

Ref:	[unique]
Version	
Review	[Date]

# LIVE BORDERS

## UNACCEPTABLE ACTIONS POLICY

### Version Control

Version	Author	Change description	Consultation	Board approval
1	Sheila Brodie	New policy	SMT	
1.1	Linda Ross	Amendments	SMT	Aug 2020

## Contents

1. Purpose.....	<b>Error! Bookmark not defined.</b>
2. Definitions.....	3
3. Scope .....	4
4. Key Principles.....	4
5. Responsibilities .....	4
5.1 CEO .....	4
5.2 Managers.....	5
5.3 Employees .....	5
6. Compliance .....	5
7. Consultation.....	5
8. Related Policies, Forms and Information .....	5
8.1 Related Policies .....	5
8.2 Related Information .....	5
9. Monitoring and review .....	5
10. Appendices.....	5

## 1. Introduction

Live Borders is committed to making our communities healthier, happier and stronger. We value:

- Collaboration
- Honesty
- Inclusivity
- Positivity
- Productivity

In order to ensure that we nurture or people to be proud of what they do Live Borders is committed to dealing fairly, honestly, consistently and appropriately with all complainants, including those whose actions are considered unacceptable. While all complainants have the right to be heard, understood and respected, Live Borders employees also have the same rights.

In common with other public and private sector service providers, Live Borders employees are occasionally required to deal with members of the public whose actions or behaviour could be considered unacceptable.

Live Borders has a duty of care towards employees and must also ensure that an excessive amount of time is not taken up in dealing with complainants, whose behaviour is unacceptable, to the disadvantage of other complainants or functions.

This Policy is designed to ensure consistency across services in dealing with unacceptable actions, and mirrors the approved approach advocated by the Scottish Public Services Ombudsman (SPSO) on such matters.

Where a complainant's actions are considered unacceptable, Live Borders retains the right to restrict or change access to services.

## 2. Definitions

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 simply because an individual is forceful or determined. 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 in this policy.

We have grouped these actions under three broad headings.

- **Aggressive or abusive behaviour:** Violence and aggression are not restricted to acts that cause physical harm. They also include behaviour or language – whether oral or written – that may cause staff to feel afraid, threatened, harassed or abused.
- **Unreasonable demands:** A demand becomes unacceptable when it starts to (or when complying with the demand would) impact substantially on the work of the office
- **Unreasonable persistence:** It is recognised that some complainants will not or cannot accept that the Live Borders 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 Live Borders persistently about the same issue. The actions of persistent complainants are

considered to be unacceptable when they take up what is considered to be a disproportionate amount of time and resources

### **3. Scope**

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, groups, those making general enquiries and third parties. For ease of reference, we refer to 'individuals' throughout this document but the approach applies equally in our dealings with others.

### **4. Key Principles**

We aim in all our dealings to:

- I. make it clear to individuals within 5 working days of written contact with our office, what Live Borders can or cannot do in relation to their complaint, enquiry or issue
- II. deal fairly, honestly, consistently and appropriately with all individuals, even those whose behaviour or actions we consider unacceptable.
- III. We believe that all individuals have the right to be heard, understood and respected. We also believe that Live Borders 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 ensure that other individuals and Live Borders staff do not suffer any disadvantage from individuals who act in an unacceptable manner

There are relatively few individuals whose actions we consider unacceptable. 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.

The threat or use of physical violence, verbal abuse or harassment towards Live Borders staff is not tolerated.

We do not deal with correspondence or telephone calls that are abusive to staff or contains allegations that lack substantive evidence. Live Borderers 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.

With the exception of such immediate decisions taken at the time of an incident, decisions to restrict contact with the Live Borders 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

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.

### **5. Responsibilities**

#### **5.1 CEO**

The CEO has overall responsibility for this Policy.

## 5.2 Managers

Managers are responsible for themselves as employees and for ensuring that all their staff are aware of and adhere to this policy.

## 5.3 Employees

All employees are responsible for being aware of and ensuring correct use of this policy.

## 6. Compliance

This policy is public facing.

## 7. Consultation

SMT consulted.

## 8. Related Policies, Forms and Information

### 8.1 Related Policies

Live Borders Complaints Policy  
Customer Charter

### 8.2 Related Information

Management Rules for Public Libraries in the Scottish Borders  
Terms and Conditions of Use

## 9. Monitoring and review

This policy has been Equality Impact Assessed

The Governance & Projects Officer is responsible for monitoring the effectiveness of this policy and will review the implementation of it on a regular basis, assessing its adequacy, suitability and effectiveness.

## 10. Appendices

### Appendix 1: Examples of behaviour and action

#### Examples:

- of aggressive or abusive behaviour, include threats, physical violence, personal verbal abuse, derogatory remarks and rudeness. Inflammatory statements and unsubstantiated allegations can also be considered as abusive behaviour
- of unreasonable demands include demanding responses within an unreasonable timescale, insisting on seeing or speaking to a particular individual, continual phone calls or letters, repeatedly changing the substance of the complaint or raising unrelated concerns
- of unreasonable persistence, include persistent refusal to accept a decision made in relation to a complaint and continuing to pursue a complaint without presenting any new information. The way in which these complainants make approaches may be entirely reasonable, but it is their persistent behaviour in continuing to do so that is not

#### Actions

Correspondence (letter, fax or electronic) that is abusive or contains allegations that lack substantive evidence will not be progressed. Complainants will be:

- told that their language is considered offensive, unnecessary and unhelpful

- asked to stop using such language
- informed that there will be no response to their correspondence if they persist in this

They may also be informed that future contact may require to be channelled through a third party.

Where a complainant repeatedly phones, visits the office, sends irrelevant documents or raises the same issues, the following actions may be taken:

- only take telephone calls from the complainant at set times on set days or put an arrangement in place for only one employee to deal with calls or correspondence from the complainant in the future
- require the complainant to make an appointment to see a named employee before visiting the office
- require the complainant to contact 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 considered appropriate. However, the complainant will always be told what action was being taken and why