



Policy for Dealing with Unreasonable Conduct

Introduction

The Standards in Public Office Commission is an independent, non-partisan body that oversees legislation governing ethics in public office, political finance and the regulation of lobbying. The Commission receives a range of statutory returns from persons with obligations under the legislation. It also investigates potential contraventions of the legislation within its remit, and to that end, accepts complaints under the Ethics Acts 1995 and 2001 and receives information from stakeholders or members of the public in respect of possible contraventions.

Our Service Users' Charter, published on the Commission's website, sets out the expectations of service that those contacting the Commission may reasonably expect.

The Commission appreciates the feedback on our services that it receives, and is committed to dealing with all service users fairly and impartially. While in the majority of cases, service users interact with the Office in a restrained and reasonable manner, a small number of individuals engage with the Office in a manner where the frequency or nature of their contact with us is unreasonable.

Members of our staff know that, from time to time, they may be faced with a challenging or stressful situation. However, this does not mean that we expect our staff to tolerate behaviour from service users that is violent, abusive, offensive, threatening or, due to the frequency of contact, accounts for a disproportionate amount of time and resources that could be spent more effectively dealing with other matters.

Unreasonable Conduct

The Commission considers the following behaviours to be unreasonable:

- **Unreasonable Persistence:** Persistence in pursuing a complaint that has been closed by the Office, in seeking updates on a pending decision, or seeking special treatment. The persistence may be manifested in different ways; for example, insisting that a complaint be looked at again by the Commission, re-framing a complaint to present it as a fresh complaint, persevering with an argument that has earlier been addressed, or insisting the person's file be moved ahead of others or is approved without full compliance.
- **Unreasonable Demands:** An outcome or approach is expected that is unrealistic or disproportionate. Examples include repeated demands for investigation of a matter that is outside remit, seeking copies of confidential files, or trying to direct the Commission in conducting an investigation.
- **Unreasonable lack of co-operation:** Persistent presentation of a complaint in a disorganised manner or not responding to requests for information. Examples include not identifying a complaint clearly, failing to respond to requests for information or withholding relevant information from the Commission, presentation of voluminous material while expecting almost instantaneous responses, transforming a complaint midway through the

investigation process, or dishonesty in the statement of facts. It also includes any non-cooperation that may obstruct, delay or hinder the investigation process.

- **Unreasonable Arguments:** Examples include exaggerating issues, presenting irrelevant and/or unreasonable arguments, placing too much emphasis on trivialities, insisting that the service user's version of events be accepted as fact where there is no objective evidence to support this view, obstinately refusing to consider counter-arguments, being guided by unfounded conspiracy theories and/or by desire for revenge or retribution against another person or public body.
- **Unreasonable Behaviour:** Unreasonable behaviour may be verbal, physical or written, and includes physical violence or threats of violence, harassment or abuse of the Commission's staff, rude or aggressive conduct, derogatory or defamatory remarks, or behaviour designed to provoke confrontation. Unreasonable behaviour may comprise of a single instance or reflect a pattern of behaviour.

How We Will Manage Unreasonable Conduct

When we consider that a service user's conduct is unreasonable, we will tell them why we find their conduct unreasonable and we will ask them to change it.

If the unreasonable conduct continues, we will take action to restrict the service user's contact with our Office. The decision to restrict access to our Office will only normally be taken after we have reviewed the service given by our Office to the particular service user. The decision will be taken at the level of Commission Secretary. Any restrictions imposed will be appropriate and proportionate.

The options we are most likely to consider are:

- Requesting contact in a particular form (e.g. letters only)
- Requiring contact to take place with a named officer
- Restricting telephone calls to specified days and times
- Restricting access to the Office
- Asking the person to enter into an agreement about their future conduct, and, ultimately
- Terminating all contact with the service user where the behaviour shows no signs of abating.

In all cases, we will write to tell the service user why we believe their behaviour is unreasonable and what action we propose to take. However, where the behaviour is so extreme that it threatens the immediate safety and welfare of the Commission's staff or others, we will consider other options, for example, reporting the matter to An Garda Síochána or instigating legal action. In such cases, we may not give the service user prior warning of that action.

Any member of staff has the right to terminate a telephone call where the caller is aggressive, threatening, abusive, offensive, intimidatory or excessively argumentative. The staff member taking the call will inform the caller that their behaviour is unacceptable and that the call will be terminated if the behaviour continues.

Regardless of the service user's behaviour, our staff will act respectfully and impartially with regard to any complaint, investigation or compliance matter.

Recording Instances of Unreasonable Conduct

All instances of unreasonable conduct where the provisions of the Commission's Unreasonable Conduct Policy have been invoked are recorded on an incident form (Appendix 1).

Completed incident forms will be signed by the Commission Secretary and forwarded, for retention, to the Head of Corporate Services.

The service user's name and contact details, together with details of any actions to restrict the service user's contact with the Office that have been imposed, will be included in an Incident Log (Appendix 2). The Incident Log will be available to appropriate staff members for the purpose of ensuring adherence to any such restrictions that have been imposed.

Approved by Standards in Public Office Commission 19 April 2021

Appendix 1 Incident Report Form

This form should be completed for all instances where the provisions of the Office's Unreasonable Conduct Policy have been invoked.

Name of staff member reporting the incident: _____

Job title: _____

Name of the service user involved: _____

Details of the reason(s) why the provisions of the Unreasonable Conduct Policy are being invoked against this service user:

Names and job titles of any other staff involved:

Name: _____

Job title: _____

Was the incident reported to An Garda Siochana?

Yes No

If yes, provide details:

What, if any, actions to restrict the service user's contact with the Office have been imposed?

Has the service user been informed that this/these restrictions have been imposed?

Yes No

Signature of Reporting Staff Member _____

Date _____

Signature of Manager _____

Date _____

Appendix 2 Incident Log

The individuals listed in the table below are subject to restrictions in their communications with this Office, which have been imposed in accordance with the Office's Unreasonable Conduct Policy.

Service user: _____

Details of Communications:

Restrictions Imposed:

Date Restriction Imposed:

Staff Member Name: _____

Phone Number: _____