

Education and Families

# Unacceptable Actions Policy

Education and Families believes that complainants have a right to be heard, understood and respected. We work hard to ensure that this right is accessible and clear to everyone.

**Occasionally, the behaviour or actions of individuals making a complaint can make it very difficult for us to deal with the issue both at school and authority levels. In a small number of cases, the actions of individuals become unacceptable because they involve the abuse of our teachers, headteachers, support staff and other council officers.**

When this happens, we have to take action to protect our staff. We also have to consider the impact of the behaviour on our ability to do our work and provide services to others.

This policy explains how we will do that taking account of the Scottish Public Sector Ombudsman's Unacceptable Actions Policy and North Lanarkshire Council's complaints process.

## What actions do we consider to be unacceptable?

We recognise that people may act out of character in times of trouble or distress. They may have experienced upsetting or distressing circumstances leading up to making a complaint.

However, we do consider actions that result in unreasonable demands on our schools and offices or unreasonable behaviour towards our staff to be unacceptable. We have grouped these actions under the following broad headings:

## Aggressive or abusive behaviour

We understand that complainants may be angry about the issues they have raised in their complaint. If that anger escalates into aggression towards our 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 (including via email, phone calls, in person or social media) 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.

We may also decide that comments aimed at third parties are unacceptable if listening to them or reading them may have a detrimental effect on our staff.

## Unreasonable levels of contact

Sometimes the volume and duration of contact made to us by an individual causes problems. This can occur over a short period, e.g. the number of calls or emails 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.

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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 or deliver our services effectively.

### Unreasonable demands

We believe a demand becomes unacceptable when it starts to (or when complying with the demand would) impact substantially on the work of our schools and offices. Examples include:

- Repeatedly demanding responses within an unreasonable timescale
- Refusing to follow our complaints procedure
- 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 refusal to co-operate or accept a decision

When looking at complaints, we will need to ask the person who has complained to work with us. This can include asking for further information, evidence or comments. Sometimes, an individual repeatedly refuses to co-operate and this makes it difficult for us to proceed. Very occasionally, individuals refuse to accept outcomes or attempt to have complaints re-opened without further evidence. We consider this unreasonable and will advise the person of their right to review by the Scottish Public Sector Ombudsman (SPSO).

### Our responses to unacceptable behaviour

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

Our staff will end telephone calls if they consider the caller aggressive, abusive or offensive. Our staff 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.

We 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.

We reserve the right to take legal action on unacceptable behaviour where necessary.

### Our responses to other unreasonable behaviour

We have to take action when unreasonable behaviour impairs the functioning of our schools and other offices.

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 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 school/central 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 consider 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 circumstances, we reserve the right to refuse to consider a complaint or future complaints from an individual. We will 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 tell the complainant what action we are taking and why.

Any member of our 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 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 school/office are only taken after careful consideration and discussion with the Education and Families Manager for that school. Wherever possible we will give a complainant the opportunity to change their behaviour or action before a decision is taken.

### How we let people know we have made these decisions

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 to restrict future contact, a complainant will always be given the decision in writing as to why that decision has been made. This communication will also include 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.

### How to appeal a decision to restrict contact

It is important that procedures are in place to reconsider a decision. A complainant can appeal a decision to restrict contact. We 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
- This will adversely impact on the individual because of personal circumstances

A senior member of staff who was not involved 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.

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

### How we record and review a decision to restrict contact

We will record all incidents of unacceptable actions by complainants. Where it is decided to restrict complainant contact, an entry noting this is made in the relevant file and on appropriate records. Reports on restrictions will be presented to our Senior Management Team to ensure the policy is being applied correctly. A decision to restrict complainant contact as described above may be reconsidered either on request or on review.

### How we take account of our duties under the Equality Act (2010)

Some people may have difficulty expressing themselves or communicating clearly and/or appropriately. We will always consider the needs and circumstances that we have been made aware of, before deciding how best to manage the situation. This will include making reasonable adjustments. However, this does not mean we will tolerate abusive language, shouting, aggression or other unacceptable behaviour or actions.

If an individual with a protected characteristic becomes the subject of a restriction under this policy, we will consider whether the restriction may affect them more than someone without that characteristic. If this is the case, we may make different arrangements so they can still access the service.