

safeguarding staff from Unacceptable Behaviour Policy

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# Introduction

## The context

### Our mantra is ever better and this is reflected in our level of service, and our compliance with requirements, standards and codes of practice. At the Utility Regulator (UR) we work hard to be open and accessible our service delivery for consumers in Northern Ireland.

### However, the behaviour or actions of some external stakeholders can make it difficult for us to do our work, to deal with customer complaints or to engage with regulated companies in an effective way, as their conduct can go beyond what is acceptable. When this happens, we must take action to protect our staff and we also must consider the effect of this behaviour on our ability to do our work and provide a service to others.

# Unreasonable behaviour

### We understand that people may act out of character in times of trouble or distress. The high-pressure environment that we regulate within, negotiating and dealing with difficult situations with regulated companies, and the circumstances that led to a customer complaint or the stress and inconvenience caused in trying to resolve a complaint can result in the person becoming frustrated, angry, and upset. However, it is unacceptable if this frustration turns into aggressive or abusive behaviour towards our staff.

### Violence, aggression, verbal abuse and any form of harassment towards our staff is not tolerated. This can include behaviour or language, whether spoken, written or via social media that makes staff feel offended, afraid, threatened, or abused. For example, threats, personal abuse, offensive remarks or swearing. We also consider inflammatory statements to be abusive behaviour.

# Response to unreasonable behaviour or harassment

### The first instance of unacceptable behaviour will be highlighted to the individual by the UR and asked to stop. This should be viewed and communicated as a formal warning and will be recorded formally in electronic file and by emailing the relevant line manager, Head of Private Office and HR Manager. Should this unacceptable behaviour continue, then the second instance will result in this policy being instigated.

# General unreasonable behaviour and demands

### Individuals may make unreasonable demands, such as the amount of information they request, the nature or scale of the service they expect or the number of approaches they make including attempts to approach different staff with the same issue. If actions start impacting on our work, we consider them unacceptable.

### This behaviour should not be mistaken with individuals appropriately escalating issues to a more senior member of staff or using our Complaints Policy. It is important to note that what matters is how the person who is in receipt of the unreasonable behaviour is made to feel, not whether the behaviour was intended.

### Unreasonable behaviour depends on the circumstances that surround it and the seriousness of the issues raised. Some examples of unreasonable demands or behaviour:

#### refusing to accept explanations of what we can or can’t do and investigate;

#### insisting the issue be dealt with in incompatible ways with our process, or in ways which aren’t in good faith;

#### making unjustified complaints about staff dealing with the issues, and trying to have a staff member replaced with another staff member or manager;

#### changing the basis of the issue or complaint;

#### introducing irrelevant new information at a late stage;

#### raising many detailed but unimportant questions and insisting they are all answered;

#### submitting untrue or false documents;

#### raising repeat complaints with minor changes or additions to attempt to constitute ‘new’ complaints;

#### continuing to chase an issue with us once we have closed it;

#### repeatedly arguing points without new data/evidence;

#### repeatedly demanding we respond within an unreasonable timescale;

#### demanding to see or speak to a particular member of staff when it is not possible or necessary;

#### insisting on a face-to-face meeting when we do not consider it necessary; and

#### visiting our offices without an agreed appointment.

Please note that this is not a complete list and is just a broad example of some of the actions and behaviours we consider unacceptable.

In summary, for the UR, there are three key areas of unreasonable behaviour:

#### 1. aggression, rudeness, abuse, and threats;

#### 2. excessive unreasonable persistence or unreasonable levels of contact with, or harassment of, our staff; and

#### 3. making unreasonable demands.

# Aggression, rudeness, abuse and threats

### Unreasonable behaviour (including aggression, rudeness, abuse and threats) will not be tolerated. Examples of unreasonable behaviour include:

#### Rudeness - swearing (generally or directed at a member of staff), persistent interruption, name calling or general discourtesy;

#### Anger – shouting;

#### Aggressive behaviour - threats including threats of physical harm to person(s) or property; behaviour which indicates that harm to person(s) or property is imminent or actual physical aggression;

#### Insulting or disparaging remarks or comments, including protected characteristics insults;

#### Inflammatory remarks or personal remarks directed at a member of staff; and

#### Persistent, unreasonable demands.

### These are examples and not a definitive list of unacceptable behaviours. There are other behaviours not included in the above which may constitute unacceptable behaviour.

### Anyone displaying such behaviour through any channels of communication i.e. telephone, face to face and digital methods of contact, may be told that communication will be terminated unless more moderate language is used, that threats are unacceptable and may be reported to the police, that rude and intemperate correspondence may not be answered or returned – and if online it will be taken down, reported and potentially blocked. In some instances, special contact arrangements may be implemented.

# Unreasonable levels of contact or harassment of staff

### If unreasonable or persistent levels of contact with staff occur, we are ready to say ‘no’. For example, we can advise that a complaint or discussion with a regulated company will not be considered or continued any further, an unproductive telephone call will be terminated, or no further correspondence will be answered. A consumer may also be advised that their issue is best dealt with by another organisation.

### Examples of unreasonable levels of contact include:

#### Being unreasonably persistent, for example, contacting us frequently to raise points already addressed, seeking explanations for matters we’ve already explained, or to ask questions which we are actively trying to address; and

#### Sending us voluminous repetitive or irrelevant correspondence.

### There is no set period for being unreasonably persistent as the nature of the persistence will inevitably vary. This will be reviewed on an on-going and case-by-case basis.

### Reviews of decisions to restrict contact with a consumer, or our responses to the consumer, will be carried out at management discretion, or at least every six months by management.

### If no further contact has been received from the complainant over a period of six months, consideration may be given to lifting the restrictions. This will be at management discretion.

# Unreasonable demands

### We have a responsibility to manage the expectations of consumers or regulated companies who contact us regarding issues or complaints. We will always endeavour be clear from the outset what can and cannot be achieved.

### If a person repeatedly raises issues that are beyond our remit or scope, insists that more time be spent on a complaint or issue than is warranted or directs us on how to handle the complaint, we will consider these demands to be unreasonable.

# Dealing with unreasonable behaviour and demands

### Unreasonable behaviour may come from individuals within the companies we regulate, or from consumers. Guidance in dealing with each of these situations is set out below:

## Unreasonable behaviour from a regulated company:

#### If we consider an individual’s behaviour or actions from a regulated company unacceptable, we may decide to make a formal complaint via the relevant company complaints procedure or directly to a senior member of the company.

#### This will be discussed with the appropriate line manager and Director prior to a complaint being made. The staff member will be supported in this process and any subsequent investigation that may be carried out by the regulated company in considering the complaint.

#### The staff member will be asked to record a detailed account of everything that has taken place, including a note of any witnesses and record this in an electronic file.

## Unreasonable behaviour from a consumer:

### If we consider a person’s behaviour or actions unacceptable, we may decide to restrict or block contact from them. We may:

#### limit future contact to a particular form or advise how often we can be contacted;

#### allow contact to a specified staff member only;

#### return documents. In extreme cases, tell the person that further irrelevant documents will be destroyed;

#### read and file future contact, but only respond if a new complaint is made or new information is given;

#### end or suspend the person’s complaint. In extreme cases, we may refuse to consider future complaints from the individual; and

#### take any other action we believe is appropriate, including ending all contact with the person.

# Decision process

### Except in extreme cases, such as a person making physical threats or sexually intimidating behaviour or harassment to staff, in which case, we end contact immediately, our decisions to restrict contact are carefully considered by a member of the Executive Director Team. We will give the individual the opportunity to change their behaviour via our first warning.

# Communicating our decisions

### When we end contact immediately due to aggressive or abusive behaviour, the person is told at the time of the incident. We will always tell the person (in their preferred method of communication) why we have decided to restrict future contact, the arrangements and how long the restriction will be in place. In some instances, this may not be possible, for example if the abuse is via social media, then we will simply remove the post.

# Actions that will be taken

### Where a person behaves unreasonably during a telephone call to a member of staff, we will ask them to change their behaviour. If they persist in doing this, we will warn them that we will terminate the call and if they persist, we will follow that through.

### The staff member who terminates the call will report this their line manager when this happens, and a note of the telephone conversation will be made and recorded in an electronic file.

### Where a person is unreasonably persistent, for example by telephoning several times a day and/or over several days, or by sending voluminous or repetitive emails or letters, we will ask them to reduce their contact with us, to that which is essential. This is to ensure a proportionate level of response across our service provision, so we can continue to support others.

### Any member of our staff who directly experiences aggressive or abusive behaviour has the authority to deal with it immediately in a way they consider appropriate and in line with this policy. This may include ending phone calls or refusing to accept further correspondence.

### Our staff will report any behaviour they consider unacceptable to their line manager, and this will be recorded on the electronic file.

### We will always try to ensure any action we take is proportionate to deal with the problem, and we will consider any relevant personal circumstances, including the severity of the complaint and the needs of the consumer.

### In exceptional circumstances, we may refuse to have any further contact with consumers who are unreasonably persistent or abusive.

### Where we receive threats against individual staff members (including placement staff), or office property, immediate action may be taken including informing the police or other emergency services. If this threat is on social media, then we will also report to the social media company and the account will be permanently blocked.

# Making a complaint

If a person is unhappy with the actions taken by the UR or the service received, they can raise a formal complaint in line with our Complaints Policy. This can be found on our website (www.uregni.gov.uk) or a copy can be requested via post, telephone, or email.

Complaints in writing should be directed to:

The Complaints Officer, Utility Regulator, Millennium House, Belfast BT1 6ED

Or:

Email: info@uregni.gov.uk

To speak to someone about your complaint please call 028 9031 1575 and ask to speak to the Complaints Officer.

If after our investigation, the consumer remains dissatisfied with the actions taken, a complaint can be made to the Northern Ireland Public Services Ombudsman (NIPSO):

Freephone: 0800 34 34 24

Email: nipso@nipso.org.uk

Freepost: Freepost NIPSO

The Ombudsman, Freepost BEL 1478, Belfast BT1 6BR