

# Reasonable Actions Policy

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

## Introduction

This document gives general advice in relation to our Reasonable Actions policy.

In developing this Reasonable Actions Policy, the Ombudsman for Children Office (OCO) has had regard to the Safety, Health and Welfare at Work Act 2005. Under the Safety, Health and Welfare at Work Act 2005, as an employer, we must ensure, so far as is reasonably practicable, the safety, health and welfare at work of our employees as well as:

- The requirement for the OCO to be able to fulfil our statutory obligations efficiently and effectively and to provide a service to the members of the public.
- The requirement to conduct our enquiries and investigations in private.
- We have also had regard to the considerations regarding eliminating discrimination, promoting and protecting equality and promoting and protecting human rights. These are identified in section 42(1)(a)-(c) of the Irish Human Rights and Equality Commission Act 2014.
- Alignment with OCO and Civil Service values (integrity, impartiality, accountability).

## Procedures

### Positive engagement with the OCO

We recognise that the issues leading up to a complaint can be challenging, frustrating or upsetting. We try to treat all those in contact with our Office with understanding, respect and dignity. Similarly, our staff deserve to be treated with courtesy and respect. If frustration or upset turns into unreasonable behaviour, however, we will take action to manage it.

We expect people to act reasonably when engaging with our staff. This is how the vast majority of people engage with us. Our staff are not expected to tolerate behaviour that is abusive, offensive, threatening or, due to the frequency of contact, takes up an unreasonable amount of time and resources.

We will let people know how they can engage positively with our services. We will support people to express concerns about our Office and our service in a constructive manner by ensuring:

- we apply our customer charter process fairly and openly when individual concerns are raised;
- people understand what stage they are at in our process and, what options are available for providing information and engaging with us.
- when our role has concluded we will clearly explain when ongoing engagement is no longer helpful and would not lead to a change in decision.

- we engage with people positively and constructively, addressing any concerns we have, as and when they arise by seeking to resolve them informally before considering taking action in line with this policy.
- we provide information to help ensure concerns can be made about our service.

## **Unreasonable actions**

We support positive engagement. There are some situations, however, (examples below) that we may need to respond to or manage because of the negative impact on the wellbeing of our staff and our ability to provide a service. When we need to manage engagement in this way, we will ensure responses are proportionate to the behaviour and the impact on our organisation and our staff. Managing engagement in this way seeks to maintain our ability to deliver our service while minimising the impact of the situation that is causing the disruption.

The following types of engagement are considered unreasonable:

### Unreasonable demands

An unreasonable demand can include:

- repeatedly demanding updates or responses within an unreasonable time frame;
- unreasonable persistence in raising the same issue repeatedly when we have already given our final decision;
- a demand for action regarding a matter that is outside of the OCO's remit;
- demanding redress or outcome that is not achievable;
- insisting on seeing or speaking to a particular member of staff or refusing to communicate with the assigned staff member.

### Unreasonable lack of co-operation

An unreasonable lack of co-operation can include:

- a refusal to clearly define the matter you are raising with the Office;
- refusal to articulate the complaint and/or redress in their own words with or without accessibility accommodations;
- presenting large volumes of documentation in an unreasonable way;
- repeatedly changing the substance of the issue or raising unrelated concerns while our process is ongoing;
- withholding information and/or not being honest about facts;
- non-cooperation which may hinder, obstruct or delay the process.

### Other unreasonable behaviour

- Multiple phone calls, emails or letters about the same matter;
- Excessive content generated by Artificial Intelligence or other bot technology; Threats of violence or abuse towards staff, rude or aggressive conduct;
- Inflammatory statements and unsubstantiated allegations;
- Engaging in unnecessary and time-wasting arguments;
- Recording and using publicly, or live streaming may be regarded as harassment even if there is no directly abusive content in the statement;
- Personalised commentary on individual staff members online. Anyone who wishes to comment publicly on our Office online should refer to the OCO and not to individual staff.

## **What happens if a member of the public behaves in an unreasonable way?**

Unreasonable engagement may include one or two isolated incidents or may be the accumulation of incidents or engagement over a period of time. If we consider the engagement to be unreasonable, we will inform the person in question and will ask them to change it.

### **A) Our immediate response to unreasonable engagement**

- We will tell the person if we think their language during telephone calls is unacceptable and ask them to stop using such language. Staff have the right to terminate the telephone call if this unreasonable engagement continues.
- We provide guidance to our staff on managing unreasonable or unacceptable demands. In specific situations and without terminating all engagement with a person our staff may end or suspend a particular engagement or interaction if they find the person's behaviour abusive or distressing.
- If emails are received with unacceptable images, videos, or audio recordings, they may be automatically blocked by our firewall. Such emails may be delayed or blocked completely. If such emails persist the email addresses they are being sent from will be blocked.

### Trolling or abuse directed toward OCO staff

The OCO does not tolerate any trolling or abuse directed towards OCO staff, including the Ombudsman for Children. Any abusive or defamatory comments will be reported to the platform in question and/or the Gardai where appropriate or necessary. OCO staff should report any concerns to the Communications unit or their line manager.

## **B) Other actions we may take to address unreasonable engagement**

If the unreasonable engagement continues or constitutes a serious risk, the OCO will, in accordance with our duty under the Safety, Health and Welfare at Work Act, take action to restrict the person in questions contact with our Office and staff.

To ensure consistency, a decision to actively manage a situation needs to be made by a manager. Restrictions will be fair and appropriate and proportionate to the nature of the behaviour. The options we are most likely to consider are:

- not permitting attendance in person at our Office.
- not permitting contact by phone.
- directing phone calls to an automated service (when phone contact is blocking others from accessing our service or is abusive).
- not providing direct contact details or staff names when we consider there is a risk this may lead to harassment.
- restricting contact to a named staff member or to a specific email address.
- additional correspondence relating to the same matter, which has been closed, is read and then filed but no response will be provided.
- excessive content generated by Artificial Intelligence or other bot technology may not be considered part of the complaint as collaboratively decided by the caseworker and manager.
- restricting time and volume of contact e.g. asking them to call by telephone only on certain days and times.
- blocking phone or email addresses.
- communicating through a third party such as an advocate rather than direct contact.
- restricting contact to a particular channel e.g. asking them to contact us in writing by post only.
- as a final option, terminating all contact with them if this behaviour persists (the Ombudsman for Children or suitable proxy will make this decision).

In all cases, we will write to the person in question and tell them why we believe their engagement is not reasonable and what action we propose to take.

It will be possible to engage in the future, on any new issues arising, with a person with whom contact has been terminated if the conduct that gave rise to the termination ceases and is not repeated.



**C) There are some situations below that we will not accept and on which we will always take action. We record all incidents of unreasonable actions by people contacting the Office.**

We have zero tolerance of threats, violent and abusive behaviour towards staff. This is to ensure the safety and wellbeing of our staff and also protects the OCO and others. If a person's behaviour is so extreme that it threatens the immediate safety and welfare of the staff of the OCO or others, we will consider other options. These could include, reporting the matter to An Garda Síochána or instigating legal action. In such cases, we may not provide warning of that action.

Harassment of staff, whether accompanied or not by violence or abusive comments, is not acceptable. Harassment could include:

- Repeatedly contacting or continuing to contact individual staff members when previously asked not to.
- Contacting staff outside of the OCO to seek to influence them.
- Targeting and naming members of staff on social media.
- Sharing of correspondence that is marked confidential
- We will not accept correspondence or language that is abusive or threatening to staff. We will not respond to any correspondence containing such content.
- Abusive language includes all language that is designed or could be perceived as designed to insult or degrade, is discriminatory, defamatory or which makes allegations that individuals have committed criminal, corrupt or perverse conduct without any supporting evidence.
- Abusive language also includes language which makes unfounded allegations about an individual's professional ability or capability or seeks to belittle or denigrate them personally.
- Abusive language also includes violent or abusive comments sent to our Office which are not aimed at us but at third parties. Such language is still unacceptable because of the effect that listening or reading it may have on our staff.

**D) Unreasonable engagement which constitutes a serious risk.**

Where a person's engagement with the OCO is considered to constitute a serious risk, the matter will be brought to the attention of appropriate Senior Management and or the Ombudsman, in order to comply with our duty under the Safety, Health and Welfare at Work Act.