



Unreasonable Behaviour Policy

Policy Statement

The DBS is committed to providing excellent customer service to everyone who contacts us. Everyone is entitled to be treated respectfully, courteously and in a polite manner. Where a customer raises an issue / complaint with us, they have a right to expect to be dealt with fairly and impartially, and to receive a response which fully addresses their concerns in a timely manner.

When dealing with customers, we do not normally limit the form or amount of contact they have with us. However, our staff should not be expected to tolerate abusive, threatening or offensive behaviour either verbally or in writing. Similarly, our staff should not be expected to deal with someone who, because of the frequency of their contact, places a strain on time and resources, and causes undue stress for staff.

DBS staff will respond professionally and sympathetically to all customers. Where a customer acts persistently, determinedly and/or assertively, they usually display this behaviour legitimately in the pursuit of a resolution to their complaint. However, there may be times when there is nothing further that can reasonably be done to assist a customer or rectify a perceived problem. In such circumstances, we recognise that there are occasions when certain investigations should be drawn to a close, if there is no reasonable way of resolving the situation to everyone's satisfaction.

The purpose of this policy is to explain the appropriate action that the DBS will take against those customers deemed to be displaying unreasonable behaviour. Implementation of this policy will only happen in exceptional circumstances after all reasonable measures have been taken in an effort to resolve the issue.

What is covered by the scope of the policy

Unacceptable behaviour is defined as:

- Behaviour or language that may cause staff to feel afraid, intimidated, threatened or abused, e.g. the use of language that could be described as foul, offensive, inappropriate and/or racist, threats or physical violence, derogatory remarks, rudeness, harassment, inflammatory statements and unsubstantiated allegations
- Unreasonably persistent customers who, because of the frequency or nature of their contact, place a strain on time and resources, e.g. pursuing complaints in inappropriate ways, pursuing issues which appear to have

no substance or are outside of the DBS remit, or which have already been investigated and the outcome determined.

In dealing with customers, we recognise that our resources, including staff time, have to be used responsibly and directed where they can provide the most value. This might mean that we cannot always respond to every complaint in the manner and to the extent that a customer would choose.

Ultimately there may be occasions where customers may inappropriately direct their anger at DBS staff, and whilst this behaviour is generally not acceptable, it is important for us to consider the diversity needs of each customer.

Principles

We expect our staff to be treated with courtesy and respect. We recognise that customers can at times feel under pressure, distressed or feel that they have to be determined to pursue their concerns. They can also feel angry about their situation. The DBS will distinguish between distress, frustration, forcefulness and determination, and any of these developing into unreasonable behaviours.

It is difficult to provide a strict definition of what constitutes unreasonable behaviour. This will depend largely on the individual circumstances of each case, including both the type and level of contact. This type of behaviour can be exhibited in many different manners, including in person, on the telephone, in written or email correspondence.

Factors which should be taken into account are the frequency of contact, the content of the contact, the actions taken by the DBS to resolve the customer's complaint, and the level of disruption caused.

Examples of unreasonable behaviour:

- Making unnecessarily excessive demands on the time and resources of staff whilst an issue / complaint is being investigated, which could include excessive telephone contact, or sending emails to numerous members of staff or numerous emails to one staff member, writing lengthy, complex letters every few days and expecting immediate and comprehensive responses
- Submitting repeated issues / complaints, after the complaints process has been exhausted, with additions and/or variations to the original complaint, which the customer insists makes the complaint worthy of being put through the full complaints process again. Such behaviour will not result in the acceptance of a new complaint
- Refusing to accept an outcome of a complaint once the DBS has concluded its investigation – repeatedly arguing the point and complaining about the decision and not accepting the further escalation routes open to the customer to resolve the complaint (e.g. ICR, PHSO) in accordance with the DBS Complaints Policy
- Insisting that the complaint should be dealt with in ways which are incompatible with standard procedure and/or good practice

- Refusing to accept documented evidence as factual

What it means in practice

DBS operates a zero tolerance approach to unreasonable behaviour and will protect its staff from such behaviour. If a customer behaves in an unreasonable way, the DBS will follow this policy to manage such behaviour and to control or limit the contact which customers have with our staff. In some circumstances we may have to consider placing restrictions on how and whether a customer may contact us.

If unreasonable behaviour occurs during a telephone conversation, DBS staff will advise the caller that telephone conversations are recorded and explain to the caller why their behaviour is unacceptable. The caller will be given the opportunity to stop the unacceptable behaviour. If the unacceptable behaviour continues, DBS staff will inform the caller that they are ending the telephone call and will record the reason for the termination on the appropriate DBS IT system.

If unreasonable behaviour is displayed in written correspondence, the DBS will respond in writing to the customer addressing the query and/or complaint in full, whilst also stating that the correspondence received is unacceptable and ask the customer to refrain from this behaviour in future correspondence. A note will be made on the DBS IT system of the unreasonable behaviour and that the customer has been asked to refrain from displaying this behaviour in future correspondence.

Following unreasonable behaviour (which may be either repeated behaviour or a one-off instance, and considered on a case to case basis) DBS Customer Service Managers will contact the customer either by phone, in writing or by email to explain why this behaviour is causing concern, and ask them to change this behaviour. The warning will contain

- details of when the incident occurred
- the reasons why the behaviour is considered to be unreasonably persistent/unacceptable
- an explanation of the effect this behaviour is having on the DBS and its staff
- what could happen should the behaviour continue.
- A copy of this policy may also be sent.

If the disruptive behaviour continues, the Head of Customer Relations may issue a reminder letter to the customer advising them that if they continue to act unreasonably their future contact with the DBS will be restricted.

Where the behaviour is particularly serious, DBS may decide at its sole discretion that this policy and any sanctions herein should be applied without prior warning. In that event, a DBS Director or the Chief Executive will write directly to the customer explaining the reasons for this.

The decision to restrict access to the DBS will be taken at Director Level or above and will normally follow a prior warning to the customer. Any decision taken will be recorded.

There is a range of ways that the DBS will restrict access, and the action applied will depend on the nature of the behaviour. These include but are not limited to:

- restricting contact to one method (e.g. letters only), or named member(s) of staff, or particular times of day,
- accepting contact through a third party only,
- only acknowledging further correspondence where new and pertinent information is presented which has not been previously considered,
- refusing to accept further telephone calls,
- restricting the issues we will correspond on,
- requesting the customer to enter into an agreement about their future conduct,
- terminating all contact with the DBS.

Any action taken will be reasonable, proportionate and balance the interests of the customer with the duty to protect the health, safety and well-being of our staff.

When the DBS applies this policy to a customer, we will write to them setting out:

- The reasons why we believe their behaviour to be unreasonably persistent/unacceptable
- What action we have decided to take in response to this behaviour
- How and when any decision to restrict access to us will be reviewed and to what subject matter this will apply

Three months after the decision to apply the policy is taken, the Head of Customer Services will carry out a review and make a recommendation to the relevant Director as to whether the restriction should be extended, amended or removed, and to what subject matter it will apply, e.g. not to re-open the original complaint reason if DBS has exhausted its internal complaint resolution procedure for this case.

Where a customer continues to behave in such a way which is unreasonably persistent and/or unacceptable, we may decide to continue to restrict access to the DBS for the purpose of pursuing a previous complaint.

Where a customer has changed their behaviour to the extent that the DBS does not believe that the policy should still apply, we will amend or remove the contact restrictions.

Once this review of contact has been completed, a Director will write to the customer and advise them of what decision has been reached, and why.

A customer can appeal a decision to implement this policy by asking the DBS's Chief Executive to review the original decision to implement contact restrictions. In some cases, relations between the DBS and the customer who is being unreasonable may break down completely while complaints are still under investigation and there is little prospect of achieving a satisfactory outcome. In such circumstances, there may be

little purpose in following some or all the stages of the DBS complaints procedure. Where this occurs, early consideration of referring the matter to the Independent

Complaints Reviewer or the Parliamentary and Health Service Ombudsman should be made, as they may be prepared to consider a complaint before the complaints procedure has run its course within DBS.

Where the behaviour is so extreme or it threatens the immediate safety and welfare of staff, DBS will consider other options, for example reporting the matter to the Police or taking legal action. In such cases, the DBS may not give the customer prior warning of that action.

New complaints from those who have been dealt with previously under this policy will be treated on their own merits.