

## **OFFICE OF THE PENSIONS OMBUDSMAN**

### **POLICY ON DEALING WITH UNREASONABLE BEHAVIOUR**

#### **Introduction**

Through our Aims and Principles, we are committed to dealing with complainants and others who deal directly with us (including respondents) impartially, professionally and courteously. We aim to provide a high quality of service to everyone we deal with.

Despite this, there is a very small minority of people we deal with whose behaviour is unreasonable. For example, they are abusive, threatening or offensive. We do not expect our staff to tolerate this type of behaviour. Where people we deal with behave in an unacceptable way, we will ask them to change their behaviour. Where they refuse to do so, we will consider action to restrict their contact with the office and ensure that staff are properly protected, in accordance with our health and safety obligations and our general responsibility to safeguard their welfare.

#### **What is unreasonable behaviour?**

It is important to recognise that many of the people we deal with – particularly complainants – are angry or upset about the way that they have been treated. The Ombudsman is often the last resort for complainants who feel strongly that they have suffered an injustice. Therefore, it is important to put what people tell us into context and differentiate between their concern about what has happened to them and their behaviour.

Most of the unreasonable behaviour we experience happens during the course of telephone calls, as the number of callers in person is very small. We do not generally encourage people to call into our office in person as most of our complaints investigation work can be efficiently carried out by correspondence or by telephone. However, it is possible that there may be rare occasions where callers in person might behave unreasonably.

Some examples of what we consider is unreasonable behaviour are:

- Being unreasonably persistent – ringing us very frequently to reiterate the same points; sending us voluminous repetitive or irrelevant e-mails or letters.
- Rudeness – Swearing (generally or directed at a member of staff), persistent interruption, name calling or general discourtesy.
- Anger – Shouting.
- Aggressive behaviour – Threats of physical harm to person(s) or property; behaviour which indicates that physical harm to person(s) or property is imminent or actual physical aggression.

There may be other types of behaviour which we might consider unreasonable.

#### **Avoiding unreasonable behaviour**

We aim to avoid people feeling that they need or want to behave unreasonably towards us by communicating clearly, professionally and with respect.

Therefore, we will manage complainants' and respondents' expectations of the service we provide from the start of our dealing with them. For example, we explain the likely/realistic timescales of our investigation wherever possible. Where we say that we will do something by a particular date, we make sure that we do so. And, in the unlikely event that we cannot do what we have said, we will inform people about this and explain why.

Where staff feel that they need help in dealing with queries they cannot answer or unreasonable behaviour, they can always ask for help from a team leader or more experienced/capable colleague.

Where we meet with complainants or respondents, staff will be accompanied and contemporaneous notes will be made of any discussion. Where possible these will be agreed with all parties as soon as possible after the meeting has taken place.

We will not meet with complainants or respondents in person where we have prior knowledge that they have threatened to behave unreasonably to us or other relevant parties.

Where we meet with complainants or respondents, we will consider our physical environment and ensure that we take no unnecessary risks. We will terminate a meeting where an unforeseen risk arises and we will ensure that appropriate escape routes are available and accessible in the event of an unforeseen risk arising.

### **Dealing with unreasonable behaviour**

Where people behave unreasonably, we ask them to change their behaviour. For example, if someone shouts or swears at a member of staff during a telephone call, we will ask them not to do this. If they persist in doing this, we will warn them that we will terminate the call (put the phone down) and, if they still persist, we will follow that through. The staff member who terminates the call will report this to a team leader (preferably their own) at the time that this happens. Whether the call is terminated or not, a detailed written note of the telephone conversation should be made, even though all calls to the office are recorded electronically anyway.

Where people are unreasonably persistent, for example by telephoning us several times a day for a number of days in succession, or by sending us voluminous or repetitive emails or letters, we will ask them to reduce their contact with the office to that which is absolutely essential. If our request is ignored, we may take steps to limit their contact with the office. Such steps might include requiring contact in a particular form – for example by letter only; requiring telephone contact on specified days or at specified times; or insisting that contact is only made with specific staff member(s). In exceptional circumstances, we may refuse to have further contact with individuals who are unreasonably persistent or abusive. Where we put limitations on contact with the office, this will be sanctioned by a team leader or the

Casework Director. We will write to the individual(s) concerned to explain the limitations and our reasons for requiring them.

Where people make unreasonable demands, for example for a particular outcome to a complaint or for us to deal with a complaint in a particular way, we will explain clearly our reasoning as to why we cannot do this.

Where we receive threats against individual staff members or office property, they will be reported to a team leader immediately. The team leader will immediately consider what action should be taken, including informing the police or other emergency services.

Where we receive threats that indicate that another person or organisation may be at risk, these will be reported to a team leader immediately. The team leader will immediately consider what action should be taken. This may include informing the person or organisation at risk that a threat has been made or informing the police or other emergency services.

In the event that a senior member of staff is not available when such an event arises, any member of staff will act in accordance with this policy and take steps that they see fit to ensure that they and/or other members of staff remain as safe as possible.

In the event that action needs to be taken to deal with unreasonable behaviour, we will make a detailed note of events, including the unreasonable behaviour and any action taken to mitigate it. We will do this as soon as possible after the event.