**Agriculture Appeals Office’s Policy for dealing with Unreasonable Behaviour**

**Introduction**

The Agriculture Appeals Office’s Customer Service Charter reflects the mutual expectations of the Agriculture Appeals Office and its customers and seeks to ensure that our Office conforms to the highest principles of professional public service. The Charter outlines how our customers must be treated during their dealings with Agriculture Appeals Office staff. Equally, it expects that customers will also treat staff with respect and give full co-operation to enable the Agriculture Appeals Office to deal effectively with their affairs and to fulfil its responsibilities. This applies irrespective of whether the individual is acting on their own behalf or on behalf of others.

The Agriculture Appeals Office values the feedback on our services that we receive through our complaints process and is committed to dealing with all complaints fairly and impartially. However, a small number of individuals pursue their complaints/beliefs in a manner where the frequency or nature of their contact with us takes up unjustifiable time and resources, making it difficult for us to deal with their complaint and distracts us, in a disproportionate way, from carrying out our work for all customers.

All staff working for the Agriculture Appeals Office and the Forestry Appeals Committee are all considered relevant personnel for the purposes of this policy.

**What is considered unreasonable behaviour?**

The Agriculture Appeals Office considers that there are six main types of unreasonable behaviour. These may be conveyed either in person, such as at meetings, by phone or through written correspondence:

**1. Unreasonable conduct**

Examples of unreasonable, and possibly abusive, conduct (whether oral or written) towards staff include threats; physical violence; verbal abuse; bullying or harassment; making untrue allegations; derogatory remarks; inflammatory statements; rudeness, damage to Agriculture Appeals Office property or Agriculture Appeals Office staff property; or attempting to provoke officials into engaging in unnecessary and time-wasting argument or confrontation.

**2. Provocation**

This may include an individual being vexatious, seeking to provoke or create discord, begin arguments or cause upset via online posts or comments. Email or other means of communication can also be considered aggressive or intimidating communications. However, there is a difference between a post that is critical of the Agriculture Appeals Office and one that is targeted at named staff.

**3. Unreasonable level of co-operation and/or a failure to co-operate**

This may be demonstrated by an individual: failing to clearly define the complaint; presenting large volumes of documentation in a disorganised way; changing the substance of the complaint while the investigation process is ongoing or clarification is being sought; or, withholding information, untruthfulness or being deliberately vague. It may also include non-cooperation with the investigation into the complaint which may hinder, obstruct or delay the investigative process.

**4. Unreasonable arguments**

Examples of this could include an individual placing a lot of emphasis on relatively trivial or irrelevant issues; advancing theories that are unsupported by any evidence; or, an insistence that their version of events be acknowledged as fact despite a lack of evidence to substantiate that conclusion.

**5. Unreasonable demands**

An individual may, for example, demand an unrealistic solution or one that is disproportionate to their complaint. They may express strong opinions as to how they think the Agriculture Appeals Office should implement a scheme or insist that the Agriculture Appeals Office involve itself in a matter outside its remit.

**6. Unreasonable persistence**

This generally involves an individual persisting with a complaint that has already been investigated and the matter resolved/closed by the Department. The persistence may present itself in several ways, for example, by demanding that the same (or slightly changed) complaint or issue be looked at repeatedly.

**Procedures to manage unreasonable behaviour**

**Telephone Calls**

Agriculture Appeals Office staff have a right to make a decision to end telephone calls if the caller is being aggressive, abusive, offensive, intimidatory, excessively argumentative or confrontational. The staff member taking the call will inform the caller that his or her behaviour is unacceptable and that the call will be terminated if the behaviour continues.

**Other Contacts**

In other cases, if the Agriculture Appeals Office considers an individual’s conduct unreasonable, we will explain to them why we believe this to be the case and ask them to change their behaviour.

Unreasonable conduct may include an isolated incident or may be the accumulation of incidents or behaviour over a period of time. If the unacceptable conduct continues or constitutes a serious risk (such as threatening a member of staff with violence), we will take action to restrict the individual’s contact with our offices and to protect our staff. We would see resorting to some of the measures described below as being an unusual occurrence and only appropriate after great consideration and consultation with local management.

A comprehensive written record will be maintained in each case where a complainant’s conduct is considered to be unacceptable or unreasonable. This will include dates and times of contacts, a clear factual description of events. Any decision to restrict access will only be taken after we have evaluated both the service given by the Agriculture Appeals Office to the complainant and the record of the unacceptable or unreasonable complainant conduct. This decision will be taken at Director level and any restrictions imposed will be appropriate and proportionate.

The actions we are most likely to consider are set out below but can be varied depending on the nature of the unreasonable behaviour:

* Contacting the individual to explain how their contact is not acceptable
* Asking the individual to agree how they will behave in future interactions
* Limiting contact to a particular contact channel (example: by letter only)
* Limiting contact to a single named Agriculture Appeals Office official
* Limiting the frequency of telephone calls (example: to specified days and times)
* Restricting email communication
* Future correspondence relating to the same complaint where the matter has already been dealt with will be read and acknowledged indicating to the complainant that there will be no further communication on the matter.

If the informal approach is not successful, in all cases, we will email/write to the individual advising them why we believe their behaviour is unreasonable and the action that the Agriculture Appeals Office proposes to take (including duration). The individual can seek a review of the decision to deem them unreasonable and any proposed action to be taken. A request for such a Review will be undertaken by an Assistant Secretary General. The appeal can affirm, amend or annul the original decision. The appeal decision will be final with no further internal appeal mechanism. The individual is free to follow any external mechanism, such as appealing to the Office of the Ombudsman, that they feel appropriate.

All such correspondence and records are subject to Freedom of Information and Data Protection legislation. Also, such records may subsequently be required by the Office of the Ombudsman or similar.

**Review of restriction**

Within a maximum period of 3 months following the issue of the decision letter, the Director must carry out a review of the case. If there has been a noticeable and sustained improvement in the individual’s behaviour and evidence of an ability to conduct his or her affairs in a proper manner, the restrictions will be re-assessed. The Director can undertake a review and lift the restriction earlier than 3 months if they have reason to believe that the original behaviour will not recur.

The implementation of this policy does not prejudice an individual’s right to raise relevant issues under the Agriculture Appeals Office’s Complaint and Review procedures, with the Office of the Ombudsman, the Workplace Relations Commission or under the Disability Act, where appropriate.

This policy will be reviewed after a period of two years.

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