

## Unreasonable behaviour policy

December 2018

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### 1 Summary

- 1.1** We are committed to dealing with all people fairly and impartially, providing a high-quality service. It is important that we can communicate effectively with all people who contact us. We therefore do not normally limit contact that people have with us. However, we do not expect our staff to tolerate behaviour that is abusive, offensive or generally unreasonable. This policy explains how we will manage such behaviour.
- 1.2** We recognise that, in some circumstances, individuals may have a disability that makes it difficult for them to communicate clearly and/or appropriately. Furthermore, we understand that people may contact us when in a vulnerable position. We will make reasonable adjustments to ensure our service is accessible to everyone.

### 2 Unreasonable behaviour

- 2.1** We recognise that when people contact us, they may have reason to feel frustrated or upset. If someone was contacting us to explain general concerns or frustrations they have, then we would not consider this as unreasonable. However, at times, this communication can become unreasonable due to the tone or language used or persistent contact on the same subject. We do not expect our staff to tolerate any form of behaviour that could be considered offensive or that makes it difficult for us to complete our work or help other people.
- 2.2** We will manage any behaviour that we consider is unreasonable or vexatious under this policy. Some examples of what we consider to be unreasonable or vexatious behaviour are listed below. This list is not exhaustive, but it highlights some behaviour that would not be acceptable.
- Threats or verbal abuse
  - Offensive language or general rudeness
  - Making repeated contact about the same or similar subject or continuing to copy us into communication with other parties when there is no or limited value
  - Persistent refusal to accept a decision or follow processes
  - Making unreasonable demands of our service, such as requesting immediate responses

### 3 How we will manage unreasonable behaviour

- 3.1** If we consider that someone's behaviour is unreasonable, we will tell them why and ask them to change it. If that behaviour, or other unreasonable behaviour continues, we will act. This will include deciding whether to restrict the person's contact with us. This covers all forms of communication, including verbal, written and social media.

- 3.2** Any staff member who directly experiences threats or verbal abuse has the authority to deal with that unreasonable communication immediately; including ending that communication. In most cases we would expect the staff member to provide a warning about the behaviour and explain the reasons they consider it unacceptable. However, if the behaviour is extreme and potentially threatens the safety or welfare of our staff, then we have the option of informing the police or other body without notifying the person.
- 3.3** In all other cases, where we experience unreasonable behaviour, we will only consider restricting communication with someone if we have already given them warning and an opportunity to change their behaviour. We will explain why we consider the behaviour to be unreasonable and how we want the person to communicate with us.
- 3.4** If we do decide that we need to manage how a person can communicate with us, then the following options are available:
- Limiting contacts to one method only (for example, advising someone they can contact us by post or limiting contact to one member of staff)
  - Limiting the number of times someone may contact us (for example, advising someone they can only send one email to us per month)
  - Restricting the issues that we will communicate about (for example, advising we will not discuss a specific subject)
  - Requesting that any contact with us is made by a representative on behalf of the person
  - Advise that any correspondence will be held on record but not responded to
- 3.5** The precise nature of the unacceptable behaviour, action taken, and the length of any restriction imposed should be appropriate and proportionate to the nature and frequency of the person's contact with us at that time. The above list is not exhaustive. As each case is determined on its own merit, restrictions will be tailored to the required circumstances, taking into consideration any reasonable adjustments.
- 3.6** A decision to restrict someone's contact with us can be made by any senior manager or director in the Commission, with appropriate insight. If we decide to restrict all access to our service, then this decision can only be made by a member of our executive team.
- 3.7** On occasions we may consider a person's behaviour is vexatious or unreasonable when making a Freedom of Information request or Subject Access Request. In these circumstances, we will follow the [guidance](#) provided by the Information Commissioner's Office (ICO).

## **4 Recording and reviewing decisions**

- 4.1** If we decide to restrict access, we will be transparent and inform the person concerned. Where possible, this will be done in writing. We will explain why the decision has been made, how it affects future contact with us, how long any restrictions will last and what the person can do to have the decision reviewed.
- 4.2** We will keep accurate and up to date records of all people who fall within the scope of this policy. Records will include details of the case, the action that has been taken and the reasons why the action was deemed appropriate and proportionate.
- 4.3** The records will also retain information including the name and contact details, the date on which a restriction was imposed, the nature of the restrictions and the date the restrictions were lifted. Once a restriction has been lifted, the Commission will retain this information in line with our retention period. Please see our privacy statement for additional information about how we use data.

- 4.4** We will reconsider all restrictions in place at the end of the restriction period. Should we decide to alter the restriction, we will update our records. Any additional unreasonable behaviour encountered will then follow this policy.
- 4.5** If someone wishes to challenge our use of this policy, then they can do so by [raising a complaint about our service](#). The complaint will be investigated by someone different to the person who applied the contact restriction. If they decide to revise the restriction, then our records will be updated, and the person will be informed.

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