

Policy on Unacceptable Actions by Complainants

1. Introduction

- 1.1 This Policy sets out the Public Services Ombudsman for Wales (PSOW) approach to the relatively few complainants whose actions or behaviour are considered unacceptable. The term complainant includes anyone acting on behalf of a complainant or who contacts the PSOW office in connection with a complaint.

2. Policy Aims

- 2.1 To make it clear to all complainants, both at initial contact and throughout their dealings with the office, what the PSOW can or cannot do in relation to their complaint. In doing so, the aim is to be open and not raise hopes or expectations that cannot be met.
- 2.2 To deal fairly, honestly, consistently and appropriately with all complainants, including those whose actions are considered unacceptable. The PSOW believes that all complainants have the right to be heard, understood and respected. It is also considered that PSOW staff have the same rights.
- 2.3 To provide a service that is accessible to all complainants. However, where it is considered that complainant actions are unacceptable, the right to restrict or change access to the PSOW service is retained.
- 2.4 To ensure that other complainants and PSOW staff do not suffer any disadvantage from complainants who act in an unacceptable manner.

3. Defining Unacceptable Actions by Complainants

- 3.1 People may act out of character in times of trouble or distress. There may have been upsetting or distressing circumstances leading up to a complaint coming to our office. The PSOW does not view behaviour as unacceptable just because a claimant is forceful or determined. In fact, it is accepted that being persistent can be a positive advantage when pursuing a complaint. However, the actions of complainants who are angry, demanding or persistent may result in unreasonable demands on the office or unacceptable behaviour towards PSOW staff. It is these actions that are considered unacceptable and ones that this policy aims to manage. The PSOW has grouped these actions under three broad headings:

3.1.1 Aggressive or Abusive Behaviour

- (i) Violence is not restricted to acts of aggression that may result in physical harm. It also includes behaviour or language (whether oral or written) that may cause staff to feel afraid, threatened or abused.
- (ii) Examples of behaviours grouped under this heading include threats, physical violence, personal verbal abuse, derogatory remarks and rudeness. It is also considered that inflammatory statements and unsubstantiated allegations can be abusive behaviour.
- (iii) We expect our staff to be treated courteously and with respect. Violence or abuse towards staff is unacceptable. PSOW staff understand the difference between aggression and anger. The anger felt by many complainants involves the subject matter of their complaint. However, it is not acceptable when anger escalates into aggression directed towards PSOW staff.

3.1.2 Unreasonable Demands

- (i) Complainants may make what are considered to be unreasonable demands on the PSOW office through the amount of information they seek, the nature and scale of service they expect or the number of approaches they make. What amounts to unreasonable demands will always depend on the circumstances surrounding the behaviour and the seriousness of the issues raised by the complainant.
- (ii) Examples of actions grouped under this heading include demanding responses within an unreasonable time-scale, insisting on seeing or speaking to a particular member of staff, continual phone calls or letters, repeatedly changing the substance of the complaint or raising unrelated concerns.
- (iii) These demands are considered unacceptable and unreasonable if they start to impact substantially on the work of the office, such as taking up an excessive amount of staff time to the disadvantage of other complainants or functions.

3.1.3 Unreasonable Persistence

- (i) It is recognised that some complainants will not or cannot accept that the PSOW is unable to assist them further or provide a level of service other than that provided already. Complainants may persist in disagreeing with the action or decision taken in relation to their complaint or contact the office persistently about the same issue.
- (ii) Examples of actions grouped under this heading include persistent refusal to accept a decision made in relation to a complaint, persistent refusal to accept explanations relating to what this office can or cannot do and continuing to pursue a complaint without presenting any new information. The way in which these complainants approach the PSOW office may be entirely reasonable, but it is their persistent behaviour in continuing to do so that is not.

- (iii) The actions of persistent complainants are considered to be unacceptable when they take up what the PSOW regards as being a disproportionate amount of time and resources.

4. Managing Unacceptable Actions by Complainants

- 4.1 There are relatively few complainants whose actions are considered by the PSOW to be unacceptable. How these actions are managed depends on their nature and extent. If it adversely affects the PSOW's ability to do its work and provide a service to others, complainant contact with the office we may need to be restricted in order to manage the unacceptable action. The aim will be to do this in a way, wherever possible, that allows a complaint to progress to completion through the Complaints Process. Contact in person, by telephone, fax, letter or electronically or by any combination of these may be restricted. Effort will be made to try to maintain at least one form of contact. In extreme situations, the complainant will be told in writing that their name is on a 'no personal contact' list. This means that they must restrict contact with the PSOW office to either written communication or through a third party.
- 4.2 The threat or use of physical violence, verbal abuse or harassment towards PSOW staff is likely to result in the ending of all direct contact with the complainant. Incidents may be reported to the police. This will always be the case if physical violence is used or threatened.
- 4.3 The PSOW will not deal with correspondence (letter, fax or electronic) that is abusive to staff or contains allegations that lack substantive evidence. When this happens the complainant will be told that their language is considered offensive, unnecessary and unhelpful. They will be asked to stop using such language and the PSOW will state that there will be no response to their correspondence if they do not stop. The PSOW may require future contact to be through a third party.
- 4.4 PSOW staff will end telephone calls if the caller is considered aggressive, abusive or offensive. The staff member taking the call has the right to make this decision, tell the caller that the behaviour is unacceptable and end the call if the behaviour does not stop.
- 4.5 Where a complainant repeatedly phones, visits the office, sends irrelevant documents or raises the same issues, the PSOW may decide to:
- only take telephone calls from the complainant at set times on set days or put an arrangement in place for only one member of staff to deal with calls or correspondence from the complainant in the future.
 - require the complainant to make an appointment to see a named member of staff before visiting the office or that the complainant contacts the office in writing only.
 - return the documents to the complainant or, in extreme cases, advise the complainant that further irrelevant documents will be destroyed.
 - take other action that we consider appropriate. The PSOW will, however, always tell the complainant what action is being taken and why.

- 4.6 Where a complainant continues to correspond on a wide range of issues, and this action is considered excessive, then the complainant is told that only a certain number of issues will be considered in a given period and asked to limit or focus their requests accordingly.
- 4.7 Complainant action may be considered unreasonably persistent if all internal review mechanisms have been exhausted and the complainant continues to dispute the PSOW decision relating to their complaint. The complainant is told that no future phone calls will be accepted or interviews granted concerning this complaint. Any future contact by the complainant on this issue must be in writing. Future correspondence is read and filed, but only acknowledged or responded to if the complainant provides significant new information relating to the complaint.

5. Deciding to Restrict Complainant Contact

- 5.1 PSOW staff who directly experience aggressive or abusive behaviour from a complainant have the authority to deal immediately with that behaviour in a manner they consider appropriate to the situation and in line with this policy.
- 5.2 With the exception of such immediate decisions taken at the time of an incident, decisions to restrict contact with the PSOW are only taken after careful consideration of the situation by a more senior member of staff. Wherever possible, we give a complainant the opportunity to modify their behaviour or action before a decision is taken. Complainants are told in writing why a decision has been made to restrict future contact, the restricted contact arrangements and, if relevant, the length of time that these restrictions will be in place.

6. Appealing a Decision to Restrict Contact

- 6.1 A complainant can appeal a decision to restrict contact. A senior member of staff who was not involved in the original decision considers the appeal. They advise the complainant in writing that either the restricted contact arrangements still apply or a different course of action has been agreed.

7. Recording and Reviewing a Decision to Restrict Contact

- 7.1 The PSOW records all incidents of unacceptable actions by complainants. Where it is decided to restrict complainant contact, an entry noting this is made in the relevant file and on appropriate computer records.
- 7.2 A decision to restrict complainant contact may be reconsidered if the complainant demonstrates a more acceptable approach. A Director of Investigations reviews the status of all complainants with restricted contact arrangements on a regular basis.

This policy is issued after consultation with Representative Council.

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