

# Unacceptable actions policy

Our service is independent, impartial and free. We believe that our customers have a right to be heard, understood and respected. We work hard to be open and accessible.

Occasionally, the behaviour or actions of individuals using our service makes it very difficult for us to deal with their complaint. In a small number of cases the actions become unacceptable because they involve abuse of our staff or our process.

When this happens we have to take action to protect our staff and our limited resources. We consider the impact of the behaviour on our ability to do our work and provide a service to others.

This policy explains how we will approach these situations.

If you have any questions about this form or would like it in a different language or format, please contact us on **0300 057 1111** (Typetalk facilities are available).

You can contact us from 9am to 5pm, Monday to Friday (apart from Bank Holidays).

## What actions does the Adjudicator's Office consider to be unacceptable?

People may act out of character in times of trouble or distress. There may have been upsetting or distressing circumstances leading up to a complaint coming to our office, and we readily acknowledge that customers may feel strongly about their complaint.

However, we do consider actions that result in unreasonable demands on our office or unreasonable behaviour towards our staff to be unacceptable. It is these actions that we aim to manage under this policy.

### **Aggressive or abusive behaviour**

We understand that many of our customers are angry about the issues they have raised in their complaint. If that anger escalates into aggression towards our staff, we consider that unacceptable. Any violence or abuse towards staff will not be accepted.

Violence is not restricted to acts of aggression that may result in physical harm. It also includes behaviour or language (whether verbal or written) that may cause staff to feel afraid, threatened or abused, and may include threats, personal verbal abuse, derogatory remarks and rudeness.

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

## **Unreasonable behaviour or demands**

Behaviour or demands become unacceptable when they start to (or when complying with them would) impact substantially on the work of the office.

The following are some examples grouped under this heading, which is not an exhaustive list:

- refusing to specify the grounds of a complaint, despite offers of assistance
- refusing to cooperate with the complaints investigation process
- refusing to accept that certain issues are not within the scope of our remit
- insisting on the complaint being dealt with in ways that are incompatible with our procedures or with good practice
- making unjustified complaints about staff who are trying to deal with the issues, and seeking to have them replaced
- changing the basis of the complaint as the investigation proceeds
- denying or changing statements made at an earlier stage
- introducing trivial or irrelevant new information at a later stage
- raising numerous, detailed but unimportant questions and insisting that they are all answered
- covertly recording meetings and telephone conversations
- submitting falsified documents
- making excessive demands on the time and resources of staff with lengthy telephone calls or detailed letters or faxes every few days, and expecting immediate responses
- submitting repeat complaints with minor additions/ variations that the customer insists make these ‘new’ complaints
- refusing to accept the decision; repeatedly arguing points with no new evidence
- repeatedly demanding responses within an unreasonable timescale
- insisting on seeing or speaking to a particular member of staff or The Adjudicator when that is not possible or necessary
- insisting on a face to face meeting when we do not consider that this is necessary
- insisting that we use e-mail as a method of contact, when it is not our policy to do so.

An example of the impact would be that the demands or behaviour take up an excessive amount of staff time or resources and in so doing disadvantages other customers.

## **Unreasonable level of contact**

Sometimes the volume and duration of contact made to our office by an individual causes problems.

This can occur over a short period, for example, a number of telephone calls or faxes in one day or one hour.

It may occur over the life-span of a complaint when a customer repeatedly makes long telephone calls to us or inundates us with letters or copies of information that has been sent already or that is irrelevant to the complaint.

We consider that the level of contact has become unacceptable when the amount of time spent talking to a customer on the telephone, or responding to, reviewing and filing written correspondence impacts on our ability to deal with that complaint, or with other people’s complaints.

## **Unreasonable use of the complaints process**

Individuals with complaints about the Adjudicator’s Office or one of the organisations that the Adjudicator’s Office considers complaints about have the right to pursue their concerns through a range of means.

They also have the right to complain more than once about an organisation 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 an organisation from pursuing a legitimate aim or implementing a legitimate decision. We consider access to a complaints system to be important and it will only be in exceptional circumstances that we would consider such repeated use is unacceptable – but we reserve the right to do so in those exceptional cases.

## Examples of how we manage aggressive or abusive behaviour

The threat or use of physical violence, verbal abuse or harassment towards our staff is likely to result in a termination of all direct contact with the customer. Incidents may be reported to the police. This will always be the case if physical violence is used or threatened.

We will not accept any correspondence that is abusive to staff or contains allegations that lack substantive evidence. We will tell the customer that we consider their language offensive, unnecessary and unhelpful and ask them to stop using such language. We will state that we will not respond to their correspondence if the action or behaviour continues.

Adjudicator's Office staff will end telephone calls if they consider the caller aggressive, abusive or offensive. We make a written record of all such telephone calls. Adjudicator's Office staff have the right to make this decision, to tell the caller that their behaviour is unacceptable and end the call if the behaviour persists.

In extreme situations, we tell the customer 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.

## Examples of how we deal with other categories of unreasonable behaviour

We have to take action when unreasonable behaviour impairs the functioning of our office.

We aim to do this in a way that allows a complaint to progress through our process. We will 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.

### **Actions we may take**

Where a customer repeatedly phones, visits the office, raises repeated issues, or sends large numbers of documents where their relevance isn't clear, we may decide to:

- limit contact to telephone calls from the customer at set times on set days
- restrict contact to a nominated member of staff who will deal with future calls or correspondence from the customer
- restrict contact from the customer to writing only
- return any documents to the customer or, file them and not respond
- take any other action that we consider appropriate.

Where we consider continued correspondence on a wide range of issues to be excessive, we will tell the customer that only those matters within our remit will be considered. We are only able to consider complaints which have been fully considered by the relevant organisation.

In exceptional cases, we reserve 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.

We will always tell the customer what action we are taking and why.

## The process we follow to make decisions about unreasonable behaviour

Any member of Adjudicator's Office staff who directly experiences aggressive or abusive behaviour from a customer has the authority to deal immediately with that behaviour in a manner they consider appropriate to the situation and in line with this policy.

With the exception of such immediate decisions taken at the time of an incident, decisions to restrict contact with the Adjudicator's Office are only taken after careful consideration of the situation by a senior member of staff.

Wherever possible, we will give a customer the opportunity to change their behaviour or action before a decision is taken.

### How we let people know we have made this decision

When an Adjudicator's Office staff member makes an immediate decision in response to aggressive or abusive behaviour, the customer is advised at the time of the incident. When a decision has been made by a senior member of staff, a customer will always be told in writing (which can be supplemented if written communication is not the most appropriate form for the individual) 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 customer has a record of the decision.

### How we record and review a decision to restrict contact

We record all incidents of unacceptable actions by customers. Where it is decided to restrict customer contact, an entry noting this is made in the relevant file.

### The process for requesting a review of a decision to restrict contact

It is important that a decision can be reconsidered. A customer can request a review of 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 conclude a complaint.

A review could include, for example, a customer saying that their actions were wrongly identified as unacceptable, the restrictions were disproportionate, or that they will adversely impact on the individual because of personal circumstances.

A senior member of staff who was not involved in the original decision will consider the request for a review. They have discretion to remove or vary the restriction as they think best. They will make their decision based on the evidence available to them. They must advise the customer in writing (which can be supplemented if written communication is not the most appropriate form for the individual) that either the restricted contact arrangements still apply or a different course of action has been agreed.

## Policy availability and review

Copies of this policy are available for free, online and on request from the Adjudicator's Office.

This policy is reviewed on a regular basis to make sure that its aims are being achieved.

This policy can be made available in other languages and formats (such as large print or Braille) on request.

The Adjudicator's Office, PO Box 10280, Nottingham NG2 9PF  
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[www.adjudicatorsoffice.gov.uk](http://www.adjudicatorsoffice.gov.uk)