

# Unacceptable actions policy

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## Introduction

1. This policy sets out the Auditor General, the Accounts Commission and Audit Scotland's approach to actions or behaviour we consider unacceptable. It applies to members of the public, organisations, elected representatives, or those acting on their behalf, who contact us.<sup>1</sup>

## Policy aims

2. We believe that everyone has the right to be heard, understood and respected. Our employees have the same rights. This policy aims to:
  - 2.1. make clear what Audit Scotland considers unacceptable behaviour towards us and our employees and that we retain the right to limit access to us if we consider someone's actions to be unacceptable
  - 2.2. ensure we deal fairly, honestly, consistently and appropriately with people who contact us, including those whose actions we consider unacceptable
  - 2.3. ensure that unacceptable actions do not impact or disadvantage our employees and other people who contact us.

## How we define unacceptable actions

3. We understand that people may act out of character in times of trouble or distress. There may have been upsetting or distressing circumstances leading up to their contact with us. We do not view behaviour as unacceptable just because a person is determined. Actions of people who are angry, excessively demanding or persistent may result in unreasonable demands on our office or pressure on our employees. We consider these unacceptable and aim to manage them under this policy.
4. We have grouped these actions under three broad headings:
  - 4.1. Aggressive or abusive behaviour.
  - 4.2. Unreasonable demands.

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<sup>1</sup> People contact Audit Scotland for different reasons, including to raise an issue of concern about a public body we audit, to blow the whistle about a public body and to complain about us.

- 4.3. Unreasonable persistence.

### Aggressive or abusive behaviour

5. Violence is not restricted to acts of aggression that may result in physical harm. It includes behaviour or language (whether oral or written) that may cause our employees to feel afraid, threatened or abused.
6. Examples of behaviours include threats, physical violence, personal verbal abuse, derogatory remarks and rudeness. We also consider inflammatory statements and unsubstantiated allegations to be abusive behaviour.
7. We expect everyone to treat our employees courteously and with respect. Violence or abuse towards our employees is unacceptable. Employees understand that anger felt by people who contact us can be about the issue they are raising. However, it is not acceptable when this anger escalates into aggression directed towards our employees.

### Unreasonable demands

8. People may make what we consider unreasonable demands through the amount of information they are asking for, the nature and scale of their request or the number of times they contact us. Demands that we consider to be unreasonable will always depend on the circumstances surrounding the behaviour and the seriousness of the issues raised.
9. Examples of these actions include:
  - 9.1. demanding responses within an unreasonable timescale
  - 9.2. insisting on seeing or speaking to a particular employee
  - 9.3. continual telephone calls, emails or letters
  - 9.4. repeatedly changing the substance of the issue
  - 9.5. raising unrelated issues.
10. We consider demands as unacceptable and unreasonable if they start to impact substantially on our work, for example, a person taking up an excessive amount of our time means we are not able to deal properly with other people who have contacted us or do other work.

### Unreasonable persistence

11. Sometimes people will not, or cannot, accept that we are unable to help them further.
12. Examples of these actions include:
  - 12.1. persistently refusing to accept a decision we have made about an issue or complaint about a public body they have brought to our attention
  - 12.2. persistently refusing to accept our explanation about what we can or cannot do

- 12.3. continuing to pursue an issue without presenting any new information.
- 13. The way in which people contact us may be entirely reasonable, but it is their persistent behaviour in continuing to do so that may not be.
- 14. We consider the actions of persistent people to be unacceptable when they take up a disproportionate amount of our time and resources.

## Managing unacceptable actions

- 15. There are very few people whose actions we consider unacceptable but how we manage these actions when they do occur, depends on their nature and extent. If we consider actions to adversely affect our ability to do our work and assist others, we will refer people to our unacceptable actions policy. We will tell the person why we feel their behaviour is unacceptable.
- 16. We may restrict contact in person at our offices, by telephone, letter or electronically or by any combination of these. However, we will always try to maintain at least one form of contact. In extreme situations, we may restrict all contact however we will always let the person know why.
- 17. The threat or use of physical violence, verbal abuse or harassment towards our employees is likely to result in us ending all direct contact with the person. We may report such incidents to the police. This will always be the case if a person uses physical violence or threatens any of our employees. If a person uses offensive language we will ask them to stop. There may be occasions where we require future contact to be through a third party.
- 18. Our employees will end telephone calls if they consider a caller is aggressive, abusive or offensive. The employee taking the call has the right to make this decision, advise the caller that the behaviour is unacceptable and end the call if the behaviour does not stop. Our employees will then inform their line manager immediately that they have taken this course of action, so we can decide what to do next.
- 19. If a person repeatedly telephones, visits our office, sends irrelevant documents or raises the same issues, we may decide to take one of the following actions:
  - 19.1. Only take telephone calls from them at set times on set days or put an arrangement in place for only one employee to deal with calls or correspondence from them in the future.
  - 19.2. Require them to make an appointment to see a named employee before visiting our office.
  - 19.3. Require that they only write to us, not visit our offices or call us.
  - 19.4. Return the documents to them or, in extreme cases, advise them that we will destroy further irrelevant documents.

- 19.5. Take other action that we consider appropriate. We will always tell them what action we are taking and why.
20. If the person continues to contact us on a wide range of issues, and we consider this action as excessive, we will:
  - 20.1. tell them we will only consider a certain number of issues in a set period of time
  - 20.2. ask them to limit or focus their requests accordingly.
21. We consider the actions of some people as unreasonably persistent if we have been through the process we have outlined in paragraph 19 and the person continues to dispute our decision. In these cases, we will tell them that we will not accept any more telephone calls or meet with them. The only way they will be able to contact us in the future is in writing. We will read and file their correspondence, and only acknowledge or respond to it if they provide significant new information about the issue or we are required to by law.

## Deciding to restrict contact

22. Employees who directly experience aggressive or abusive behaviour from a person who has contacted us has the authority to deal immediately with that behaviour in a manner they consider appropriate to the situation and in line with this policy.
23. With the exception of such immediate decisions taken at the time of an incident, the Chief Operating Officer carefully considers any decision to restrict contact with a person. Wherever possible, we give the person an opportunity to modify their behaviour or actions before we decide to take further action.
24. We will tell the person in writing:
  - 24.1. why we have decided to restrict future contact, including listing where we have previously referred them to this policy
  - 24.2. the restricted contact arrangements
  - 24.3. the length of time that these restrictions will be in place, if relevant.

## Appealing a decision to restrict contact

25. People can appeal our decision to restrict contact. A member of the Audit Scotland Board, who was not involved in the original decision, will consider the appeal. The board member will advise the person in writing that either the restricted contact arrangements still apply, or we agree to take a different course of action.

## Recording and reviewing a decision to restrict contact

26. We record all incidents of unacceptable actions. If we decide to restrict contact with a person, we note this on the relevant file, appropriate computer records and in our unacceptable actions register.

27. We may reconsider our decision to restrict a person's contact with us if they demonstrate a more acceptable approach. Our Chief Operating Officer reviews the status of people with restricted contact arrangements yearly.

## **Policy availability and review**

28. Copies of this policy are available from our offices and website. We will review this policy regularly to ensure that we are achieving its aims.