



Garda  
**Ombudsman**  
INQUIRY INDEPENDENCE IMPARTIALITY

# Managing Unreasonable Contacts and Behaviour

Policy outlining how GSOC manages unreasonable levels of contact and behaviour

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Issue/Publication Date: 22/11/2018

## Table of Contents

<b>TABLE OF CONTENTS.....</b>	<b>2</b>
<b>1. INTRODUCTION .....</b>	<b>3</b>
1.1 POLICY AIMS.....	3
<b>2. WHAT BEHAVIOUR IS ADDRESSED BY THIS POLICY? .....</b>	<b>3</b>
2.1 THREATENING OR ABUSIVE BEHAVIOUR.....	4
2.2 UNREASONABLE LEVELS OF CONTACT.....	4
2.3 UNUSUALLY PERSISTENT COMPLAINANTS.....	4
<b>3. HOW WILL GSOC MANAGE THIS BEHAVIOUR? .....</b>	<b>5</b>
3.1 RESTRICTING ACCESS .....	5
3.2 ENDING CONTACT .....	5
3.3 MANAGING THREATENING OR ABUSIVE BEHAVIOUR .....	5
3.3.1 <i>Physical Violence/Threats of Harm to Others</i> .....	5
3.3.2 <i>Threats of Self-Harm</i> .....	6
3.3.3 <i>Abusive/Offensive Behaviour</i> .....	6
<b>4. RECORDING OF DECISIONS .....</b>	<b>6</b>
<b>5. REVIEW OF DECISIONS.....</b>	<b>6</b>

## **1. Introduction**

The Garda Síochána Ombudsman Commission (GSOC) respects the statutory and human rights of all individuals and is committed to dealing with everyone who contacts us in a fair, impartial and transparent way. We aim to make it clear to all people and organisations dealing with GSOC, what we can or cannot do regarding their requests for service or information. We believe that all individuals are entitled to be heard and to be treated with respect. As such, we aim to deal fairly, honestly and consistently with all individuals. We aim to provide a service that is accessible to all individuals. However, sometimes people contact GSOC in a way that causes difficulties for us, for themselves and for other people who use our service. People may use abusive or threatening language when talking to us, they may expect an unreasonable response to a request or may be unusually persistent in their dealings with us. This can hinder us in investigating a complaint efficiently and can cause significant resource issues for us.

We need to consider how the demands made by such contacts impacts on the resources available to us to deal with people and on the welfare and well-being of our staff. Because such difficulties do arise, GSOC retains the right to limit or change a person's access to our service.

### **1.1 Policy Aims**

This policy sets out how we intend to deal with behaviour with which we have difficulty, particularly unusually persistent contacts with the organisation, repeated complaints about issues that have already been dealt with and any threatening or abusive behaviour.

This policy aims to help our staff to identify situations where the level or the nature of contact from an individual may indicate that an intervention specifically designed to manage our relationship with that individual might be appropriate.

This policy replaces the GSOC Serial Complainant Policy with effect from 22 November 2018.

## **2. What Behaviour is addressed by this Policy?**

Individuals may act out of character in times of trouble or distress. A person may have experienced upsetting or distressing circumstances prior to dealing with staff from GSOC. We do not consider behaviour as unacceptable just because a person appears forceful, determined or persistent. GSOC accepts that being persistent may sometimes be a positive advantage when pursuing a point of view.

However, when the actions of individuals who are angry, demanding or unusually persistent result in unreasonable demands on our office or individuals become abusive, or behave aggressively towards our staff, we may need to take special measures to manage the relationship.

## **2.1 Threatening or Abusive Behaviour**

GSOC considers threatening or abusive behaviour to include any action, be it behaviour or language that may cause our staff to feel afraid, threatened or abused. For example if:

- an individual makes a threat to staff or other persons of physical violence;
- a person becomes physically violent;
- a person refuses to leave the GSOC office or,
- makes derogatory/personally abusive or profane remarks.

To ensure the safety and well-being of our staff, GSOC cannot tolerate behaviour like this.

## **2.2 Unreasonable Levels of Contact**

Occasionally, the volume and duration of contact made by an individual can present a greater demand on time and resources than is usual and this can prevent GSOC from performing its functions efficiently. This level of contact from a person can occur over a short period of time - for example, a number of calls in one day or one hour. It can also occur over the lifespan of a complaint, investigation or review. For example, a person dialling the GSOC lo-call number repeatedly (thereby accessing different individual staff members) or repeatedly submitting the same allegation(s) means that our staff do not have the time to deal with other people.

This behaviour impacts negatively on the level of service available from GSOC to other individuals.

## **2.3 Unusually Persistent Complainants**

People have the right to complain to GSOC about garda behaviour which they believe causes them difficulty. Sometimes people complain repeatedly about the same issues. This is not necessarily a problem, if those issues have not been addressed. However some people may submit complaints about the same issues after those issues have been addressed in previous complaints. Sometimes people submit complaints about the same issues with minor variations and insist that this is a new complaint requiring a new investigation. This making of repeat complaints is an unreasonable drain on GSOC resources and is a source of frustration for everybody involved.

Some people complain to GSOC about several different issues. This may be indicative of a particular problem with the person's relationship with the Garda Síochána. In such cases, we may review the number and frequency of complaints. We may consider special measures designed to address the complainant's particular situation.

### **3. How will GSOC Manage this Behaviour?**

#### **3.1 Restricting Access**

When an individual, because of the frequency and nature of their contacts, takes up a disproportionate amount of GSOC resources, we may need to apply some of the following measures to manage our relationship. We may:

- restrict appointments or telephone calls to a specific staff member on specified days and limited times;
- limit correspondence from that individual to be dealt with by a specified member of staff;
- inform the person that any new complaints relating to issues that have been already addressed will not be recorded as complaints - this does not limit the right of a person to complain about other issues of garda behaviour;
- advise that no future phone calls from that individual will be accepted by GSOC or interviews granted by this organisation concerning issues already dealt with;
- consider, with the person's agreement, consulting with other organisations to address the person's issues or,
- take any other action that GSOC deems appropriate in light of the person's circumstances.

#### **3.2 Ending Contact**

Where an individual persistently disputes a GSOC decision relating to their issue and where all review mechanisms available to and deemed appropriate by GSOC in such instances have been exhausted, that individual will be notified that no further correspondence will be responded to or phone calls taken by GSOC from them regarding that issue.

Any future contact with GSOC from the date of such notification by the individual on this issue must be in writing. GSOC will only acknowledge and file any such further correspondence from the individual on the issues previously raised by them. If the individual provides significant new information relating to their issue, the matter may be reviewed.

In any circumstance, if an individual continues to behave in a way we think is unreasonable, we may decide to end contact with them.

In all such cases, GSOC will tell the individual concerned what action we will take and why such action is being taken.

#### **3.3 Managing Threatening or Abusive Behaviour**

##### **3.3.1 Physical Violence/Threats of Harm to Others**

The well-being and safety of GSOC staff is of paramount importance to us. If any member of staff is either the subject of a threat or is affected in any way following contact with a person who makes a threat, their line manager should take steps to ensure the welfare of the GSOC staff member.

When a threat is made by an individual, staff are directed to the GSOC Threat Assessment Policy for guidance.

In general, where physical violence or threats of harm have been made against GSOC staff or others by a person, we may stop communicating with that person immediately and the threat may be reported to the gardaí. Depending on the circumstances, we may ask the person to stop contacting us by any means.

### **3.3.2 Threats of Self-Harm**

We understand that when a person makes a threat of self-harm, they may feel under severe emotional stress. We aim to support them by treating them sensitively and with respect. In order to assist and support them, we may need to contact the Garda Síochána or another organisation.

### **3.3.3 Abusive/Offensive Behaviour**

Where an individual behaves in a way that we consider to be aggressive or abusive or the individual uses inappropriate language that has caused distress to our staff, during a phone call or in person, we may terminate the call or the interview.

Where we receive written correspondence that is considered abusive/obscene, contains inappropriate language or has caused distress to GSOC staff, we may:

- Write to the individual concerned telling them that we think their language and/or their style of correspondence is offensive, unnecessary and/or unhelpful.
- Ask the individual concerned to stop using such language.
- If the behaviour does not stop, ask that all future contact is made through a third party such as an advocate or solicitor.

## **4. Recording of Decisions**

As already outlined, GSOC will decide to limit contact with an individual only after careful consideration of the circumstances. These decisions will be made by senior management on a case by case basis. Wherever possible, an opportunity will be given to the individual to amend their behaviour before a final decision is made.

GSOC senior managers will record their decision. Once a decision has been made, we will inform the individual in writing of the nature of the decision and any measures to be taken.

## **5. Review of Decisions**

GSOC will review the status of all individuals who are subject to a decision under this Policy on a regular basis, at least every six months. The status may be reviewed earlier than that if GSOC is of the view that concerns which gave rise to the restrictions have been addressed.