



GUIDANCE ON DEALING WITH UNACCEPTABLE AND/OR VEXATIOUS BEHAVIOUR

K.Stulka

Academic & Corporate Governance

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The University believes that complainants have a right to be heard, understood and respected. In a small number of cases the actions or behaviour of individuals using our Complaints Handling Procedure result in making it difficult for University staff to deal with their complaint as it involves abuse of our staff or our process. In such cases, the University will take action to protect staff, taking into account their ability to do their work and provide a service because of the behaviour of the complainant.

This Guidance explains how we will approach these situations. It has been produced adhering to the Scottish Public Services Ombudsman's (SPSO) Unacceptable Actions Policy.

Unacceptable and/or Vexatious Behaviour

It is recognised that people may act out of character in times of trouble or distress. Just because a complainant is forceful or determined, we do not view this behaviour as unacceptable. Actions which result in unreasonable demands on/behaviour towards staff will be deemed as unacceptable.

The University reserves the right to invoke the use of existing University disciplinary procedures where the behaviour of the complainant (staff or current student) is considered unacceptable or vexatious.

Unacceptable Actions

Aggressive or abusive behaviour

The University understands that complainants may be angry about the issues they have raised in their complaint. If that anger escalates into aggression towards University staff, we will consider that as unacceptable. Any violence or abuse towards staff will not be tolerated.

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 offended, afraid, threatened or abused. Language which is designed to insult or degrade, is racist, sexist or homophobic or which makes serious allegations that individuals have committed criminal, corrupt or perverse conduct without any evidence is unacceptable. The University may decide that comments aimed not at us but at third parties are unacceptable due to the effect that listening or reading them may have on our staff.

Unreasonable levels of contact

Occasionally the volume and duration of contact made to the University by an individual causes problems. This can occur over a short period, eg. 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 previously sent or irrelevant information.

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 emails or written correspondence impacts on our ability to deal with that complaint or other people's complaints.

Unreasonable demands

The University believes a demand becomes unacceptable when it starts to (or when complying with the demand would) impact substantially on the work of the office. Examples 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.

Such demands take up an excessive amount of staff time and in doing so disadvantages other complainants and prevents their own complaint from being dealt with quickly.

Unreasonable use of the complaints process

Individuals with complaints about the University have the right to pursue their concerns through a range of means. They also have the right to complain more than once about the University if subsequent incidents occur.

This contact becomes unreasonable when the effect of the repeated complaints is to harass, or to prevent the University from pursuing a legitimate aim or implementing a legitimate decision. The University considers access to its complaints system to be important and only in exceptional circumstances would we consider such repeated use to be unacceptable.

Unacceptable Behaviour

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

If University staff consider the caller aggressive, abusive or offensive, they have the right to make the decision to tell the caller that their behaviour is unacceptable and to end the call if the behaviour persists.

The University will not respond to correspondence (in any format) which contains statements that are abusive to staff or contain allegations that lack substantive evidence. Correspondence will be returned to the complainant with a note explaining that we consider the language used to be offensive, unnecessary and unhelpful and will ask the complainant to stop using such language. We will state that we will not respond to their correspondence if the action or behaviour continues.

In extreme circumstances, we will 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 through a third party.

Unreasonable refusal to accept a decision

Very occasionally complainants refuse to accept outcomes, repeatedly ask for further explanation or responses on matters already explained fully or attempt to have a complaint re-opened without further new evidence. The University considers this behaviour unreasonable and will advise the complainant that their complaint has been concluded. The complainant will also be advised of their right to a review by the Scottish Public Services Ombudsman (SPSO).

Responses to Unacceptable Behaviour

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.

Where a complainant repeatedly phones, visits, raises repeated issues or sends large numbers of documents where their relevance is not 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 University 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; and
- take any other action that we deem to be 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 will 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 also 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 inform the complainant of the actions we are taking and why

The Process We Will Follow

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

Intimating a decision

When a member of staff makes an immediate decision in response to aggressive, offensive or abusive behaviour, the complainant is advised at the time of the incident. When a decision has been made by a senior member of staff, a complainant will always be given the decision in writing as to why a decision has been made to restrict future contact, the restricted contact arrangements and, if relevant, the length of time these restrictions will be in place. This ensures the complainant has a record of the decision.

Appeals

It is important that procedures are in place to reconsider a decision. A complainant can appeal a decision to restrict contact. The University will only consider appeals that relate to the restriction and not to either the complaint made to us or our decision to close the complaint. An appeal could include, for example, a complainant saying that:

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

A senior member of staff, with no prior involvement in the original decision, will consider the appeal. They have the discretion to quash or vary the restriction as they consider appropriate. They will make their decision on the evidence available to them and advise the complainant in writing of the outcome e.g. the restricted contact arrangements still apply or a different course of action has been agreed.

Recording and reviewing decisions

The University will record all incidents of unacceptable or vexatious behaviour 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. Reports on restrictions will be presented to our Monitoring and Advisory Group on Appeals, Complaints and Discipline Procedures for recording and review. A decision to restrict complainant contact as described above may be reconsidered either on request or on review.