



An tSeirbhís Chúirteanna
Courts Service

POLICY ON
MANAGEMENT OF
UNACCEPTABLE
ACTIONS.

Policy on Management of Unacceptable Actions

1. Introduction

The Courts Service aims to provide an accessible and transparent service to all court users and members of the public and believes that all court users and members of the public have a right to be heard, understood and treated with respect. We aim to respond professionally, respectfully and appropriately to all members of the public including those whose actions can be considered to be unacceptable or aggressive. The Courts Service standard of customer service is defined in our customer charter. The Courts Service recognises that the vast majority of the interactions with our customers is positive. This policy deals with the very exceptional instances where the customers actions are unacceptable.

The Courts Service is committed to creating a safe, respectful and positive working environment for all staff. The Courts Service:

- believes that all Court Service staff should be treated respectfully by all court users and members of the public.
- does not tolerate verbal or physical harassment in any form by employees, service users, members of the public or others.
- has a responsibility to use its resources in an equitable manner. Unreasonably persistent and demanding actions can take up a disproportionate amount of time and can hinder the delivery of other services.

The Courts Service has adopted the EU definition of work related aggression and violence as:

“Any incident where staff are abused, threatened or assaulted in circumstances related to their work involving an explicit or implicit challenge to their safety, wellbeing or health”.

Work related aggression, violence and other unacceptable actions impact negatively on the working life for staff and organisational effectiveness.

2. Purpose

The purpose of this Policy is to:

- Detail the guiding principles of the Courts Service in identifying and responding to unacceptable actions, specifically occurring at public counters and when answering phone queries;
- Identify and define actions that can be considered unacceptable;
- Provide training which assists staff to respond in a proportionate and consistent manner;
- Increase employee awareness of the supports available to staff, including recording and reporting structures.

3. Scope

This policy applies to onsite activities and is informed by the Courts Services Health and Safety obligations towards employees. This policy only deals with interactions with customers when dealing at public counters or on the phone. The interaction with customers in Court, any concern regarding unacceptable action should be referred to the Presiding judge and or court Garda as appropriate. Offsite activities do not come under the scope of this policy.

4. Definitions

We are conscious that the circumstances that lead people to contact the Courts Service can be upsetting and distressing and may lead people to act out of character. We do not view behaviour as unreasonable just because it is forceful or determined. However, there may be times when the behaviour of people contacting our offices makes it difficult for us to deal with the issues they raise. In a small number of cases the actions become unreasonable because of the way they treat our staff or the demands they make on the Office. It is important to distinguish between behaviour which is assertive and behaviour which is unacceptably aggressive. Callers to public offices can become exasperated at the service that is available in the office and invoking this policy prematurely can lead to an unnecessary escalation of tension. Staff should seek to distinguish between the customers genuine need for service from any unacceptable behaviour. This policy should assist the staff member in addressing the unacceptable behaviour whilst still providing the customer with the required service.

Unacceptable Actions and aggressive behaviour are those which may result in unreasonable pressure on an office or any of its staff. They may include

- Demanding responses within an unreasonable timescale;
- Persistent requests for information;
- Continuous phone calls, e-mail correspondence or letters;
- Persistent refusal to accept a finding made by the Court;
- Persistent refusal to accept explanations of what is excluded from an office's remit;
- Persistent refusal to follow procedures explained by staff;
- The filming or recording staff or the publication of footage including their image, without their consent, in the execution of their duties;
- Offensive behaviour, e.g. shouting, aggressive gestures, thumping a counter or slamming a door entering or leaving an office;
- Harassment and intimidation including unwelcome and rude gestures;
- Verbal abuse and swearing, in person or on the telephone, of either a personal or general nature;
- Written abuse of either a personal or general nature.

Violent behaviour may include some of the following (by an individual or as part of a group in a protest):

- Physical violence against staff member;
- Specific threat of harm to a staff member or their family;
- Physical violence against objects including kicking, defacing or destroying property.

Any unacceptable action, aggressive or violent behaviour experienced by staff members outside of their place of work should be reported to An Garda Síochána immediately.

5. Reasons for aggressive, violent behaviour and unacceptable actions.

The Courts Service expects all staff to be courteous and respectful in their interaction with the public and all court users.

Equally it expects that Court Service staff will be treated courteously and respectfully by those who are in contact with the Courts Service. Aggressive or violent behaviour which may cause staff to feel intimidated, threatened or at risk is unacceptable.

Unacceptable aggressive or violent behaviour can occur for a number of reasons, which may include:

- Stress, frustration, feelings of inadequacy or helplessness;
- Alcohol or drug abuse;
- Mental wellbeing of the customer;
- Perceived bias, discrimination or indifference on the part of staff to the customer;
- Unrealistic expectations.

6. Procedures to deal with unacceptable Actions or aggressive behaviour

Unacceptable actions are those which may result in unreasonable demands on the office or toward staff which through the frequency, nature or tone of contact hinders the work of the office.

Unacceptable actions or aggressive behaviour may be displayed in person (at the public counter, in interviews, on the telephone) or in correspondence.

Staff members;

- **Should always put their own safety first.**
- **Should try to establish if the customer has a valid issue, query or complaint**
- **May refer the customer to the customer complaints procedure or other sources of help, if appropriate.**

Aggressive behaviour may be displayed in person, at the public counter or over the phone.

6.1 On the phone

- The staff member may if the behaviour is manifested over the phone, advise the customer that they may terminate the call if the behaviour continues, and if that is the case may end the call;

- The staff member should then write a record of the termination and the reasons for same, which should be forwarded to the office manager;
- On the receipt of this record the manager will decide on the appropriate response if any.

6.2 Public Counter or interview

- If the behaviour manifests at a public counter or in an interview, the staff member may advise the customer that they will not proceed with the conversation if the behaviour continues;
- If this is the case the staff member should ask for assistance from their manager or a more senior colleague and should inform the individual that they are referring the matter to a manager or senior colleague;
- The manager or more senior colleague will inform the customer, that their behaviour/language is unacceptable and, if the behaviour persists, may terminate the conversation/interview and give the customer their reasons for so doing;
- The staff member and the manager or more senior colleague will complete a report of the incident and the manager should consider same for any further appropriate action.

6.3 Written contact with office

In situations where a staff member believes that a person's contact with the office may constitute unacceptably demanding, persistent or aggressive actions;

- A report of the unacceptable actions will be completed by the staff member;
- This report will be discussed with the office manager;
- Following consultation, a decision will be made by the Office Manager on the appropriate response by the office.

The initial decision may be to write to the customer:

- Advising the customer that their query, issue or complaint will be investigated/examined and that they will be notified of the outcome; within a specified time limit;
- Explaining that resources must be allocated to meet all of the demands of the work of the office and that their query will be dealt with when resources permit;
- Advising the customer that the office may need to consider appropriate further action if the unacceptable persistence or demands continue, in keeping with the unacceptable actions policy.

6.4 Restrictions or examples of action which may be considered by the manager under this policy

Where the actions of the customer continue to remain unacceptably demanding, despite receipt of a written communication and or the actions continue to adversely affect the ability of the office to do its work, it may be necessary to apply restrictions to the persons contact with the office.

Examples of restriction which may be considered by the office manager under this policy include (but not confined to):

- Nominate one person to take responsibility for responding to calls, correspondence from or discussions with said customer in person;
- Restrict the times and days on which calls and/or communication in person will be taken from the said customer and limit the time allocated for this;
- Restrict the customer to dealing with the office in writing only;

- Restrict access by the customer to the office premises, for the safety of staff and other members of the public who may be visiting the office. This step should only be taken by the office manager following consultation with their manager;
- In situations where there are continuous actions of a threatening and/or violent nature the office manager may decide to terminate all contact with the person involved;
- Report all threatening actions or actions of a violent nature to An Garda Síochána;
- In the situations identified above, the office manager will advise the person and office staff in writing of the decision taken, the rationale for this and the length of time for which the restrictions will be in place.

All decisions in relation to this policy must be notified to all staff in the office concerned so that everyone in the office responds in the same way and maintains the same consistent approach. Records of all decisions taken and all communication with such customers must be maintained in the office, bearing in mind that all such records are subject to the provisions of Freedom of Information and Data Protection legislation.

The office manager will notify the Principal Officer and/or the appropriate Directorate, of any decision taken under this policy.

7. Procedures to deal with violent behaviour

The Courts Service has a duty of care towards its staff under Health and Safety legislation and the safety and welfare of our staff is paramount, the Courts Service will not tolerate any instances of threat of harm or physical violence towards its staff.

Incidents of violence against Courts staff are quite rare, staff should put their safety first and immediately disengage from the customer engaging in physical violence.

- A staff member in difficulty should obtain help; seek assistance from colleagues, press a panic button if accessible, and alert Garda Síochána.

Once the staff member is in a position of safety they should:

- Contact an Garda Síochána;
- Contact their office manager as soon as possible after an incident;
- The manager will arrange for the services of the Employee Assistance Service to be available if required;
- The office manager will report and record the incident form; (at appendix 2.)
- The risk assessment for the particular area should be reviewed and updated, taking into account any contributory factors which might have exacerbated the situation leading to the violent incident. The incident will be considered when preparing future risk assessments for the office, for briefing of newly assigned staff and for reference for existing staff.

All decisions in relation to this policy must be notified to all staff in the office concerned so that everyone in the office responds in the same way and maintains the same consistent approach. Records of all decisions taken and all communication with such customers must be maintained in the office, bearing in mind that all such records are subject to the provisions of Freedom of Information and Data Protection legislation.

The office manager will notify the Principal Officer and/or the appropriate Directorate, of any decision taken under this policy.

8. Staff Supports

Managing situations involving unacceptably demanding or persistent actions, aggressive and abusive behaviour or incidents of violence can be stressful and draining on staff. Staff will be supported by management and the Courts Service and offered whatever support is appropriate depending on the action and the impact of this on the staff member.

- Staff will comply with this policy and other relevant local procedures;
- Staff will take due care of their own safety, health and welfare and should ask for assistance from their office manager when necessary or required (**Appendix 1**);
- Staff will be provided with appropriate training;
- Staff or the office manager will make contact with Human Resources to establish all supports available;
- The Employee Assistance Programme (EAP) provides confidential support to staff who have experienced stress reactions as a result of unacceptably demanding or persistent actions, aggressive and abusive behaviour or incidents of violence in the workplace. The office manager will provide the staff member with the contact details of the Employee Assistance Officer for their area;
- The Counselling Service provides a confidential support to all Courts Service staff who have experienced stress reactions as a result of unacceptably demanding or persistent actions, aggressive and abusive behaviour or incidents of violence in the workplace;
- Where appropriate, the office manager will make direct contact with the Employee Assistance Officer notifying them of any critical incident and those person/s involved;
- Critical Incident Debrief is a confidential service provided to staff who have been affected by an incident in the workplace;
- The office manager will ensure that the staff member is aware of and has the contact details of all of the above supports.

Risk Register

All managers will update the office risk register in line with this policy.

Conclusion

This policy provides a framework for dealing with workplace aggression, violence and unacceptable actions. It is designed to help staff deal effectively with situations where a person's actions are unacceptably abusive, aggressive, demanding or persistent. It seeks to do this in a consistent way which is fair to all.

Appendix 1

Assessing Personal Safety

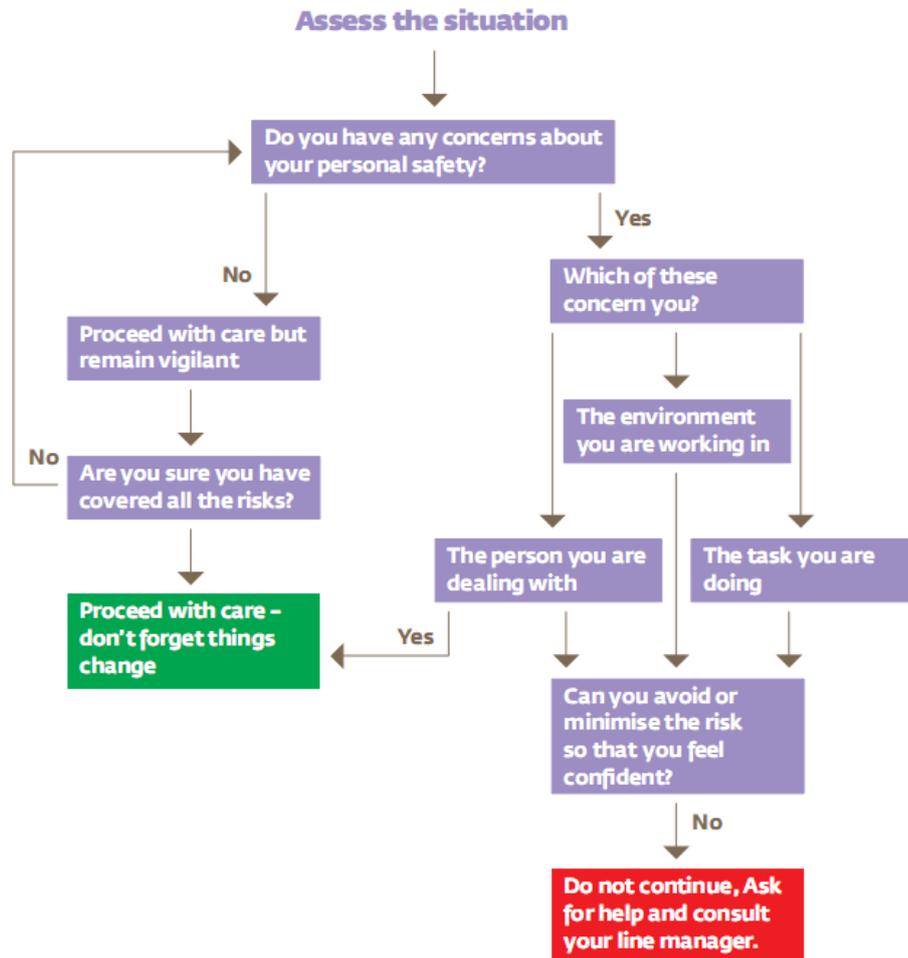


Figure 1- Chart developed by Suzy Lamplugh Trust

Appendix 2. Incident record form