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Complaints Unacceptable Actions Procedure

The College is committed to maintaining and improving standards and we actively encourage views and suggestions from students and other users to enable us to make improvements to our services.

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1. Communicating positively

Edinburgh College is committed to providing a fair and accessible service. We believe that everyone who complains to us has the right to be treated with respect and dignity. We also believe that our staff have the same rights, and we must provide a safe working environment for them. We must also ensure the efficient and effective operation of our service to all of our customers.

Our Unacceptable Actions Procedure explains how Edinburgh College addresses unacceptable actions towards our staff. This document sets out the kinds of actions and behaviours that may have a negative effect and what we will do if this occurs.

Edinburgh College recognises that some people may have difficulties in expressing themselves or communicating clearly, especially when anxious or upset. We also understand that some people may find it difficult to identify what impact their behaviour might have on other people. We will always consider making reasonable adjustments if we are asked to do so - but we may still use this document if actions or behaviours are having a negative effect on our staff or our work.

Edinburgh College believes that complainants have a right to be heard, understood and respected and we work hard to be open and accessible to everyone. Occasionally, the behaviour or actions of complainants makes it very difficult for us to deal with their complaint and in a small number of cases, the actions of individuals become unacceptable because they involve abuse of our staff or our process.

When this happens Edinburgh College has to take action to protect our staff. We also consider the impact of the behaviour on our ability to do our work and provide a service to others.

This Statement explains how we will approach these situations.

2. What actions does Edinburgh College consider to be unacceptable?

People may act out of character in times of trouble or distress. There may have been upsetting circumstances leading up to a complaint. Edinburgh College does not view behaviour as unacceptable just because a complainant is forceful or determined. In fact, we accept that being persistent may sometimes be a positive advantage when pursuing a complaint.

However, we do consider actions that result in unreasonable demands or unreasonable behaviour towards staff to be unacceptable. It is these actions that we aim to manage under this Statement. The following behaviours are covered:

- a) Aggressive or abusive behaviour
- b) Unreasonable demands
- c) Unreasonable levels of contact
- d) Unreasonable refusal to cooperate
- e) Unreasonable use of the complaints process

a) Aggressive or abusive behaviour

We understand that many complainants are angry about the issues they have raised in their complaint. If that anger escalates into aggression towards Edinburgh College staff, we consider that 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.

We will judge each situation individually and appreciate individuals who come to us may be upset.

Language 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 not at us, but at third parties are unacceptable because of the effect that listening or reading them may have on our staff.

b) Unreasonable demands

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

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 or
- 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 others, but also prevents their own complaint from being dealt with quickly.

c) Unreasonable levels of contact

Sometimes the volume and duration of contact made 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 over the life-span of a complaint when a complainant repeatedly makes long telephone calls to us, or inundates us with copies of information that have been sent already or that is irrelevant to the complaint.

Edinburgh College 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 deal with that complaint, or with other people.

d) Unreasonable refusal to cooperate

When Edinburgh College is investigating a complaint, we may need to ask the individual who has complained for further information, evidence or comments or to help us by summarising their concerns. This is to ensure that a fair and fully comprehensive investigation can take place.

If an individual repeatedly refuses to cooperate this makes it difficult for us to proceed.

We will always seek to assist someone if they have a specific, genuine difficulty complying with a request. However, we consider it is unreasonable to bring a complaint to us and then not respond to reasonable requests.

e) Unreasonable use of the complaints process

Individuals with complaints about Edinburgh College have the right to pursue their concerns through a range of means. They also have the right to complain more than once about our organisation, if subsequent incidents occur.

This contact becomes unreasonable when the effect of the repeated complaints is to harass, or to prevent us from pursuing a legitimate aim or implementing a legitimate decision.

We consider access to a complaints system to be important and it will only be in exceptional circumstances that we would consider such repeated use is unacceptable – but we reserve the right to do so in such cases.

3. Examples of how we manage aggressive or abusive behaviour

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

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

Edinburgh College 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. We will explain why and say that we consider the language used to be offensive, unnecessary and unhelpful and ask the sender to stop using such language. We will state that we will not respond to their correspondence if the action or behaviour continues.

In extreme situations, Edinburgh College 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.

4. Examples of how Edinburgh College deals with other categories of unreasonable behaviour

We have to take action when unreasonable behaviour impairs the functioning of the College or individuals. We aim to do this in a way that allows a complaint to progress through our process. 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 seriousness of the complaint and the needs of the individual. Actions we may take include:

Where a complainant repeatedly phones, visits the College, raises repeated issues, or sends large numbers of documents where their relevance isn't 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 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 or
- 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 ask them to limit or focus their requests accordingly.

In exceptional cases, 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.

5. The process we follow to make decisions about unreasonable behaviour

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

Any member of 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 Statement.

With the exception of such immediate decisions taken at the time of an incident, decisions to restrict contact with the College are only taken after careful consideration of the situation by a more senior member of staff.

Wherever possible, we will give a complainant the opportunity to change their behaviour or action before a decision is taken.

6. How we let people know we have made this decision

When an Edinburgh College employee makes an immediate decision in response to offensive, aggressive or abusive behaviour, the complainant is 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.

7. 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, Edinburgh College will only consider

arguments that relate to the restriction and not to either the complaint made to us or to our decision to close a complaint.

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 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 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 (this can be supplemented if written communication is not the most appropriate form for the individual) that either the restricted contact arrangements still apply or a different course of action has been agreed.

Edinburgh College may review the restriction periodically or on further request after a period of time has passed. Each case is different. We will explain 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.

8. How we record and review a decision to restrict contact

Edinburgh College records 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. Each quarter a report on all restrictions will be presented to the Senior Management team so that they can ensure the process is being applied appropriately.

A decision to restrict complainant contact as described above may be reconsidered either on request or on review.

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