

# Unacceptable actions policy

To establish a clear procedure that will ensure Ombudsman Services provides an appropriate service to our stakeholders while protecting our employees from any unreasonable actions that may occur.

Updated: July 15

# 1 Purpose

Ombudsman Services is independent, impartial and free to complainants. We believe that complainants have a right to be heard, understood and respected and we work hard to be open and accessible. However, this needs to be done with our employees' wellbeing in mind.

Occasionally, the behaviour, actions or general conduct of individuals using our service makes it very difficult for us to deal with their complaint effectively and efficiently. In a small number of cases, their actions may become unacceptable because they involve unreasonable conduct towards our employees or our process. When this happens, we have to take action to protect our employees and this will involve considering the impact of the actions on our ability to do our work and provide a service to others.

In essence, we have a duty of care for all employees to protect them from abusive calls and written correspondence and provide support where necessary for such situations.

This policy explains how Ombudsman Services will approach these situations.

## 2 Scope

The people our employees come into contact with when dealing with complaints made about participating companies and complaints about our service. This will include potential complainants, complainants and their representatives.

Contact may come in a number of forms including telephone contact, face to face contact and written correspondence including email and via social media.

## 3 Policy statement

People may act out of character in times of trouble or distress. There may have been upsetting or distressing circumstances leading up to a complainant coming to our office. We do not view behaviour as being unacceptable just because a complainant is forceful or determined. In fact, we accept that being persistent can be a positive advantage when pursuing a complaint.

However, we do consider actions that result in unreasonable demands on our employees or the company, in general, to be unacceptable. It is these actions that we aim to manage under this policy.

It is important to be clear that this policy does not preclude the need to ensure that any service provided is accessible to all, on an equal basis.

There is a requirement to consider whether any reasonable adjustment needs to be made to take individual circumstances into account and enable a complaint to be made.

## 4 Unreasonable actions

### 4.1 Aggressive or abusive behaviour

We understand that many complainants are angry about the issues they have raised in their complaint. If that anger escalates into aggressive or abusive behaviour towards employees, we consider this to be unacceptable.

Any violence, aggression or verbal abuse towards our employees will not be tolerated. Violence is not restricted to acts that may result in physical harm. It also includes behavior, or language (whether spoken, written or via social media), that may cause employees to feel afraid, threatened or abused. This may include threats, personal abuse, derogatory remarks or swearing.

We also consider inflammatory statements and unsubstantiated allegations to be abusive behaviour.

## **4.2 Unreasonable demands**

We are likely to consider the following types of demands as unacceptable:

- Repeatedly demanding responses within an unreasonable timescale.
- Insisting on seeing or speaking to a particular member of staff when an explanation that this is not possible has been given.
- Repeatedly changing the substance of a complaint or raising unrelated concerns.

## **4.3 Unreasonable levels of contact**

Sometimes, the volume and duration of contact made to our office by a complainant causes problems. This can occur over a short period, for example a number of calls, correspondence or emails in one day or one hour. It may occur over the life-span of a complaint, when a complainant repeatedly makes long telephone calls to us or inundates us with copies of information that has been sent already or that is irrelevant to the complaint.

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

Individuals with complaints about participating companies or Ombudsman Services have the right to pursue their concerns through a range of means. They have the right to complain more than once about a service provider with which they have a continuing relationship, if subsequent incidents occur.

However, this contact becomes unreasonable when the effect of the repeated complaints is to harass, or to prevent us from pursuing a legitimate aim or implementing a legitimate decision.

Ombudsman Services considers access to a complaints system to be important and it will only be in exceptional circumstances that we would consider such repeated use as unreasonable; we do, however, reserve the right to do so in those exceptional cases.

## **4.5 Other categories of unreasonable conduct**

Ombudsman Services will take action whenever unreasonable conduct impairs the functioning of the office.

We aim to do this in a way that allows a complaint to progress through our process, wherever possible. We try to ensure that any action we take is the minimum required to solve the problem, taking into account relevant personal circumstances including the seriousness of the complaint and the needs of the individual.

# **5 Managing unreasonable actions**

## **5.1 Telephone calls**

The threat or use of physical violence, verbal abuse or harassment towards employees may lead to the call being terminated.

Our employees do not have to tolerate unacceptable behaviour over the telephone. Where this occurs, employees have the right to place callers on hold or to end the call. However, before taking such action, we require our employees to tell the caller how their conduct is considered to be unacceptable and to allow the caller the opportunity to moderate their behaviour.

If the caller chooses to continue acting in a way that is considered to be unacceptable, then a second warning should be issued to advise the complainant that the call will be terminated if they do not change their behaviour.

If this warning is further ignored, the employee should terminate the call.

Where the case notes contain evidence of multiple instances of unacceptable behaviour and this continues, a more permanent restriction may be considered necessary.

In certain cases, we may take the decision to report incidents to the police. This will always be the case if physical violence is used or threatened.

## **5.2 Call monitoring**

All call terminations will be monitored.

## **5.3 Correspondence**

As with telephone calls, none of our employees have to tolerate unacceptable behaviour communicated in any correspondence (letter, fax, electronic/social media). Where there is a legitimate request for information contained within the communication, irrespective of the language used, it is reasonable to provide that information. The complainant will be warned that their conduct is considered to be unacceptable and will not be tolerated in the future.

Where no legitimate information is being requested and has no bearing to a complaint, employees do not have to respond to an abusive email or letter. However, we will issue a warning letter to the customer that their conduct is considered to be unacceptable and will not be tolerated in the future.

Where a complainant repeatedly phones, raises repeated issues, or sends large numbers of documents where their relevance isn't clear, a member of the management team may decide to:

- Limit contact to telephone calls from the complainant.
- Restrict contact to a nominated employee who will deal with future calls or correspondence from the complainant.
- Restrict contact from the complainant to writing only.
- Return any documents to the complainant or, in extreme cases, advise the complainant that further irrelevant documents will be destroyed.
- Take any other action that we consider appropriate.

# **6 Formal actions**

In all situations where an action is considered to be unacceptable, the complainant will receive a letter explaining that their behaviour/conduct has been unacceptable and that they must change their behaviour before they contact our service again. The letter will also enclose a copy of the Unacceptable Actions policy.

In extreme situations, we may advise the complainant in writing that their name is on a 'no personal contact' list. This means that we will limit contact with them to either written communication or through a third party. This decision will only be taken with authorisation from a member of the management team.

In exceptional cases, Ombudsman Services reserves the right to refuse to consider a complaint or future complaints from an individual. We will take into account the impact on the individual and also whether there would be a broader public interest in considering the complaint further. This decision will only be taken with authorisation from a member of the senior management/executive team.

We will ensure that we inform the complainant in writing of any action we intend to take and why.

## **7 Decision process**

Any employee who directly experiences aggressive or abusive behaviour from a complainant must follow the procedure guidelines as set out in this policy document.

With the exception of such immediate decisions taken at the time of an incident, decisions to restrict contact with Ombudsman Services are only taken after careful consideration of the situation by a member of the management team. Wherever possible, we will give a complainant the opportunity to change their behaviour or action before a decision is taken.

### **7.1 Communicating our decisions**

When an immediate decision is given in response to aggressive or abusive behaviour, the complainant is advised at the time of the incident.

A complainant will always be informed in writing why a decision has been made to restrict future contact, the restricted contact arrangements and, if relevant, the length of time that these restrictions will be in place. This ensures that the complainant has a record of the decision.

### **7.2 Appealing our decision**

It is important that a decision can be reconsidered. A complainant can appeal in writing about a decision to restrict contact. If they do this, we will only consider arguments that relate to the restriction and not to either the complaint made to us or to our decision to close a complaint.

An appeal could include, for example, a complainant saying that: their actions were wrongly identified as unacceptable; the restrictions were disproportionate; or that they have adversely impacted on the complainant because of personal circumstances.

A member of the management team who was not involved in the original decision will consider the appeal. They have discretion to overturn or vary the restriction as they think best.

They will make their decision based on the evidence available to them. They must advise the complainant, in writing, that either the restricted contact arrangements still apply or a different course of action has been agreed.

## **8 Recording unreasonable actions**

All incidents of unreasonable actions by complainants are recorded. Where it is decided to restrict complainant contact, an entry noting this decision is made in the relevant file and on appropriate computer records.

A decision to restrict complainant contact as described above may be reconsidered if the complainant demonstrates a more acceptable approach. A member of the management team will review the status of all complainants with restricted contact arrangements on a regular basis.

## 9 Review and revision

Line managers are encouraged to ensure that this policy is applied within their own area. Any queries on the application or interpretation of this policy must be discussed with your line manager prior to any action being taken.

The organisation reserves the right to make such amendments to this policy from time to time.

The HR department has the responsibility for ensuring the maintenance, regular review and updating of this policy. Revisions, amendments or alterations to the policy can only be implemented following consideration and approval by the chief executive.