

Unacceptable and Unreasonable Behaviour Policy

This policy outlines the approach taken by the Civil Aviation Authority (CAA) in handling unacceptable & unreasonable behaviour when dealing with complaints and queries.

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Civil Aviation Authority
Aviation House
Beehive Ring Road
Crawley
West Sussex
RH6 0YR

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Enquiries regarding the content of this publication should be addressed to: complaints@caa.co.uk

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Introduction

The CAA is committed to dealing with complaints fairly and impartially, and to providing a high-quality service and a response that fully addresses any concerns in a timely manner.

One of our core values is 'Respect Everyone', and this outlines how our staff are expected to treat individuals, which is with courtesy, respect, and fairness. Similarly, we expect our staff to be treated the same way. We will not normally limit the form or amount of contact with us; however, we do have a duty to safeguard the health and wellbeing of our staff.

The CAA does not expect its staff to tolerate behaviour that is intimidating, abusive or offensive, or disproportionate to the point that contact hinders consideration of their concern, either verbally or in writing. If we feel any behaviour is unacceptable or unreasonable, we will take appropriate steps to address the situation.

It is also important to distinguish between people who make a number of complaints because they really think things have gone wrong as a result of a series of service failures, and people who are being unreasonably persistent or otherwise behaving unreasonably.

We will always respond professionally and sympathetically to all customers. Where a customer acts persistently, determinedly, or assertively, usually displayed legitimately in the pursuit of a resolution to their complaint, this may hinder our time and resources in resolving a matter. However, there may be times when there is nothing further that can reasonably be done to assist or rectify a perceived issue. In such circumstances, we recognise that there are occasions when certain matters should be drawn to a close, if there is no reasonable way of resolving the situation to everyone's satisfaction.

Purpose

The purpose of this policy is to explain the appropriate action that the CAA will take against those customers deemed to be displaying unacceptable or unreasonable behaviour, which may cause distress to our staff or strain on our resources with persistent and unrealistic demands.

Having a policy on how to deal with unreasonably persistent complainants or other unacceptable or unreasonable behaviour by complainants, together with guidance for staff on the complaints procedure, should help the CAA deal with complainants in ways which are consistent and fair.

In dealing with complaints, we recognise that our resources, including staff time, have to be used responsibly and directed where they can provide the most value. This might mean that we cannot respond to every complaint in the manner and to the extent that a customer may require or expect.

This policy outlines what we consider to be unacceptable and unreasonable behaviour, and the steps we may take to deal with such behaviour.

Scope

This policy applies to anyone raising a complaint or query with the CAA, which includes members of the public and all those who the CAA regulates.

This policy applies to all areas of our work and to all methods of contact including telephone, face-to-face, letters, emails, social media, and other digital channels.

The policy covers behaviour which is unacceptable or unreasonable, which may include one or two isolated incidents, as well as unreasonably persistent behaviour, which is usually an accumulation of incidents or behaviour over a longer period.

If restrictions are imposed on a regulated individual, care will be taken to ensure that their ability to respond to us on regulatory matters is not impaired.

It is recognised that people may sometimes act out of character at times of anxiety or distress and reasonable allowances will be made for this in the operation of this policy.

Raising legitimate queries or criticisms of the CAA processes will not in itself lead to someone being regarded as an unreasonably persistent. Similarly, the fact that you are unhappy with the outcome and seek to challenge it once, or more than once, should not necessarily cause them to be considered unreasonably persistent.

Any new complaints from people who are subject to this policy will be dealt with on their own merits. It is recognised that any new complaints may represent a genuine service failure and therefore needs to be reviewed objectively regardless of who is bringing the complaint.

Members of the public still have legislative rights to contact the CAA with respect to information rights regimes through the Freedom of Information Act (2000), Protection Act (2018) / GDPR and Environmental Information Regulation (2004) requests. However, should a customer continue to display unreasonable or unacceptable behaviour when corresponding by way of information rights legislation relevant legislative mechanisms will be engaged. In these circumstances the CAA will take a holistic review and should a demonstrated pattern of unreasonable behaviour be observed via other communication streams this may factor into any applied information rights conclusions.

Our Duties under the Equality Act

We will ensure that we meet the requirements of the Equality Act 2010 and the Public Sector Equality Duty. This will include making sure we consider adjustments for people with protected characteristics.

Some people may have difficulty expressing themselves or communicating clearly and / or appropriately. We will always consider the needs and circumstances that we have been made aware of, before deciding how best to manage a situation, including applying any necessary reasonable adjustments. However, this does not mean we will tolerate abusive language, shouting, unacceptable or unreasonable behaviour, or actions.

If a person with a protected characteristic becomes the subject of a restriction under this policy, we will consider whether the restriction may affect them more than a person without that characteristic. If this is the case, different arrangements may be made so they are still able to access the service. Advice on reasonable adjustments can be found in our Reasonable Adjustments Policy.

What is unacceptable behaviour?

Unacceptable behaviour means acting in a way that is unreasonable, regardless of the level of someone's stress, frustration, or anger. It may involve acts, words or physical gestures that could cause another person distress or discomfort.

Some examples of what we consider to be unacceptable or unreasonable behaviour and / or actions are provided below, although this is not an exhaustive list:

Aggressive / abusive behaviour

Physical behaviour, language, or images (whether verbal i.e., face to face, via telephone or written in emails, letters or online) that may cause employees to feel intimidated, uncomfortable, threatened or abused. This includes behaviour about any protected characteristic, 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). Abuse may include but is not limited to:

- threats or harm to people or property.
- verbal abuse of any kind, including racist, homophobic, or sexist abuse.
- degrading, patronising, defamatory, offensive, discriminatory, harassing and / or derogatory language or behaviour.
- rudeness.
- escalating agitation, intimidation, oppressive or coercive behaviour.
- raising unsubstantiated allegations.

Unacceptable demands

Demands may be considered unacceptable by the nature or scale of service expected including:

- Requesting responses in unreasonable timescales.
- Insisting on speaking with senior colleagues or escalating contact to senior colleagues when not getting the answer sought from CAA employees.
- Making repeated approaches about the same issues without raising new information.
- Persistent requests for information.
- Repeatedly changing the substance of a complaint or raising unrelated concerns.

- Refusing to accept a decision where explanations for the decision have been given.

Unacceptable levels of contact

Communication may be considered unacceptable by the nature or scale of service expected including:

- Continually contacting the CAA while we are in the process of looking at the issue / complaint e.g., numerous calls / emails in one day or excessive contact over a short period of time.
- Repeatedly sharing copies of information that has been sent already.
- Continually reframing the issue / complaint in such a way as to make it challenging to do our job effectively i.e., numerous emails providing different information each time.

Refusal to cooperate

During communication we may need to ask an individual to work with us to progress an issue / complaint. Sometimes they may refuse to engage in this process. This may include:

- Refusal to provide information and / or evidence.
- Not providing a summary of their concerns or refusal to provide information.
- Not providing comments or responses to reasonable deadlines.
- Not agreeing to a defined complaint scope within a reasonable timescale.

Social media

Social media is a form of communication that the CAA uses in service delivery, communication and to build relationships with customers. When used appropriately, social media can provide many benefits for the CAA and customers alike. However, this form of communication can sometimes be used by social media users in an unreasonable or inappropriate way towards the CAA. Unreasonable or inappropriate content may include threats, abuse, personal comments that may be regarded as defamatory or malicious, information encouraging criminal activity, or other material that could reasonably offend someone on the basis of race, age, sex, disability, religion or beliefs, disability, sexual orientation, or any other characteristic protected by law.

If the CAA deems any posts unreasonable or inappropriate on social media, the CAA will take appropriate steps to respond, take action such as reporting / hiding content, and initiate other action in accordance with this policy (see 'Approaches we may take' section below).

Approaches we may take

It is vital that all attempts are made to maintain effective communication and relationships with complainants. Prior to acting under this policy, the Complaints Team should ensure that:

- Every reasonable effort has been made to investigate the complaint
- Every reasonable effort has been made to communicate with the complainant
- The complainant is not now providing any significant new information that might affect the organisation's view of the complaint

Prior warning

If we consider a person's behaviour to be unacceptable, unreasonable, or persistent a risk assessment will be carried out in line with health & safety policies.

If it is concluded that the behaviour is unacceptable, unreasonable, or persistent, we will confirm in writing adhering to the following principles in the action we will take:

- We will call out and name the behaviour being observed / displayed
- We will explain the impact of the behaviour. We will offer to make any necessary adjustments to our service, where practical, to help you do this.
- We will ask the behaviour to stop
- In extreme circumstances, where behaviour is particularly threatening or discriminatory, we may consider reporting to the appropriate authorities (e.g., police), if necessary.

Restrict or terminate contact

Where the behaviour is particularly serious or continues despite being asked to stop, a CAA Senior Manager may decide that it is necessary to restrict or terminate access to the CAA. This will be documented internally.

We may restrict or terminate access and take action such as, but not limited to:

- limiting contact to one method (e.g., in writing only)
- limiting contact to certain times of the day and / or set days
- limited to a specific individual, a single point of contact, who will deal with all future correspondence
- limited to a specific email address or telephone number

- placed on file without a further response if the issued raised in the correspondence has previously been considered
- Only acknowledging further correspondence where new and pertinent information is presented, which has not been previously considered
- Restricting what issues we will correspond on
- take any other action which we consider necessary or appropriate to make this policy effective.

Where circumstances are serious enough to warrant further restrictions, we may refer to the police or take legal action to prevent further contact / poor behaviour. For those we regulate, we reserve the right to inform their employer of any instances of unacceptable behaviour.

Review of action and Right to appeal

In the event of a decision to restrict or terminate access, we will aim to carry out a review within 3-6 months from the initial decision, and when appropriate may lift some or all restrictions.

The review should be carried out by the Corporate Complaint Specialist and relevant department senior manager to consider whether the restrictions can be lifted, modified, or extended. Once a review has been completed, we will write to advise of our decision and the reasons for it.

If restrictions are extended, where appropriate, a further review date will be diarised, usually after a further 3 months. Beyond that, reviews will be considered on a case-by-case basis.

If behaviour has changed to the extent that we do not believe that the policy should still apply, we will modify or lift any restrictions.

You do have the right to appeal a decision under this policy via our Complaints procedure - [How to make a complaint about the CAA | Civil Aviation Authority](#).

An appeal will be heard by a review panel made up of a member of staff outside of the service area complained about, as well as the Corporate Complaints Specialist and a departmental representative, and if deemed necessary a representative from our legal team. The panel will confirm their decision, which is final, in writing.

Failure to Adhere

Should a complainants behaviour continue to be unacceptable / unreasonable or fail to comply with a restriction imposed under this policy, then the CAA may take further actions as it deems reasonable or proportionate.

Employees have approval to stop contact at the time it happens, for example, if the restriction prohibits any telephone contact employees can remind that person of the restriction and end the call immediately.

Record keeping

The Complaints team will keep a record of all complainants who have had this policy applied to them. All correspondence including all incoming and outgoing letters and emails will be recorded in a central location.

The information retained will include:

- The name of the complainant
- When the restriction came into force and when it ends
- What the restrictions are
- When the complainant and CAA departments were advised of the restrictions

Records will also need to include:

- When a decision is taken not to apply the policy
- When a decision is taken to make an exemption to the policy once it has been applied
- When a decision is taken not to put a further complaint from a complainant through the CAA's complaints procedure and the reasons behind this
- When a decision is taken not to respond to further correspondence, making sure that any further emails or letters are checked to pick up any relevant new information.

Confidentiality

The Complaints team will only pass the details of unreasonably persistent complainants and/ or unreasonable complainant behaviour to those CAA staff members and partner organisations who need to know in order to implement the policy or for reasons of protecting staff safety.