

## **Unreasonable and unacceptable behaviour policy**

### *Introduction*

1. The Legal Services Board is committed to high quality service and aims to treat everyone we deal with fairly, impartially and with respect. We recognise that we are publicly funded, and that members of the public have a legitimate interest in our work that we take seriously.
2. The LSB also has a responsibility to ensure effective stewardship of those public resources. In a minority of cases, individuals may insist on pursuing their enquiries and/or complaints with us beyond a point at which we have exhausted all reasonable avenues of consideration. At that point, continuing to entertain such communications becomes a poor use of public resources.
3. This policy aims to guide LSB colleagues in the management of unreasonable and/or unacceptable behaviour.

### *When does the policy apply?*

4. LSB colleagues should consider this policy if they think that an individual's behaviour may be unreasonable and/or unacceptable.
5. To help us decide whether an individual's behaviour is unreasonable and/or unacceptable, we will take into account the history and context of our communications with that individual. We will consider both the purpose of the communications and the way it is made.

### *What is unreasonable behaviour?*

6. Enquiries or complaints will be considered unreasonable if they fall within one or more of the following categories:
  - i. disruptive – intended to disturb, disrupt and/or unduly or unfairly pressurise the LSB or member(s) of its staff;
  - ii. persistent/repetitive – repeating the same or substantially similar enquiries or complaints which have already been investigated and/or addressed by the LSB;
  - iii. unfounded – comments and/or allegations which are defamatory and/or are unsupported by evidence;
  - iv. irrelevant – complaints and enquiries which relate to matters which are not within the regulatory jurisdiction or remit of the LSB; or
  - v. otherwise clearly unreasonable.

*What is unacceptable behaviour?*

7. It is important to state that LSB colleagues, in their capacity as representatives of the LSB, will never be required to tolerate unacceptable behaviour from individuals. Unacceptable behaviour will fall within one or more of the following categories:
  - i. discrimination - offensive language which is disparaging against any individual or group based on their age, disability, gender, race, religion, sexual orientation or any other protected characteristic as defined within the Equality Act 2010;
  - ii. rudeness – use of abusive, disrespectful, profane, unduly pejorative or otherwise offensive language;
  - iii. intimidation - includes threatening, harassing, use of unreasonable language or behaviour directed or implied through the context of the communication; or
  - iv. otherwise clearly unacceptable behaviour.

*How is a decision made under this policy?*

8. A decision on whether a person's behaviour is unreasonable and/or unacceptable under this policy will be made by the Director, Enabling Services unless she is conflicted (in which case the decision is to be made by the Director, Regulation and Policy), with the advice of General Counsel.
9. Once a decision has been made, the Director, Enabling Services will explain to the individual concerned why their behaviour is considered unreasonable and/or unacceptable, and that their matter will be closed with no further action.
10. The decision must refer to the specific behaviour(s) considered unreasonable and/or unacceptable. The decision will be recorded for future reference.
11. New communications on a substantially different matter from an individual whose behaviour has previously been determined to be unreasonable and/or unacceptable under this policy will be treated on their merits. The decision about their behaviour in earlier communications will not automatically apply to such new communications.

*What happens if a person wishes to challenge a decision under this policy?*

12. If an individual wishes to challenge a decision about their behaviour made in relation to this policy, they may do so by following the [LSB's complaints policy](#).