



QA05 Complaints Unacceptable Actions Policy

Version Date: February 2023

Review Date: February 2026

1. Introduction

North East Scotland College (NESCol) believe that complainants have a right to be heard, understood, respected and we work hard to be open and accessible to everyone.

Occasionally the behaviour or actions of individuals using our service make it very difficult for us to deal with them. In a small number of cases, the actions of individuals become unacceptable because they involve abuse of staff or our processes. When this happens, NESCol will take action to protect staff, and consider the impact of the behaviour on staffs' ability to do their work and provide a service to others.

2. Scope

The purpose of this policy is to explain how NESCol will approach these situations and to outline what actions considered unacceptable.

People may act out of character in times of trouble or distress. NESCol does not view behaviour as unacceptable just because a complainant is forceful or determined.

However, actions that result in unreasonable demands on College process or unreasonable behaviour towards staff are considered unacceptable. It is these actions that NESCol aim to manage under this Policy.

3. Implementation

3.1 Aggressive or abusive behaviour

NESCol understand that complainants may be angry with issues that may arise. If that anger escalates into aggression towards college staff, it is considered unacceptable. Any violence or abuse towards staff will not be accepted.

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. NESCol will judge each situation individually and appreciate individuals who complain may be upset. Language that 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. It may be decided that comments aimed not at us but at third parties are unacceptable because of the effect that listening or reading them may have on staff.

3.2 Unreasonable demands

A demand becomes unacceptable when it starts to (or when complying with the demand would) impact substantially on the work of college staff.

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;

An example of such impact would be that the demand takes up an excessive amount of staff time and in so doing disadvantages other complainants and prevents their own issue from being dealt with quickly.

3.3 Unreasonable levels of contact

Sometimes the volume and duration of contact made to our staff by an individual causes problems. This can occur over a short period, for example, a number of calls in one day or one hour. It may occur when a complainant repeatedly makes long telephone calls or inundates with copies of information that has already been sent, or that is irrelevant to the complainant.

NESCol considers 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 and filing emails or written correspondence impacts on our ability to effectively do our job.

3.4 Unreasonable refusal to co-operate

There may be times when dealing with complainants that college staff require the individual to work with us. This can include providing us with further information, evidence or comments on request, or helping us by summarising their concerns or completing a form for us.

Sometimes, an individual repeatedly refuses to cooperate and this makes it difficult to proceed. NESCol will always seek to assist someone if they have a specific, genuine difficulty complying with a request. However, it is considered unacceptable not to respond to reasonable requests.

4. Managing Unacceptable Behaviour

4.1 Examples of how we manage unacceptable behaviour

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

College staff will end telephone calls if they consider the caller aggressive, abusive or offensive. College staff have the right to make this decision, to tell the caller that their behaviour is unacceptable and end the call if the behaviour persists.

NESCol will not respond to correspondence (in any format) that contains statements that are abusive to staff or contains allegations that lack substantive evidence. Where we can, we will return the correspondence and will explain why and explain that the language used is considered to be offensive, unnecessary and unhelpful and ask the sender to stop using such language.

NESCol will state that there will be no response to their correspondence if the action or behaviour continues. In extreme situations, the complainant will be informed in writing that their name is on a 'no personal contact' list.

Examples of how we deal with other categories of unreasonable behaviour

NESCol have to take action when unreasonable behaviour impairs the functioning of our college processes, and aim to do this in a way that allows our process to proceed where possible.

NESCol will try to ensure that any action taken is the minimum required to solve the problem, taking into account relevant personal circumstances and the needs of the individual.

Other actions that may be taken, where a complainant repeatedly phones, visits the college, raises repeated issues, or sends large numbers of documents where their relevance is not clear, is outlined below:

- limit contact to telephone calls from the complainant at set times on set days;
- restrict contact to a nominated member of college staff who will deal with future calls or correspondence;
- 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 considered appropriate.

Where NESCol consider continued correspondence on a wide range of issues to be excessive, the complainant may be informed that only a certain number of issues will be considered in a given period and ask them to limit or focus their requests accordingly.

In exceptional cases, NESCol reserve the right to refuse to service or future requests for service from an individual. We will take into account the impact on the individual and also whether there would be a broader public interest in dealing with their request/s.

NESCol will always tell the complainant what action we are taking and why.

Any member of college 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.

With the exception of such immediate decisions taken at the time of an incident, decisions to restrict college contact will only be taken after careful consideration of the situation by a more senior member of staff. Wherever possible, a complainant will be given the opportunity to change their behaviour or action before a decision is taken.

4.2 How we let people know we have made this decision

When a member of staff makes an immediate decision in response to offensive, aggressive or abusive behaviour, the complainant will be advised at the time of the incident. When a decision has been made by senior management, a complainant will always be given the reason 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 that these restrictions will be in place. This ensures that the complainant has a record of the decision.

4.3 The process for appealing a decision to restrict contact

It is important that a decision can be reconsidered. A complainant can appeal a decision to restrict contact. If they do this, we will only consider arguments that relate to the restriction.

An appeal could include, for example, a complainant saying that: their actions were wrongly identified as unacceptable; the restrictions were disproportionate; or that they will adversely affect the individual because of personal circumstances.

A senior member of staff who was not involved in the original decision will consider the appeal. The Vice Principal Curriculum & Quality will have the discretion to quash or vary the restriction as they think best. They will make their decision based on the evidence available to them. They must advise the complainant in writing that either the restricted contact arrangements still apply or a different course of action has been agreed.

We may review the restriction periodically or on further request after a period has passed.

Each case is different, it will be clearly explained in the letter setting out the restriction what review process will be in place for that restriction, and in what circumstances they could request this be reconsidered.

4.4 How we record and review a decision to restrict contact

The appropriate department will record all incidents of unacceptable actions by complainants and any decisions to restrict contact will be reconsidered either on request or on annual review.

Clear records of evidence that leads to such a status will be retained and held in a secure drive managed by the complaints handling team. All information collected will be factual, justifiable and based on evidence, and will clearly outline how the 'status' has been determined. The sharing of such 'status' information will be limited to only those people who need to know.

Please contact us if you would like this policy in another language or format (such as large print, audio, or Braille).

Status:	Approved	Summary of changes No significant changes made to the policy
Approved by:	Executive Team	
Date of version:	February 2023	
Responsibility for Policy:	Director of Quality	
Responsibility for Review:	Director of Quality	
Review date:	February 2026	
DPIA date:	March 2021	
EIA date:	February 2023	

DATA PROTECTION IMPACT ASSESSMENT (DPIA)

<p>1. Does the activity that this policy or procedure relates to use personal data in any way? (Use may refer to collecting and gathering; storing electronically; storing by paper; sharing with other parties (internal or external to college); use of images as well as written information; retaining and archiving; or erasing, deleting and destroying)</p>	Yes
<p>2. Does the activity that this policy or procedure relates to use special category personal data in any way? (Special category data is data about: race; ethnic origin; politics; religion; trade union membership; genetics; biometrics (where used for ID purposes); health; sex life; or sexual orientation)</p>	Yes
<p>3. Does the activity that this policy or procedure relates to involve the use of social media or a third-party system?</p>	No

If the answer is 'yes' to one or more of the above questions, the Data Protection Officer must be consulted.

Date of DPO consultation:	March 2021
<p>Description of outcome and actions required (if any):</p> <p>Procedures should ensure that data regarding complainant status is actual, justifiable and based on evidence and is only shared with those who have a need to know.</p> <p>Action Update – 15.03.21 Recommendations provided by DPO have been added to the policy.</p>	
DPIA screening/full DPIA required:	No

EQUALITY IMPACT ASSESSEMENT (EIA)

Part 1. Background Information

Title of Policy:	Complaints Unacceptable Actions
Person Responsible:	Director of Quality
Date of Assessment:	February 2023
What are the aims of the Policy?	The purpose of this policy is to outline how we will approach unacceptable behaviours from complainants towards our staff and what actions we will take.
Who will this Policy impact upon?	Internal and external complainants, college staff

Part 2. Public Sector Equality Duty Comparison

(Consider the proposed action against each element of the PSED and describe potential impact, which may be positive, neutral or negative. Provide details of evidence.)

Need	Impact	Evidence
Eliminating unlawful discrimination, harassment and victimisation	The Policy states that the College is committed to ensuring that <u>all</u> staff are treated in a respectful manner and the actions that will be taken to address unacceptable behaviour should this occur. (positive)	Any issues reported in relation to unacceptable behaviour reported. Complaints reports
Advancing Equality of Opportunity	The consistent approach to the implementation of this policy will ensure equity of opportunity for all staff to report, and address unacceptable behaviour. (positive)	Any issues reported in relation to unacceptable behaviour reported. Complaints reports
Promoting good relations	The policy will ensure all staff feel safe and protected by any unacceptable behaviours being appropriately addressed (positive)	Any issues reported in relation to unacceptable behaviour reported. Complaints reports

Part 3. Action & Outcome (Following initial assessment, describe any action that will be taken to address impact detected)

No action is required.

Sign-off *

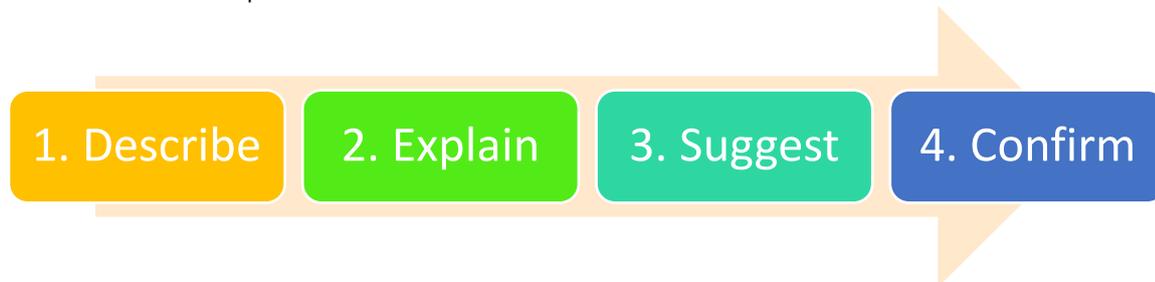
Name:	Gill Griffin
Position:	Director of Quality
Date of original EIA:	10 March 2021
Date EIA last reviewed:	09 February 2023

**Please note that an electronic sign-off is sufficient*

The DESC Model

SPSO recommends using the DESC model when dealing with unacceptable actions as part of the complaints handling process. It is the most simple and effective technique.

There are four steps:



The first two steps are crucial for ensuring the customer understands the impact of their actions, as often this is unintentional. It also provides them with the opportunity to explain the reason for their behaviour e.g. additional support needs. Not all disability is visible; the majority is hidden. Customers may genuinely need more time and organisations must always take into account their commitment and responsibilities to equality.

- **Describe the behaviour**
- What behaviour would we normally expect?
- What behaviour are we currently experiencing?

- **Explain the impact of the behaviour**
- Why this is a problem.
- Detail the impact of the behaviour.
- Act early to prevent the development of a pattern.

You can link the above to the Complaints Unacceptable Actions Policy if required.

Once the above has been established, you may find no further action is required or you have identified a hidden need for additional support with the complaints handling process.

If future behaviour does not change, move to steps 3 and 4 of the process.

Suggest how the behaviour should change

- **Confirm what will happen if the behaviour changes and, what will happen if it does not.**
- It is important that you do not deliver the message that behaviour needs to change more than twice before acting on any of the consequences set out. If you do, this simply means that your customer will consider you are not telling the truth and that their behaviour is not having an unacceptable impact.

For further guidance, please review Section 3 – Unacceptable Actions of the [Dealing With Problem Behaviour – SPSO Guide](#) available online.

Suggested templates are included for adapting and amending as required on the following page.

Step 1 – highlight unacceptable behaviour

Dear **XXX**,

I am writing because... **DESCRIBE**

I would like to take this opportunity to explain the impact of this behaviour... **EXPLAIN**

In order for us to adequately investigate your complaint, please afford us the time to follow the relevant complaints handling procedure.

If you require any additional support, let us know how we can facilitate this.

Kind Regards

Step 2 – advise of future action if behaviour continues

Dear **XXX**,

I am writing because... **DESCRIBE**

As I have explained previously... **EXPLAIN**

I must ask that... **SUGGEST ALTERNATIVE BEHAVIOUR**

If you continue to **XXX**, I may need to restrict **XXX**. **POTENTIAL CONSEQUENCE**

This is not something we like to do but we have a policy in place that ensures we deal with everyone fairly.

I hope this email explains why I need to ask you to change your behaviour.

Kind Regards

Step 3 – assert boundaries as per step 2

Dear **XXX**,

I wrote to you previously and explained that your behaviour was causing problems. I asked you to... **SUGGESTION**

Since then, your behaviour has not changed. I previously explained that this behaviour was preventing us from doing our work and was unfair to other people. I said that if this continued we may have to use our policy to restrict your contact.

Unfortunately, I have to tell you we have decided we have to restrict your contact. From today... **CONFIRM CONSEQUENCE**

If you are unhappy with this decision you can ask for it to be reviewed by **XXX**. The decision will remain in force until the end of that review.

Kind Regards