



Office of the Pubs Code Adjudicator Policy on Stakeholder Engagement

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1. Aim

- 1.1 At the Office of the Pubs Code Adjudicator (OPCA) we believe that our stakeholders have a right to be heard, understood and respected. We welcome and encourage communication and feedback. Open communication with pub industry stakeholders is part of the statutory role of the PCA to effectively regulate the tied pub sector.
- 1.2 We also believe that our staff have the right to work in a safe environment, free from any abuse or harm caused by others. We expect all stakeholders to treat our staff with courtesy and respect at all times.
- 1.3 In a small number of cases the actions of some stakeholders may become unacceptable where they involve abuse of our staff and/or misuse of our processes.
- 1.4 There are a range of actions we consider to be unacceptable, which can be best grouped as follows:
 - Unacceptable or abusive behaviour; and
 - Unreasonable demands and/or unreasonable persistence

2. Taking action

- 2.1 Before we take any action, we will give the stakeholder the opportunity to modify their behaviour. If the behaviour continues, we may take action by managing contact in line with the approaches set out in paragraphs 10.2 and 11.2 below.
- 2.2 Where a decision has been made to manage contact in any ongoing manner, stakeholders will be told in writing why a decision has been made, what the alternative arrangements will be and the length of time that any restrictions will be in place.
- 2.3 It is recognised that a person's behaviour could be affected by disability, including mental health issues or other factors, and this will be taken into account in the implementation of this policy in accordance with the Equality Act 2010. The OPCA will have due regard to a person's medical condition or vulnerability as and when applicable.
- 2.4 The OPCA will always endeavour to understand a stakeholder and support them to communicate and present their arguments to it. PCA staff will undertake to help all stakeholders, where they can, and provide information in a clear and accessible manner.
- 2.5 In extreme situations, such as the threat or use of physical violence, verbal abuse or harassment towards an employee, the OPCA will report incidents to the police and / or may end direct contact with the stakeholder.
- 2.6 The OPCA will not operate a "blanket" policy in relation to genuine, reasonable communications. Where the OPCA is contacted by a person who has been subject to a decision to manage communications under this policy in relation to a new matter, that communication will be reviewed by a senior member of staff to determine whether any restrictions which have been applied before are still appropriate and necessary in relation to the new matter being raised.

- 2.7 For the avoidance of doubt, the OPCA will never refuse to accept a referral for statutory arbitration based on the person making the referral or the person representing them.

3. Freedom of Information Act 2000 (the FOI Act)

- 3.1 The OPCA recognises the rights that are provided for in the FOI Act and that it is the nature of the request for information that is being assessed, not the individual who submits it. It is possible that even though an individual could be considered to have behaved in an unacceptable manner, their request under the Act may be proper. Under section 14(1) of the Act, public authorities do not have to comply with 'vexatious' requests.
- 3.2 All requests made under the FOI Act will be considered in accordance with the provisions of the Act and the statutory duties of the PCA.

4. Appealing a Decision

- 4.1 If a person wishes to request an appeal of a decision to manage contact, they should put this in writing to the OPCA within 10 working days of the decision. This will be considered by the PCA or a person nominated by them who will determine whether it is appropriate to continue the restricted contact arrangements. The OPCA will aim to make this determination within 20 working days of receipt of the appeal and will inform the appellant of the decision in writing.
- 4.2 Please note that if you are unsatisfied with the behaviour or conduct of the PCA or any member of the PCA team then you may wish to make a formal complaint, details of the complaints procedure can be found [here](#).

5. Monitoring Arrangements

- 5.1 The OPCA will record and monitor all cases where restrictions have been applied under this policy. This includes the period of the restriction, any correspondence relating to the restriction, details of appeals and referrals to relevant agencies. All such information will be held only in accordance with data protection principles. The OPCA's [privacy notice](#) and [data retention policy](#) can be viewed on the PCA website. Decisions to restrict access will be audited to ensure this policy has been adhered to and cases will be reported to senior management. Any ongoing restricted contact arrangements with a person whose behaviour has been considered unacceptable under this policy will be reviewed by the PCA or a person nominated by them at a frequency considered appropriate in each circumstance. The person will be informed in writing of the outcome of that review.

Definitions

6. Unacceptable Behaviours

- 6.1 Behaviour is not viewed as unacceptable just because a person is forceful or persistent. However, the actions of stakeholder who is angry, demanding or persistent may result in unreasonable demands or behaviour towards staff, which in turn would be deemed as unacceptable. Stakeholder action may also be considered unreasonably persistent if all internal review mechanisms have been exhausted and the stakeholder continues to challenge the OPCA as to its decision in relation to their complaint or dispute.

7. Violence, Aggression and Abuse

- 7.1 Violence is not restricted to acts of aggression that may result in physical harm. It also includes threats, physical violence, personal verbal abuse, derogatory remarks, rudeness and inflammatory or defamatory allegations.

8. Unreasonable Demands

- 8.1 What amounts to unreasonable demands is dependent on the circumstances and the seriousness of the issues raised by the stakeholder. Unreasonable demands could include the amount of information a stakeholder requests, demanding responses within an unreasonable timescale, insisting on seeing or speaking to a particular member of staff, continual emails, phone calls or letters and repeatedly changing the substance of a complaint or raising unrelated concerns.

9. Unreasonable Persistence

- 9.1 The actions of persistent stakeholders are unacceptable when they take up disproportionate amount of time and resources. Some stakeholders may not accept that the OPCA is unable to assist them further than the level of service provided already. Examples of actions include persistent refusal to accept a decision made in relation to a complaint, persistent refusal to accept explanations relating to what the OPCA can or cannot do and continuing to pursue a complaint or dispute without presenting any new information.

10. Aggressive or abusive behaviour

- 10.1 We understand that people can become angry when they feel that matters about which they feel strongly are not being dealt with as they wish. If that anger escalates into aggression or abuse towards our staff, we consider that unacceptable.
- 10.2 Aggressive or abusive behaviour includes language (whether verbal or written) that may cause staff to feel afraid, threatened or abused and may include threats, personal verbal abuse, derogatory remarks and rudeness. We also consider that inflammatory statements, remarks of a discriminatory nature and unsubstantiated allegations may constitute abusive behaviour. Where a stakeholder is aggressive or abusive, we may decide to manage contact which could include a decision to:
- Advise the stakeholder that we consider their actions offensive, unnecessary and unhelpful and ask them to stop
 - End telephone calls / appointments / meetings
 - Terminate all direct contact with the stakeholder
 - Notify the police. This will always be the case if physical violence is used or threatened; and

- Take any other action which we deem appropriate in the circumstance.

11. Unreasonable demands and / or unreasonable persistence

- 11.1 A demand becomes unacceptable when it starts to impact excessively on the work of our staff and the PCA, or when dealing with the matter takes up an excessive amount of time and in so doing, disadvantages other stakeholders.
- 11.2 Where a stakeholder is unreasonably demanding, repeatedly contacts us in person, by phone, email etc., contacts various members of staff about the same issue, raises the same issue repeatedly, or sends us large numbers of documents about which the relevance is not clear, we may decide to manage contact which could include a decision to:
- Limit contact to telephone calls from the person at set times on set days
 - Restrict contact to a nominated member of staff who will deal with future calls or correspondence
 - Restrict contact to written correspondence only
 - Refuse to deal with further correspondence and return any documents
 - Advise the person that further irrelevant documentation will be destroyed; and
 - Take any other action that we consider appropriate to the circumstances.
- 11.3 Where we find evidence that these actions are for the purposes of excessively impacting the work of the PCA and their staff then we will consider managing contact as set out above.