

## Unacceptable actions policy

Sometimes, people using our service use behaviour, actions or general conduct that makes it very difficult for us to deal with their complaint effectively. A person's actions may become unacceptable because they use unreasonable conduct towards our staff. In such cases, we take action to protect our staff.

### Scope

This policy covers all areas of work undertaken by Ombudsman Services. It applies to the people our staff come into contact with during the course of our business, including current and potential consumers, their representatives and our participating companies. Contact covers various forms, including social media, telephone, face to face, and written correspondence.

### Policy statement

We do not view behaviour as being unacceptable just because a consumer is forceful or determined. However, we do consider actions that result in unreasonable contact or demands on our employees or our service to be unacceptable. These are the actions managed under this policy. This policy does not prevent the need to ensure that any service provided is accessible to all, on an equal basis.

### Equality and diversity

In some cases, consumers may have a mental health issue and/or disability where it may be difficult for them to communicate clearly and appropriately. If there is evidence of this in circumstances of unacceptable behaviour, we'll consider the individual's needs and our staff, before deciding on how best to manage the situation. We'll always consider making reasonable adjustments for the consumer if we are asked to do so, but we may still need to manage contact if necessary.

We act in line with our privacy policy, which you can find on our website. We will not share any sensitive information that consumers provide to us about their personal circumstances without their permission.

## Unreasonable actions

### Aggressive or abusive behaviour

We understand that individuals are frustrated about the issues leading to their complaint. It is unacceptable if this frustration turns into aggressive or abusive behaviour towards our staff. Violence, aggression and verbal abuse towards our staff is not tolerated. This can include behaviour or language, whether spoken, written or via social media) that makes staff feel offended, afraid, threatened or abused. For example, threats, personal abuse, offensive remarks or swearing.

Language that is racist, sexist, homophobic or that makes serious allegations that staff have committed criminal or corrupt conduct without evidence is unacceptable. Comments which are aimed at third parties are unacceptable because of the effect they may have on staff. We also consider inflammatory statements to be abusive behaviour.

### General unreasonable behaviour and demands

Individuals may make unreasonable demands, such as the amount of information they request, the nature or scale of the service they expect or the number of approaches they make. If actions start impacting on our work, we consider them unacceptable. We also consider it unacceptable if complying with the demands would impact on our work.

Unreasonable behaviour depends on the circumstances around it and the seriousness of the issues raised by the consumer. Some examples of unreasonable demands or behaviour:

- refusing to accept explanations of what we can or can't do and investigate;
- insisting the complaint be dealt with in incompatible ways with our process, or aren't good practice;
- making unjustified complaints about staff dealing with the issues, and trying to have them replaced;
- changing the basis of the complaint as our investigation is carried out;
- introducing irrelevant new information at a late stage;
- raising many detailed but unimportant questions and insisting they are all answered;
- secretly recording meetings and telephone conversations;
- submitting untrue documents;
- raising repeat complaints with minor changes or additions that the consumer insists make 'new' complaints;
- continuing to chase a case with us once we have closed it;
- repeatedly arguing points without new evidence;
- repeatedly demanding we respond within an unreasonable timescale;
- demanding to see or speak to a particular member of staff when it is not possible or necessary;
- insisting on a face to face meeting when we do not consider it necessary; and

- visiting our offices without an agreed appointment; and

Please note that this is not a complete list and is just a broad example of some of the actions and behaviours we consider unacceptable.

### **Unreasonable levels of contact**

Sometimes the volume and duration of contact made by a consumer to our offices can cause problems. This can happen over a short period, such as one day, or over the life-span of a complaint. We consider that the level of contact from a consumer is unacceptable when the amount of time responding to an individual impacts our ability to deal with their complaint, or the complaints of other people.

### **Refusal to cooperate**

To look at a complaint, we need the consumer to work with us. This could providing further information or comments, or helping us summarise their concerns.

Sometimes, an individual repeatedly refuses to cooperate, making it difficult for us to progress the complaint. We'll always try to assist someone if they have specific, genuine difficulty in completing a request. We consider it unacceptable to bring a complaint to our service, but then refuse to respond to our reasonable requests.

### **Unreasonable use of our complaints process**

If a consumer has a complaint about our service, they have a right to state their concerns through a range of means. This contact becomes unreasonable when the purpose of the repeated complaints is to harass, prevent us from following a legitimate aim or from applying a legitimate decision.

### **Managing unreasonable actions**

We reserve the right to take action when unreasonable behaviour effects our functionality, though we'll aim to do so in a way that still allows a complaint to progress through our process. We'll try to ensure that any action we take is the minimum required to solve the problem. We take relevant personal circumstances into account, including the seriousness of the complaint and the needs of the individual.

There are a number of steps that we may take due to unacceptable behaviour towards our staff, depending on the way contact is made and the type of unacceptable behaviour.

## Phone calls

If our staff experience unacceptable behaviour over the phone, they have the right to place the caller on hold or end the call. If they are ending the call, our staff will tell the caller how their conduct is considered to be unacceptable and give the caller the chance to change their behaviour.

If the caller chooses to carry on acting in a way considered unacceptable, our staff will advise the caller that the call will be ended if they don't change their behaviour. If the caller still does not change their behaviour, our staff can terminate the call.

If a caller's behaviour is thought to be extreme, for example if they make threats of violence, our staff can end the call without warning. In certain incidents, we may report incidents to the police. This will be the case if physical violence is threatened.

If there are multiple instances of unacceptable behaviour and it continues, we may apply more permanent restrictions.

## Correspondence

Our staff don't have to tolerate unacceptable behaviour in any correspondence, including letter, email and via social media. If there is a legitimate request for information in the communication, it is reasonable to provide that information. The individual will be told to change their behaviour in future contact as it is considered unacceptable.

If no legitimate request for information is included, our staff don't have to respond to abusive contact. We will contact the individual to tell them their behaviour is unacceptable and to modify their conduct and language in future, or we will not respond. Communication that includes physical threats to staff or serious allegations without proper evidence will not be accepted.

In all cases of unacceptable communication, we will contact the individual explaining why the behaviour is unacceptable and that their behaviour must change for future contact. If the behaviour is not changed, we will consider permanent restrictions.

## Actions we may take

If we consider a person's behaviour or actions unacceptable, we may decide to restrict or block contact from them. We may:

- limit future contact to a particular form or advise how often we can be contacted. For example, by email only, to be reviewed once a week;
- allow contact to a specified staff member only;

- require that contact be made to us through a representative;
- return documents. In extreme cases, tell the person that further irrelevant documents will be destroyed;
- read and file future contact, but only respond if a new complaint is made or new information is given;
- end or suspend the person's complaint. In extreme cases, we may refuse to consider future complaints from the individual;
- take any other action we believe is appropriate, including ending all contact with the person.

## Decision process

Except in extreme cases, such as a person making physical threats to staff where we end contact immediately, our decisions to restrict contact are carefully considered by a member of the management team. We will give the individual the opportunity to change their behaviour before we make a decision.

## Communicating our decisions

When we end contact immediately due to aggressive or abusive behaviour, the person is told at the time of the incident.

We will always tell the person in writing why we have decided to restrict future contact, the arrangements and how long the restriction will be in place. We can respond in another format if required.

## Appealing our decision

If we tell a person that we will no longer communicate with them, they will also be told about their right to appeal. Appeals need to be made in writing and submitted to the Chief Executive with 10 working days of Ombudsman Services restricting contact. If the individual has accessibility needs where written appeal is not appropriate, appeal may be submitted by phone. Only points relating to us restricting contact will be considered.

Potential grounds for appeal may include:

- the person's actioned were wrongly decided to be unacceptable;
- the restrictions were disproportionate to the incident; or
- the restrictions have negatively impacted the individual because of personal circumstances.

The Chief Executive, or executive team member, will consider the appeal within 10 working days of receipt. Restrictions will stay in place until a decision is made. Any amendments to the restrictions

will be made by the individual considering the appeal and the evidence provided. Their decision is final.

### **Recording unreasonable actions**

All incidents of unreasonable actions are recorded. When we decide to restrict contact, a note is made on the relevant case and in our centralised computer records.

### **Subsequent approaches**

If we have restricted contact from an consumer but they come to us with a new complaint, we must consider our original decision to restrict communication and any time limit we applied. If we have totally restricted contact, the decision to accept a new complaint can only be made by the Chief Executive or Chief Operations Officer.

### **Review and revision**

We reserve the right to make amendments to this policy as necessary.