



## **Children and Young People's Commissioner Scotland Unacceptable Actions Policy**

### **1. Introduction**

This Policy sets out our approach to the relatively few members of the public who contact the office whose actions or behaviour we consider unacceptable.

We believe that all individuals who contact the office have the right to be heard, understood and respected.

Our aim is to deal fairly, honestly, consistently and appropriately with everyone who contacts the office, including those whose actions we consider unacceptable.

We are, however, aware that occasionally the behaviour or actions of individuals can be unacceptable because of the negative impact this has on our staff and their ability to do their jobs, and/or the processes we use to respond to requests and issues raised with the office.

In these instances, we may decide to restrict, deny or change access to our services.

### **2. What actions are unacceptable?**

Individuals may act out of character in times of trouble or distress. There may have been upsetting or distressing circumstances leading up to contact our office. We do not consider behaviour that is forceful or emotional to necessarily be unacceptable.

However, the actions of individuals who are angry, demanding or persistent may result in unreasonable demands on the office or unacceptable behaviour towards staff. It is these actions that we consider unacceptable and aim to manage under this Policy.

### **3. Aggressive or Abusive Behaviour**

Unacceptable behaviour is not limited to acts of aggression that may result in physical harm. It also includes behaviour or language (whether oral or written), the impact of which is to cause staff to feel fearful, threatened or abused.

Examples of behaviours grouped under this heading include threats, physical violence, personal verbal abuse (including the use of sexually-explicit language) and derogatory remarks. We also consider that inflammatory statements and unsubstantiated allegations can be abusive behaviour.

We understand that the anger felt by some individuals is about the subject matter of their enquiry. Nevertheless, it is not acceptable when that anger escalates into aggression directed towards staff.

#### **4. Unreasonable Demands**

Members of the public may make what we consider to be unreasonable demands on the office through the amount of information they seek, the nature and scale of service they expect or the number of approaches they make. What constitutes an unreasonable demand will depend on the circumstances, the seriousness of the issues raised and the impact on individual members of staff and/or the functioning of the office.

Examples of actions grouped under this heading include: demanding responses within an unreasonable time-scale, insisting on seeing or speaking to a particular member of staff, continual phone calls or letters, repeatedly changing the substance of a request or enquiry, or raising unrelated concerns.

#### **5. Unreasonable Persistence**

We recognise that some individuals will not or cannot accept that the Commissioner's office is unable to assist them further in their enquiry. Individuals may persist in disagreeing with the action or decision taken in relation to their enquiry or contact the office persistently about the same or similar issue(s).

Persistent actions will be considered unacceptable when they take up what a Senior Manager regards as being a disproportionate amount of time and/or resources.

#### **6. Managing Unacceptable Actions**

There are relatively few individuals whose actions would be considered 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 contact with the office in order to manage the unacceptable action.

We aim to do this in a way, wherever possible, that still allows individuals to receive appropriate information and assistance. We may restrict contact by telephone, letter or by electronic means, or by any combination of these, although we will try to maintain at least one form of contact.

In extreme situations, we will inform individuals 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 staff is likely to result in ending all direct contact. Incidents may be reported to the police. This will always be the case if physical violence is used or threatened.

We do not engage with written contact that is aggressive, abusive or offensive to staff. When this happens we will inform individuals that we consider their language offensive and state that we will not respond to their correspondence if they do not moderate their use of language. We may require future contact to be through a third party.

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, tell the caller that the behaviour is unacceptable and end the call if the behaviour does not stop.

Where individuals repeatedly phone, visit the office, send irrelevant documents or raises the same issues, we may decide to:

- only take telephone calls at set times on set days or put an arrangement in place for only one member of staff to deal with calls or correspondence in the future
- return the documents or, in extreme cases, advise that further irrelevant documents will be destroyed
- take other action that we consider appropriate

We will always explain what action we are taking and why.

Where individuals continue to correspond on a wide range of issues, and this action is considered excessive (see **5. Unreasonable Persistence**), then they will be told that only a certain number of issues will be considered in a given period and asked to limit or focus their requests accordingly.

## **7. Deciding to Restrict Enquirer Contact**

Staff who directly experience aggressive or abusive behaviour 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 immediate decisions taken at the time of an incident, decisions to restrict contact with the office should be taken by a member of the Management Team.

Wherever possible, we will give individuals the opportunity to modify their behaviour or action before such a decision is taken.

Individuals will be told in writing why a decision has been made to restrict future contact, what the restricted contact arrangements are and, if relevant, the length of time that these restrictions will be in place.

A decision to restrict contact may be reconsidered if a more acceptable approach is demonstrated.

### **8. Appealing a Decision to Restrict Contact**

Individuals can appeal a decision to restrict contact. A member of the Management Team not involved in the original decision will consider the appeal. Individuals will be advised in writing that either the restricted contact arrangements still apply or a different course of action has been agreed.

### **9. Recording and Reviewing a Decision to Restrict Contact**

All incidents of unacceptable actions will be recorded. Where it is decided to restrict contact, a note of this decision will be made in the relevant record and retained in line with the Children and Young People's Commissioner Scotland complaints and investigations records retention policy.

### **10. Policy Availability and Review**

Copies of this Policy are available from the office on request.

This Policy will be reviewed on a regular basis to ensure that the aims of the Policy are being achieved.

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