

Unreasonable Behaviour Policy

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Introduction

1. This policy applies to everyone who contacts us. It applies to all contacts, regardless of the reasons for the contact. It sets out what we consider to be unreasonable behaviour and the actions we might take in response to such behaviour. References to an individual throughout this policy include a person who contacts us in a personal capacity (or as a representative of such a person), and a person who contacts us on behalf of a firm.
2. We appreciate that the circumstances leading up to an individual contacting us may have been upsetting and / or frustrating and that the individual may well feel angry. We do not view behaviour as unreasonable just because someone is forceful or determined. However, that anger should not be directed towards our employees and this policy sets out how we will manage behaviour which we consider to be abusive or aggressive.
3. We also appreciate that individuals may well be anxious and want reassurance that things are moving forward. However, our resources are limited and must be used to the benefit of all. That means that we cannot meet unreasonable demands for our service and it might mean that we cannot respond to every issue in the way that an individual wants. This policy sets out the way we will manage demands for our service which we find are taking a disproportionate amount of time and resources.

The Equality Act 2010

4. We will keep in mind the requirements of the Equality Act 2010, an individual's circumstances and vulnerabilities and will fully consider any requests for reasonable adjustments.
5. Some individuals may have difficulty expressing themselves or communicating appropriately. Where there is an indication that this may be the case, we will consider their needs and circumstances before deciding on how best to manage the situation, including applying any necessary reasonable adjustments. However, this does not mean we will tolerate abusive language, shouting or unreasonable behaviour.
6. Where someone has a difficulty engaging with the process due to their personal circumstances, disability or health condition, before applying a restriction under this policy, we will consider whether the restriction would affect that person more than someone who does is not in the same position. Where possible, we will ensure that the person with who has difficulty engaging with us due to their personal circumstances, disability or health condition can still access our services.

What is unreasonable behaviour

7. We believe that everyone has the right to be heard, understood and respected. Our staff have the same rights. We, therefore, expect individuals to be polite and courteous in their dealings with us. We will not tolerate aggressive or abusive behaviour, unreasonable demands or unreasonable persistence in terms of contacting us.

Aggressive / abusive behaviour

8. Aggressive or abusive behaviour can be expressed in physical behaviour, language or sending or showing images that might cause our staff to, for example, feel uncomfortable, intimidated, degraded, threatened or abused. This sort of behaviour is unreasonable. This includes abuse related to any protected characteristic, as defined by the Equality Act 2010.
9. The types of behaviour that could be classed as aggressive / abusive might include but are not limited to:
 - a. Threats to harm people or property;
 - b. Verbal abuse of any kind, including racist, sexist or homophobic abuse;
 - c. Degrading, defamatory, offensive, discriminatory, patronising, harassing and / or derogatory language or behaviour;
 - d. Rudeness;
 - e. Swearing;
 - f. Persistently and repeatedly raising unsubstantiated accusations against staff members.

Making unreasonable demands

10. In fairness to everyone to whom we provide a service, we must manage our resources so that we can offer a high quality complaints handling service. Where demands for our service become excessive and disproportionate, this will impact on the service we can provide to others. We will take action to manage such demands.
11. Unreasonable demands on our service might include, but are not limited to:
 - a. Requesting responses in unreasonable timeframes;
 - b. Insisting on escalating matters to a senior colleague when the individual is not getting the answer they want, when this is not necessary or reasonable and outside of the relevant process;
 - c. Making repeated requests for information, when this is not necessary or reasonable;
 - d. Repeatedly changing or adding to the subject of the complaint when this is not necessary or reasonable;
 - e. Repeatedly complaining about individuals without foundation or evidence;
 - f. Continuing to seek explanations for decisions where appropriate explanations have been provided;
 - g. Repeatedly querying the basis for a decision after the relevant decision review processes have been completed.

Unreasonable levels of contact

12. Communication may become unreasonable where it is excessive and unnecessary. Again, this will impact on the service we can provide to others. We will take action to manage such levels of contact.
13. Unreasonable levels of contact might include, but are not limited to:
 - a. Sharing the same information with us repeatedly when this is not necessary or reasonable;
 - b. Continually contacting us in a way that prevents us from undertaking our core functions, e.g. by sending numerous emails or making numerous telephone calls in one day or other excessive contact over a short period of time;
 - c. Continually amending or adding to a complaint in a way that makes it difficult for us to do our job effectively, e.g. by providing numerous emails containing different contradictory information about the complaint when this is not necessary or reasonable.

What will we do if behaviour is unreasonable

14. We want individuals to be able to access our service when they need it, but we need to balance this against our duty of care to our staff. We will act proportionately, taking the minimum action required by us to resolve the problem.
15. Where someone has behaved in a way that is physically threatening and intimidating, it is likely to result in us ending all direct contact with that person for a set period (see paragraph 25 below). In those cases, all contact with us must be through a third party, such as an advocate. However, it will be for the individual to arrange that third party support, we will not arrange that for them. It is likely we will report someone to the police where they have threatened violence. Where someone has used violence that will always be reported to the police.
16. Where someone has been verbally abusive, threatening, intimidating or harassing towards a member of ECB staff, it is likely that this will also result in us ending direct contact with that person for a set period (see paragraph 25 below). It is also possible that this will be reported to the police. As above in cases where we end direct contact, all contact with us must be through a third party, such as an advocate.
17. Employees will make the decision as to whether to contact the police. This will be done in discussion with a manager, where that is possible.
18. Employees will end telephone calls or meetings if they consider that the individual is threatening, aggressive, abusive or offensive. Employees have the right to make that decision. Where possible, they will first tell the individual that their behaviour is unreasonable and will ask them to modify it. Employees can terminate the call or meeting if the behaviour continues.
19. We will not respond substantively to any correspondence that contains statements that are threatening, abusive or offensive. Rather, we will notify the author about why the content of the correspondence falls within this policy and what we expect them to do to modify the content of their correspondence going forward.

20. In cases where direct contact continues, we may put measures in place to manage the unreasonable behaviour we have seen. This might include, but is not limited to:
- a. Allowing telephone contact only at set times and on certain days;
 - b. Restricting the number and length of telephone calls;
 - c. Restricting contact to only one member of staff;
 - d. Restricting contact to writing only;
 - e. Limiting the issues we will correspond on;
 - f. Blocking emails or telephone numbers where the number and length of communications have become excessive;
 - g. Refusing to consider a complaint (in exceptional circumstances). E.g. where the correspondence has been threatening or intimidating.

Decision-making process

21. Any employee who experiences offensive, aggressive, intimidating or threatening action from an individual can deal with that immediately in a way they consider to be appropriate to the situation and in line with this policy. Where an employee makes an immediate decision, they will communicate that in writing (by letter or email), or in an agreed format where a reasonable adjustment is in place. E.g using a voice note where written correspondence is not appropriate.
22. The only exception to the approach set out above (paragraph 21), is the decision to stop all direct contact with someone. That decision must be taken at manager level or above.
23. However, most decisions under this policy will not be taken immediately in response to one situation. Where decisions are taken over a longer period of time, they should be taken in consultation with a manager. Where possible, the individual should be warned about their behaviour and given the chance to change it before a decision is taken to restrict contact. This should be done in writing (by letter or email), or in an agreed format where a reasonable adjustment is in place.
24. Where a decision is made to restrict contact, we will explain:
- a. Why the decision has been made;
 - b. What arrangements for contact, if any, have been put in place;
 - c. The consequences of not complying with the restriction;
 - d. The length of time the restrictions will be in place;
 - e. When the restriction will be reviewed.

25. We will provide that information in writing (by letter or email), or in an agreed format where a reasonable adjustment is in place.
26. Where a restriction has been put in place, it will usually be for an initial period of six months. Following that the restriction will be reviewed and, if it remains in place, will be reviewed at three monthly intervals by the employee who put the restriction in place. Any decision as to whether to remove or continue with a restriction should be provided in writing (by letter or email), or in an agreed format where a reasonable adjustment is in place.
27. Where a restriction is put in place in relation to contact concerning a complaint to the ECB, the employee who put the restriction in place should review the restriction three months after the conclusion of our consideration of the complaint. If a new complaint is received in that three-month period, the employee should pass responsibility for reviewing the restriction to the employee with responsibility for the new case.

Changes in behaviour

28. Where employees are satisfied that the individual has changed their behaviour and the restriction is no longer required, they can remove the restriction prior to the next review date. They should only do so once they have discussed that with a manager. They should notify the individual about that decision in writing (by letter or email), or in an agreed format where a reasonable adjustment is in place.

Failure to comply with a restriction

29. Where an individual does not comply with a restriction that has been put in place, employees may end the contact. E.g. if an individual telephones the employee outside of the planned timings for telephone contact set out in the restriction, the employee may remind the individual about the restriction and terminate the call.
30. If an individual continues to ignore a restriction that has been put in place, the employee may consult with a manager about amending the restriction. E.g. no longer accepting telephone calls.

Appealing a decision

31. We will provide information about how to appeal against a decision to restrict contact in the letter to the individual setting out the restriction (or in the agreed format of the notification where a reasonable adjustment is in place).
32. A request for an appeal must be made within one month of the decision to restrict contact.
33. Where a restriction is put in place in relation to contact concerning a complaint to the ECB, the appeal will consider only the arguments against the restriction put in place and will not consider the merits of the complaint itself or concerns about the way that the complaint is being managed by us.
34. The appeal will be considered by someone who is more senior to the person who put the restriction in place and who has not had any previous involvement in the handling of the restriction.

35. We aim to respond to the appeal within one month of receipt and the outcome will be provided in writing (by letter or email) unless there is another agreed format due to a reasonable adjustment. The restriction will remain in place while the appeal is being considered.

36. The outcome of the appeal will be to either:

- a. Uphold the restriction;
- b. Remove the restriction;
- c. Change the restriction.

37. The appeal decision is final and there is no further right of appeal.

Support for employees

38. The manager of the employee who has experienced the unreasonable behaviour should discuss with them whether they require any additional support following this experience. This may include connecting them with a mental health first aider and ensuring that the restriction put in place meets the duty of care to our staff. E.g. in appropriate cases, it may be necessary to ensure that the employee has no further contact with the individual.