

Unreasonable Actions Policy

OCO policy for dealing with unreasonable actions by members of the public

Introduction

The Office believes that all members of the public who contact us have a right to be heard, understood and respected. We work hard to be open and accessible. In dealing with the public, we require our staff to communicate clearly the reasons for our decisions and why, where relevant a complainant's argument or preferred outcome is not tenable.

We are conscious that the circumstances that lead people to contact our Office can be upsetting and distressing and may lead people to act out of character. We do not view behaviour as unreasonable just because it is forceful or determined. However, there may be times when the behaviour of people contacting the Office makes it difficult for us to deal with the issues they raise. In a small number of cases the actions become unreasonable because of the way they treat our staff or the demands they make on the Office.

We have a duty to protect our staff and do not expect them to be subjected to behaviour that is abusive, offensive or threatening, or which places unreasonable demands on the work of the Office.

What actions can be considered unreasonable?

- Unreasonably demanding or persistent actions
- Aggressive or abusive behaviour

Unreasonably demanding or persistent actions: involves frequency of contact that takes a disproportionate amount of time and resources of the Office and impacts on the time available to deal with other complaints. Examples of such actions include:

- Demanding responses within an unreasonable timescale
- Persistent requests for information
- Continuous phone calls and/or letters
- Repeatedly raising unrelated concerns
- Persistent refusal to accept a finding made in relation to a complaint
- Persistent refusal to accept explanations of what is excluded from this Office's remit
- Persistent insistence on outcomes that cannot be achieved.
- Persistent refusal to follow procedures explained by this Office
- Continuing to pursue a closed case without presenting any new information

Aggressive or abusive behaviour

We expect

- our staff to be courteous and respectful in their interaction with the public and professionals, and
- that staff should also be treated courteously and respectfully by those who are contacting this Office.

The OCO understands that people contacting us may feel angry about the issues they are raising. However if this is expressed in aggressive or abusive ways then this is

unacceptable. Any violence, abuse or threatening behaviour towards staff will not be accepted.

Aggressive or abusive behaviour includes behaviour or language (verbal or written) that may cause staff to feel intimidated, threatened or harmed. It includes threatening comments or actions, physical abuse or assault, derogatory or offensive comments and rudeness.

How we will manage unreasonable demanding or persistent behaviour

If we think a person's behaviour is unreasonable we will write to them and explain why we find their behaviour unacceptable. We will also explain that if the behaviour continues we will need to consider taking other steps. Other actions that we may consider include;

- Restricting telephone calls to particular times and limiting the time for the calls
- We may require contact to take place with a named staff member only
- Requesting contact in a particular format, for example letters only
- Where a complaint is concluded and the person has been advised of the decision and our reasons for this, on-going correspondence may be acknowledged but there will be no further engagement by this Office
- Ceasing all contact where the person continues with unreasonable actions (this decision can only be taken with the agreement of the Ombudsman or Director).
- Taking other action which the Ombudsman or Director considers appropriate

How we will manage aggressive or abusive behaviour

We will not accept behaviour or correspondence that is abusive or threatening to staff. Physical violence, threats, verbal abuse or harassment will not be tolerated and is likely to lead to a termination of all contact with the person. Incidents may be reported to An Garda Síochána. This will always be the case if physical violence is used or threatened.

We will not accept correspondence that is abusive or threatening to staff. We will not respond to any correspondence containing such language.

We will tell the person if we think their language during telephone calls is rude and offensive and ask them to stop using such language. Staff have the right to terminate the telephone call if the behaviour continues and we may also record such calls. We will inform a caller if we are going to take this action.

The process we follow to make decisions about unreasonable behaviour

All actions by a person that are considered to be intimidating, threatening, abusive or unreasonably demanding or persistent will be notified to a senior manager. Any member of staff who directly experiences aggressive or abusive behaviour has the authority to deal immediately with the behaviour in a manner they consider appropriate and in line with this policy.

With the exception of such immediate decisions taken at the time of the incident, decisions to restrict or limit contact with the Office are taken after careful consideration of the situation by a senior member of staff. Wherever possible we will give the person an opportunity to change their behaviour before such a decision is taken.

How we let people know we have made this decision

When a staff member makes an immediate decision in response to unacceptable behaviour, the person is advised at the time of the incident

In all other cases we will write to the person and tell them what action we are taking and why. However, where the behaviour is so extreme that it threatens the safety and welfare of staff, we will consider reporting this to An Garda Síochána or instigating legal action. In such cases we may not give prior notice of this.

How we record and review a decision to restrict contact

We record all incidents of unreasonable actions by people contacting the Office.

A decision to restrict contact from a person may be reconsidered if the person demonstrates a more acceptable approach.