

OISC policy on dealing with unacceptable behaviour towards its staff

1. OISC Statement

- 1.1 The OISC always seeks to work positively and fairly with those who come into contact with it. In the same way, the OISC expects those coming into contact with its staff to treat them with respect.

2. The Aims of this Policy

- 2.1 The aims of this policy are:

For external organisations, stakeholders and/or individuals to have an understanding and appreciation of what the OISC considers to be unacceptable behaviour towards its staff;

- To make clear to external organisations, stakeholders and/or individuals the standard of behaviour OISC staff expects from them; and
- To explain how OISC staff will deal with different situations (the aim being to resolve any misunderstandings and/or differences) and what action may be taken by the OISC if an external party continues to behave in an unacceptable manner, whether or not the OISC has asked them to stop the particular behaviour.

3. Unacceptable behaviour towards OISC staff

- 3.1 The OISC accepts that individuals may sometimes act out of character, and that applicant advisers, regulated advisers, complainants, or persons/bodies allegedly operating outside of the regulated scheme, may feel frustrated at times by the necessary processes that OISC staff have to follow in order to carry out their work on behalf of the Commissioner. The OISC cannot, however, ignore instances of unacceptable behaviour towards its staff.
- 3.2 The OISC considers unacceptable behaviour towards its staff to be when an individual exhibits one of the more of the following:
- Behaves in a totally inappropriate or improper manner and causes offence by being abusive, aggressive, rude, shouting, making threats, pestering, or by making unsubstantiated accusations or allegations;
 - Is unreasonable in their demands;
 - Does not listen to what is being said to them or any reasonable request for their behaviour to stop; or
 - Uses offensive language.
- 3.3 Most instances of unacceptable behaviour against OISC staff happen when they are speaking to external parties via the telephone or in person,

and this policy focuses on those situations. However, the policy equally applies to written communications or any other occurrence wherever or however it happens.

- 3.4 The behaviour of an **adviser** regulated by the OISC or an **applicant adviser** applying to be regulated by the OISC is normally considered by the OISC to be a reflection of their professional approach in dealing with their clients, Home Office staff and others in the course of their work. The relevance of any unacceptable behaviour exhibited by such persons may be considered by the OISC in its decision-making.

4 Examples of unacceptable behaviour

- 4.1 **Violent behaviour:** violence is totally unacceptable in any circumstance, and real or perceived threats of violence (emotional or physical) will be treated very seriously.

How OISC staff may deal with violent behaviour

If the safety of a member of staff or any other person is deemed to be at serious risk, the OISC may immediately call the police to deal with the matter.

If the person or individual is an applicant adviser or a regulated adviser, an act of violence may be considered relevant to their fitness to be regulated. The Immigration Services Commissioner may immediately refuse a violent person's application for regulation, consider cancelling their registration, or initiate a Commissioner's complaint.

The matter will be recorded by the OISC, and may be taken into consideration in any future application for regulation by the person concerned.

- 4.2 **Potentially violent or threatening behaviour:** on-going aggressive, excessively rude or threatening behaviour will not be tolerated. The OISC recognises that such behaviour can lead to real acts of violence and will therefore act to prevent any situation escalating to one where staff are under threat.
- 4.3 **Bullying, malicious or unsubstantiated accusations against a member of OISC staff:** attempts to intimidate, bully, belittle or make false accusations against any member of OISC staff where the accuser refuses to provide written details so it can be investigated will not be tolerated. Any person unhappy with their treatment by, or behaviour of, a member of OISC staff should submit a complaint in accordance with the OISC internal complaints procedure.

How OISC staff may deal with potentially violent or threatening behaviour, bullying, malicious or unsubstantiated accusations against a member of OISC staff

If such behaviour occurs during an audit or in a meeting, the OISC member of staff may immediately end the meeting and write to the person concerned informing them of how any future business will be conducted, and, where appropriate, will call the police.

If such behaviour occurs during a telephone conversation, the OISC member of staff will inform the caller that they are going to end the call after which they will make a written record of the conversation together with the reasons for stopping the call. They or their line manager will write to the caller explaining the reason for the telephone call being ended.

If the person or individual is an applicant adviser or a regulated adviser, such behaviour may be considered relevant to their fitness to be regulated. The Immigration Services Commissioner may immediately refuse an applicant's application for regulation, consider cancelling their registration, or initiate a Commissioner's complaint.

The matter will be recorded by the OISC and may be taken into consideration in any future application for regulation by the person concerned.

- 4.4 **Unreasonable persistence:** persistence by a caller or writer becomes unacceptable, for example, when the person without good cause continually requests that an immediate decision be made about an application for regulation or with regards to a complaint notwithstanding that it has been explained to them that the Caseworker concerned is not able to provide a response at that time. Another example of such behaviour would be where a decision has been made and a request for a re-consideration has been granted and considered, but the outcome is still not accepted and continual, unwarranted further requests are made for the decision to be changed.
- 4.5 **Unreasonable demands:** When someone is unreasonable in their demands, it negatively impacts both on the work of the OISC staff member concerned and their colleagues and prevents proper consideration and time being given to other matters. Unreasonable demands on staff can include continual requests for information that cannot properly be divulged because of reasons of confidentiality, the need to protect the OISC's assessment questions or personal information about OISC staff. Others may relate to trying to impose unacceptable timescales or requesting the making of improper decisions. The OISC respects and fully complies with requests for information under the Freedom of Information Act and the Data Protection Act.

How OISC staff may deal with unreasonable persistence and unreasonable demands

OISC staff are entitled to request that their line manager speaks or writes to the person concerned to make clear that this behaviour is not helpful in concluding the work the OISC is conducting.

If the member of staff or their line manager considers that the persistence is no longer reasonable, the matter may be reported to the Commissioner for further action to be considered. The Commissioner may consider refusal of an application for regulation. In addition, the Commissioner can send a letter warning that legal action may be taken by the OISC. The Commissioner may also instruct staff to immediately cease taking any further telephone calls from the person concerned and request instead that they put anything in future in writing by email or letter.