

Unreasonable Behaviour Policy

Introduction

This policy sets out how we will deal with unreasonable behaviour on the part of users of our service as a regulator, or vexatious complainants either about our service or about legal service providers we regulate.

We are committed to excellent service delivery and to providing services to the standard you expect. Dealing effectively with service requests, providing advice and information and dealing with complaints is an essential part of what we do.

Most of the contact we have with service users and those seeking to complain, either about us, or to us as a regulator about legal services providers, is positive. However, in a minority of cases this is not so and people pursue their requests for a service or complain about us or about an individual regulated legal services provider or firm in a way that is unreasonable.

Purpose

This document explains:

- how we define unreasonable behaviour;
- how we define a vexatious request;
- our process for dealing with offensive or abusive comments made on social media;
- our process for dealing with service users who behave in an unreasonable way;
- our process for dealing with vexatious requests.

What is unreasonable service user behaviour?

We define this as behaviour that, because of the nature or frequency of contacts with us, negatively impacts on our ability to deal effectively with the matter or with other users' issues or complaints.

Examples of unreasonable behaviour:

- causing distress to members of staff, which may include the use of hostile, abusive or offensive language, making threats or unjustified complaints about staff who are trying to deal with issues. This includes racist comments, harassment, personal insults or threat of physical harm;
- excessive demands on the time and resources of staff with the expectation of an immediate response. Examples of this would be frequent and lengthy telephone calls, emails to numerous members of staff or letters every few days;
- making personal derogatory comments via social media about members of staff;
- refusing to accept a decision;

- repeatedly arguing points with no new evidence and not following agreed complaint procedures;
- changing the basis of the complaint or request as the matter proceeds.

What is a vexatious request?

We define this as any request likely to cause distress or disruption, without proper or justified cause.

Examples of vexatious requests:

- requests for information that has already been provided, or to reconsider issues that have already been dealt with;
- where complying with the request would impose significant burden on us as a regulator in terms of expense and negatively impact our ability to provide service to others;
- high volume of correspondence, or combining requests with accusations and complaints.

What we will consider before taking action:

Deciding that someone's behaviour is unreasonable, or to classify a request as vexatious, can result in us limiting the amount and type of contact that they have with us.

Before a decision on limiting contact is made, we will make sure that:

- the request or complaint has been dealt with properly, in line with our regulatory arrangements, Rules and procedures;
- every reasonable effort to satisfy the request or resolve the issue has been made.

For complaints about our service, this will include exhausting both stages of our Service Complaints Policy. For complaints about an individual legal services provider or firm that we regulate, this will include exhausting the procedures set out in our Rules.

A decision to classify a service user's behaviour as unreasonable or a request as vexatious will be considered by a senior manager on an individual basis.

Options we will consider include:

- limits on the number and duration of contacts with officers per week or month;
- offering a restricted time slot for necessary phone calls;
- limiting the type of contact to one method only, for example telephone or email;
- restricting contact to one named member of staff;
- refusal of requests to deal with further complaints/requests about the same matter;
- contact with staff to be made via a third party such as a lawyer, relative or friend;
- barring access to our premises.

Where a decision is taken to treat a service user's behaviour as unreasonable or a request as vexatious, a senior manager will write to the service user to:

- explain what action will be taken and why;
- explain what this means in terms of contact with us;
- advise how long any restrictions will be in place and when they will be reviewed;
- enclose a copy of this policy and any relevant procedures;
- explain the consequences of not complying with our instructions.

Social Media

We will remove, without notice, offensive or abusive posts from our social media channels. This includes posts that contain swearing or libellous statements.

We reserve the right to:

- take any action we consider necessary where derogatory comments are made about our staff;
- remove any personal information for privacy-law purposes.

Users who do not comply with acceptable standards of conduct may be blocked from our social media accounts.

New complaints/requests for information

We will not ignore service requests or complaints from service users previously classified as unreasonable or vexatious. New complaints or requests will be treated on their merits. A senior manager from the relevant service area will decide if any restrictions which have been applied before are still appropriate or necessary in relation to the new complaint or request.

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