

## Unreasonable Actions Policy

IMPRESS is independent, impartial and free to complainants. We believe that complainants and others have a right to be heard, understood and respected and we work hard to be open and accessible. However, this needs to be done with our representatives' wellbeing in mind.

Occasionally, the behaviour, actions or general conduct of individuals using our service makes it very difficult for us to deal with the service they are seeking effectively and efficiently. In a small number of cases, their actions may become unacceptable because they involve unreasonable conduct towards our representatives or abuse of our process. When this happens, we have to take action to protect our representatives and this will involve considering the impact of the actions on our ability to do our work and provide a service to others.

We have a duty of care for all representatives to protect them from abusive calls and written correspondence, and provide support where necessary for such situations.

This policy explains how IMPRESS will approach these situations.

The people our representatives come into contact with include those with complaints made about participating publishers, and publishers or their representatives, and other individuals. This will include potential complainants, complainants and their representatives.

Contact may come in a number of forms including telephone contact, face to face contact and written correspondence including email and via social media.

People may act out of character in times of trouble or distress. There may have been upsetting or distressing circumstances leading up to a complainant coming to our office. We do not view behaviour as being unacceptable just because a complainant is forceful or determined. In fact, we accept that being persistent can be a positive advantage when pursuing a complaint.

However, we do consider unreasonable actions that result in unreasonable demands on our representatives or the company, in general, to be unacceptable. It is these actions that we aim to manage under this policy.

It is important to be clear that this policy does not preclude the need to ensure that any service provided is accessible to all, on an equal basis.

There is a requirement to consider whether any reasonable adjustment needs to be made to take individual circumstances into account and enable a complaint to be made.

## **Unreasonable Actions**

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

We understand that many complainants are angry about the issues they have raised in their complaint. If that anger escalates into aggressive or abusive behaviour towards representatives, we consider this to be unacceptable.

Any threat of violence, aggression or verbal abuse towards our representatives will not be tolerated. Violence is not restricted to acts that may result in physical harm. It also includes behaviour, or language (whether spoken, written or via social media), that may reasonably cause representatives to feel afraid, threatened or abused. This may include threats, personal abuse, derogatory remarks or swearing.

We also consider inflammatory statements and unsubstantiated allegations to be abusive behaviour.

### **2. Unreasonable demands**

We are likely to consider the following types of demands as unacceptable:

- Repeatedly demanding responses within an unreasonable timescale.
- Insisting on seeing or speaking to a particular IMPRESS representative when an explanation that this is not possible has been given.
- Repeatedly changing the substance of a complaint or raising unrelated concerns.

### **3. Unreasonable levels of contact**

Sometimes, the volume and duration of contact made to our office by a complainant causes problems. This can occur over a short period, for example a number of calls, correspondence or emails in one day or one hour. It may occur over the lifespan of a complaint, when a complainant repeatedly makes long telephone calls to us or inundates us with copies of information that has been sent already or that is irrelevant to the complaint.

### **4. Unreasonable use of our complaints process**

Individuals with complaints about participating publishers or IMPRESS have the right to pursue their concerns through a range of means. They have the right to complain more than once about a service provider with which they have a continuing relationship, if subsequent incidents occur.

However, this contact becomes unreasonable when the effect of the repeated complaints is to harass, or to prevent us from pursuing a legitimate aim or implementing a legitimate decision.

IMPRESS considers access to a complaints system to be important and it will only be in exceptional circumstances that we would consider such repeated use as unreasonable; we do, however, reserve the right to do so in those exceptional cases.

IMPRESS will take action whenever unreasonable conduct impairs the functioning of the office.

We aim to do this in a way that allows a complaint to progress through our process, wherever possible. We try to ensure that any action we take is the minimum required to solve the problem, taking into account relevant personal circumstances including the seriousness of the complaint and the needs of the individual.

## **Managing Unreasonable Actions**

### Telephone calls

The threat or use of physical violence, verbal abuse or harassment towards employees may lead to the call being terminated.

Our representatives do not have to tolerate unacceptable behaviour over the telephone.

Where this occurs, representatives have the right to place callers on hold or to end the call. However, before taking such action, we require our representatives to tell the caller how their conduct is considered to be unacceptable and to allow the caller the opportunity to moderate their behaviour.

If the caller chooses to continue acting in a way that is considered to be unacceptable, then a second warning should be issued to advise the complainant that the call will be terminated if they do not change their behaviour.

If this warning is further ignored, the representative should terminate the call.

Where the case notes contain evidence of multiple instances of unacceptable behaviour and this continues, a more permanent restriction may be considered necessary.

In certain cases, we may take the decision to report incidents to the police. This will always be the case if physical violence is used or threatened.

### **Correspondence**

As with telephone calls, none of our representatives have to tolerate unacceptable behaviour communicated in any correspondence (letter, fax, electronic/social media). Where there is a legitimate request for information contained within the communication, irrespective of the language used, it is reasonable to provide that information. The complainant will be warned that their conduct is considered to be unacceptable and will not be tolerated in the future.

Where no legitimate information is being requested and has no bearing to a complaint, representatives do not have to respond to an abusive email or letter. However, we will issue a warning letter to the customer that their conduct is considered to be unacceptable and will not be tolerated in the future.

Where a complainant repeatedly phones, raises repeated issues, or sends large numbers of documents where their relevance isn't clear, a member of the management team may decide to:

- Limit contact to telephone calls from the complainant;
- Restrict contact to a nominated representative who will deal with future calls or correspondence from the complainant;
- Restrict contact from the complainant to writing only;
- Return any documents to the complainant or, in extreme cases, advise the complainant that further irrelevant documents will be destroyed;
- Take any other action that we consider appropriate.

In all situations where an action is considered to be unacceptable, the complainant will receive a letter explaining that their behaviour/conduct has been unacceptable and that they must change their behaviour before they contact our service again. The letter will also enclose a copy of this policy.

In extreme situations, we may advise the complainant in writing that their name is on a 'no personal contact' list. This means that we will limit contact with them to either written communication or through a third party.

In exceptional cases, IMPRESS reserves the right to refuse to consider a complaint or future complaints from an individual. We will take into account the impact on the individual and also whether there would be a broader public interest in considering the complaint further.

We will ensure that we inform the complainant in writing of any action we intend to take and why.

### **Recording Unreasonable Actions**

All incidents of unreasonable actions by complainants are recorded. Where it is decided to restrict complainant contact, an entry noting this decision is made in the relevant file and on appropriate computer records.