

Unacceptable Actions Policy

“complainants have the right to be heard, understood and respected”

Our service is independent, impartial and free. We believe that complainants have a right to be heard, understood and respected. We work hard to be open and accessible.

Occasionally, the behaviour or actions of individuals using our service makes it very difficult for us to deal with their complaint. In a small number of cases the actions become unacceptable because they involve abuse of our staff or our process.

When this happens we have to take action to protect our staff. We consider the impact of the behaviour on our ability to do our work and provide a service to others.

This Policy explains how we will approach these situations.

What actions do SPSO consider to be unacceptable?

People may act out of character in times of trouble or distress. There may have been upsetting or distressing circumstances leading up to a complaint coming to our office. We do not view behaviour as unacceptable just because a complainant is forceful or determined. In fact, we accept that being persistent can be a positive advantage when pursuing a complaint.

However, we do consider actions that result in unreasonable demands on our office or unreasonable behaviour towards SPSO staff to be unacceptable. It is these actions that we aim to manage under this Policy.

Aggressive or abusive behaviour

We understand that many complainants are angry about the issues they have raised in their complaint. If that anger escalates into aggression towards SPSO staff, we consider that unacceptable. Any violence or abuse towards staff will not be accepted.

Violence is not restricted to acts of aggression that may result in physical harm. It also includes behaviour or 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 and unsubstantiated allegations to be abusive behaviour.

Unreasonable demands

A demand becomes unacceptable when it starts to (or when complying with the demand would) impact substantially on the work of the office.

Examples of actions grouped under this heading include:

- repeatedly demanding responses within an unreasonable timescale,
- insisting on seeing or speaking to a particular member of staff when that is not possible,
- repeatedly changing the substance of a complaint or raising unrelated concerns.

An example of such impact would be that the demand takes up an excessive amount of staff time and in so doing disadvantages other complainants.

Unreasonable levels of contact

Sometimes the volume and duration of contact made to our office by an individual causes problems.

This can occur over a short period, for example, a number of calls in one day or one hour. It may occur over the life-span of a complaint when a complainant repeatedly makes long telephone calls to us or inundates us with copies of information that has been sent already or that is irrelevant to the complaint.

We consider that the level of contact has become unacceptable when the amount of time spent talking to a complainant on the telephone, or responding to, reviewing and filing emails or written correspondence impacts on our ability to deal with that complaint, or with other people's complaints.

Unreasonable use of the complaints process

Individuals with complaints about SPSO or a public service provider have the right to pursue their concerns through a range of means.

They also have the right to complain more than once about an organisation with which they have a continuing relationship, if subsequent incidents occur.

However, this contact becomes unreasonable when the effect of the repeated complaints is to harass, or to prevent an organisation from pursuing a legitimate aim or implementing a legitimate decision. We consider access to a complaints system to be important and it will only be in exceptional circumstances that we would consider such repeated use is unacceptable – but we reserve the right to do so in those exceptional cases.

Examples of how we manage aggressive or abusive behaviour

The threat or use of physical violence, verbal abuse or harassment towards SPSO staff is likely to result in a termination of all direct contact with the complainant. Incidents may be reported to the police. This will always be the case if physical violence is used or threatened.

We will not accept any correspondence (letter, fax or electronic) that is abusive to staff or contains allegations that lack substantive evidence. We will tell the complainant that we consider their language offensive, unnecessary and unhelpful and ask them to stop using such language. We will state that we will not respond to their correspondence if the action or behaviour continues.

We record all telephone calls. SPSO staff will end telephone calls if they consider the caller aggressive, abusive or offensive. SPSO staff have the right to make this decision, to tell the caller that their behaviour is unacceptable and end the call if the behaviour persists.

In extreme situations, we tell the complainant in writing that their name is on a 'no personal contact' list. This means that we will limit contact with them to either written communication or through a third party.

Examples of how we deal with other categories of unreasonable behaviour

We have to take action when unreasonable behaviour impairs the functioning of our office.

We aim to do this in a way that allows a complaint to progress through our process. We will try to ensure that any action we take is the minimum required to solve the problem, taking into account relevant personal circumstances including the seriousness of the complaint and the needs of the individual.

Actions we may take

Where a complainant repeatedly phones, visits the office, raises repeated issues, or sends large numbers of documents where their relevance isn't clear, we may decide to:

- limit contact to telephone calls from the complainant at set times on set days.
- restrict contact to a nominated member of SPSO staff who will deal with future calls or correspondence from the complainant.
- see the complainant by appointment only.
- restrict contact from the complainant to writing only.

- return any documents to the complainant or, in extreme cases, advise the complainant that further irrelevant documents will be destroyed.
- take any other action that we consider appropriate.

Where we consider continued correspondence on a wide range of issues to be excessive, we may tell the complainant that only a certain number of issues will be considered in a given period and we ask them to limit or focus their requests accordingly.

In exceptional cases, we reserve the right to refuse to consider a complaint or future complaints from an individual. We will take into account the impact on the individual and also whether there would be a broader public interest in considering the complaint further.

We will always tell the complainant what action we are taking and why.

The process we follow to make decisions about unreasonable behaviour

Any member of SPSO staff who directly experiences aggressive or abusive behaviour from a complainant has the authority to deal immediately with that behaviour in a manner they consider appropriate to the situation and in line with this Policy.

With the exception of such immediate decisions taken at the time of an incident, decisions to restrict contact with the SPSO are only taken after careful consideration of the situation by a more senior member of staff. Wherever possible, we will give a complainant the opportunity to change their behaviour or action before a decision is taken.

How we let people know we have made this decision

When an SPSO employee makes an immediate decision in response to aggressive or abusive behaviour, the complainant is advised at the time of the incident. When a decision has been made by senior management, a complainant will always be told in writing¹ why a decision has been made to restrict future contact, the restricted contact arrangements and, if relevant, the length of time that these restrictions will be in place. This ensures that the complainant has a record of the decision.

The process for appealing a decision to restrict contact

It is important that a decision can be reconsidered. A complainant can appeal a decision to restrict

contact. If they do this, we will only consider arguments that relate to the restriction and not to either the complaint made to us or to our decision to close a complaint.

An appeal could include, for example, a complainant saying that: their actions were wrongly identified as unacceptable; the restrictions were disproportionate; or that they will adversely impact on the individual because of personal circumstances.

A senior member of staff who was not involved in the original decision will consider the appeal. They have discretion to quash or vary the restriction as they think best. They will make their decision based on the evidence available to them. They must advise the complainant in writing¹ that either the restricted contact arrangements still apply or a different course of action has been agreed.

How we record and review a decision to restrict contact

We record all incidents of unacceptable actions by complainants. Where it is decided to restrict complainant contact, an entry noting this is made in the relevant file and on appropriate computer records. A decision to restrict complainant contact as described above, may be reconsidered if the complainant demonstrates a more acceptable approach. A member of the Senior Management Team reviews the status of all complainants with restricted contact arrangements on a regular basis.

¹ This can be supplemented if written communication is not the most appropriate form for the individual.

Policy availability and review

Copies of this Policy are available for free, online and on request from SPSO.

This Policy is reviewed on a regular basis to make sure that its aims are being achieved.

This Policy is available in other languages and formats (such as large print or Braille) if you ask.

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