

# Managing Unreasonable Behaviour

## Towards Our Staff and Partners Policy

### Introduction

1. The majority of individuals who contact us communicate with us in a polite and courteous manner. This policy is aimed at how we manage the relatively few individuals whose actions we consider unreasonable.
2. When you contact us to make enquiries, provide information or raise a complaint, we believe you should be listened to by our staff, we believe that you should be treated with courtesy and respect.
3. Our colleagues have the same rights, and we expect you to treat our staff with courtesy and respect.
4. If you have particular communication needs, for example, if you have a disability, condition or illness, we will accommodate these where appropriate in accordance with reasonable adjustment policy.

### Purpose of the policy

5. Our aims and objectives are:
  - to define the behaviours that are not acceptable to us;
  - to ensure that the ability of staff to conduct business is not adversely affected by those few individuals who behave in an unreasonable manner;
  - to ensure our staff have a safe working environment and are not exposed to unnecessary stress; and
  - to empower us staff to deal confidently and effectively with unreasonable behaviour.

### Who does this policy apply to?

6. This policy applies to everyone we deal with

### What behaviour is unreasonable?

7. We recognise that when you contact us, you may have reason to feel anxious, nervous, frustrated, aggrieved, upset or distressed.
8. We do not view assertive behaviour (for example, putting forward your case in a persuasive manner) as unreasonable.
9. We do view assertive behaviour (for example, refusing to allow a colleague to speak) as unreasonable.
10. However, we will manage behaviour that is aggressive or abusive or which places unreasonable demands on our staff under this policy. Some examples of what we consider to be unreasonable behaviour are provided below.

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### **Aggressive/abusive behaviour**

11. Unreasonable behaviour is behaviour or language (whether verbal, i.e. face to face or by telephone, or written) that may cause staff to feel harassed, intimidated, threatened or abused.
12. Examples may include:
  - refusal to co-operate;
  - threats;
  - verbal abuse;
  - racist and sexist language;
  - derogatory remarks;
  - offensive language;
  - rudeness;
  - making inflammatory statements; or
  - raising unsubstantiated allegations.

It is not considered acceptable that anger becomes aggression directed towards staff.

### **Unreasonable requests and communication**

13. Requests may be considered unreasonable by the nature and scale of service expected. Examples include:
  - requesting responses in unreasonable timescales;
  - insisting on speaking with certain members of staff; or
  - adopting a "capture-all" approach by contacting numerous colleagues and or third parties.
14. Communication may be considered unreasonable if, for example, individuals:
  - continually contact us while we are in the process of looking at a matter;
  - refuse to accept a decision made where explanations for the decision have been given;
  - continue to pursue complaints/issues which have no substance;
  - continue to pursue complaints/issues which have already been investigated and determined; or
  - continue to raise unfounded or new complaints arising from the same set of facts.
15. We recognise that our resources, including staff time, have to be used where they can be most effective. This might mean that we cannot respond in the way a person

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would like, if in doing so it would take up what we regard as being a disproportionate amount of time and resources.

16. We ask you to recognise that we may not be able to respond immediately. This does not mean that your matter is any less important to us. If we have asked for your patience but you continue to pursue your concerns, we may consider such behaviour to be unreasonable.

### **How will we manage unreasonable behaviour?**

17. All our staff have the authority to manage unreasonable behaviour.
18. We have a zero-tolerance position on violence and threats against our staff and this behaviour will always be reported to the police.
19. In all other cases, we will only restrict communication with you if we have informed you that your behaviour is unreasonable and have asked you to modify your behaviour. We will explain what action will be taken if the warning is ignored and, if you do not modify your behaviour, we will take steps to restrict or block communications with you.
20. If we decide a restriction or block is appropriate, we will consider which of the options below best fits the circumstances. The level of restriction that we apply will be proportionate, taking into account the nature, extent and impact of your behaviour on our ability to do our work.
21. We will be transparent and explain to you what restriction we are putting in place, our reasons for doing so and how long the restriction will apply.
22. If we have already made a reasonable adjustment for you, this will be taken into account when deciding upon the appropriate course of action.

### **Options to restrict or block contact**

23. If you continue to behave unreasonably after we have asked you to modify your behaviour, the options we will consider are:
  - Option 1: requiring you to contact a named staff member(s) only;
  - Option 2: restricting telephone calls to specified days and times, as we specify;
  - Option 3: terminating telephone calls if you are aggressive, abusive or offensive. We will politely ask you to modify your behaviour, but if the behaviour continues, we will tell you again that your behaviour is unacceptable and end the call;
  - Option 4: We will block your emails and telephone calls if the number of emails and telephone calls causes difficulties;

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- Option 5: We will block your emails and telephone calls if you persist after we terminate our retainer due to your failure to abide by the contract of retainer for legal services;
  - Option 6: We will not respond to communications which are abusive or offensive and we will block emails and telephone calls that are abusive or offensive;
  - Option 7: Physical violence, verbal abuse, threats, or harassment against our staff will not be tolerated and will be reported to the police, who may decide to prosecute.
  - Option 8: Terminate our retainer and cease acting for you.
  - Option 9: Ban you from our premises.
24. Any one of the above options (or a combination of these) may be applied to an individual.

### **How will we manage the unreasonable behaviour of individuals with disabilities (including mental health issues)?**

25. If you continue to behave unreasonably after we have asked you to modify your behaviour, the options we will consider are:
- your unreasonable behaviour relates to the disability/mental health issue, and if so, whether;
    - the restriction being applied will affect you more than a person who does not have that particular disability/mental health issue.
26. For example, we will give careful consideration before imposing a restriction on telephone calls with a person who has a visual impairment, as they might find it difficult to write to us instead.

### **How can you ask for a review of our decision?**

27. Only Clients may request a review within 5 working days of the decision to restrict contact (or other time period to be agreed if a reasonable adjustment is in place).
28. While the review is being considered, the restricted contact arrangements will remain in force.
29. Your request can be made in writing, by email or by telephone, but the format you use will depend on which method of contact has been restricted. For example, if we are not accepting your telephone calls, you will need to submit your request in writing or by email.

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30. If you wish to review our decision, please contact the Client Relations Partner who will consider your review.
31. The review will be considered within 5 working days of receipt of the request for a review, and you will be advised either that the restricted contact arrangements still apply or that a different course of action may be agreed.
32. If the Client Relations Partner is not able to respond within this timescale, the Client Relations Partner will tell you why and let you know when they will be able to respond fully.

### **Will we review the restriction?**

This policy does not apply to cases where we have explained that we are unable to correspond any further because we have previously considered reviewing.

Colleagues have the discretion to refuse to respond further.

This policy applies to cases where we may need to formally restrict incoming communications because an individual's behaviour is inappropriate, persistent or abusive. This allows us to work efficiently and proportionately.