

# Unreasonable Behaviour Policy

## Introduction

We are committed to providing excellent service in all interactions with our members and the public, although we recognise that sometimes we may get things wrong or are unable to help members or the public in the way they would like.

We treat any expressions of dissatisfaction seriously and value feedback from our members and the public which may help us identify learning points and improve our services. We have a process in place to handle complaints about the wide range of services we provide. Occasionally complaints are made in a way that causes considerable disruption to our work, disproportionate cost and time to handle and impact the wellbeing of our staff because of the unreasonable behaviour of the complainant.

This policy explains our approach to recognising and handling complainants whose behaviour is unreasonable. It applies to all points of contact with the NCS, whether member, trainer, organisation, or the general public, either directly or indirectly (for example, on social media).

We will ensure that we meet the requirements of the Equality Act 2010 to make 'reasonable adjustments' for our members or the public with protected characteristics (e.g., those with disabilities). In some circumstances, members and the public may have a disability that makes it difficult for them to either express themselves or communicate clearly and/or appropriately. Where there is an indication that this may be the case, we will consider the needs and circumstances of the customer before deciding on how best to manage the situation.

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## Communicating with the NCS

There may be occasions where an individual's behaviour puts the wellbeing of the NCS's staff at risk. Unreasonable behaviour could occur in any interaction with any member of staff (over the phone, in person or in writing), not just in the context of a corporate complaint.

The NCS deals with issues that impact the lives of members of the public and the therapeutic professions. We recognise that people will often express themselves strongly and communicate the emotions they are experiencing at the time. We also realise that the matters that people complain about can be set against a background that is distressing. For example, issues relating to bereavement, their mental health, or the potential impact of a decision about them on their livelihood and career.

We will not view the behaviour of anyone using our services or contacting us as unreasonable simply because their communication is forthright or because they are determined in their approach. Our staff are trained to handle interactions with our members and the public appropriately and are expected to make reasonable allowance for their behaviour.

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## Unreasonable Behaviour

On occasion however, the behaviour of our members and the public may go beyond what is reasonably acceptable. Examples of such unreasonable behaviour may include (but is not limited to):

- 🗣️ Threats
- 🗣️ Verbal abuse
- 🗣️ Rudeness
- 🗣️ Derogatory or insulting personal remarks
- 🗣️ Harassment based on their personal characteristics e.g., racist, sexist or homophobic behaviour
- 🗣️ Obscene remarks
- 🗣️ Making inflammatory statements e.g., ‘You are incompetent and should be sacked’
- 🗣️ Recording of calls and/or meetings without the knowledge of staff
- 🗣️ Derogatory, libellous, abusive, or insulting comments made about NCS staff, or the NCS itself, online or in the media
- 🗣️ Harassing, abusing, or threatening staff on their personal social networks
- 🗣️ Physical intimidation or aggression

Some of the behaviours outlined are unlawful and we will consider whether these should be formally reported to the police.

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## **Our Duty to Our Staff**

These situations are not common, but when they do happen, we will take action to restrict or end our communication and access to our staff and offices. We do this because our staff must be able to carry out their work without harassment and it is our expectation that they should be treated respectfully and with courtesy - in the same way that we expect them to interact with our members and the public.

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## **Violence**

We have a duty to protect our staff and to be mindful of their welfare and safety. We take any threat of violence seriously and will bring any direct contact with the perpetrator to an end. We will also report such threats to the police.

We consider violence to include any communication or behaviour that may cause a member of staff to feel afraid, threatened or abused.

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## **Deciding if a Complainant has Behaved Unreasonably**

If a member of staff feels a member or member of the public is behaving unreasonably, they must bring it to the attention of their manager. The manager will discuss it with the member of staff, investigate the circumstances and may seek the advice and guidance of a more senior colleague.

If, however, a member of staff encounters unreasonable behaviour during a telephone call they are entitled to bring the call or meeting to an end,

providing they have asked that a more reasonable approach be taken and this has not happened.

Similarly, a member of staff who encounters such behaviour in a meeting is entitled to bring the meeting to a close using their personal judgement as to whether it is appropriate to request that a more reasonable approach be adopted first.

If unreasonable behaviour occurs at an event, the staff member should apply the same discretion and notify the event organiser or appropriate person who may be able to help diffuse the situation.

We expect our staff to be mindful at all times of their own personal safety in exercising this discretion.

In all cases where a member of staff has had to take action to deal with unreasonable behaviour a record of the circumstances should be made, and the situation brought to the attention of their manager.

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## **Options for Restricting Future Contact Including Termination of Membership**

Where a decision has been made that a complainant has behaved unreasonably, they will be notified by letter or email that their contact with us is discontinued or restricted as considered appropriate. We will clearly communicate this to the person and will reconsider the position if they agree to withdraw their unreasonable communication (if possible) and agree to communicate in an appropriate way moving forwards.

Once a decision to restrict or discontinue communication has been made regarding a member, further unreasonable communication will lead to termination of membership.

Where a decision has been made to discontinue or restrict

communication, if the recipient of this decision is a member of the NCS, they will be offered a refund of their last fees paid in return for termination of membership by mutual agreement.

In cases where a member communicates with (or about) the NCS in a manner deemed unreasonable enough to warrant immediate termination of membership, a decision may be made to terminate such membership as a first step.

A decision to restrict or discontinue contact, or in the case of members, terminate membership due to unreasonable behaviour, can be made by the NCS CEO or Chair.

Where a decision is made that a complainant has behaved unreasonably the complainant will be put on notice in writing, (or in a format that has been agreed as a 'reasonable adjustment', if the individual is disabled, that if their behaviour continues, their contact with the NCS will be discontinued or restricted).

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## How Might We Restrict Future Contact

There are a range of options available, depending on the circumstances and the type of behaviour:

- 🗣️ Requiring the complainant to contact a named staff member(s) only;
- 🗣️ Restricting telephone calls to specified days and times, as agreed with the complainant;
- 🗣️ Terminating telephone calls if the complainant persistently raises issues which we have already responded to in full. We will politely explain that we are unable to comment further on the matter and will ask if there are any other issues they wish to raise. If no new issues are raised and they persist in raising issues which we have already addressed, we will tell them so before ending the call. A written warning will then be sent, with a view to limiting future communication to written communication only;

- 🕒 Terminating telephone calls if the complainant becomes aggressive, abusive or offensive. We will politely ask them to modify their behaviour, but if the behaviour continues we will tell them again that it is unacceptable and end the call. The manager of the member of staff involved will then send a written warning, with a view to limiting future communication to written only;
- 🕒 Restricting the issues we will correspond on;
- 🕒 If the complainant sends us a large volume of irrelevant documentation, we may return these documents. In extreme cases we will advise that further irrelevant documents will be destroyed;
- 🕒 If we have already fully explained our reasons for a decision and the complainant has exhausted the procedure to request a review of that decision, we will decline to respond to further correspondence which does not raise new issues. The correspondence will be read and filed but we will not acknowledge it unless it provides significant new information or evidence relating to the matter;
- 🕒 We will block emails if the number and length of emails sent is considered unreasonable;
- 🕒 We will not respond to correspondence which is abusive or offensive and we will block emails that are abusive or offensive;
- 🕒 If the complainant makes a large number of reports to us which prove to be unfounded, we may ask that in future any further allegations are supported by an independent third party such as the Citizens Advice Bureau, a legal representative or an advocate, to ensure that in future our staff resources are spent in a proportionate way.

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## **Challenging a Restriction on Future Contact or Termination of Membership**

If any individual wishes to challenge a decision made in relation to this policy, then they may do so by writing to the NCS's Independent Assessor. The Assessor will review the information sent by the individual and NCS and make a decision, which shall be final and binding on all parties.

Where unreasonable behaviour is linked to a complaint about a member's fitness to practise also see our guidance on dealing with vexatious allegations.

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## Recording the Decision to Restrict Communication as a Result of Unreasonable Behaviour

We will maintain a register of the restrictions applied, which will be regularly reviewed to ensure that it remains relevant and up-to-date.

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If you have any questions, please get in touch with our Membership Services Team:

[hello@nationalcounsellingsociety.org](mailto:hello@nationalcounsellingsociety.org)







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Contact us today:  
[hello@nationalcounsellingsociety.org](mailto:hello@nationalcounsellingsociety.org)