

PROCEDURE on UNACCEPTABLE ACTIONS by COMPLAINANTS

1. Introduction

This Procedure sets out Audit Scotland's approach to the relatively few complainants whose actions or behaviour we consider unacceptable. This applies to people who have made a complaint about an audited body as well as people who are using our procedure to complain about Audit Scotland. The term complainant includes anyone acting on behalf of a complainant or who contacts our office in connection with a complaint.

2. Procedure Aims

- 2.1 To make it clear to all complainants, both at initial contact and throughout their dealings with our office, what Audit Scotland can or cannot do in relation to their complaint. In doing so, we aim to be open and not raise hopes or expectations that we cannot meet.
- 2.2 To deal fairly, honestly, consistently and appropriately with all complainants, including those whose actions we consider unacceptable. We believe that all complainants have the right to be heard, understood and respected. We also consider that Audit Scotland staff has the same rights.
- 2.3 To provide a service that is accessible to all complainants. However, we retain the right, where we consider complainant actions to be unacceptable, to restrict or change access to our service.
- 2.4 To ensure that other complainants and Audit Scotland staff do not suffer any disadvantage from complainants who act in an unacceptable manner.

3. Defining Unacceptable Actions by Complainants

- 3.1 People may act out of character in times of trouble or distress. There may have been upsetting or distressing circumstances leading up to a complaint coming to our office. We do not view behaviour as unacceptable just because a claimant is forceful or determined. In fact, we accept that being persistent can be a positive advantage when pursuing a complaint. However, the actions of complainants who are angry, demanding or persistent may result in unreasonable demands on our office or pressure on Audit Scotland staff. It is these actions that we consider unacceptable and aim to manage under this Procedure. Audit Scotland has grouped these actions under three broad headings:

Aggressive or Abusive Behaviour
Unreasonable Demands
Unreasonable Persistence

Aggressive or Abusive Behaviour

- a. Violence is not restricted to acts of aggression that may result in physical harm. It also includes behaviour or language (whether oral or written) that may cause staff to feel afraid, threatened or abused.
- b. Examples of behaviours grouped under this heading include threats, physical violence, personal verbal abuse, derogatory remarks and rudeness. We also consider that inflammatory statements and unsubstantiated allegations can be abusive behaviour.
- c. We expect our staff to be treated courteously and with respect. Violence or abuse towards staff is unacceptable. Audit Scotland staff understand the difference between aggression and anger. The anger felt by many complainants involves the subject matter of their complaint. However, it is not acceptable when anger escalates into aggression directed towards Audit Scotland staff.

Unreasonable Demands

- a. Complainants may make what we consider unreasonable demands on our office through the amount of information they seek, the nature and scale of service they expect or the number of approaches they make. What amounts to unreasonable demands will always depend on the circumstances surrounding the behaviour and the seriousness of the issues raised by the complainant.
- b. Examples of actions grouped under this heading include demanding responses within an unreasonable time-scale, insisting on seeing or speaking to a particular member of staff, continual telephone calls or letters, repeatedly changing the substance of the complaint or raising unrelated concerns.
- c. We consider these demands as unacceptable and unreasonable if they start to impact substantially on the work of the office, such as taking up an excessive amount of staff time to the disadvantage of other complainants or functions.

Unreasonable Persistence

- a. We recognise that some complainants will not or cannot accept that Audit Scotland is unable to assist them further or provide a level of service other than that provided already. Complainants may persist in disagreeing with the action or decision taken in relation to their complaint or contact the office persistently about the same issue.
- b. Examples of actions grouped under this heading include persistent refusal to accept a decision made in relation to a complaint, persistent refusal to accept explanations relating to what this office can or cannot do and continuing to pursue a complaint without presenting any new information. The way in which these complainants approach our office may be entirely reasonable, but it is their persistent behaviour in continuing to do so that is not.
- c. We consider the actions of persistent complainants to be unacceptable when they take up what Audit Scotland regards as being a disproportionate amount of time and resources.

4. Managing Unacceptable Actions by Complainants

- 4.1 There are relatively few complainants whose actions we consider unacceptable. How we aim to manage these actions depends on their nature and extent. If it adversely affects our ability to do our work and provide a service to others, we may need to restrict complainant contact with our office in order to manage the unacceptable action. We aim to do this in a way, wherever possible, that allows a complaint to progress to completion through our Complaints 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 complainant in writing that they must restrict contact with our office to either communication or through a third party.
- 4.2 The threat or use of physical violence, verbal abuse or harassment towards Audit Scotland staff is likely to result in the ending of all direct contact with the complainant. Incidents may be reported to the police. This will always be the case if physical violence is used or threatened.
- 4.3 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 complainant 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.
- 4.4 Audit Scotland 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, to tell the caller that the behaviour is unacceptable and end the call if the behaviour does not stop. Staff should inform their line manager immediately if this course of action has been taken.
- 4.5 Where a complainant repeatedly telephones, visits the office, sends irrelevant documents or raises the same issues, we may decide to:
- Only take telephone calls from the complainant 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 complainant in the future.
 - Require the complainant to make an appointment to see a named member of staff before visiting the office or that the complainant contacts the office in writing only.
 - Return the documents to the complainant or, in extreme cases, advise the complainant that further irrelevant documents will be destroyed.
 - Take other action that we consider appropriate. We will, however, always tell the complainant what action we are taking and why.
- 4.6 Where a complainant continues to correspond on a wide range of issues, and this action is considered excessive, then the complainant is told that only a certain number of issues will be considered in a given period and asked to limit or focus their requests accordingly.

- 4.7 Complainant action may be considered unreasonably persistent if all internal review mechanisms have been exhausted and the complainant continues to dispute Audit Scotland's decision relating to their complaint. The complainant is told that no future telephone calls will be accepted or interviews granted concerning this complaint. Any future contact by the complainant on this issue must be in writing. Future correspondence is read and filed, but only acknowledged or responded to if the complainant provides significant new information relating to the complaint.

5. Deciding to Restrict Complainant Contact

- 5.1 Audit Scotland staff who directly experience aggressive or abusive behaviour from a complainant have the authority to deal immediately with that behaviour in a manner they consider appropriate to the situation and in line with this Procedure.
- 5.2 With the exception of such immediate decisions taken at the time of an incident, decisions to restrict contact with Audit Scotland are only taken after careful consideration of the situation by the Director of Corporate Services. Wherever possible, we give a complainant the opportunity to modify their behaviour or action before a decision is taken. Complainants 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.

6. Appealing a Decision to Restrict Contact

A complainant can appeal a decision to restrict contact. A member of the Audit Scotland Board, who was not involved in the original decision, considers the appeal. They advise the complainant in writing that either the restricted contact arrangements still apply or a different course of action has been agreed.

7. Recording and Reviewing a Decision to Restrict Contact

- 7.1 We 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 computer records.
- 7.2 A decision to restrict complainant contact may be reconsidered if the complainant demonstrates a more acceptable approach. The Director of Corporate Services reviews the status of all complainants with restricted contact arrangements on a regular basis.

8. Procedure Availability and Review

Copies of this Procedure are available on request and free of charge from the Audit Scotland office. Audit Scotland will review this Procedure on a regular basis to ensure that the aims of the Procedure are being achieved.