



# Managing unacceptable behaviour policy

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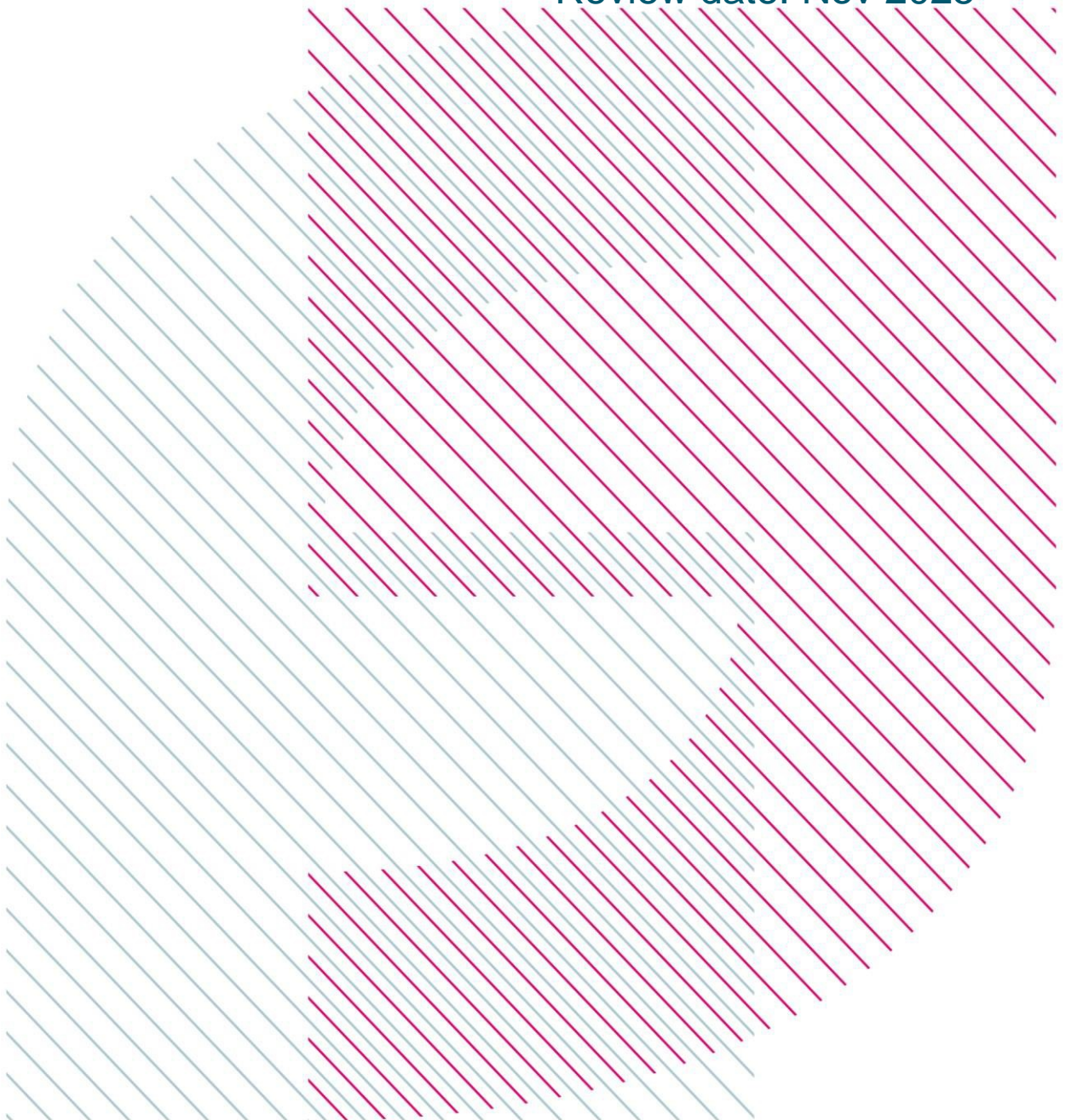
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## Purpose

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The Legal Ombudsman (LeO) is committed to providing a fair, consistent, and accessible service for all our customers, both consumers and providers of legal services. We are also committed to providing a safe working environment for our people. We also need to ensure that we can progress and resolve the complaints people refer to us efficiently and effectively.

Given the nature of an ombudsman scheme's work we recognise that the parties to a complaint may feel aggrieved, upset or distressed. However, it is not acceptable for those feelings to be directed towards our employees or for parties to otherwise behave unreasonably.

This policy sets out our approach to dealing with situations where customers' actions or behaviours are considered unacceptable, and are having (or may have the potential to have) a harmful impact on our people and/or our ability to provide a consistent level of service to other customers.

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## Scope

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This policy covers all areas of work undertaken by LeO and our people. The policy also covers any external service provided by a partner organisation to our customers.

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## Responsibilities

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### **Responsibilities of LeO:**

- provide a fair, open, proportionate, and accessible service
- treat everyone who contacts us with respect, empathy, and dignity
- meet our responsibilities under the Equality Act 2010
- ensure a timely review process for all current restrictions
- take proactive decisions and actions to protect the welfare and wellbeing of our people including taking a zero-tolerance approach to unacceptable behaviour in line with our internal policies

### **Consumer or service provider:**

- treat LeO's people with respect and courtesy
- engage with us in a way that does not impact on our ability to carry out our work effectively and efficiently for you and others who are using and interacting with LeO

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## Defining unacceptable behaviour

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We will take a case-by-case approach to deciding whether a customer's behaviour is unacceptable, and examples provided within this policy are not exhaustive. However generally, examples of behaviour that we won't tolerate are grouped under two broad headings:

- behaviour that is unacceptable because it is aggressive or abusive, including the use of offensive language
- behaviour that is unacceptable because of the unreasonable nature of a customer's engagement with us

### Aggressive, abusive, or offensive language or behaviour

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Our people have the right to a safe work environment and not to be subjected to aggressive, abusive or offensive language or behaviour, regardless of the circumstances. This includes behaviour relating to any protected characteristic they may have, as defined by the Equality Act 2010 (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation). Examples of this behaviour include, but are not limited to:

- threats of physical violence
- swearing
- inappropriate cultural, sexist, racial or religious references; and
- rudeness, including derogatory remarks

Violence is not restricted to acts of aggression that may result in physical harm. It also includes behaviour or language (written or spoken) that may cause (or may have the potential to cause) staff to feel distressed, threatened or abused.

### General unreasonable behaviour

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We will always do our best to support people to use our service, in line with our general commitments to accessibility, equality and inclusion, as well as our legal responsibilities.

There may be times when customers make requests or engage with us in a way we judge to be unreasonable – for example, because of the amount of information they're asking for, the nature and scale of the service they expect or the frequency of the contact they're having with us.

We recognise that customers may be frustrated at reaching the end of our process with their case, or in other situations where we can't or aren't the right organisation to help. We will always try our best to explain the options that are available – including once our involvement is at an end.

However, we don't consider it acceptable for a customer to continue to contact us disagreeing with the action or decision taken in relation to their case or any other issue. Either the tone of these communications or their frequency – or both – may be unreasonable.

Examples of this behaviour include, but are not limited to:

- asking for a response within an unreasonable timescale
- repeatedly contacting or asking to speak to a particular member of staff who is not the right person to talk to
- making repeated contact via phone, email, post or social media at a volume that we consider excessive (this also includes unsolicited marketing contact considered to be 'spam' or 'phishing')
- sending duplicate correspondence requiring a response to more than one member of staff
- not accepting our decision and continuing to contact us about it
- not acting in line with our process or procedures, in a way that presents barriers to progressing a complaint
- not providing information and/or evidence we ask for without a reason
- not providing comments or responses within a reasonable timescale
- repeatedly not accepting our explanations
- continuing to contact LeO without presenting new and relevant information
- trying to use our policies around service complaints, reasonable adjustments; or information rights and security to raise concerns or complaints about our decision making
- posting derogatory comments or reviews about our people or the Legal Ombudsman on social media platforms; and
- posting complaint-related correspondence online, or sharing it in a public forum

## Our approach to responding to microaggressions

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Microaggressions are subtle or unintentional actions that communicate hostility or insults towards socially marginalised groups.

We expect customers to engage respectfully and will address any microaggressions that occur during interactions in a professional manner. If a microaggression is experienced or witnessed, staff members are encouraged to address it and request that it stop.

## Safeguarding and disclosures

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If in the course of our work an individual expresses threats of harm to themselves or others, we will consider disclosure to relevant authorities. We may also contact the police or other relevant authorities if there is a threat of harm to others or where there is any other potential criminal activity. Decisions to contact the police or any other authority will be taken on a case-by-case basis.

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## How we will deal with abusive, aggressive or offensive language and behaviour

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Where a customer continues to communicate in an unacceptable manner, or where the conduct is of a particularly serious nature, LeO will exercise its right to restrict contact. The precise nature and action will be appropriate and proportionate to the nature of the unacceptable behaviour and the circumstances of our staff and the customer.

When deciding to restrict contact, we will consider any special requirements of those affected by our decision. For example, where someone cannot read, we are unlikely to limit communications to writing only unless we are satisfied there are reasonable adjustments in place to enable the customer to read our response, such as a representative.

We may decide to, amongst other considerations:

- if the customer is a complainant, terminate all contact, and this may mean we discontinue an investigation into the lawyer complaint or service complaint
- if the customer is a lawyer, report their behaviour to the appropriate regulator as a potential example of professional misconduct
- refer the matter to the police or other relevant authority where a criminal offence has been threatened or committed
- take legal action, such as applying for an injunction or court order to prohibit contact/poor behaviour or to otherwise remedy matters
- dismissing under scheme rules where general unreasonable behaviour means that there is a compelling reason why it is inappropriate to be dealt with by LeO

### Telephone Calls

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If a customer's language or behaviour on the phone is unacceptable as set out in this policy, our people have the right to put them on hold or to end the call. However, before taking such action, we will usually try to warn the caller that their conduct is unacceptable and allow them the opportunity to moderate their behaviour.

We may decide to arrange for a single, named member of staff to deal with all future calls or correspondence from the customer. If a customer consistently behaves in an unacceptable way on the phone, a more permanent restriction may be considered, for example 'call barring' their phone number for inbound calls.

### Emails and letters

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If a customer's email or letter doesn't make a reasonable request for information, and/or is abusive or aggressive, our people do not have to respond.

If our people don't feel comfortable responding to abusive emails and letters themselves, they will refer the matter to their line manager who may take matters forward on their behalf.

The customer will be warned that their conduct is unacceptable and given the opportunity to moderate it (unless it is of a particularly serious nature). However, if it continues LeO may restrict email and/or written communication.

We may decide to limit future contact to a particular form and/or frequency - for example, emails or letters only - and these will be reviewed once per week/month. We may also inform the customer that their correspondence will be read to ensure no new issues have been raised, but then filed, without further acknowledgement.

In appropriate circumstances, where the customer has reached the end of our process, is repeating matters or where conduct is sufficiently serious, the LeO reserves the right to cease any further communications.

We run our emails through automatic software that detects malicious or offensive communications. These types of emails will be rejected along with an automated notification to the sender as to why we have done that.

## **Social media and other online platforms**

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LeO maintains a presence on major social media platforms. This is a way of maintaining a public profile rather than a channel through which we provide our service.

The principles in this policy, and definitions of unacceptable behaviour apply to contact received on social media. If customers contact us on social media, we will direct them to someone at LeO who can help them. However, if a customer's engagement with us on these platforms is unacceptable, we may choose not to respond, and/or to hide or delete their posts.

In addition, if customers post on social media any information that we would consider to be sensitive information or information otherwise related to our investigation, we reserve the right to dismiss their complaint and/or cease or restrict contact.

## **Contact restrictions**

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Where we have judged a customer's service to be unacceptable, we will try our best to maintain their access to our service – while protecting our people's welfare. For example, we may be limiting customer contact to a specific internal email address and/or a specific internal telephone number.

Where a customer requires a reasonable adjustment to access our service, these will be considered independently from the person authorising the contact restriction before any restrictions are agreed and communicated to the customer.

## **Letting customers know about the restriction**

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Where contact is being restricted, the customer will be told of the decision. Wherever possible we will do this in writing, but it may need to be done by telephone. A copy of this policy will also be included with the letter. The communication will explain:

- the reason why we consider their behaviour to be unacceptable
- details of any earlier warning(s) issued about their conduct
- the restriction(s) we are imposing; and, if appropriate
- how long the restriction(s) will last

In the event of a full restriction – that is, we decide a customer's behaviour is unacceptable to the point they can't continue to use our service at all – they will also be informed of their right to appeal and how to do this.

## Customer appeals

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A customer can appeal a decision to fully restrict contact. All other restrictions are the final decision of the Legal Ombudsman.

Appeals should be submitted by email and sent to the Service Complaints Team at [service.complaints@legalombudsman.org.uk](mailto:service.complaints@legalombudsman.org.uk), or by writing to:

Service Complaints  
Legal Ombudsman  
PO Box 6167  
Slough SL1 0EH

Appeals may be made by telephone to our General Enquiries Team on **0300 555 0333** who will arrange a call back from our Service Complaints Team. The Service Complaints Team will then write to the customer confirming details of the appeal. The restriction will remain in place while the appeal is being considered.

The appeal will be considered by a senior member of staff as soon as possible.

The customer will be advised in writing or by email by our Service Complaints Team whether the restricted contact arrangements still apply, or a different course of action has been agreed.

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## Monitoring and reporting

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All instances of abuse will be recorded on both the customer's file and a central abuse/ unacceptable event log. This information will be reviewed monthly by LeO's Operations Management Team and Service Complaints Team. This ensures that the policy is being applied fairly, resulting in consistent outcomes for both staff and customers. It also enables LeO to ensure proactive restrictions are put in place where unacceptable behaviour is happening regularly, with LeO people and/or across multiple channels.

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## Our approaches to opening a new case

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If a customer with a current restriction is involved in a new complaint, we will bear in mind the original decision to restrict access and any appropriate time limit applied to that restriction.

Only an Operations Manager or a senior manager with responsibility for Operations can make the decision to accept the new case, unless the customer has a full restriction. In this circumstance, the decision to accept the new case will be taken by an appropriate senior member.

We will send our decision about whether to accept the new case, along with details of any amendment to the current restriction, to the customer in writing by letter or email.

If the new case is not accepted for a reason other than unacceptable behaviour – under LeO's Scheme Rules – the customer can ask for the decision to be reviewed in line with LeO's usual process.