continues to behave in an anti-social manner the ban to be extended to 2 weeks. If the behaviour is deemed severe a longer ban can be imposed

If a young person has received a number of verbal warnings the Community Services Manager or authorised deputy can decide to impose a banning order. The criteria for this is *2 verbal warnings + new additional warning = banning order*

If a young person has received several banning orders, the Community Services Manager or authorised deputy can decide to impose a longer ban
The criteria for this *2 previous bans + new additional ban = a maximum 12 month ban to be reviewed ahead of its end date.*

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 on the young person's card should be removed on the last day of the ban.

Appealing a ban

The young person or legal guardian 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 a Community Services Manager or authorised deputy.

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 or library service users, the Council may not need to give the young person prior warning of this action.

Managing breaches of a banning order

Staff to refer to the Young people's banning process & guidance document
If person enters building ask them to leave.
If customer refuses to leave, call police.

Repeated instances of entering buildings - call police.
Record any/all of these incidents electronically on CCC incident recording tool and store securely in line with GDPR ‘

2.5 Information and Record Keeping

Whenever this policy is applied, we will record in line with GDPR requirements:

- Any correspondence or interactions with the young person or legal guardian written or verbal (to be documented)
- Full details of the complaint or enquiry, including the customers contact details

Each Directorate will record the number of times this policy was invoked in that directorate, and for what reason.

Communication

When a child or Young Person are told that they are being banned and why, the child should also be told that a letter about the ban is being sent to their parent/guardian. The letter should be addressed C/O *The Parent or guardian of Name of Child.*

Appendix 1 Banning letter template

Dear..... I am sorry to have to inform you that name of child is being banned from all libraries in Cumbria for length of ban. The ban runs from date to date, this means that during this time name of child is barred from entering any library premises in Cumbria. If he/she enters a library in Cumbria during this time he/she will be asked to leave. Information relating to this ban will be placed on his/her borrower record.

Outline of why ban being imposed; give name of library where unacceptable behaviour occurred and nature of that behaviour. Phrases such as “Cumbria County Council does not tolerate verbal abuse of staff.” could be included.

When the banning order has expired name of child will be allowed to use the library service again, but any repeated instances of unacceptable behaviour could result in a further ban.

I hope you will be able to support me by stressing to name of child that this behavior is unacceptable. If you would like to talk to me about his/her use of the library please do not hesitate to contact me.

