

Unacceptable Actions Policy

Policy on action to take in relation to unacceptable actions and behaviour by individuals and others

Scottish Information Commissioner



Scottish Information
Commissioner

Contents

Glossary and abbreviations	i
Unacceptable Actions Policy	2
Introduction	2
Aims	2
Defining Unacceptable Actions	2
Aggressive or abusive behaviour	3
Unreasonable demands.....	3
Unreasonable persistence	3
Managing Unacceptable Actions	3
Deciding to Restrict Individual Contact	5
Appealing a Decision to Restrict Contact	5
Recording and Reviewing a Decision to Restrict Contact	5
Policy Availability and Review	5
Document control sheet	6

Glossary and abbreviations

Term used	Explanation
SIC/ The Commissioner	The Scottish Information Commissioner/ staff of the SIC

Cross-referenced INVU documents (for internal use)

INVU No	INVU name
INV38332	This document

Unacceptable Actions Policy

Introduction

1. This document sets out the Scottish Information Commissioner's (SIC) approach on the relatively few occasions we consider people's actions or behaviour to be unacceptable.
2. The approach applies to individuals, organisations and individuals on behalf of organisations who have contact with us. This includes, but is not restricted to, individuals, Scottish public authorities, officers within Scottish public authorities, those making general enquiries and third-parties. For ease of reference, throughout this document, we refer to 'individuals' but the approach applies equally to our dealings with others.

Aims

3. We aim in all our dealings to:
 - (i) make it clear to individuals both at initial contact and throughout their dealing with our office, what the SIC can or cannot do in relation to their application, complaint or enquiry
 - (ii) be open and not raise expectations that we cannot meet
 - (iii) deal fairly, honestly, consistently and appropriately with all individuals, even those whose behaviour or actions we consider unacceptable. We believe that all individuals have the right to be heard, understood and respected. We also believe that SIC staff have the same rights
 - (iv) provide a service that is accessible to all. However, we retain the right, where we consider an individual's actions to be unacceptable, to restrict or change access to our service and
 - (v) ensure that other individuals and SIC staff do not suffer any disadvantage from individuals who act in an unacceptable manner.

Defining Unacceptable Actions

4. There are rare occasions when individuals pursue their appeals, or public authorities respond in a way that impedes our investigation or has significant impact on the SIC. The SIC understands that people may act out of character in times of trouble or distress. Often applicants have experienced upsetting or distressing circumstances leading up to an appeal coming to our office.
5. We do not view behaviour as unacceptable simply because an individual is forceful or determined. In fact we recognise that persistence can be a positive advantage when pursuing an appeal relating to a Freedom of Information request. However, the actions of individuals who are angry, demanding or persistent may result in unreasonable demands on our office or unacceptable behaviour towards our staff. It is these actions that we consider unacceptable and aim to manage under this policy.
6. SIC has grouped these actions under three broad headings.

Aggressive or abusive behaviour

7. Violence and aggression are not restricted to acts which cause physical harm. They also include behaviour or language – whether oral or written – that may cause staff to feel afraid, threatened, harassed or abused.
8. Examples of such behaviour include threats, physical violence, personal verbal abuse, derogatory remarks, inflammatory statements and unsubstantiated allegations.
9. We expect our staff to be treated courteously and with respect. Violence or abuse is unacceptable. Our staff understand the difference between aggression and anger and that the anger felt and expressed by many individuals is the subject matter of their appeal. However, it is not acceptable that such anger escalates into aggression directed towards SIC staff.

Unreasonable demands

10. Individuals might make what we consider unreasonable demands on our office through the amount of information they seek, the level and scope of the service they expect or the amount of contact they have with us. What amounts to unreasonable demands will depend on the circumstances surrounding the behaviour and the seriousness of the issues raised by the complainer.
11. Examples of such behaviour include demanding responses within an unreasonable time-scale, insisting on speaking to a particular member of staff, continual phone calls, letters or emails, repeatedly changing the substance of the appeal or continually raising unrelated concerns.
12. We consider such demands as unacceptable and unreasonable or start to impact substantially on the work of the office, for example by taking up too much staff time to the disadvantage of other individuals or functions.

Unreasonable persistence

13. We recognise that some individuals will not or cannot accept that the SIC cannot provide a level of service other than the one provided already or that it is unable to assist them further. There are rare occasions where individuals persist in disagreeing with the action or decision taken in relation to their appeal, or contact the office persistently about the same issue.
14. Examples of such behaviour include persistent refusal to accept the SIC's actions in relation to an appeal and persistent refusal to accept explanations given by SIC staff about what this office can or cannot do. We accept that the way in which these individuals approach us may be reasonable, but it is the persistent behaviour in continuing to do so that is not.
15. The actions of persistent individuals are unacceptable when they take up what the SIC considers to be a disproportionate amount of time or resources.

Managing Unacceptable Actions

16. There are relatively few individuals whose actions we consider unacceptable. How we aim to manage these actions depends on their nature and extent. If they affect adversely our ability to do our work and provide a service to others, we may need to restrict contact with our office in order to manage the unacceptable action. We aim to do this in a way wherever possible, that allows an appeal to progress to completion through our appeals process. We may

restrict contact in person, by telephone, fax, letter or electronically or by any combination of these. We try to maintain at least one form of contact. In extreme situations, we tell the complainer 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.

17. The threat or use of physical violence, verbal abuse or harassment towards SIC staff is not tolerated and is likely to result in the ending of all direct contact with the individual. Incidents may be reported to the police. This will always be the case if physical violence is used or threatened. If we become aware that defamatory, unsubstantiated comments about staff integrity or actions, are made publically we will consider legal action.
18. We do not deal with correspondence (letter, fax or electronic) that is abusive to staff or contains allegations that lack substantive evidence. When this happens we tell the individual that we consider their language offensive, unnecessary and unhelpful. We ask them to stop using such language and state that we will not respond to their correspondence if they do not stop. We may require future contact to be through a third party.
19. SIC 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. All SIC staff have the authority tell a caller that their behaviour is unacceptable and end the call if the behaviour does not stop.
20. Where an individual repeatedly phones, visits the office, sends irrelevant documents or raises the same issues, we may decide to:
 - only take telephone calls from the individual at set times on set days or put an arrangement in place for only one member of staff to deal with calls or correspondence from the individual in the future;
 - require the individual to make an appointment to see a named member of staff before visiting the office or that the complainer contacts the office in writing only.
 - return the documents to the individual or in extreme cases, advise the complainer that further irrelevant documents will be destroyed; or
 - take other action that we consider appropriate.
21. We will always tell the individual what action we are taking and why.
22. Where an individual continues to correspond on a wide range of issues, and this action is considered excessive, then the complainer is told that only a certain number of issues will be considered in a given period and asked to limit or focus their enquiries and requests accordingly.
23. If an individual's actions or behaviour are considered to be unreasonably persistent, the complainer is told that no future phone calls will be accepted or interviews granted concerning their complaint. Any future contact by the individual must be in writing. Future correspondence is read and filed, but only acknowledged or responded to if the individual provides significant new information relating to the dealings with us.

Deciding to Restrict Individual Contact

24. SIC staff who experience aggressive or abusive behaviour directly from an individual have the authority to deal immediately with that behaviour in a manner they consider appropriate to the situation and in line with this policy.
25. With the exception of such immediate decisions taken at the time of an incident, decisions to restrict contact with the SIC are only taken after careful consideration of the situation by a more senior member of staff. Wherever possible, we give an individual the opportunity to modify their behaviour or action before a decision is taken. Individuals are told in writing 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.

Appealing a Decision to Restrict Contact

26. An individual can appeal a decision to restrict contact. A senior member of staff who was not involved in the original decision considers the appeal. They advise the individual in writing that either the restricted contact arrangements still apply or a different course of action has been agreed.

Recording and Reviewing a Decision to Restrict Contact

27. We record all incidents of unacceptable actions by individuals. Where it is decided to restrict individual contact, an entry noting this is made on our Unacceptable Actions Register and in the relevant case file.
28. Guidance on the steps required to record a decision to restrict individual contact and the record management requirements are contained in the Unacceptable Actions Register in INVU.
29. A decision to restrict individual contact may be reconsidered if the complainer demonstrates a more acceptable approach.
30. The Head of Enforcement reviews the status of all individuals with restricted contact arrangements on a regular basis.

Policy Availability and Review

31. Copies of this Policy are available on request and free of charge from the SIC office. The SIC reviews this Policy on a regular basis to make sure that the aims of the Policy are being achieved.
32. This Policy is available on request in other languages and formats.
33. For further information please contact:

Scottish Information Commissioner

Kinburn Castle
Doubledykes Road
St Andrews
Fife, KY16 9DS

Telephone: 01334 464610

Fax: 01334 464611

Email: enquiries@itspublicknowledge.info

Document control sheet

Document Information	
Full name of current version: Class, Title, Version No and Status.	C1 Unacceptable Actions Policy v01 CURRENT ISSUE
VC File Id	29132
Type	Policy
Approver	SMT
Responsible Manager	HOCS
Date of next planned review	December 2018
Approval & Publication	
Approval Date (major version)	16/10/13
For publication (Y/N)	Y
Date published	25/10/18
Name of document in website file library	UnacceptableActionsPolicy
Corrections / Unplanned or Ad hoc reviews (see Summary of changes below for details)	
Date of last update	24/10/18

Summary of changes to document				
Date	Action by <i>(initials)</i>	Version updated <i>(e.g. 01.25-36)</i>	New version number <i>(e.g. 01.27, or 02.03)</i>	Brief description <i>(e.g. updated paras 1-8, updated HOPI to HOOM, reviewed whole section on PI test, whole document updated, corrected typos, reformatted to new branding)</i>
16/10/13	SMT	00.07	01.08	Policy approved
24/03/14	KB	01.08	01.09	Revised layout Document Control Sheet added. Update records management requirements - para 27 and 28. Passed to DL for review.
25/03/14	DL	01.09	01.10	Minor review, changes accepted
19/01/15	RA	01.10	01.11	VI update
03/02/15	LB	01.11	01.12	DCS updated and document published
11/06/18	KB	01.12	01.13	DCS updated, published on website
24/10/18	KB	01.13	01.14	Review date amendeded, published on website

Scottish Information Commissioner

Kinburn Castle
Doubledykes Road
St Andrews, Fife
KY16 9DS

t 01334 464610

f 01334 464611

enquiries@itspublicknowledge.info

www.itspublicknowledge.info