

Unacceptable Actions Policy



Introduction

This document sets out the Scottish Legal Complaints Commission (SLCC) approach to the relatively few occasions we consider people's actions or behaviour to be unacceptable.

Throughout, we refer to 'complainers' (ie people who bring complaints to us) but the approach applies equally to our dealings with people other than complainers.

Aims

We aim in all our dealings to:

- make it clear to complainers both at initial contact and throughout their dealing with our office, what the SLCC can or cannot do in relation to their complaint or enquiry;
- be open and not raise expectations that we cannot meet;
- deal fairly, honestly, consistently and appropriately with all complainers, even those whose behaviour or actions we consider unacceptable. We believe that all complainers have the right to be heard, understood and respected. We also believe that SLCC staff have the same rights;
- provide a service that is accessible to all. However, we retain the right, where we consider complainer's actions to be unacceptable, to restrict or change access to our service; and
- ensure that other complainers and SLCC staff do not suffer any disadvantage from complainers who act in an unacceptable manner.

Defining Unacceptable Actions

There are rare occasions when complainers pursue their complaints in a way that can impede their investigation or have significant impact on the SLCC. The SLCC understands that people may act out of character in times of trouble or distress. Often complainers have experienced upsetting or distressing circumstances leading up to a complaint coming to our office.

We do not view behaviour as unacceptable simply because a complainer is forceful or determined. In fact we recognise that persistence can be a positive advantage when pursuing a complaint. However, the actions of complainers who are angry, demanding or

persistent may result in unreasonable demands on our office or unacceptable behaviour towards our staff. It is these actions that we consider unacceptable and aim to manage under this policy.

SLCC has grouped these actions under three broad headings.

Aggressive or abusive behaviour

Violence and aggression are not restricted to acts which cause physical harm. They also include behaviour or language – whether oral or written – that may cause staff to feel afraid, threatened or abused. Examples of such behaviour include threats, physical violence, personal verbal abuse, derogatory remarks, inflammatory statements and unsubstantiated allegations.

We expect our staff to be treated courteously and with respect. Violence or abuse are unacceptable. Our staff understand the difference between aggression and anger and that the anger felt and expressed by many complainers is the subject matter of their complaint. However, it is not acceptable that such anger escalates into aggression directed towards SLCC staff.

Unreasonable demands

Complainers might make what we consider unreasonable demands on our office through the amount of information they seek, the level and scope of the service they expect or the amount of contact they have with us. What amounts to unreasonable demands will depend on the circumstances surrounding the behaviour and the seriousness of the issues raised by the complainer.

Examples of such behaviour include demanding responses within an unreasonable time-scale, insisting on speaking to a particular member of staff, continual phone calls, letters or emails, repeatedly changing the substance of the complaint or continually raising unrelated concerns.

We consider such demands as unacceptable and unreasonable or start to impact substantially on the work of the office, for example by taking up too much staff time to the disadvantage of other complainers or functions.

Unreasonable persistence

We recognise that some complainers will not or cannot accept that the SLCC cannot provide a level of service other than the one provided already or that it is unable to assist them further. There are rare occasions where complainers persist in disagreeing with the action or decision taken in relation to their complaint, or contact the office persistently about the same issue.

Examples of such behaviour include persistent refusal to accept the SLCC's actions in relation to a complaint, persistent refusal to accept explanations given by SLCC staff about what this office can or cannot do and continuing to pursue a complaint without providing new information. We accept that the way in which these complainers approach us may be reasonable, but it is the persistent behaviour in continuing to do so that is not.

The actions of persistent complainers are unacceptable when they take up what the SLCC considers to be a disproportionate amount of time or resources.

Managing Unacceptable Actions

There are relatively few complainers whose actions we consider unacceptable. How we aim to manage these actions depends on their nature and extent. If it adversely affects our ability to do our work and provide a service to others, we may need to restrict complainer contact with our office in order to manage the unacceptable action. We aim to do this in a way wherever possible, that allows a complaint to progress to completion through our complaints process. We may restrict contact in person, by telephone, fax, letter or electronically or by any combination of these. We try to maintain at least one form of contact. In extreme situations, we tell the complainer in writing that their name is on a 'no personal contact' list. This means that they must restrict contact with our office to either written communication or through a third party.

The threat or use of physical violence, verbal abuse or harassment towards SLCC staff is not tolerated and is likely to result in the ending of all direct contact with the complainer. Incidents may be reported to the police. This will always be the case if physical violence is used or threatened.

We do not deal with correspondence (letter, fax or electronic) that is abusive to staff or contains allegations that lack substantive evidence. When this happens we tell the complainer that we consider their language offensive, unnecessary and unhelpful. We ask them to stop using such language and state that we will not respond to their correspondence if they do not stop. We may require future contact to be through a third party.

SLCC staff will end telephone calls if the caller is considered aggressive, abusive or offensive. The staff member taking the call has the right to make this decision. All SLCC staff have the authority tell a caller that their behaviour is unacceptable and end the call if the behaviour does not stop.

Where a complainer repeatedly phones, visits the office, sends irrelevant documents or raises the same issues, we may decide to:

- only take telephone calls from the complainer at set times on set days or put an arrangement in place for only one member of staff to deal with calls or correspondence from the complainer in the future;
- require the complainer to make an appointment to see a named member of staff before visiting the office or that the complainer contacts the office in writing only.
- return the documents to the complainer or in extreme cases, advise the complainer that further irrelevant documents will be destroyed; or
- take other action that we consider appropriate.

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

Where a complainer continues to correspond on a wide range of issues, and this action is considered excessive, then the complainer is told that only a certain number of issues will be considered in a given period and asked to limit or focus their requests accordingly.

If a complainer's actions or behaviour are considered to be unreasonably persistent, the complainer is told that no future phone calls will be accepted or interviews granted concerning their complaint. Any future contact by the complainer must be in writing. Future

correspondence is read and filed, but only acknowledged or responded to if the complainer provides significant new information relating to the complaint.

Deciding to Restrict Complainer Contact

SLCC staff who experience aggressive or abusive behaviour directly from a complainer have 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 SLCC are only taken after careful consideration of the situation by a more senior member of staff. Wherever possible, we give a complainer the opportunity to modify their behaviour or action before a decision is taken. Complainers are told in writing 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.

Appealing a Decision to Restrict Contact

A complainer can appeal a decision to restrict contact. A senior member of staff who was not involved in the original decision considers the appeal. They advise the complainer in writing that either the restricted contact arrangements still apply or a different course of action has been agreed.

Recording and Reviewing a Decision to Restrict Contact

We record all incidents of unacceptable actions by complainers. Where it is decided to restrict complainer contact, an entry noting this is made in the relevant file and on appropriate computer records.

A decision to restrict complainer contact may be reconsidered if the complainer demonstrates a more acceptable approach.

The Head of Investigations reviews the status of all complainers with restricted contact arrangements on a regular basis?

Policy Availability and Review

Copies of this Policy are available on request and free of charge from the SLCC office. The SLCC reviews this Policy on a regular basis to make sure that the aims of the Policy are being achieved.

This Policy is available on request in other languages and formats.

For further information please contact:

Scottish Legal Complaints Commission

The Stamp Office, 10 – 14 Waterloo Place, Edinburgh, EH1 3EG

0131 528 5111

enquiries@scottishlegalcomplaints.org.uk

www.scottishlegalcomplaints.org.uk

Legal Post, 86, Edinburgh 2