



Financial Reporting Council

Unreasonable Complaints and Communications Policy

1. Introduction

1.1 This policy sets out the reasonable steps the FRC will take to deal with complaints and communications received from individuals which are considered to be unreasonable.

1.2 FRC staff should refer to this policy when they consider that an individual's conduct may be unreasonable. All decisions taken under this policy are to be made by the General Counsel (or by the Company Secretary where the General Counsel is conflicted) with advice from the General Counsel Team.

2. Exclusions

2.1 This policy does not apply to any instances where the FRC has a legal duty to comply with statutory or other legal obligations. In those cases, the FRC will continue to comply with its obligations lawfully and in a manner consistent with the principles of good public administration. Examples of such cases include subject access requests under the Data Protection Act 2018.

3. General expectations

3.1 The FRC's employees and agents are not required to tolerate unreasonable behaviour by anybody with whom they are engaged in their capacity as representatives of the FRC.

3.2 The FRC should allocate its resource to addressing complaints and enquiries which are genuine and pursued reasonably.

3.3 The FRC may consider it necessary to take action to impose reasonable restrictions on individuals who have demonstrated a propensity to engage in behaviour which the FRC considers unreasonable or otherwise inappropriate. Such behaviour (which includes any form of written, oral, or physical conduct) will normally come within one or more of the following categories:

- (a) Discrimination: This includes offensive comments which are disparaging against any individual or group based on their race, religion, sexual orientation, gender, age, disability or any other protected characteristic;
- (b) Rudeness: This includes instances of abusive, disrespectful, profane, unduly pejorative or otherwise foul language;
- (c) Intimidation: This includes threatening, harassing, or unreasonable language or behaviour (whether direct or implied through the context of the engagement);
- (d) Repetitiveness: This includes repetitively making the same or substantially similar complaints or enquiries which have been investigated and/or addressed already by the FRC;
- (e) Unfounded allegations: This includes comments and/or allegations which are defamatory and/or are unsupported by evidence;
- (f) Irrelevance: This includes complaints and enquiries which relate to matters which are not within the regulatory jurisdiction or remit of the FRC.

(g) Pseudonyms: This includes where the FRC has reasonable grounds to believe that a complainant, against whom the FRC has invoked the Unreasonable & Repeated Complaints policy, is using a pseudonym (or other identity) to raise complaints.

3.4 In making this policy, the Executive Committee is mindful that FRC staff members may already have tolerated unreasonable behaviour from a small number of individuals over a sustained period. The fact that the FRC or its staff may have tolerated such behaviour in the past should not be considered to amount to acceptance that it is appropriate. In determining whether to take action under this policy, the General Counsel may take into account any behaviour which has occurred prior to the approval of this policy.

4. Examples of unreasonable conduct

4.1 Illustrative (but not exhaustive) examples of types of conduct which might be deemed as unreasonable include:

- Using language which can reasonably be considered to be foul, calculated to intimidate, inappropriate, offensive or discriminatory;
- Exhibiting (whether in writing, orally, or physically) an aggressive, inappropriate, insulting or otherwise unacceptable tone towards FRC's staff;
- Intimidating or attempting to intimidate and/or making groundless or vexatious complaints about staff dealing with the matter (for example, by direct or implied threats to refer the staff member to their professional body or to initiate legal proceedings).
- Refusing to clarify the grounds/supply evidence in support of an enquiry or complaint, despite the FRC making reasonable attempts at clarification;
- Insisting on a complaint being dealt with in a way which is either inappropriate or incompatible with the FRC Complaints Procedure (for example insisting on face-to-face meetings with FRC staff, insisting that the complaint is dealt with by a specific member of staff, or contacting multiple individuals simultaneously);
- Contacting the FRC an unreasonable number of times, either in relation to a specific complaint or complaints or more generally;
- Making persistent and unreasonable demands of staff;
- The complaint or enquiry is about issues not within the FRC's jurisdiction or remit, but the individual refuses to accept this (for example, through repeat enquiries or by copying the FRC into correspondence with other organisations);
- Refusing to accept the outcome of the FRC's decision-making procedure after its substantive conclusion (for example by demanding that the matter be considered again on substantively the same grounds, or by insisting on a different outcome when the matter has already concluded).

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- The complaint or enquiry relates to an historic incident or irreversible decision and, in the circumstances, it is not reasonable to pursue it.
 - Using pseudonyms (or other identities) to attempt to raise complaints when this policy has been invoked against a complainant.

5. General process

5.1 Where any member of staff or representative of the FRC considers that an individual's behaviour is unreasonable, they should document the behaviour (including why they consider it to be unreasonable) and should refer the matter to their line manager and the General Counsel Team.

5.2 On receipt of a referral, a member of the General Counsel Team will prepare a summary report. The summary report will include recommendations on what reasonable and proportionate action should be taken in the circumstances to protect staff and FRC resources.

5.3 All decisions will be made by the General Counsel or, in the event of any conflict of interest, the Company Secretary. The individual who is the subject of the decision will be notified of the outcome and the reasons.

6. Reasonable actions

6.1 Reasonable and proportionate actions will depend on the circumstances of the case. The FRC will consider background issues as appropriate (including any relevant equality and diversity considerations) when deciding what reasonable action should be taken. Reasonable action by the FRC might include any of the following:

- (a) Making clear to the individual in question that the FRC considers that their behaviour is unreasonable or otherwise in breach of this policy, and that further instances may lead to the FRC taking further action;
- (b) Notifying and implementing a tailored communications approach (such as sending 'compendious' or 'aggregated' replies on a periodic basis, rather than responding to individual communications);
- (c) Re-directing all incoming correspondence to a specified recipient at the FRC including the use of email diverts.
- (d) Referring all matters raised to an external agent;
- (e) Advising the individual that the FRC will not accept unscheduled telephone calls, and that the individual may be required to contact the FRC through a representative;
- (f) Restricting the individual from attending at any FRC premises;
- (g) Warning the individual that their behaviour is considered to amount to harassment under protection from harassment legislation;
- (h) Bringing an action under relevant protection from harassment legislation;

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- (i) Reporting the individual to their professional body if the FRC considers that they may have breached its code of practice
 - (j) Terminating telephone calls with individuals who are aggressive, abusive or offensive, or persistently raise issues which have already been dealt with substantively;
 - (k) Making clear that the FRC will not correspond further about specific matters which are either outside of the FRC's remit or jurisdiction or have otherwise been dealt with substantively.
 - (l) Where this policy has been invoked against a complainant and the FRC reasonably believes that that complainant is using a pseudonym (or other identity) to make complaints, not corresponding further with the complainant and/or notifying the complainant that the FRC will not correspond further with the complainant using such pseudonym or other identity.
 - (m) Any other action which is a reasonable and proportionate means of mitigating the actual or potential harm caused by the individual's unreasonable behaviour

7. Reviews

7.1 All decisions will be kept under periodic review (and decided on a case by case basis). The General Counsel Team will consider whether, in the circumstances of the case, there has been a change of circumstances or whether there is any another reason why the matter may no longer meet the threshold for any restrictions which have been imposed. If the General Counsel team considers that this is the case, the matter will be referred to the member of the FRC Executive who made the initial decision for review.

8. Record keeping

8.1 The FRC will retain a copy of documents relevant to decisions in accordance with applicable data protection laws.



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**Financial
Reporting Council**

8th Floor
125 London Wall
London EC2Y 5AS
+44 (0)20 7492 2300

www.frc.org.uk

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