

**Invest NI Complaints & Feedback Process**

**Policy on Unacceptable Behaviour by Complainants**

**Version Control**

Version: 1.1

Issue Date: 05 June 2019

Approver: Colin Morelli

Status: Final

Next Review Date: 31 May 2022

|  |  |  |  |
| --- | --- | --- | --- |
| Version | Author / Reviewer | Review Date | Reason for change |
| 1.0 | Keith Millar | 01 August 2014 | First Publication |
| 1.1 | Keith Millar | 1. August 2014
 | Clerical amendments |
| 1.2 | Colin Morelli | 31 May 2022 | Review completed and minor clerical amendments made |

**Introduction**

1. This policy sets out the procedure to be adopted by staff in dealing with the relatively few complainants whose actions or behaviour is considered to be unacceptable. In this policy, the term complainant refers to anyone who contacts Invest NI in relation to a complaint, or who is acting on behalf of a complainant.

**Aims of the Policy**

1. The aims of this policy are to:

	1. deal fairly, honestly, consistently and appropriately with all complainants, including those whose actions or behaviours it considers to be unacceptable.
	2. ensure that all complainants have the right to be heard, understood and respected. Invest NI believes that it must balance the rights of an individual to register a complaint and the recognition that they may have a legitimate complaint, with the rights of our staff not to be subjected to unacceptable actions or behaviour.
	3. provide a complaints process that is accessible to all complainants. Invest NI retains the right, where it considers a complainant’s actions or behaviour to be unacceptable, to restrict or change access to that service.
	4. ensure that complainants, by their behaviour or conduct, do not disadvantage other complainants or Invest NI staff.

**Defining Unacceptable Actions or Behaviour**

1. It is accepted that individuals may act out of character in times of difficulty or distress, as they may have encountered upsetting or distressing circumstances. Invest NI does not, therefore, view actions or behaviour as unacceptable simply because a complainant is assertive or determined. However, the actions or behaviour of complainants who are angry, demanding, or persistent, may result in unreasonable demands on Invest NI, or unacceptable behaviour towards Invest NI staff. It is these actions or behaviours that Invest NI considers to be unacceptable that are addressed by this policy. The unacceptable actions or behaviours can be grouped under three broad headings:

Aggressive or Abusive Behaviour

Violence is not restricted to acts of aggression that may result in physical harm. It also includes behaviour or language (whether oral or written) that may cause staff to feel afraid, threatened or abused.

Examples of actions or behaviours which fall under this heading include threats, physical violence, personal verbal abuse, swearing or foul language, language which is deemed to be discriminatory e.g. sexist, racist or homophobic, derogatory remarks, and rudeness. Invest NI also considers that inflammatory statements and unsubstantiated allegations may be regarded as abusive behaviour. In some instances the complaint itself may constitute the unsubstantiated allegation and consideration must be given to the motivation of the complainant.

Staff can expect to be treated courteously and with respect. Violence or abuse towards staff is unacceptable and no member of staff should be subject to foul or inappropriate language. Staff understand that the anger felt by many complainants is directed towards the subject matter of their complaint. However, it is not acceptable when that anger escalates into aggression directed towards staff.

Unreasonable Demands

Complainants may make what Invest NI considers to be unreasonable demands through the amount of information they seek, the nature and scale of service they expect, or the number of approaches they make. What amounts to unreasonable demands will always depend on the circumstances surrounding the behaviour, and the seriousness of the issues raised by the complainant.

Examples of actions which fall under this heading include vexatious complaints (see Annex 1), demanding responses within an unreasonable timescale, insisting on seeing or speaking to a particular member of staff who is unavailable, refusal to deal with a member of staff for reasons such as gender or ethnicity, continual phone calls or letters, repeatedly changing the substance and focus of the complaint, or raising unrelated concerns. Such demands may be considered unacceptable and unreasonable if they start to impact substantially on the work of Invest NI, i.e. taking up an excessive amount of staff time to the disadvantage of other complainants or functions.

Unreasonable Persistence

We recognise that some complainants will not, or cannot, accept that Invest NI is unable to assist them further or provide a level of service other than that provided already. Complainants may persist in disagreeing with the action or decision taken in relation to their complaint or contact Invest NI persistently about the same issue.

Examples of actions which fall under this heading include vexatious complaints, persistent refusal to accept a decision made in relation to a complaint, and continuing to pursue a complaint without presenting any new information. The way in which these complainants approach Invest NI may be entirely reasonable, but it is their persistent behaviour in continuing to do so that is not. The actions of persistent complainants are considered to be unacceptable when they take up a disproportionate amount of time and resources.

**Managing Unacceptable Actions or Behaviour**

1. There are relatively few complainants whose actions or behaviours are considered to be unacceptable. How Invest NI aims to manage those actions or behaviours depends on its nature and extent. If it adversely affects Invest NI’s ability to do its work and provide a service to others, it may be necessary to restrict complainant contact with Invest NI in order to manage the unacceptable actions or behaviour. Invest NI aims to do this in a way, wherever possible, that allows a complaint to progress to completion through Invest NI’s normal complaints handling process. However, where necessary, contact may be restricted or, in extreme situations, ceased completely. The following sections provide further information on the application of restrictions.
2. The threat or use of physical violence, verbal abuse, or harassment towards the staff is likely to result in the ending of all direct contact with the complainant. Incidents may be reported to the police, i.e. if physical violence is used or threatened, or legal action taken e.g. injunction or court order to prohibit contact. If during the course of their work, i.e. phone call or interview, a member of staff encounters an individual who is particularly aggressive, they should speak immediately to a Director or Head of Division.
3. If a complainant repeatedly phones, visits Invest NI, sends irrelevant documents, raises the same issues or corresponds on a wide range of issues, a decision may be taken to restrict contact by:
	1. only taking telephone calls from the complainant at set times on set days, or putting an arrangement in place for only one member of staff to deal with the calls or correspondence in the future.
	2. requiring the complainant to either make an appointment to see a named member of staff before visiting Invest NI, or to only contact Invest NI in writing.
	3. returning the documents to the complainant or, in extreme cases, advising the complainant that further irrelevant documents will be destroyed.
	4. Dealing only with a certain number of issues within a given period, or asking the complaint to limit the focus of their requests.
	5. taking other action that is considered appropriate, including the cessation of all contact. The complainant will be advised of what action is to be taken and the reasons for doing so.
4. The Complaints Manager, in consultation with the relevant Director or Head of Division should normally decide the action to be taken in cases of unacceptable actions or behaviour by complainants. Where the matter is particularly urgent and neither the Complaints Manager nor the relevant Director/Head of Division is available, another member of the Senior Management Team should be consulted. The action taken may include reporting the matter to the police, seeking specific advice in respect of security concerns, or entering a specific ‘notification’ on CRM (see para 16 below).
5. Correspondence –Invest NI will not normally deal with correspondence (letter, fax or electronic) that is abusive to staff. When such correspondence is received, the complainant will be advised that their language is considered to be offensive, unnecessary and unhelpful. They will be asked to refrain from using such language and advised that they will not receive a response to their correspondence until they do.
6. Telephone Calls / Skype– A member of staff may decide to terminate a telephone call if the caller is considered to be aggressive, abusive or offensive. However, before terminating a telephone call, the caller should normally be warned that their behaviour is unacceptable and that the call will be terminated if the unacceptable behaviour does not stop. If a call is terminated in such circumstances, the member of staff should make a note of the action taken and the reasons for doing so. The matter should also be brought to the attention of their Line Manager.
7. Persistent Disputes Regarding a Complaint Decision – If Invest NI has responded in detail to an expression of dissatisfaction, exhausted the internal investigation process and referred the complainant to the NI Ombudsman, and the complainant continues to dispute the decision relating to their complaint, any further correspondence from the complainant will be regarded as ‘unreasonably persistent’. Any future contact on the issue must be submitted in writing and all such correspondence will be noted and filed, only being acknowledged or responded to if the complainant provides significant new information relating to the complaint.
8. Information From a Third Party Regarding a Complainant– From time to time, Invest NI may be made aware during investigations that a complainant has a history of aggressive behaviour. Where such information is provided, it should be reported to the Complaints Manager (Colin Morelli x 8164) immediately.

**Deciding to Restrict Complainant Contact**

1. While the normal decision making process for determining what action should be taken is outlined in point 7 above, staff of Invest NI who directly experience aggressive or abusive behaviour from a complainant are afforded the authority to deal with that behaviour in a manner they consider appropriate to the situation and in line with this Policy immediately, but only as an interim solution. A final determination must then be sought in line with point 7. Wherever possible, Invest NI will give a complainant the opportunity to modify their behaviour or action before such a decision is taken. Complainants will be informed by the Complaints Manager, in writing, why a decision has been made to restrict future contact, the restricted contact arrangements, and, if relevant, the length of time that these restrictions will be in place.

**Recording and Reviewing a Decision to Restrict Contact**

1. Invest NI records all incidents of unacceptable actions by complainants. Where it is decided to restrict complainant contact, an entry noting this is made in the relevant file and on the CRM (see below). A decision to restrict contact may be reconsidered if the complainant demonstrates a more acceptable approach. The Complaints Manager should review the status of all complainants with restricted contact arrangements on a regular basis.

**‘Notification’ of a Complainant on the Customer Relationship Management System**

1. If Invest NI regards a complainant’s actions or behaviour as unacceptable a ‘notification’ should be recorded in CRM This will ensure that any member of staff opening the complainant’s record will be aware of the nature and extent of their unacceptable actions or behaviours. To record a ‘notification’, the Complaints Manager should provide detail in the Notes field of the most recent complaint case .
2. When a complainant’s actions or behaviours are modified to the extent that they are no longer considered to be unacceptable, the ‘notification’ on CRM may be removed by the Complaints Manager, in consultation with the relevant Director or Head of Division and/or EDFO. A record of the incident will, however, remain in the relevant CRM case.

**Policy Exceptions**

1. It is acknowledged that in certain circumstances a mental health issue and/or disability may impact on an individual’s ability to communicate clearly or express themselves in a manner perceived as appropriate. Invest NI will assess such matters on a case by case basis giving due consideration to the needs and situation of the customer and making reasonable adjustments to our processes as required.

**Policy Review**

1. This policy will be reviewed by the Complaints Manager every three years, or more frequently if required.

**Annex 1**

**Vexatious Complainants**

1. A complainant may be defined as ‘habitual’ or ‘vexatious’ where current or previous contact with them demonstrates that they:
	1. change the substance of a complaint, continually raise new issues, or seek to prolong contact by continually raising further concerns or questions upon receipt of a response whilst the complaint is being addressed. Care must be taken not to discard new issues that are significantly different from the original complaint as these might need to be addressed as separate complaints.
	2. are unwilling to accept documented evidence as being factual; deny receipt of an adequate response in spite of correspondence specifically answering their questions; or do not accept that facts can sometimes be difficult to verify when a long period of time has elapsed.
	3. do not clearly identify the precise issues that they wish to have investigated, despite reasonable efforts of staff and, where appropriate, third party advisors to help them specify their concerns; and/or where the concerns identified are not within Invest NI’s remit to investigate.
	4. focus on a trivial matter to an extent that is out of proportion to its significance, and continue to focus on this point. It is recognised that determining what is a ‘trivial’ matter can be subjective, and careful judgement must be used in applying this criteria.
	5. have, in the course of their complaint, had an excessive number of contacts with Invest NI placing unreasonable demands on staff. A contact may be in person or by telephone, letter, email or fax. Discretion must be used in determining the precise number of ‘excessive contacts’ applicable under this section, using judgement based on the specific circumstances of each individual case.
	6. have harassed, been personally abusive, or verbally aggressive on more than one occasion towards staff dealing with their complaint. Staff must recognise that complainants may sometimes act out of character at times of stress, anxiety, or distress and should make reasonable allowances for this. All incidents of harassment must be recorded.
	7. are known to have recorded meetings or face-to-face / telephone conversations without the prior knowledge and consent of other parties involved.
	8. display unreasonable demands or expectations, and fail to accept that these may be unreasonable, i.e. insist on responses to complaints or enquiries being provided more urgently than is either reasonable or normal practice.