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## **External contact policy**

Unacceptable behaviour

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## 1. Purpose and background

- 1.1 Ofcom is committed to providing a fair, transparent, impartial and accessible service for all of its stakeholders. However, we have to ensure that we provide a safe working environment for our colleagues and that we are able to work efficiently and effectively. All our colleagues can expect to be treated with dignity and respect in accordance with our values, and in a workplace that is free from harassment, bullying and victimisation.
- 1.2 On occasions, individuals (whether members of the public, or individuals representing an organisation, such as a regulated company or supplier) may make unreasonable demands or demonstrate behaviour that could: risk adversely affecting the service we provide; cause offence to our colleagues; or cause our colleagues to feel threatened. When this happens, we may take action to manage contact with that stakeholder to protect Ofcom's colleagues and to maintain the effectiveness of our service. Further information about how we would expect to do this is below.

## 2. Unacceptable behaviour

- 2.1 As noted above, where Ofcom colleagues experience unacceptable behaviour from a particular individual, we may take proportionate action to manage contact with that individual to protect our colleagues and to maintain the effectiveness of our service (see below "Managing contact").
- 2.2 Examples of unacceptable behaviour may include, but are not limited to:
  - a) use of abusive, obscene or threatening language, or comments of a personal (including discriminatory) nature;
  - b) submission of vexatious complaints (i.e. complaints which are without basis and which tend to, or appear to have been made with an intention to, cause worry, upset, annoyance or embarrassment);
  - c) engaging in unnecessarily frequent and/or lengthy contact with Ofcom, which is largely repetitive in nature and which hinders our colleagues' consideration of that person's or other persons' cases, or requires a disproportionate level of resource to handle that person's case; or
  - d) intimidating, threatening and/or violent physical behaviour.

## 3. Managing contact

- 3.1 We recognise that in some cases, what appears to be unreasonable behaviour may be due to an underlying reason e.g. in times of upset, distress, or illness, and we will be mindful of this when deciding whether it is appropriate to manage contact and how to do so.

## **Warning before managing contact**

- 3.2 In most instances, when we consider an individual's behaviour is unacceptable, we will explain why and ask them to change it. We will also warn them that, if the behaviour continues, we may take action to manage their contact with our colleagues.
- 3.3 We would expect, at this stage, to provide the relevant individual with the opportunity to explain the reasons for their behaviour and to explain any adjustments that they (or Ofcom) may be able to make in order to prevent such behaviour reoccurring.
- 3.4 Where the behaviour is so extreme that it threatens the immediate safety and welfare of our colleagues, we may report the matter to the police or consider taking legal action. In such cases, we may manage contact without giving that individual prior warning.

## **Warning before managing contact**

- 3.5 Where an individual's unacceptable behaviour persists, we will decide whether the circumstances justify any restrictions on their contact with Ofcom. The decision to manage contact will be made by the manager of the team the individual has contacted.
- 3.6 The type of restrictions that we may consider include (but are not limited to):
- a) arranging for a single, named Ofcom colleague to deal with all future calls or correspondence from that individual;
  - b) limiting future contact from that particular individual to a particular form (for example, emails or letters only) and/or frequency;
  - c) informing the individual that, if their case has been dealt with and no further assistance can be provided, their case has been closed and that any further correspondence on that same issue will be read and filed without further acknowledgement (unless there is something new to consider);
  - d) where the individual is in contact with Ofcom on behalf of an organisation, requiring any future contact from that organisation to be from another individual; and/or
  - e) refer the matter to the police where we consider a criminal offence may have been threatened or committed.
- 3.7 The precise nature and action will depend on the nature of the unacceptable behaviour, the circumstances and impact on our colleagues, and the organisation or individual involved. Any decision to manage contact will not be taken lightly, and Ofcom will only take those steps which it considers are proportionate to the circumstances. It should be noted that all forms of unacceptable behaviour will be noted in our internal system for monitoring and investigative purposes.

## **Communicating our decision**

- 3.8 We will always tell the individual (and, where relevant, any organisation that they are representing) clearly in writing why we have decided to manage future contact, the

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arrangements that we have decided to put in place and for how long any restriction(s) will be in place. Individuals should let us know if they have any special requirements and, in particular, if there are any reasonable adjustments we may be able to make when communicating our decisions.

## 4. Case handling complaint

- 4.1 If an individual (and, where relevant, any organisation that they are representing) believes Ofcom has not acted in accordance with this Unacceptable Behaviour policy (for example, if any restrictions imposed on an individual's contact with Ofcom are considered disproportionate), they may be able to make a complaint to the Corporation Secretary about how Ofcom handled their contact.
- 4.2 Such complaints will only be considered by the Corporation Secretary after the team dealing with the application of the Unacceptable Behaviour policy has set out what they consider to be their final position on the matter.
- 4.3 Where such a 'deadlock' has been reached the Corporation Secretary can investigate whether the communication between Ofcom and the stakeholder in question has been handled correctly. Where the Corporation Secretary upholds a stakeholder's complaint, any arrangements put in place to manage his/her contact with Ofcom will be amended/removed.
- 4.4 More information about how to contact the Corporation Secretary can be found on our ['Complaints about Ofcom' page](#).

## 5. Subsequent contact

- 5.1 If an individual's contact with Ofcom has been restricted, any future correspondence that individual has with Ofcom will need to be made in accordance with those restrictions.
- 5.2 For example, if Ofcom requires a stakeholder to limit future contact to a particular form (for example, emails only) and to a particular frequency (for example, once per week), then any further correspondence should comply with those restrictions.
- 5.3 Similarly, if Ofcom has informed a stakeholder that their case has been closed and that any further correspondence on that same issue will be read and filed without further acknowledgement, then Ofcom will read and file any further correspondence on that matter without further acknowledgment. If a stakeholder provides new information about the same issue, while we will consider the new information raised, this does not mean the contact restrictions will be reconsidered. In addition, if a stakeholder approaches Ofcom with an entirely new issue, this will be considered on its merits and restrictions imposed in respect of an earlier complaint or issue will not automatically apply to a new matter raised in these circumstances.

## 6. Review and revision

6.1 We reserve the right to make amendments to this policy, as necessary.