



**Public
Prosecution
Service**

Independent
Fair
Effective

Policy on Managing Unacceptable Behaviour by Service Users

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1. Introduction

The Public Prosecution Service (PPS) is committed to providing a fair, consistent and accessible service for all people coming into contact with the organisation, including victims, witnesses, accused persons, nominated representatives and members of the general public, where dignity and mutual respect are the key values underpinning our policies and procedures. However, this commitment must be balanced against the need to provide a safe working environment for staff and to ensure that the work of the Service is undertaken in an efficient and effective manner.

This policy sets out our approach to managing those individuals whose actions or behaviour are considered to be unacceptable and are either having a harmful impact on our staff or their ability to provide a consistent level of service to other service users. Where this occurs, PPS reserves the right to manage or restrict future contact.

This policy also applies to persons making a complaint about the PPS; that is, the procedures to be adopted by the PPS in dealing with the relatively few complainants whose actions or behaviours are considered to be unacceptable. Therefore this document should be read in conjunction with the PPS's Complaints Guidance which is available via the PPS website at www.ppsni.gov.uk.

2. Scope

This policy covers all areas of work undertaken by the PPS and all of our staff, including operational and headquarters personnel, as well as individuals working on behalf of the Service (for example, independent counsel).

3. Defining unacceptable behaviour

The PPS understands that people may act out of character in times of difficulty or distress. Indeed an individual may have encountered upsetting or distressing circumstances prior to coming into contact with the PPS. *The PPS does not therefore view actions or behaviour as unacceptable simply because someone is assertive or determined.* However, the actions or behaviours of individuals who are angry, demanding or persistent may result in unreasonable demands on the PPS or unacceptable behaviour towards PPS staff. It is these actions or behaviours that the PPS considers unacceptable and that are addressed by this policy.

The PPS has grouped these potentially unacceptable actions or behaviours under two broad headings:

- Aggressive, abusive or offensive language or behaviour; and
- General unreasonable behaviour.

Aggressive, abusive or offensive language or behaviour

All PPS staff have the right not to be subjected to aggressive, abusive or offensive language or behaviour, regardless of the circumstances. Whilst it is understood that the anger felt by individuals may be directed towards the subject matter of their enquiry, it is never acceptable when that anger escalates into aggression directed towards a member of staff.

Unacceptable behaviour is not restricted to acts of aggression that may result in physical harm or a physical threat. It also includes behaviour or language (written or spoken) that may cause staff to feel distressed or abused.

Examples of this behaviour include, but are not limited to:

- Acts or threats of physical violence;
- Swearing;
- Inappropriate sectarian, cultural, racial or religious references;
- Derogatory remarks (e.g. misogynistic or homophobic comments);
- Unsubstantiated allegations (e.g. of dishonesty, collusion or malpractice) and / or inflammatory statements.

General unreasonable behaviour

On occasions, individuals may make unreasonable demands through the amount of information they seek, the nature and scale of service they expect or the number of approaches they make.

Some individuals may not, or cannot, accept that PPS is unable to assist beyond the level of service that has already been provided. For example, they may persist in disagreeing with the action or decision taken in relation to their case, or contact PPS repeatedly about the same issue. The method or tone in which these communications are received may not in itself be unreasonable; it is the persistent behaviour in continuing to do so that is considered to be unacceptable.

What amounts to generally unreasonable behaviour or demands will always depend on the circumstances surrounding the behaviour and the seriousness of the issues raised by the individual.

Examples of this behaviour include, but are not limited to:

- Demanding responses within an unreasonable time-scale;
- Repeatedly contacting or insisting on speaking to a particular member of staff (e.g. a member of the senior management team) who is not directly dealing with the matter;
- Excessive telephone calls, emails or letters;
- Sending duplicate correspondence requiring a response to more than one member of staff;
- Persistent refusal to accept a decision or course of action already set out (for example, where the complaints process has been exhausted);
- Persistent refusal to accept explanations;
- Continuing to contact PPS without presenting new and / or relevant information.
- Recording (or attempting to record) a telephone conversation with a staff member.¹

4. Available restrictions

Where an individual continues to communicate in an unacceptable manner, PPS will exercise its right to restrict contact. Efforts will be made to ensure that the precise action is appropriate and proportionate to the nature of the unacceptable behaviour and all of the circumstances of the case. Those authorised to make a decision to restrict contact are detailed in Section 7.

When making a decision to restrict contact, PPS managers will take account of any special requirements of those affected by our decision. For example, where someone has poor literacy skills, we are unlikely to limit communications to writing only, unless we are satisfied there are reasonable adjustments in place to enable the individual to access our responses.

We may decide to, amongst other considerations:

- Block telephone calls and/or emails from being received;
- Arrange for a single, named member of staff to deal with all future calls or correspondence;
- Limit future contact to a particular form and/or frequency - for example, emails or letters only;

¹ **Important Note:** Unreasonable behaviour includes any attempt by a caller to record a telephone conversation (covertly or otherwise) with a staff member. Where a staff member believes or suspects that recording is taking place, a warning will be issued to the caller to the effect that consent is not given to the recording. If the behaviour persists, staff members are authorised to terminate the call at the earliest opportunity.

- Insist that contact is made through a third party (for example, a solicitor or other representative);
- Inform the individual that their correspondence will be read to ensure no new issues have been raised, but then filed, without further acknowledgement;
- Terminate all contact.

It should be noted that the threat or use of physical violence, verbal abuse or harassment towards the staff of the PPS is likely to result in the ending of all direct contact. Incidents may also be reported to the police. This will normally be the case if physical violence is used or threatened.

5. Dealing with aggressive, abusive or offensive language or behaviour

Telephone calls

No staff member should have to tolerate unacceptable behaviour over the telephone. Where this occurs, all staff have the right to place callers on hold or to end the call. Where possible, before taking such action, the caller will be warned that their conduct is considered to be inappropriate so that they have an opportunity to moderate their behaviour.

Where a call is terminated by a member of staff, a note of the details will be taken, outlining the reason for terminating the call. The matter will also be reported to their line manager in order to ensure fairness and consistency of approach. Where there is evidence of multiple instances of offensive behaviour by the individual and this continues, a more permanent restriction may be considered necessary.

Emails and letters

As with telephone calls, no staff member has to tolerate unacceptable behaviour communicated via email or letter. Where there is a legitimate request for information contained within the communication, irrespective of the language used, reasonable steps will be taken to provide that information. However, at the same time the individual will be warned that their conduct is considered to be offensive and will not be tolerated in the future.

Where no legitimate information is being requested, staff do not have to respond to an abusive email or letter. However, it is considered good practice to issue a warning that the conduct is considered to be offensive and will not be tolerated in the future.

Where a communication is received from an anonymous source (for example, an email without a named individual attached), a warning or other response will not be provided unless there is perceived to be a credible threat.

Personal callers

Where visitors are present on PPS premises, the safety and security of staff is a primary consideration. Security guards are present at all PPS premises and may be called upon to deal with disruptive persons.

The main priority in such incidents is to minimise the risk of harm to those involved, including staff, security personnel and the disruptive person. Where necessary, the individual will be asked to leave the premises. If the individual refuses to leave or becomes more threatening, then the police will be called, and the person informed that police are on their way.

Following any incident on PPS premises, security personnel and the PPS Premises Officer will compile a report and submit it to the Deputy Departmental Security Officer who will liaise with the relevant business area regarding the imposition of restrictions.

Social media

The guidance applied to written forms of communication also apply to messages posted on PPS social media accounts.

We will seek to remove, block and/or report users to the associated social media platform who direct messages at us which we believe are inappropriate. Examples include messages which:

- Bully, harass, threaten or intimidate any member of staff;
- Are unlawful, libellous, defamatory, harmful, obscene, profane, sexually oriented or racially offensive;
- Infringe or violate someone else's rights;
- Are spam (persistent negative and/ or abusive tweeting in which the aim is to provoke a response);
- Are disruptive or repetitive.

6. Threats made against staff

Any threat to our staff is taken very seriously. In such circumstances, the matter will be reported immediately to a line manager, who will work with the staff member in question to ensure that all necessary steps are taken to ensure their well-being.

Where appropriate, the incident will be reported to police.

7. Authorising contact restrictions

Where individuals display unacceptable behaviour, the decision to place a temporary or permanent contact restriction can only be authorised by managers at Staff Officer or above. Wherever possible, a reasonable degree of access to our service will be maintained, while at the same time giving due regard to the needs of the PPS, and in particular the welfare of staff.

In circumstances, where all contact is being terminated, this can only be authorised by a senior manager (normally either an Assistant Director, or for Corporate Services matters, a Head of Branch).

8. Information about the restriction

Where contact is being restricted, the individual affected will be told of the decision. Wherever possible this will be done in writing (either by letter or email).

The communication will provide the following:

- The reason the behaviour is considered to be unacceptable;
- Details of any earlier warning(s) issued about their conduct; and
- The restriction(s) being imposed and, if appropriate, how long the restriction(s) will last.

In the event of a complete restriction the individual will also be informed of their right of appeal and how to do this (see below).

9. Equality duties and consideration of individual needs

As a designated public authority under Section 75 of the Northern Ireland Act 1998, the PPS complies with its Equality of Opportunity Duty and the Good Relations Duty. In addition, under Section 49A of the Disability Discrimination Act 1995, the PPS is required when carrying out its functions to have due regard to the need to promote positive attitudes towards persons with a disability and encourage participation by persons with a disability in public life ('the disability duties'). This includes making sure we consider adjustments for people with protected characteristics.

The PPS recognise that some people may have difficulty expressing themselves or communicating clearly and/or appropriately. Where unacceptable behaviour is evidenced, and PPS is made aware of the individual's circumstances, we will consider

their particular needs, as well as those of our staff, before deciding on how best to manage the situation. This will include making reasonable adjustments. However, this does not mean we will tolerate abusive language, shouting, or other unacceptable behaviour or actions by the individual.

If an individual with a protected characteristic becomes the subject of a restriction under this policy, we will consider whether the restriction may affect them more than someone without that characteristic. If that is the case, we may make different arrangements so they can still access the service, for example by arranging contact through their representative.

10. Appeals

An individual may only appeal a decision to apply restrictions where all forms of contact have been terminated.

Appeals should be submitted in writing to the PPS Information Management Team, either by letter or by email (see contact details below).

The appeal will be considered within 4 weeks and will be carried out by a member of senior management from a different part of the organisation. On completion of the appeals process, the individual will be advised in writing whether the restricted contact arrangements will still apply or whether a different / more limited course of action has been agreed.

Where the decision to terminate contact refers to an existing complaint case, the complainant has the right to refer the decision (following completion of the appeal) to the PPS Independent Assessor of Complaints for their review.

11. Monitoring and reporting

The PPS Information Management Team will monitor this policy, in conjunction with the PPS Equality Officer, to ensure that it is being applied in a fair, reasonable and consistent manner.

Annex A: Useful contacts

Information Management Team

Information Management
Policy and Information Unit
Public Prosecution Service
Belfast Chambers
93 Chichester Street
Belfast BT1 3JR

Telephone: (028) 9089 7100
Deaf/Hard of hearing (SMS): 07795 675528
Email: info@ppsni.gov.uk
Website: www.ppsni.gov.uk

Victim and Witness Care Unit

VWCU - Belfast Office (for Belfast and Eastern Region)
Belfast Chambers
93 Chichester Street
Belfast BT1 3JR

Telephone: (028) 9026 4690
Deaf/Hard of Hearing (SMS): 07825 118389
Email: vw cubelfast@ppsni.gov.uk

VWCU - Foyle Office (for Western and Southern Region)
35 Limavady Road
Londonderry
BT47 6LP

Telephone: (028) 7134 0632
Deaf/Hard of Hearing (SMS): 07825 118416
Email: vwcufoyle@ppsni.gov.uk

Independent Assessor of Complaints

Independent Assessor of Complaints
for the Public Prosecution Service
PO Box 928
Belfast BT1 9AN

Email: independent.assessor@ppsni.gov.uk

If you require any further information about the PPS, or a copy of this document in an alternative format, please contact:

Information Management Team

Public Prosecution Service

Belfast Chambers

93 Chichester Street

Belfast BT1 3JR

Tel: (028) 9089 7100

Deaf/Hard of hearing (SMS): 07795 675528

Fax: (028) 9089 7030

Email: info@ppsni.gov.uk

Website: www.ppsni.gov.uk