



## **Dealing with unreasonable behaviour policy**

*Approved by the Board on 5 December 2017 and came into effect on 6 December 2017*

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## Purpose

1. This policy:
  - a. sets out the standards of behaviour the Plumbers, Gasfitters and Drainlayers Board expects from staff and all people interacting with the Board under the Plumbers, Gasfitters, and Drainlayers Act 2006
  - b. provides guidance for staff if they are faced with dealing with a person whose behaviour is unreasonable.

## Legislation and relevant policies

2. The following legislation is relevant to this policy:
  - a. Plumbers, Gasfitters, and Drainlayers Act 2006
  - b. Plumbers, Gasfitters and Drainlayers Board (Plumbing Registration and Licensing) Notice 2016
  - c. Plumbers, Gasfitters and Drainlayers Board (Gasfitting Registration and Licensing) Notice 2016
  - d. Plumbers, Gasfitters and Drainlayers Board (Drainlaying Registration and Licensing) Notice 2016
  - e. Plumbers, Gasfitters and Drainlayers Board (Fees and Disciplinary Levy) Notice 2016
  - f. Health and Safety at Work Act 2015.
3. This policy must be read in conjunction with all Board policies.
4. More detailed information on dealing with unreasonable behaviour can be found in the Ombudsman's guide *Managing unreasonable complainant conduct*.

## Definitions

5. In this policy:
  - a. **Act** means the Plumbers, Gasfitters, and Drainlayers Act 2006
  - b. **Board** means the Plumbers, Gasfitters and Drainlayers Board
  - c. **Registrar** means the Board's Registrar, appointed under section 140 of the Act
  - d. **staff** means employees of the Board and includes all contractors
  - e. **unreasonable behaviour** means behaviour of the kind described in section 5 of this policy.

## Guiding principles

6. The Board acknowledges that people have a right to be dissatisfied with the way it carries out its functions under the Act, and to express that dissatisfaction.
7. Even when a person's behaviour is difficult or unreasonable, the Board accepts their inquiry or complaint may be genuine and valid.
8. Board staff are professional and courteous at all times when dealing with any person interacting with the Board.

9. The Board expects all people interacting with the Board and Board staff to be respectful and cooperative.
10. The Board allocates time and resources fairly and reasonably to all people interacting with the Board.
11. The Board keeps people informed about the progress of their inquiry or complaint to the Board.
12. Unreasonable behaviour has implications for health and safety, and the Board monitors and manages unreasonable behaviour to protect staff health and safety.
13. The Board trains and supports staff to deal with challenging behaviour, and protects staff from behaviour that is unreasonable.
14. The Board does not tolerate violent or aggressive behaviour in any form.

### **Unreasonable behaviour**

15. Unreasonable behaviour is any behaviour that raises substantial health and safety concerns, resourcing issues, or equity issues for the Board and/or Board staff.
16. Behaviour can be unreasonable in any of the following ways:
  - a. unreasonable persistence, including:
    - i. persisting with an issue when it has been dealt with to finality
    - ii. refusing to accept final decisions about the issue
    - iii. sending excessive amounts of correspondence about the issue
  - b. unreasonable demands, including:
    - i. insisting on outcomes that are unattainable
    - ii. 'moving the goal posts'
    - iii. demanding that issues be dealt with in a particular kind of way
  - c. unreasonable lack of cooperation, including:
    - i. providing disorganised, excessive or irrelevant information
    - ii. being unwilling to consider other valid viewpoints
    - iii. refusing to define the issues when they are able to do so
  - d. unreasonable arguments, including:
    - i. seeing cause and effect arguments where there are none
    - ii. conspiracy theories unsupported by evidence
    - iii. irrational interpretations of facts or laws and refusing to accept other, more reasonable interpretations
    - iv. making vexatious complaints
    - v. unrealistically denying any responsibility for behaviour or actions
  - e. unacceptable behaviour, including anger, aggression, threats, insults, personal attacks, lying, misleading, or any violent or threatening behaviour.
17. Unreasonable behaviour includes things said about the Board or Board staff in written and/or electronic communications to other parties, the internet and social media.

## **Determining whether behaviour is unreasonable**

- 18 The determination of whether a person's behaviour is unreasonable depends on the circumstances in each case.
- 19 The types of considerations that will be taken into account in determining if a person's behaviour is unreasonable include:
  - a. the behaviour concerned
  - b. the issue in question
  - c. whether the person making the inquiry has suffered significant loss or harm as a result of the issue
  - d. the person's circumstances
  - e. whether there may be any cultural issues
  - f. how proportionate the person's behaviour is compared to any loss or harm they may have suffered
  - g. whether the person's demands are proportionate to the seriousness of the issue
  - h. how the person responds to the staff member trying to assist them
  - i. whether the person has displayed the behaviour concerned before
  - j. any warnings the person has had previously about their behaviour
  - k. the effect the unreasonable behaviour is having on the staff member.
20. Aggressive, abusive, harassing, threatening, insulting, or violent behaviour will always be regarded as unreasonable.

## **Dealing with people interacting with the Board**

21. The Board focuses on, and deals with the issue and not the behaviour.
22. The Board manages peoples' expectations in their interactions with the Board by advising them:
  - a. how their issue will be handled
  - b. what priority their issue is likely to be given
  - c. the likely timeframes for dealing with their issue
  - d. who will be dealing with it
  - e. their likely involvement
  - f. possible or likely outcomes.
23. The Board advises the people of their responsibilities, including that they must:
  - a. clearly identify the issue they are raising
  - b. provide all relevant information in relation to the inquiry
  - c. cooperate with any requests for information from the Board
  - d. act honestly
  - e. treat people dealing with their inquiry with courtesy and respect.
24. The Board continues to clarify people's expectations and provide them with information in an ongoing way. This includes advising people of progress, even if there has been no change since the last conversation.

25. The Board manages its own expectations of people it interacts with by recognising that even when it takes all reasonable steps and follows all applicable policies and procedures:
- a. some people may have unrealistic and unreasonable motivations and expectations
  - b. some people may not accept the Board's approach regardless of how well or how often it is explained to them
  - c. some people may be dissatisfied with the way their inquiry is resolved regardless of what steps the Board has taken
  - d. it is not possible to have and/or maintain a good relationship with all people interacting with the Board despite the Board's best efforts
  - e. some people's reactions may be out of proportion to the significance of the issue regardless of how their inquiry is managed.

### **Dealing with unreasonable behaviour**

26. The kinds of steps the Board uses for dealing with unreasonable behaviour include:
- a. monitoring emotion levels of the other party during any interaction (eg, anger, frustration, disappointment)
  - b. using non-confrontational language
  - c. attempting to calm the person down
  - d. focusing interactions on the issues
  - e. trying to find solutions to problems that are identified
  - f. providing relevant information
  - g. providing explanations
  - h. taking a break if required
  - i. identifying behaviour that is unacceptable
  - j. placing limits on unacceptable behaviour
  - k. ending an interaction
  - l. declining to take repeated inquiries where the matter has been properly and comprehensively addressed (eg, any review rights have been utilised)
  - m. declining to take reframed inquiries where the issue has already been dealt with
  - n. declining inquiries that are clearly frivolous, vexatious, or trivial
  - o. declining inquiries that have been appropriately addressed by another organisation
  - p. ending unproductive interactions about issues that have been properly and comprehensively addressed
  - q. terminating involvement where there has been deliberate and significant dishonesty
  - r. escalating matters to senior staff
  - s. modifying or restricting access to facilities or services
  - t. involving external parties (eg, police)
  - u. taking legal action.

27. The steps taken to deal with a person's unreasonable behaviour will depend on an assessment of the risk associated with the behaviour (see risk assessment matrix in appendix one).
28. All behaviour that is assessed as extremely high risk or high risk is reported to a manager and then to the Chief Executive/Registrar as soon as possible.
29. The Board will always report extremely high risk behaviour to the police and/or any other relevant agency.
30. The Board may report high risk behaviour to the police and/or any other relevant agency depending on the circumstances of the case.
31. The Board notifies all staff of steps that need to be taken to manage interactions with a person as a result of unreasonable behaviour.

### **Recording and reporting unreasonable behaviour**

32. Staff record unreasonable behaviour as soon as practicable after it occurs as part of normal, required record-keeping processes (eg, file note, note on database).
33. Records include the following information (as appropriate):
  - a. name of the staff member
  - b. name of the person involved
  - c. time and date of incident
  - d. where incident occurred
  - e. whether anyone else was present
  - f. what occurred
  - g. any other relevant information.
34. Any person witnessing serious unreasonable behaviour may be asked to record what they witnessed.
35. Managers must be provided with a written record of any serious or ongoing unreasonable behaviour.
36. Managers ensure that staff exposed to unreasonable behaviour are given appropriate support (eg, debriefing, EAP services).

### **Monitoring and reviewing unreasonable behaviour**

37. The Board monitors incidents of unreasonable behaviour to:
  - a. monitor staff stress levels
  - b. monitor resource allocation (eg, to determine if a few people are using a disproportionate amount of time and resources)
  - c. identify risk factors (eg, certain times of the year, certain people)
  - d. ensure Board practices are appropriate and robust, or are improved as appropriate
  - e. ensure the Board is not contributing to unreasonable behaviour (eg, through poor processes or lack of information about its role and requirements)

- f. ensure there is a shared understanding of the impact of unreasonable conduct (eg, senior staff may have different views about the impact and seriousness of unreasonable behaviour compared to the staff dealing with it on a regular basis)
- g. foster a safe and supportive workplace environment and culture
- h. comply with its health and safety obligations.

**Appendix 1 Risk assessment matrix\***

<b>Likelihood</b>	<b>Seriousness</b>			
	<b>Very serious</b> May result in death or serious injury	<b>Serious</b> May result in minor injury, major property damage, or have a significant impact on time and resources	<b>Moderate</b> Intimidation, threats or abuse (face to face) – resulting in stress/fear, property damage, or measurable impact on time and resources	<b>Minor</b> Verbal threats or abuse (over the phone) resulting in some degree of stress experienced by staff, possible property damage and impact on time and resources
<b>Almost certain</b> Most likely to occur immediately or in a short period of time Has happened in the past or happens frequently	<b>Extremely high risk</b>	<b>High risk</b>	<b>Medium risk</b>	<b>Medium risk</b>
<b>Likely</b> Quite likely to occur Has happened in the past	<b>Extremely high risk</b>	<b>High risk</b>	<b>Medium risk</b>	<b>Medium risk</b>
<b>Possible</b> May occur – no immediate threat of harm	<b>Extremely high risk</b>	<b>High risk</b>	<b>Medium risk</b>	<b>Medium risk</b>
<b>Unlikely</b> Unlikely to occur – is a 'one off' incident	<b>High risk</b>	<b>Medium risk</b>	<b>Low risk</b>	<b>Low risk</b>

\*Taken from *Managing unreasonable complainant conduct*, Office of the Ombudsman