



OFFICIAL POLICY OF THE OFFICE OF THE OMBUDSPERSON FOR FINANCIAL SERVICES

Unacceptable Behaviour Policy

We treat everyone with dignity.

We are consistent and professional in every facet of our behaviour.

Overview of the Policy

This Policy sets out acts and behaviour which constitute an abuse of our process and of our staff members.

While we are fully committed in providing a fair and accessible service, we must ensure the efficient operation of our service. We believe that every complainant who uses our service has the right to be heard and treated with respect but at the same time we also believe that our staff has the same rights and therefore we must provide a safe environment for them.

Occasionally, the behaviour or actions of certain individuals using our service make it very difficult for us to deal with their complaints. At times, the actions of complainants are unacceptable and impact negatively on the morale of our staff.

This Policy explains how we will approach these situations. It will describe the actions and behaviour that may have a negative effect and what we will do in these circumstances.

Applicability

The Policy applies to all persons who contact us in relation to our services and covers all methods of contact including telephone, face-to-face, letters, e-mails, social media and other digital channels.

Forms of unacceptable behaviour

1. Aggressive behaviour

Aggressive behaviour includes threats, violence and abusive conduct. We will have zero tolerance for the following behaviour:

- a) Use of offensive language (verbal and written), to insult or degrade or to make comments on the individual's professional ability or capability that would reasonably cause someone to feel offended, afraid or threatened;



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- b) Threat of physical violence.

2. Unreasonable demands

The Office processes a large number of complaints with extremely limited resources. In this respect, numerous complainants constantly request for updates by phone or in writing. If our staff members dedicate time to providing updates, no complaint will reach the decision stage. As we focus on priorities and dedicate time to resolve matters, a demand becomes unacceptable when it starts to (or when complying with the demand would) impact substantially on the work of the office.

A demand will not be considered if the demand takes an excessive amount of staff time and prevents us from working on other files.

Unreasonable demands include the following:

- a) repeatedly asking for responses or updates;
- b) insisting on speaking to or seeing a particular staff member;
- c) insisting on raising unrelated concerns.

3. Harassment

Harassment of staff, whether accompanied or not by violence or abusive comments, is not acceptable.

Harassment includes:

- a) repeatedly contacting or continuing to contact individual staff members when previously asked not to;
- b) repeated and long telephone calls to inundate the staff with information that has already been provided or that is irrelevant to the complaint;
- c) contacting staff outside of the office to seek to influence them;



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- d) targeting and naming staff members on public or other social media or threatening to use their names on public or social media;

We consider that the level of contact has become unacceptable when the amount of time spent on the telephone, or responding to, reviewing and filing emails or written correspondence or managing the contact impacts on our ability to work in accordance with our statutory functions.

4. Refusal to cooperate

The procedures for making a valid complaint to our Office are set out under the Ombudsman for Financial Services Act. When the procedures are not complied with, we will write to the complainant and advise on the correct procedures so that we may validly process the complaint. However, we often face resistance to comply from complainants. In such cases, we have no other option than to close the file as we have obligations under the law.

During our investigation, most of the time, we will require information from all parties. We make our requests or summon parties under the law. Sometimes we face a lack of cooperation in situations where a particular party does not possess the requested information. In many cases, the party responds with aggressivity or refuses to respond to our requests. In such cases, we will have no other option than to consider a rejection of the complaint unless we have sufficient material to proceed.

Our response to unacceptable behaviour

We understand that people who come to us may have experience of trauma, or have specific needs and requirements. We will ensure our staff have appropriate training to identify where additional support may be needed. We will try to help as much as possible. However, we cannot tolerate disrespect including the behaviours described above.



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Where we find the behaviour to be unreasonable, as described above, we will consider the following actions:

- a) We will firstly explain to the person why we think that his or her behaviour is unacceptable and the steps we might consider;
- b) We may stop communicating about a particular issue or question that we feel we've already responded to;
- c) We may stop communicating with someone by phone and communicate in writing only;
- d) We may stop communicating with someone directly, and communicate through a representative only;
- e) We may no longer look into a complaint at all;
- f) In circumstances we consider to be relevant, we will notify relevant public authorities.

In order to ensure the safety and wellbeing of our staff, we have empowered them to disengage in situations which we find unacceptable. It is important to note that in some cases, the only appropriate step is to end contact immediately.

All staff have the authority to end any interaction which they find personally distressing or difficult at the point of occurrence.

Whenever possible and appropriate, staff should seek to end the interaction professionally and politely. This can include, but not limited to:

- a) explaining why they find the situation uncomfortable or distressing and requesting for a change in behaviour;
- b) ending a call;
- c) ending an interview/meeting.

**Signed & approved by the Ombudsperson for Financial Services
20 October 2021**