



**Comisiynydd Pobl Hŷn Cymru**  
**Older People's Commissioner for Wales**

## **UNACCEPTABLE ACTIONS POLICY**

Responsible Manager	Chief Operating Officer
Next Review Date	September 2020; then annually.
Last Review Date	April 2019
Version	3.0

## **Unacceptable Actions Policy**

This policy sets out the Older People's Commissioner for Wales' (the Commissioner) approach to the relatively few enquirers and complainants whose actions or behaviour is considered unacceptable.

The Commissioner welcomes contact with our office and aims to provide a service that is accessible to all. However, we reserve the right to restrict or change access to the Commissioner's services where an individual's actions or behaviour is considered to be unacceptable.

### **Defining unacceptable actions**

Actions that the Commissioner considers to be unacceptable are grouped under the following three broad headings:

#### **1. Aggressive or abusive behaviour**

This can include rudeness, threats, physical violence, personal verbal abuse, derogatory remarks and unsubstantiated allegations. It also includes any other behaviour or language (oral or written) that may cause staff to feel afraid, threatened or abused.

#### **2. Unreasonable demands**

This can include any action or behaviour which places unreasonable demands upon the resources of the Commissioner, such as taking up an excessive amount of staff time to the disadvantage of other individuals or functions. For example, demanding responses within unreasonable timescales, continual phone calls or letters, repeatedly changing the substance of an enquiry/complaint or raising unrelated concerns.

#### **3. Unreasonable persistence**

This can include persistent refusal to accept a decision made in relation to a complaint or enquiry, persistent refusal to accept explanations relating to what the Commissioner can or cannot do and continuing to pursue an issue without presenting any new information. The actions of persistent enquirers/complainants are considered to be unacceptable when they take up what the Commissioner regards as a

disproportionate amount of time and resource and adversely affects the Commissioner's ability to provide a service to others.

### **Managing unacceptable actions**

The Commissioner's staff who directly experience unreasonable behaviour have the authority to deal immediately with the behaviour in a manner they consider appropriate in line with this policy.

With the exception of such immediate decisions taken at the time of an incident as explained above, the decision to restrict access to our office will be taken by a member of the Commissioner's Strategic Management team, and the Commissioner will be made aware of the decision.

When it is considered that an individual's behaviour is unacceptable, we will tell them why we find their behaviour unreasonable and we will ask them to change it. If the unacceptable behaviour continues, we will take action to restrict the individual's contact with our office.

Any restrictions imposed will be appropriate and proportionate. The options most likely to be considered are:

- requesting contact in a particular form (for example, letters or email only);
- requiring contact to take place with a named officer;
- restricting telephone calls to specified days and times;
- asking the individual to enter into an agreement about their conduct; and/or
- require future contact to be through a third party.

In all cases, we will write to tell the individual why we believe his or her behaviour is unacceptable, what action we are taking and the duration of the action. We will also tell them how they can challenge the decision if they disagree with it.

### **Circumstances when we may discontinue contact with enquirers/complainants**

Where an individual whose enquiry or complaint is closed persists in communicating with us about it, we may decide to terminate contact with that individual. In such cases, we will read all correspondence from that individual, but unless there is fresh evidence which affects our decision in the particular case, we will acknowledge it and place it on the file with no further action noted.

New enquiries or complaints from individuals who come within this unreasonable action policy because of their unreasonable persistence will be treated on their merits.

The threat or use of physical violence, verbal abuse or harassment towards Commissioner's staff is likely to result in the ending of all direct contact with the individual and discontinuing any investigation into their enquiry or complaint. Incidents may be reported to the police. This will always be the case if physical violence is used or threatened.

### **Appealing a decision to restrict contact**

An individual can appeal a decision made to restrict contact. A member of the Senior Management Team who was not involved in the original decision will consider the appeal. They will advise the individual in writing that either the restricted contact arrangements still apply, or a different course of action has been agreed.

Where a decision to restrict contact has been taken or endorsed by the Commissioner, it is final.

### **Recording and reviewing a decision to restrict contact**

The Commissioner records all incidents of unacceptable actions by individuals. Where it is decided to restrict contact, an entry noting this is made on the relevant records.

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

## Annex A

### Terminating abusive phone calls – our advice to staff

#### Principle

The Commissioner expects staff to be courteous to everyone they work with and expects that they should in return be accorded due respect.

#### What constitutes an abusive phone call?

Rudeness, threats, personal derogatory remarks, unsubstantiated allegations and shouting can all constitute abusive phone behaviour. It also includes any other behaviour or language that causes the particular staff member to feel afraid, threatened or abused.

#### Three step approach

The Commissioner has adopted a three-step approach to enable staff to appropriately manage an abusive phone call:

1. First abusive behaviour: inform the individual that their behaviour is considered abusive and give the individual an opportunity to modify their behaviour.
2. Second abusive behaviour: repeat warning above and inform individual that the phone call will be terminated if the abusive behaviour continues.
3. Third abusive behaviour: inform individual that the call is going to be terminated and end the call.

Note – in extreme cases, for example threats of violence, staff are entitled to terminate the call immediately where this would be reasonably considered a proportionate response.

#### Next steps

Refer the matter to your line manager who will consider the options for restricting future contact/reporting the incident in line with this policy.