

Policy Statement

This document sets out Resolution's policy and procedure in respect to unacceptable behaviour towards Resolution's staff, members, officers and volunteers.

It should be read in conjunction with the Code of Practice and with our Complaints Policies and Procedures, and our Cheating, Collusion and Plagiarism, and Whistleblowing Policies and Procedures.

Generally, it is the case that Resolution will not tolerate unacceptable behaviour no matter where or when it occurs and will always act to manage it in line with this policy and procedures.

Understanding our Approach

We will always seek to act according to principles of fairness, honesty, integrity and respect. We expect that our members will uphold these principles and will adhere to our Code of Practice. We expect that our staff and volunteers will similarly act in accordance with these principles and in the spirit of our Code.

As an organisation, we have a duty and responsibility to ensure that Resolution members, staff and volunteers are treated according to these principles and can go about their work, professional practice, or be in contact with Resolution without being subject of unacceptable behaviour.

We aim to manage unacceptable behaviour in a manner that protects our staff and volunteers, our members and officers, and members of the public wherever it is appropriate and necessary to do so.

Equality and diversity

Resolution will always strive to ensure any person who contacts the organisation is treated fairly and reasonably, and without reference to race, religion, belief, gender, sexual orientation, disability or age.

We recognise that in some circumstances, people may have a disability or mental health problem that may make communication more difficult. Where there is a concern about unacceptable behaviour we will always consider individual needs and circumstances before deciding on how we should respond.

We also recognise that dealing with matters relating to relationships, arrangements for children, or family property or finance can be both stressful and emotional for all concerned and can sometimes lead to people behaving in a way they would not normally. We will always take account of individual circumstances when dealing with incidents of unacceptable behaviour and will try to ensure people are given information about services of support and help.

What is unacceptable behaviour?

Unacceptable behaviour takes many forms. For the purposes of our policy and procedures, we define unacceptable behaviour as any behaviour that is, or could be said to be:

- Abusive or aggressive
- Offensive – in either language or general behaviour
- Bullying or harassing
- Intimidating or threatening
- Malicious

This might include:

- Aggressive, abusive or offensive language or behaviour
- Making threats of any kind (and not simply in relation to threatened violence)
- Seeking to bully, intimidate or frighten another person
- Making derogatory remarks, including any inappropriate remarks in relation to another person's culture, race, faith, gender, sexual orientation or age

In respect to our Complaints Procedures, it is sometimes the case that someone cannot, or will not, accept the outcome of a complaint once the complaint has been brought to a conclusion in line with our policy and procedures. Where someone continues, or persists in, their contact with us in relation to a matter which has reached a conclusion, we will consider whether - and at what point - that contact becomes unacceptable or is harassing.

We will always try to assess fairly and reasonably the circumstances, the situation, and the seriousness of the issues raised by anyone who is not satisfied with an outcome from a complaint but will also assess the behaviour in any continuing contact with us and will decide if and when we it becomes unreasonable.

Unacceptable behaviour in this instance includes:

- Repeatedly contacting a Resolution member, or Resolution staff
- Excessive telephone calls, emails or letters
- Sending multiple or duplicate correspondence to Resolution members or staff
- Persistent refusal to accept a decision or explanations
- Making unreasonable demands of members of staff, whether in relation to provision of information or documents, or expecting responses within an unreasonable timescale
- Using social media or the internet to publish unreasonable or derogatory views or opinions in relation to any Resolution member, member of staff, volunteer or officer, or in relation to Resolution itself.

What we will do

The action we will take is dependent on the behaviour and particularly on the type of communication.

Telephone calls

We will not tolerate abusive behaviour and our members of staff have the right to protect themselves from personal abuse, threats or intimidation. Members of staff will always do their best to assist, but if a caller behaves in a rude, offensive, abusive or intimidating manner they have the right to terminate the call.

Members of staff will warn any caller that their behaviour or language is unacceptable in the hope that it will allow any caller to moderate their behaviour or agree to be called back at a time when they may be calmer. However, if the caller continues to be offensive or abusive, the call will be terminated. Such calls will be logged by the individual member of staff with brief details of the reason the call was terminated and they will also report the call their line manager to ensure a fair and reasonable process.

Where it is the case that there is a series or pattern of calls where there has been similar abuse, Resolution will consider whether they will invoke the Managing Unacceptable Behaviour Policy

which would include a permanent restriction on receipt of calls from an abusive caller (including barring the caller's number).

These arrangements also apply to phone contact with members, volunteers or officers of the organisation.

Emails, letters & complaints correspondence

Similarly to unacceptable behaviour in relation to phone calls, none of our staff has to tolerate offensive or abusive remarks communicated to them whether by email, letter or any means of correspondence with the organisation. Where any request for information is contained within such correspondence, the information requested will be provided where it is appropriate to do so and irrespective of the language used. However, the author or writer of any offensive or abusive correspondence will also be warned that their communication is considered offensive or abusive and that it will not be further tolerated and the action that may be taken if it does.

Any other written material, emails, letters, and so on that are deemed to be abusive, threatening or intimidating will not be responded to, other than by a formal response that they have been assessed as offensive and will not be tolerated in the future.

If the individual member of staff does not wish to respond to a personally abusive or offensive email or other correspondence, they may refer it to their line manager to make a response.

These arrangements also apply to written contact with members, volunteers or officers of the organisation.

If the correspondence continues, Resolution can inform the author or writer that it will no longer respond to any correspondence, in any form. If the correspondence is in relation to a complaint this means we will bring the complaint to an end.

Threats and intimidation

We take any threat, intimidation or harassment of our staff, members, volunteers or officers very seriously. If it is deemed necessary in order to protect the safety of any member, volunteers, staff or officers, we will report any behaviour of this type to the appropriate authority (which may include the police).

Where anyone has been threatened, intimidated or harassed, they will be supported by their line manager or by another member of Resolution's staff and incidents will be logged. This will ensure they are properly protected and supported, and all necessary steps are taken in relation to the threat, intimidation or harassment they have experienced. Any threat, intimidation or harassment of this kind will also be reported to Resolution's Director of Operations and Head of Standards who will act in line with this policy.

If we are asked to provide any documents, statements or other evidence to a third party organisation, such as a regulator or the police, we will act in line with the requirements of the Data Protection Act.

Occasionally, and in relation to our members and complaints in particular, threats may be made either to a third party or by a third party, for example against an individual member or their firm or premises by a person not represented by them or their firm. If this is the case, we will always take such threats seriously. Such threats, if reported to Resolution, will be referred urgently to

the Director of Operations or the Head of Standards so that advice can be given to any member concerned. This may include taking immediate action should it be necessary to protect all those involved, and may include reporting to the police.

Similarly, if we are asked to provide any documents, statements or other evidence to a third party organisation, for example, in relation to any proceedings taken or where there is police involvement, we will act in line with the requirements of the Data Protection Act.

Publication of offensive, defamatory or abusive materials or remarks

Resolution respects the rights of freedom of speech and rights of opinion. Where it is the case that publication is unacceptable because, for example, it is personally offensive, abusive, threatening or untrue, we will consider the action that can be taken in law to protect the individual, members of staff, members, volunteers or officers and/or Resolution itself.

We will always warn anyone who publishes any material that we consider falls into this category in the hopes that we might prevent any further such incidents however; we reserve the right to act to protect all those involved.

We will not comment where published remarks, opinions or materials concern the confidentiality of others, unless there is an over-riding obligation in law that we should or must (e.g. in any subsequent proceedings). This would particularly apply in relation to complaints where Resolution is committed to handling such matters confidentially.

Decision making

Decisions in relation to unacceptable behaviour and particularly in relation to barring (temporarily or permanently) or ending complaints procedures can only be authorised by the Director of Operations in consultation with the Head of Standards. In the most extreme of circumstances or where it is necessary to permanently bar all contact or to authorise issue of proceedings, the decision will be made by the Director of Operations, Chief Executive and a member of the National Committee designated to deal with matters of complaints and unreasonable behaviour.

In the case of threats, especially any threat of violence, members of staff, members, volunteers or officers must take immediate and urgent action, including reporting the matter to the police where necessary to do so.

Wherever it is possible, appropriate or necessary, we will put in place strategies to ensure that there is a reasonable access to applicable services within the organisation but our primary concern will always be to protect members of staff, any member, volunteer or officer.

Letting you know about what we intend to do

We will always inform those involved of any action we propose to take or have taken. Wherever it is possible we will do this by letter or email but we may also telephone where it is necessary or important to do so.

We will tell anyone who is to be subject of restriction or barring:

- The reason we are taking action
- Details of any earlier warnings given about unacceptable behaviour
- What we have decided to do

Whether there are any arrangements to be made in order to allow limited access and over what defined period of time

What you can do

If you wish to appeal a decision to terminate all contact, you should email your response to info@resolution.org.uk. Appeals will be considered by our Practice Standards Panel and their decision will be final.

*Resolution reserves the right to alter, review and or amend this policy and procedure as necessary.
Members will be informed of any alterations and amendments.
Policy and procedure in force from May 2015*