



MANAGING UNREASONABLE BEHAVIOUR TOWARDS OUR STAFF

INTRODUCTION

1. Most people who contact this Firm and/or Clients for whom we act, communicate with us in a polite and courteous manner. This policy is aimed at how we manage the relatively few individuals whose behaviour towards our Staff is unreasonable.
2. When you contact this Firm to make enquiries, provide information, raise a complaint, instruct us, or progress your matter with us, we believe that you should be listened to by our Staff and communicated with in a way which provides you with an opportunity to explain your position and enables you to be understood.
3. We are a customer service industry and therefore our staff are expected to provide all individuals who communicate with us a friendly, professional service and to treat those with whom they are dealing, with courtesy and respect.
4. Our Staff and Partners have the same rights, and we therefore expect individuals they are dealing with (whether they are clients, beneficiaries, agents or other third parties) to treat them with courtesy and respect.
5. We acknowledge that you may have a complaint against us arising from the way in which your matter is being dealt with. Also, from time to time, mistakes are made albeit that we try very hard to give a high standard of service – no-one ever sets out to make a mistake. In those circumstances, your right to make a complaint are set out in the terms of business which are provided to you at the outset of your matter and in a Complaints Procedure which will be provided to you upon request. We have a designated Complaints Handling Partner who reviews client complaints. Clients have the further rights to complain to the Legal Ombudsman Service if they remain dissatisfied.
6. If you have a particular communication need because, for example, you suffer with a disability, illness or condition, we will accommodate those where at all possible and would ask you to let us know. If your condition has an impact on how you behave towards our staff and partners when you are worried, stressed or do not understand something, it is important that you tell us.

PURPOSE OF THE POLICY

7. The aims and objectives of this Policy are:-
 - (i) To define behaviours from others towards our Staff and Partners which are not acceptable;
 - (ii) To ensure that our Staff have a safe working environment, are not exposed to unnecessary stress, threats or intimidation and/or verbal abuse.
 - (iii) To ensure the ability of our Staff to conduct business is not affected by those few individuals who behave towards them in an unreasonable manner.
 - (iv) To empower our Staff and Partners to deal confidently, safely and effectively with unreasonable behaviour towards them as and when it occurs.

WHO DOES THIS POLICY APPLY TO?

8. This Policy applies to Clients and/or third parties with whom we deal.

WHAT BEHAVIOUR IS UNREASONABLE?

9. As stated above, we recognise that from time to time you may have reason to feel aggrieved, upset, frustrated or distressed. We confirm that we do not view assertive behaviour as unreasonable for example, where you put forward your case in a persuasive manner.
10. However, we will manage behaviour which is abusive or aggressive, and/or which places unreasonable demands on our Staff. Some of examples of what we consider to be unreasonable behaviour are provided below and are based on the types of behaviour that sadly, our Staff are subjected to from time to time and which seem to be on the increase:-

- (i) Aggressive or abusive behaviour.

We will take steps to protect our Staff from unreasonable behaviour whether that be verbal i.e. face to face, by telephone, video, or in writing where that behaviour may cause the member of Staff or Staff to feel intimidated, threatened or abused.

Examples of such behaviour may include; using offensive language, making derogatory remarks which are personal in their nature, making numerous and unsubstantiated criticisms, racist and/or sexist language or remarks which would, in any event, be unlawful under the Law on Equality and Diversity from time to time in force. (For example, telling our Staff that they are stupid, idiots etc and/or general name calling).

- (ii) Threats, verbal abuse, rudeness, making unsubstantiated statements or allegations which would amount to defamation (such as alleging criminal activity and/or fraud) where there is no basis for such a remark and inflammatory statements.
- (iii) Unreasonable requests and communications.

Requests may be considered unreasonable having regard to their nature and the scale of service that it is expected from our Clients. Examples of this include requesting responses from us to unreasonable timescales such as emailing us at unsocial hours (such as the middle of the night) and then berating staff for not having responded immediately upon our office opening time.

Insisting on speaking with certain members of staff and no others whilst at the same time making derogatory statements about other members of staff.

Adopting an approach so as to coerce us into responding by deliberately contacting as many members of staff and third parties as possible to adopt a "capture all" approach.

Communication may also be considered unreasonable; for example, where Clients undertake the following:-

- (a) Telephoning the mobile telephone numbers of our Staff and Partners at all times of the day and night.
- (b) Continually contacting us when we are in the process of looking at a matter and have already communicated to you what action we are taking on your behalf.
- (c) Refusing to accept our position where our explanation has been given and we are attempting to do everything that we can to progress a matter for you and/or deal with your complaint.
- (d) Making a number of different approaches to different people about the same matter and not raising new issues.

We set out the basis on which we are able to act for you at the outset of your matter and our general terms of business will have been sent to you prior to you instructing us to act. Where, we have agreed to act on your behalf on a fixed fee basis, we will have provided you with that fee estimate based on the average time it will take us to undertake the work on your behalf. Where Clients enter into unreasonable communication with us, this has the effect of limiting our resources including our staff time both to deal with that Client's matter effectively and also other matters for other Clients. This falls outside our usual retainer and in those circumstances we would ask you to note, that we reserve our right both to:-

- (a) Increase our fees accordingly and/or
- (b) Terminate the retainer on the basis of your unreasonable behaviour towards us.

In either case, we will provide you with appropriate notice of such action we are considering, in light of the circumstances. For example, the urgency of your matter, and the impact on the Client where are no longer able to act.

We ask you to recognise that due to the volume of work that we deal with, we may not be able to immediately respond to your requests. We acknowledge, that email communication has increased significantly, and this is in part due to the COVID-19 pandemic. Often email correspondence is seen as an instant form of communication. However, for our part, where you email us, we may not be able to immediately respond to you. This does not mean that your matter and/or email are less important to us than others. It does however mean that often, for us to provide you with an appropriate response to your query, a review of your file will be necessary and indeed, this Firm treats incoming email correspondence in the same

way as post and it is dealt with in date order (unless, time is of the essence). Where we have asked you for your patience and explained our position to you, but you continue to carry out behaviours which we are likely to consider that such behaviour is unreasonable.

HOW WILL WE MANAGE UNREASONABLE BEHAVIOUR?

1. All of our staff and partners have the authority to manage unreasonable behaviour and we encourage them to report it to the management of the Firm.
2. We have a zero-tolerance position as regards any violence or threats against our staff and partners and if you attend our offices and make such threats and/or do so verbally or by video, we will report such behaviour to the Police.
3. In all other cases as stated below, we will only restrict communication with you and/or cease to act for you where we have given you reasonable warning that we consider that your behaviour is unreasonable and have asked you to modify your conduct towards us. We will explain what action we are going to take in the event that any such warning is ignored by you and/or you do not modify your behaviour towards our Staff accordingly.

IF WE DECIDE THAT REGRETTABLY WE ARE NO LONGER ABLE TO ACT FOR YOU AND/OR THAT WE HAVE TO RESTRICT YOUR COMMUNICATION WITH US.

We will explain in writing our reasons for doing so.

This does not preclude you from making a complaint to us in accordance with our published Complaints Policy. However, we would ask you to note that this Policy also applies where we are dealing with any complaint that you may make. We may also consider restricting who you are able to contact, and how you are able to contact them if we consider we are still able to continue to act for you as a Firm but where your behaviour is such, that it would no longer be appropriate for an individual member of staff to continue to act for you.

OPTIONS TO RESTRICT CONTACT

If you continue to behave unreasonably after we have explained our position and asked you to modify your behaviour accordingly, the options that we will consider are as follows:-

Option 1

Where we consider that the Firm is still able to act for you, we may require you to contact a named member of staff only.

Option 2

We may restrict telephone calls and only discuss your matter with you at specific times and/or days.

Option 3

We may terminate telephone calls with you if you continue to raise issues that we have already dealt with and in these circumstances, we have instructed our Staff to politely explain why we are unable to discuss the matter with you further.

Option 4

In all cases, if you are aggressive, abusive or offensive we will ask you politely to modify your behaviour but if it continues, we will then end the call.

Physical violence verbal abuse threats or harassment and intimidation against our staff will never be tolerated and will be reported to the police who may decide to prosecute.

HOW CAN YOU APPEAL A DECISION THAT WE MAKE IN RELATION TO YOUR BEHAVIOUR?

If you consider, that we have no basis on which to either ask you to modify you behaviour, or terminate our retainer with you, you may write to our Senior Partner, Mrs Susan Owens under our Complaints Procedure.

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