

Managing unreasonable behaviour towards SRA staff policy

July 2011

We are reviewing this policy – we may not strictly follow elements of it during this time.

Introduction

1. The majority of individuals who contact the SRA communicate with us in a polite and courteous manner. This policy is aimed at how we manage the relatively few individuals whose actions we consider unreasonable.
2. When you contact the Solicitors Regulation Authority (SRA) to make enquiries, provide information or raise a complaint, we believe you should be listened to by our staff, should be understood and should be given an opportunity to explain your case or query. We believe that you should be treated with courtesy and respect by the SRA and its staff.
3. SRA staff members have the same rights and we expect you to treat our staff with courtesy and respect.
4. If you have particular communication needs, for example if you have a disability, condition or illness, we will accommodate these where appropriate in accordance with our reasonable adjustment policy
[<https://www.sra.org.uk/sra/equality-diversity/diversity-policies/policy/reasonable-adjustment-policy/>] , which is available on our website or on request.
5. This policy is available on the SRA website, or on request.

Purpose of the policy

6. Our aims and objectives are



1. to define the behaviours that are not acceptable to the SRA,
2. to ensure that the ability of staff to conduct business is not adversely affected by those few individuals who behave in an unreasonable manner,
3. to ensure our staff have a safe working environment and are not exposed to unnecessary stress, and
4. to empower SRA staff to deal confidently and effectively with unreasonable behaviour.

Who does this policy apply to?

7. This policy applies to members of the public and all those who the SRA regulates.
8. If restrictions are imposed on a regulated individual, care will be taken to ensure that their ability to respond to us on regulatory matters is not impaired.

What behaviour is unreasonable?

9. We recognise that, when you contact the SRA, you may have reason to feel aggrieved, upset or distressed.
10. We do not view assertive behaviour (for example, putting forward your case in a persuasive manner) as unreasonable.
11. However, we will manage behaviour that is aggressive or abusive, or which places unreasonable demands on our staff under this policy. Some examples of what we consider to be unreasonable behaviour are provided below.

Aggressive/abusive behaviour

12. Unreasonable behaviour is behaviour or language (whether verbal, i.e. face to face or by telephone, or written) that may cause staff to feel intimidated, threatened or abused.

13. Examples may include

1. threats,
2. verbal abuse,
3. racist and sexist language,
4. derogatory remarks,
5. offensive language,
6. rudeness,
7. making inflammatory statements, or
8. raising unsubstantiated allegations.

Whilst we accept that those in contact with us may feel angry, it is not considered acceptable when that anger becomes aggression directed towards staff.

Unreasonable requests and communication

14. Requests may be considered unreasonable by the nature and scale of service expected. Examples include

1. requesting responses to unreasonable timescales,
2. insisting on speaking with certain members of staff, or
3. adopting a "capture-all" approach by contacting many staff members and third parties.

15. Communication may be considered unreasonable if, for example, individuals

1. continually contact us while we are in the process of looking at a matter,
2. make a number of approaches about the same matter without raising new issues,
3. refuse to accept a decision made where explanations for the decision have been given,
4. continue to pursue complaints/issues which have no substance,
5. continue to pursue complaints/issues which have already been investigated and determined, or
6. continue to raise unfounded or new complaints arising from the same set of facts.



16. We recognise that our resources, including staff time, have to be used where they can be most effective. This might mean that we cannot respond to every complaint/issue in the way a person would like, if in doing so it would take up what the SRA regards as being a disproportionate amount of time and resources.
17. We ask you to recognise that, due to the volume of work which we deal with, we may not be able to respond immediately to your requests. This does not mean that your concerns are any less important to us. If we have asked for your patience but you continue to pursue your concerns, we may consider such behaviour to be unreasonable.

How will we manage unreasonable behaviour?

18. All staff at the SRA have the authority to manage unreasonable behaviour.
19. The SRA has a zero-tolerance position on violence and threats against our staff and this behaviour will always be reported to the police.
20. In all other cases, the SRA will only restrict communication with you if we have informed you that your behaviour is unreasonable and have asked you to modify your behaviour. We will explain what action will be taken if the warning is ignored and, if you do not modify your behaviour, we will take steps to restrict communications with you.
21. If we decide a restriction is appropriate, the SRA will consider which of the options below best fits the circumstances. The level of restriction that we apply will be proportionate, taking into account the nature, extent and impact of your behaviour on our ability to do our work.
22. We will be transparent and explain to you what restriction we are putting in place, our reasons for doing so and how long

the restriction will apply.

23. If the SRA has already made a reasonable adjustment for you, this will be taken into account when deciding upon the appropriate course of action.

Options to restrict contact

24. If you continue to behave unreasonably after we have asked you to modify your behaviour, the options we will consider are:
1. **Option 1:** requiring you to contact a named staff member(s) only;
 2. **Option 2:** restricting telephone calls to specified days and times, as agreed with you;
 3. **Option 3:** terminating telephone calls if you persistently raise issues which we have already responded to in full. We will politely explain that we are unable to comment further on the matter and will ask if there are any other issues you wish to raise. If no new issues are raised and you persist in raising issues which we have already addressed, we will tell you so before ending the call. A written warning will then be sent, with a view to limiting future communication to written communication only;
 4. **Option 4:** terminating telephone calls if you are aggressive, abusive or offensive. We will politely ask you to modify your behaviour, but if the behaviour continues we will tell you again that your behaviour is unacceptable and end the call. The manager of the member of staff involved will then send you a written warning, with a view to limiting future communication to written only;
 5. **Option 5:** restricting the issues we will correspond on;
 6. **Option 6:** If you send us a large volume of irrelevant documentation, we may return these documents to you. In extreme cases we will advise you that further irrelevant documents will be destroyed;
 7. **Option 7:** If we have already fully explained our reasons for a decision and you have exhausted the procedure to request a review of that decision, we will decline to respond to further correspondence which does not raise new issues. The correspondence will be read and filed but we will not



acknowledge your correspondence unless you provide significant new information or evidence relating to the matter;

8. **Option 8:** We will block your emails if the number and length of emails sent causes difficulties for our regulatory process;

9. **Option 9:** We will not respond to correspondence which is abusive or offensive and we will block emails that are abusive or offensive;

10. **Option 10:** If you make a large number of reports to us which prove to be unfounded, we may ask that in future any further allegations you submit are supported by an independent third party such as the Citizens Advice Bureau, a legal representative or an advocate, to ensure that in future our staff resources are spent in a proportionate way.

11. **Option 11:** Physical violence, verbal abuse, threats or harassment against our staff will not be tolerated and will be reported to the police, who may decide to prosecute. If you are a solicitor we will also notify the Intelligence Unit [<https://www.sra.org.uk/solicitors/resources/fraud-dishonesty/>] and you may be subject to regulatory sanctions.

25. Any one of the above options (or a combination of these) may be applied to an individual.

How will we manage the unreasonable behaviour of individuals with disabilities (including mental health issues)?

26. We have taken into account feedback received from the Disability Advisory Group (during a meeting with the SRA on 4 October 2010) to ensure we give serious consideration to the needs of individuals with a disability/mental health issue.

27. If you have a disability/mental health issue and may be subject to a restriction under this policy, we will consider whether:

1. your unreasonable behaviour relates to the disability/mental health issue, and if so, whether



2. the restriction being applied will affect you more than a person who does not have that particular disability/mental health issue.

28. For example, we will give careful consideration before imposing a restriction on telephone calls with a person who has a visual impairment, as they might find it difficult to write to us instead.

How can you appeal our decision?

29. You must request an appeal within 10 working days of the decision to restrict contact (or other time period to be agreed if a reasonable adjustment is in place).

30. While the appeal is being considered, the restricted contact arrangements will remain in force.

31. Your appeal can be made in writing, by email or by telephone, but the format you use will depend on which method of contact has been restricted. For example, if we are not accepting your telephone calls you will need to submit your appeal in writing or by email.

32. If you wish to appeal our decision, please contact the Complaints Team directly [<https://www.sra.org.uk/sra/complaints-service/make-a-complaint/>] .

33. A complaints officer will consider your appeal. If the decision to restrict communication was made by a complaints officer, another complaints officer who was not involved in the original decision will consider the appeal.

34. The appeal will be considered within 10 working days of receipt of the request for an appeal and you will be advised either that the restricted contact arrangements still apply or a different course of action may be agreed.



35. If the Complaints Team are not able to respond within this timescale, the Complaints Team will tell you why and let you know when they will be able to respond fully.

When will we review the restriction?

36. The Complaints Team will review the record of restrictions on an annual basis.
37. The majority of restricted individuals will be removed from the record of restrictions once the period stated in the original restriction letter has expired.
38. However, the Complaints Team can decide to extend the restriction if we consider there is an on-going risk of inappropriate or unreasonable behaviour towards our staff. If we decide to extend your restriction we will contact you to explain why.
39. You can request a review of the decision to extend your restriction by following the appeals procedure outlined at paragraphs 29 to 35 above.

Note: This policy does not apply to cases where we have explained that we are unable to correspond any further because we have previously considered and explained matters. Staff members have discretion to explain that they are unable to respond further when they consider no new issues are being raised that we are able to help with. This policy applies to exceptional cases where we may need to formally restrict incoming communications because an individual's behaviour is inappropriately persistent or abusive for example. This allows us to deal with all queries that come to us efficiently and proportionately.