

STUDENT AWARDS AGENCY SCOTLAND

UNACCEPTABLE ACTIONS POLICY

MARCH 2019

1. PURPOSE AND SCOPE

Student Awards Agency Scotland (SAAS) has a formal Complaints Handling Procedure (CHP), which sets out the process for the investigation and determination of complaints. The CHP has been developed in accordance with guidance issued by the Scottish Public Services Ombudsman (SPSO) who provide an independent and impartial service for handling complaints about public services in Scotland. SPSO recommended that public service organisations introduce an Unacceptable Actions Policy (UAP) and communicate it.

This UAP sets out our approach to the few correspondents whose actions or behaviours we consider unacceptable. This includes anyone acting on behalf of a student or anyone who contacts our office. The principles set out in this policy also apply to our dealing with correspondents other than complainants.

2. POLICY AIMS

To make it clear to all correspondents, both at initial contact and throughout their dealings with our office, what SAAS can or cannot do in relation to their complaint or correspondence. In doing so, we aim to be open and not raise hopes or expectations that we cannot meet.

To deal fairly, honestly, consistently and appropriately with all correspondents, including those whose actions SAAS consider unacceptable. We believe that all correspondents have the right to be heard, understood and respected. We also consider that SAAS staff have the same rights.

To provide a service that is accessible to all correspondents. However, SAAS retain the right, where we consider the correspondent's actions to be unacceptable, to restrict or change access to our service.

To ensure that other correspondents and SAAS staff do not suffer any disadvantage from those who act in an unacceptable manner.

3. DEFINING UNACCEPTABLE ACTIONS

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 SAAS. We do not view behaviour as unacceptable just because they are forceful or determined. In fact, we accept that being persistent can be a positive advantage when pursuing a complaint.

However, the actions of correspondents who are angry, demanding or persistent may result in unreasonable demands on our office or unacceptable behaviour towards SAAS staff. It is these actions that we consider unacceptable and aim to manage under this policy. SAAS has grouped these actions under three broad headings:

AGGRESSIVE OR ABUSIVE BEHAVIOUR

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 SAAS staff to feel afraid, threatened or abused.

Examples of behaviours grouped under this heading include threats, physical violence, personal verbal abuse, derogatory remarks and rudeness. SAAS also consider that inflammatory statements and unsubstantiated allegations can be abusive behaviour.

We expect our staff to be treated courteously and with respect. Violence or abuse towards staff is unacceptable and SAAS staff should understand the difference between aggression and anger. The anger felt by many correspondents involves the subject matter of their correspondence.

However, it is not acceptable when anger escalates into aggression directed towards SAAS staff.

UNREASONABLE DEMANDS

Correspondents may make what we consider to be 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.

Examples of actions grouped under this heading include demanding responses within an unreasonable timescale, insisting on seeing or speaking to a particular member of staff, continual phone calls or letters, repeatedly changing the substance of the complaint or raising unrelated concerns.

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 functions.

UNREASONABLE PERSISTENCE

We recognise that some correspondents will not or cannot accept that SAAS is unable to assist them further or provide a level of service other than that provided.

Correspondents may persist in disagreeing with the action or decision taken in relation to their complaint or contact the office persistently about the same issues.

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 we can or cannot do and continuing to pursue a complaint/appeal without presenting any new information. The way in which these correspondents approach our office may be entirely reasonable, but it is their persistent behaviour in continuing to do so that is not.

We consider the actions of the persistent correspondents to be unacceptable when they take up what SAAS regards as being a disproportionate amount of time and resources.

4. MANAGING UNACCEPTABLE ACTIONS

There are relatively few correspondents 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 the correspondent's contact with our office in order to manage the unacceptable action. We aim to do this in a way whenever possible, that allows a complaint/appeal to progress to completion through our processes. We may however, restrict contact in person, by telephone, letter or electronically or by any combination of these. We will maintain at least one form of contact.

In extreme situations, SAAS will tell the correspondent 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.

The threat or use of physical violence, verbal abuse or harassment towards SAAS staff is likely to result in the ending of all direct contact with a correspondent. Incidents may also be reported to the police. This will always be the case if physical violence is used or threatened.

We will not deal with correspondence (letter, or electronic) that is abusive to staff or contains allegations that lack substantive evidence. When this happens, we will tell the correspondent that we consider their language offensive, unnecessary and unhelpful. We will ask them to stop using offensive 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.

SAAS 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 their behaviour is unacceptable and to end the call if the behaviour does not stop.

CONT.

Where a correspondent repeatedly phones, visits the office, sends irrelevant documents or raises the same issues, we may decide to:

- only take telephone calls from the correspondent at set times on set days
- put an arrangement in place for only one member of staff to deal with the calls or correspondence in the future
- advise the correspondent to make an appointment to speak to a named member of staff
- advise that they contact the office in writing only
- return the documents to the correspondent or, in extreme cases, advise that further irrelevant documents will be destroyed
- take other action that we may consider appropriate but will always tell the correspondent what action we are taking and why

Where someone continues to correspond on a wide range of issues, and this action is considered excessive, they will be told that only a certain number of issues will be considered in a given period. They will also be asked to limit or focus their requests accordingly.

Correspondent action may be considered unreasonably persistent if all internal review mechanisms have been exhausted and they continue to dispute SAAS's decision. The correspondent will be told that no future phone calls will be accepted or interviews granted concerning this issue. Any future contact on this issue must be in writing. Future correspondence is read and filed, but only acknowledged or responded to if the correspondent provides significant new information relating to the issue.

5. DECIDING TO RESTRICT COMPLAINANT CONTACT

SAAS staff who directly experience aggressive or abusive behaviour from a correspondent have 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, a decision to restrict contact with SAAS is only taken after careful consideration of the situation by a more senior member of staff. Wherever possible, we will give the correspondent the opportunity to modify their behaviour or action before a decision is taken. Correspondents will be 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 correspondent can appeal a decision to restrict contact. A senior member of staff who was not involved in the original decision will consider the appeal. They will advise the correspondent 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

We will record all incidents of unacceptable actions. Where it is decided to restrict contact, an entry noting this is made in the relevant file and on appropriate computer records.

A decision to restrict contact may be reconsidered if the correspondent demonstrates a more acceptable approach.

We will apply a date in which the restriction is due to cease or the date six months after the application of the restriction.

8. POLICY AVAILABLE AND REVIEW

Copies of this policy are available on request and free of charge from SAAS who will review this policy on a regular basis to make sure that the aims are being achieved.

For further information, please email: SAASComplaints.Appeals@gov.scot

Or contact:

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