

Unacceptable behaviour

This policy applies to all users of our service, which includes anyone who has contact with us, or anyone who is representing someone else in relation to their contact with us.

The Pensions Ombudsman combines in one organisation the Pensions Ombudsman and the Pension Protection Fund Ombudsman.

The Pensions Ombudsman is an independent organisation set up by law. We work within legislation set down by parliament, which means there are rules about what we can and cannot investigate. Our primary function is handling pension complaints and disputes. We act impartially and our service is free.

The vast majority of people we deal with are polite and constructive in dealing with us. However, a very small minority of users of our service occasionally act in an unacceptable way. We understand that sometimes applicants may be facing significant health or financial issues, and additionally may have already been through a lengthy complaints process. We provide an accessible service which a lot of people wish to use, so there can be some wait times and while we understand these can be frustrating; we want to make sure that we are accessible to everyone and that our cases are dealt with efficiently. Dealing with unacceptable behaviour can take a disproportionate amount of time. In addition, we have a duty to protect our staff, and our processes, from abuse.

We expect all parties to adhere to certain behaviours, and may take action if they do not, such as imposing restrictions on contact or discontinuing the complaint.

What is unacceptable behaviour?

Unacceptable behaviour includes, but is not limited to:

- Any type of discrimination on any grounds directed at any member of our staff or anyone else involved in the dispute. This includes a request that a case is dealt with only by someone of a particular gender, ethnicity, age or sexual orientation.
- Rudeness, aggression, threats or harassment. This includes any threat against a member of staff or our premises.
- Manipulative or deceitful behaviour, including the exaggeration or fabrication of circumstances to strengthen a case, or to attempt to jump ahead of others waiting for our service.

- Making unreasonable demands of our service, including demanding the case is dealt with ahead of others or outside of our timeframes. This would also encompass repeatedly or aggressively demanding to speak to a Manager/other senior member of staff outside of our standard procedures to try to get a different answer.
- Making frequent and repeated contact with us or persistently going over the same ground. This could apply to a single case or attempting to submit a new application about something we have already considered.
- Making repeated frivolous and/or vexatious complaints. We consider that a complaint is being brought maliciously, perhaps because of earlier bad feeling with a pension provider.
- Attempting to make contact with our staff outside of their office duties, or online 'stalking'.

What you can expect from us

We will treat you with fairness and respect and you can expect us to act reasonably in our dealings with you. We will make all appropriate efforts to communicate with you in reasonable timeframes, so you are updated as to what is happening on your case.

We will tell you if we find that your actions are considered unacceptable. We will then consider taking a series of steps outlined below. Please note that in extreme cases we may decide to bypass steps one and/or two:

Step one

We will try to resolve matters informally. There are several options we could consider here, it could be the member of staff dealing with you, or your case, will simply explain to you why they are finding your behaviour unacceptable and ask you to modify it. Other options include a cooling off period. We understand that receiving initial conclusions that you do not agree with, or were not expecting, may be disappointing, especially if the complaint with the pension provider started some time ago.

In some cases, we find that a cooling off period can help to focus discussions. A cooling off period of up to five working days can be decided by whoever is working on your case. Longer cooling off periods of up to ten working days can be put in place with the agreement of a manager.

The majority of these issues, which are themselves a very small proportion of the work we do, will be resolved without passing Step one.

Step two

However, if there is no change in the behaviour, or we consider the behaviour to be serious from the outset, we will impose restrictions on you. These may include:

- Allowing telephone calls only on specific days and for limited time periods.
- Limiting contact to one form only, and for a limited frequency, for example, one email a week.
- Restricting contact to one member of staff.
- Requiring you to enter into an agreement about your future behaviour before the case proceeds and an apology to be made to those who have been affected by your previous behaviour
- Requiring you to appoint a representative before the case proceeds (or, if you are representing someone, asking that you are replaced).

This list is not exhaustive and other options may be considered depending on the circumstances of the case and the individual but any decision is at our absolute discretion. We will set these restrictions out in writing to you along with our reasons for imposing them. Such restrictions will be made with the agreement of the relevant manager.

Review

If we are investigating a complaint and it is still open six months after any restrictions have been imposed, we will review the situation to see if those restrictions need to remain in place.

Step three

In extreme cases, for example serious discrimination or direct threats against our staff, or where unreasonable behaviour continues and any restrictions imposed at an earlier step are ignored, we might decide to terminate contact with you altogether. If you are the person who brought the complaint to us, we might decide to discontinue the case with no further investigation. In that instance, we will write to you explaining why we are taking this action and you will be given the opportunity to provide your reasons why the Ombudsman should not discontinue your complaint.

Making a new application when restrictions have been imposed previously

If we receive a new application from someone who has had restrictions placed on them in the past, we will assess whether the previous restrictions should also apply to the new application. If someone makes an application who has previously had a case discontinued because of their behaviour, we will consider whether we will investigate the new matter, or if previously imposed restrictions should still apply. If we decide not to look into the new application, we will let you know, and we may decide not to enter into any further correspondence.

If you are unhappy with our decision

If you consider we ought not to have decided that you are acting unacceptably, or that we should not have imposed restrictions, you can raise that by making a service complaint. See the [“Unhappy with our service”](#) section on our website.