

Unacceptable Actions and Behaviours Policy

Implementation date: 1 September 2014

Control schedule

Approved by	Corporate Policy and Strategy Committee
Approval date	5 August 2014
Senior Responsible Officer	Alastair Maclean, Director of Corporate Governance
Author	Davina Fereday, Corporate Manager, Business Intelligence
Scheduled for review	July 2015

Version control

Version	Date	Author	Comment
0.1		Davina Fereday	
0.2	07/07/2014	Kirsty-Louise Campbell	
0.3	17/07/2014	Davina Fereday	

Committee decisions affecting this policy

Date	Committee	Link to report	Link to minute
-------------	------------------	-----------------------	-----------------------

Unacceptable Actions and Behaviours Policy

Policy statement

- 1.1 We aim to deal fairly, honestly, consistently and appropriately with all our customers, including those whose actions we consider unacceptable. We believe that all customers have a right to be heard, understood and respected. We aim to provide a service that is accessible to all and will make all reasonable adjustments to accommodate complainants.
- 1.2 The behaviour or actions of individuals using our service can, in exceptional circumstances, make it difficult for us to deal with their complaint. This policy explains how we manage actions that result in unreasonable demands on our services or unreasonable behaviour towards our staff.
- 1.3 The policy is required to address a limited number of cases where actions become unacceptable as they involve abuse of our staff, stop us doing our work or providing a service to others.

Scope

- 2.1 This policy affects all customers, staff and elected members. It explains how we may restrict or change access to a service when we consider a customer's actions to be unacceptable. This is to ensure we can protect our staff and the services we provide to our customers.

Definitions

- 3.1 Complaint: an expression of dissatisfaction by one or more members of the public about the organisation's action or lack of action, or about the standard of service provided by or on behalf of the organisation.
- 3.2 Customer: a customer is anyone the Council works with, provides a service to, or supports. This includes residents, businesses, visitors, or someone acting on behalf of a customer e.g. a Councillor, MSP or relative.
- 3.3 SPSO: the Scottish Public Services Ombudsman (SPSO) is the body which manages the final stage for complaints about councils, the National Health Service, housing associations, colleges and universities, prisons, most water

and sewerage providers, the Scottish Government and its agencies and departments and most Scottish authorities.

- 3.4 Unacceptable actions: people may act in ways which are out of character when they are in trouble or distressed. There may have been upsetting circumstances in the lead up to a complaint coming to us. We do not view behaviour as unacceptable just because a complainant is forceful or determined.
- 3.5 Review Panel: the Panel is responsible for considering any appeal over a decision to restrict contact. The Panel will be chaired by a senior member of staff (at grade 10 or above) and will comprise members of the Corporate Complaints Management Group, drawing on their expertise in complaints and customer service. The panel members will only be selected from services that are not involved in the initial decision to restrict contact with the complainant.
- 3.6 On occasion, behaviour is difficult for an individual member of staff to deal with because it doesn't conform to the standards they expect or the values they hold. An action is not necessarily unacceptable because a member of staff finds it personally difficult.
- 3.7 Unacceptable actions are grouped under the four headings with details below:
 - aggressive or abusive behaviour: anger which escalates into aggression, threatening behaviour or verbal abuse, or unsubstantiated allegations;
 - unreasonable demands: a demand is unreasonable when complying with it would impact substantially on our work or on the services provided to other customers;
 - unreasonable levels of contact: when the amount of time spent dealing with a complaint impacts on our ability to deal with it or with other people's complaints; this is not the same as persistence which can be a positive advantage when pursuing a complaint; and
 - unreasonable use of the complaints process: when the effect of the repeated complaints is to harass, or to prevent us from pursuing a legitimate aim or from implementing a legitimate decision.

Policy content

- 4.1 Managing aggressive or abusive behaviour:
 - 4.1.1 We understand that many complainants are angry about the issues they have raised in their complaint. If that anger escalates into aggression towards Council staff, we consider that an unacceptable action and operate a zero tolerance approach to such behaviour. Any violence or abuse towards staff will not be accepted.

- 4.1.2 Violence or abuse is not restricted to acts of aggression that may result in physical harm. It also includes behaviour or language, verbal or in writing, that may cause staff to feel afraid, threatened or abused. This includes threats, personal verbal abuse, derogatory remarks and rudeness.
- 4.1.3 We also consider inflammatory statements and unsubstantiated allegations to be abusive behaviour.
- 4.2 Unreasonable demands:
- 4.2.1 A demand becomes unacceptable when it starts to, or would if complied with impact substantially on our work and provision of services. For example, if the demand takes up an excessive amount of staff time and leads to other customers being disadvantaged.
- 4.2.1 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.
- 4.3 Unreasonable levels of contact:
- 4.3.1 The volume and duration of contact made to us by an individual can cause problems. This can occur over a short period, such as a number of calls in one day, or it may occur over the lifespan of the complaint. This could include the complainant making long telephone calls to us or inundating us with copies of information which have been sent to us already or which are irrelevant to the complaint.
- 4.3.2 We consider that contact has become unacceptable when the amount of time spent dealing with it impacts on our ability to deal with that complaint or impacts on service provision more broadly. Contact time may involve time spent talking to a complainant on the phone; responding to, reviewing and filing emails; or written correspondence.
- 4.4 Unreasonable use of the complaints process:
- 4.4.1 Customers have the right to complain about our services 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.
- 4.1.2 This contact becomes unreasonable when the effect of the repeated complaints is to harass, or to prevent us from pursuing a legitimate aim or from implementing a legitimate decision.

4.5 Restricting access to the complaints system

- 4.5.1 We consider access to a complaints system to be as a critical element of our service arrangements and it will only be in exceptional circumstances that we would consider such repeated use as unacceptable. We reserve the right to restrict access in those rare occasions.
- 4.5.2 The threat or use of physical violence, verbal abuse or harassment towards our 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.
- 4.5.3 We will not accept any correspondence that is abusive to staff. 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.
- 4.5.4 Our staff will end phone calls if they consider the caller aggressive, abusive or offensive. Our staff have the right to make this decision, to tell the caller that their behaviour is unacceptable and to end the call if the behaviour persists.
- 4.5.5 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 to contact through a third party.

4.6 Dealing with other categories of unreasonable behaviour:

- 4.6.1 We have to take action when unreasonable behaviour impairs the functioning of our services. 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.
- 4.6.2 Where a complainant repeatedly phones, visits, raises the same 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 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.
- 4.6.3 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 ask them to limit or focus their requests accordingly.
- 4.6.4 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 where there would be a broader public interest in considering the complaint further.
- 4.6.5 We will always tell the complainant what action we are taking and why.
- 4.6.6 Except where a “Zero Tolerance” approach is required, customers will be advised that their behaviour is giving cause for concern, to provide them with the opportunity to modify their behaviour in advance of any sanction being applied. A written warning informing customers of our policy for dealing with problem behaviours will be sent and will:
- Identify the unacceptable behaviour
 - explain why it is inappropriate
 - explain the steps we have taken
 - advise the customer that, if they do this again, restrictions will be put in place
 - advise customers on how to challenge the decision.

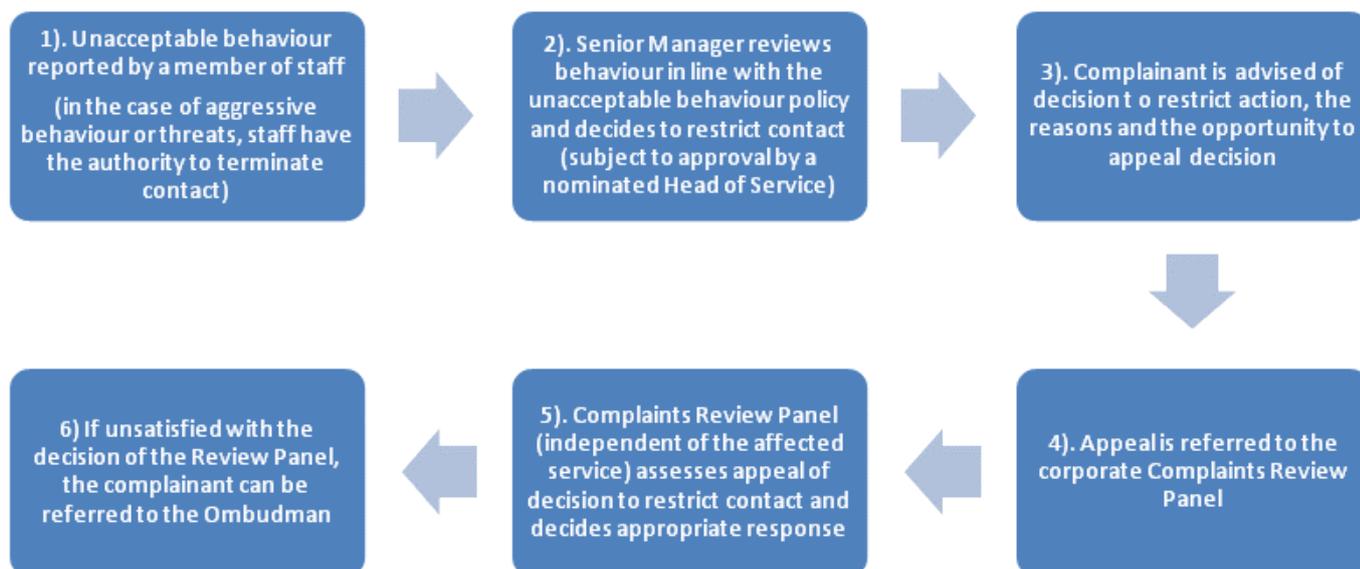
Implementation

- 5.1 How we make decisions about unreasonable behaviour:
- 5.1.1 Any member of our 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.
- 5.1.2 With the exception of such immediate decisions taken at the time of the incident, decisions to restrict contact with the Council are only taken after careful consideration of the situation by a senior member of staff. Wherever possible, we will give the complainant the opportunity to change their behaviour or action before a decision is taken.
- 5.2 Appealing a decision to restrict contact:
- 5.2.1 A complainant has 20 working days to 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 our decision to close the complaint.

5.2.2 Grounds for an appeal could include, for example, a complainant telling us that:

- their actions were wrongly identified as unacceptable
- restrictions were disproportionate
- restrictions will adversely impact on the individual because of personal circumstances.

5.3 A Review Panel will consider the appeal. The Panel is responsible for considering any appeal over a decision to restrict contact. The Panel will be chaired by a senior member of staff (at grade 10 or above) and will comprise members of the Corporate Complaints Management Group, drawing on their expertise in complaints and customer service. The panel members will be independent of the service(s) involved in the initial decision to restrict contact with the complainant. The Panel will have the discretion to quash or vary the restriction on the basis of what they think is fair and reasonable, and will be open and transparent with decisions made. If the complainant remains unhappy with the decision made by the Panel they will be signposted to the SPSO.



Roles and responsibilities

6.1 When a Council 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 had been made by a senior member of staff, we will

always tell a complainant in writing. We will explain why the 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 decision in writing can be supplemented by another form of communication if written communication is not the most appropriate medium for the complainant.

- 6.2 Where it is decided to restrict complainant contact, an entry noting this will be made in the relevant file and appropriate computer records. A decision to restrict complainant contact may be reconsidered by the Review Panel. This panel reviews the status of all complainants with restricted contact arrangements on a quarterly basis. We record all incidents of unacceptable actions by complainants. A Review Panel of individuals not involved in the original decision will consider the appeal. They will advise the complainant in writing that the restricted contact arrangements still apply or that a different course of action has been agreed. Again, the decision in writing can be supplemented by another form of communication if written communication is not the most appropriate medium for the complainant.

Related documents

- 7.1 How we deal with complaints: <http://www.edinburgh.gov.uk/complaints>
- 7.2 The City of Edinburgh Council's customer care standards: http://www.edinburgh.gov.uk/info/20036/performance_and_statistics/962/customer_care_standards
- 7.3 SPSO Unacceptable Actions Policy: http://www.spsso.org.uk/sites/spsso/files/communications_material/leaflets_public/general/2013_10_18_Unacceptable_actions_policy.pdf

Equalities impact

- 8.1 We aim to provide a service that is accessible to all and will make all reasonable adjustments to accommodate complainants. For example, any decision in writing can be supplemented by another form of communication if written communication is not the most appropriate medium for the complainant.
- 8.2 A full Equalities and Rights Impact Assessment has been carried out on the policy in consultation with the Equalities Team.

Sustainability impact

- 9.1 No significant environmental impact is anticipated as a result of this policy revision. A Pre Screening Report has been submitted to the SEA Gateway.

Risk assessment

- 10.1 This policy replaces the Customer Access - Unacceptable Actions Policy approved by the Policy and Strategy Committee on 10 June 2008. The revised policy is essential to ensure that our principles are consistent with those set out in the SPSO's Unacceptable Actions Policy and to make sure that the language we use to describe unacceptable actions reflects current usage by the Ombudsman. This is required for transparency as the SPSO is the body which manages the final stage of the complaints process for complaints relating to councils and their services.

Review

- 11.1 The policy will be reviewed in July 2015 for consideration by the Corporate Policy and Strategy Committee.