



## Staff Protection Policy

**Kiteleys believe in and support the ideal that all our clients have a right to be respected.**

Equally however we also have a specific duty to our staff and other clients to protect them from unacceptable demands and behaviours that impact on them personally or impact their ability or the firm's ability to deliver our services to other clients.

In a very small number of cases the actions of our clients or others with whom we come into contact become unacceptable because they involve abuse of our staff or our processes. We fully understand that people may act out of character in times of trouble or distress. We do not automatically view an action as unacceptable, just because a person is forceful or determined.

However, we do consider actions that result in unreasonable demands on our staff to be unacceptable. It is these actions that we aim to manage under this policy to avoid any misunderstanding.

This policy sets out how we will consider those actions and what actions we can and should take to protect our staff from abuse and ensure that they do not impact on our ability to do our work and to provide a service to others.

**In all cases, where we adjudge that behaviour falls below an acceptable standard under this policy, we will consider that the client relationship has broken down and reserve the right to cease acting and immediately terminate our retainer unilaterally without liability. A client will remain liable for all costs and disbursements incurred or owed up to the date of termination of the retainer.**

### So, what types of situation are we considering?

1. Aggressive or abusive behaviour (verbal or physical);
2. Unreasonable demands;
3. Unreasonable levels of contact.

Taking each in turn what follows is only a guide so that where possible we have a clear understanding of what could be treated as unacceptable and why.

#### **1. Aggressive or abusive behaviour (verbal or physical)**

We accept that it is natural that people can become frustrated when they feel that matters about which they feel strongly are not being dealt with as they wish, however if that frustration

escalates into aggression towards any of our staff, we consider that unacceptable and it will not be tolerated.

- Aggressive or abusive behaviour includes language (whether verbal or written) that may cause staff to feel afraid, threatened or abused and may include threats, personal verbal abuse, derogatory remarks and rudeness.
- We also consider inflammatory statements, remarks of a racial or discriminatory nature and unsubstantiated allegations, to be abusive behaviour.

#### **How we may deal with this issue:**

- The threat or use of physical violence, verbal abuse or harassment towards our staff is likely to result in a termination of all direct contact with the client.
- It is also important to note that in accordance with our duty to our staff such incidents may be reported to the police but this will **always** be the case if physical violence is used or threatened.
- Where contact (however made) is abusive to staff or contains allegations that lack substantive evidence, we will inform that person that we consider their language offensive, unnecessary and unhelpful and ask them to stop using such language. We will also ask that person to apologise to the staff member involved and to edit their correspondence to remove any offensive text and resend it, otherwise it will not be responded to.
- Staff will end telephone calls if they consider the caller aggressive, abusive or offensive. Our staff have the right to make this decision, to tell the caller that their behaviour is unacceptable and to end the call if the behaviour then persists.
- In extreme situations, we will tell the person in writing that we will not permit any personal contact from them. This means that we will limit contact with them to either written communication or through a third party.
- We may refuse to deal with further correspondence and return any documents;
- We may take any other action that we consider appropriate to the circumstances.

## **2. Unreasonable demands**

We consider that a demand becomes unreasonable when compliance with such a demand does or could impact excessively on the work of our staff for that individual or where the demand would take up such an excessive amount of time such that it disadvantages other clients.

#### **By way of example only such demands could include:**

- Repeatedly demanding responses within an unreasonable timescale;
- Demanding responses from several members of staff on the same subject;
- Insisting on seeing or speaking to a particular member of staff when that is not possible;
- Repeatedly changing the substance of an enquiry or complaint or raising unrelated concerns;
- Repeatedly posing a question time and again, when a response has already been given, because the individual may not like the answer they have received.

#### **How we may deal with this issue:**

- We may review the file at a more senior level and seek to agree a way forward if possible, which may include any or all of the below
- We may limit contact to telephone calls from the person at set times on set days;
- We may restrict contact to a nominated member of staff who will deal with future calls or correspondence;
- We may refuse to deal with further correspondence and return any documents;
- We may take any other action that we consider appropriate to the circumstances.

### 3. Unreasonable levels of contact

Sometimes the volume, tone and/or duration of contact by an individual causes problems.

**By way of example only such demands could include:**

- When a large number of calls or emails are received from the same person in one day.
- When a person repeatedly makes long telephone calls to us or inundates us with emails or copies of information that have been already sent or that are irrelevant.
- When the level of contact has become such that the amount of time spent talking to an individual on the telephone, responding to them, reviewing and filing emails or written correspondence, impacts on our ability to deal with the matter and reach the outcome desired by the client
- When the level of contact impacts on our responsibility for carrying out tasks relating to other clients.

**How we deal with this issue:**

- We may limit contact to telephone calls at set times on set days;
- We may restrict contact to a nominated member of staff who will deal with future calls or correspondence;
- We may restrict contact to written correspondence only;
- We may refuse to deal with further correspondence and return any documents;
- We may take any other action that we consider appropriate to the circumstances.

### 4. The process we follow to make decisions

Any member of staff who directly experiences aggressive or abusive behaviour from a client or other person contacting them, has the authority to deal immediately with that behaviour in a manner they consider appropriate to the situation and which is in line with this policy.

With the exception of such immediate decisions taken at the time of an incident, decisions to restrict contact with anyone will only be taken after careful consideration of the circumstances by a senior member of staff. Wherever possible, we will give the individual the opportunity to change their behaviour before such a decision is taken.