

OFFICE OF THE IMMIGRATION SERVICES COMMISSIONER

*** STATEMENT ***



2/1/08

OISC Statement on Dealing with Unacceptable Behaviour Towards its Staff

The OISC seeks to work positively and fairly with those with whom it comes into contact. In turn, the OISC expects those that come into contact with its staff to treat them with respect and courtesy. This statement explains how OISC staff will deal with unacceptable behaviour by external parties.

1 The Aims of this Statement

- To provide external parties with an understanding of what the OISC considers to be unacceptable behaviour towards its staff; and
- To explain how OISC staff may deal with situations of unacceptable behaviour by external parties.

2 Unacceptable behaviour towards OISC staff

- 2.1 The OISC accepts that individuals it deals with may sometimes act out of character. The OISC cannot, however, ignore instances of unacceptable behaviour towards its staff.
- 2.2 While not meant to be an exhaustive list, the following are examples of unacceptable behaviour towards its staff:
- Behaviour that is violent, threatening, abusive, aggressive, rude or bullying;
 - The making of malicious or unsubstantiated accusations;
 - Unreasonable persistence for information or making unreasonable demands;
 - The use of bad or offensive language.
- 2.3 Unacceptable behaviour against OISC staff is most frequently exhibited in written and oral communications. For this reason this statement focuses primarily on those types of situations. However, the statement equally applies to any occurrence of unacceptable behaviour wherever, or however, it occurs.
- 2.4 The behaviour of an OISC regulated adviser or an applicant adviser is considered by the OISC to be a reflection of their professional approach to others. Any unacceptable behaviour exhibited by such persons to OISC staff may be taken into account when considering their application to join or remain in the regulatory scheme.

3 Examples of unacceptable behaviour

- 3.1 **Violent or Threatening Behaviour:** violence is totally unacceptable in any circumstance and any acts or threats of violence will be taken seriously.

How OISC staff may deal with such behaviour

If the safety of any member of staff is regarded as being at serious risk, the police may be called to deal with the matter.

If the person is an applicant adviser or a regulated adviser, an act of violence may be considered relevant in considering their fitness as an adviser. The Immigration Services Commissioner (the Commissioner) may immediately refuse a person's application for regulation, cancel their regulation or initiate a Commissioner's complaint to investigate the matter in respect of a person who has been violent or threatened violence. In any event, the matter will be recorded by the OISC and may be taken into consideration in any application for regulation by the person concerned.

- 3.2 **Aggressive or Excessively Rude Behaviour, Intimidation, Bullying or Making Malicious or Baseless Accusations against a Member of OISC Staff:** such behaviour against any member of OISC staff will not be tolerated. Any person unhappy with their treatment by, or behaviour of, a member of OISC staff should submit a complaint in accordance with the OISC's Internal Complaints Procedure.

How OISC staff may deal with such behaviour

If such behaviour occurs during an audit or in a meeting, the OISC member of staff may immediately end the meeting and they or their line manager will write to the person concerned informing them of how any future business will be conducted with them. If such behaviour occurs during a telephone conversation, the OISC member of staff may inform the caller that they are going to end the call. The staff member will then make a written record of the conversation including the reasons for ending the call. They or their line manager will write to the caller explaining the reason for the telephone call being ended and how any future business with that person will be conducted.

If the person is an applicant adviser or a regulated adviser, such behaviour may be considered relevant in considering their fitness as an adviser. The Commissioner may immediately refuse that person's application for regulation, cancel their regulation or initiate a Commissioner's complaint. In any event, the matter will be recorded and may be taken into consideration in any future application made by the person concerned.

- 3.3 **Unreasonable demands:** if a person is unreasonable in their demands, it impacts negatively, both on the OISC staff member concerned and on the organisation. While the OISC respects and fully complies with requests for information under the Freedom of Information Act and the Data Protection Act, unreasonable demands can include continual requests for confidential information, sensitive competence assessment material or personal information

about OISC staff. Unreasonable demands may also be made by trying to influence the OISC to impose unacceptable timescales or to make improper decisions.

- 3.4 **Unreasonable persistence:** the OISC understands that it is important to feedback information in a timely manner. However, enquiries can become unacceptable when, for example, a person without good cause continually requests that an immediate decision be made about an application for regulation, or with regards to a complaint notwithstanding that it has been explained that a decision cannot yet be made. Another instance of such behaviour would be when a decision has been made, but the person refuses to accept the outcome and makes repeated requests for it to be changed.

How OISC staff may deal with such behaviour

OISC staff may request that their line-manager speaks or writes to the person concerned to make clear that their behaviour is unhelpful. In addition, the member of staff or their line manager may report the matter to the Commissioner for her consideration. In doing so she may decide to take such action or actions that she thinks appropriate, including refusing an application for regulation, cancelling regulation, sending a warning letter regarding possible legal action, instructing staff immediately to cease to accept further telephone calls from the person concerned and/or requiring that person to put any further communication with the OISC in writing, by email, fax or letter.