

Complaints Handling Procedures (CHP)

Unacceptable Actions Procedures

Contents

Introduction	3
What actions do Heriot-Watt University consider to be unacceptable or unreaasonable	4
• Aggressive or abusive behaviour	
• Unreasonable or unacceptable demands	
• Unreasonable or unacceptable levels of contact	
• Unreasonable or unacceptable refusal to co-operate	
• Unreasonable or unacceptable use of the complaints process	
How Heriot-Watt University will manage unacceptable or unreaasonable behaviour	6
• Actions we may take	
• Processes we we follow to make decisions about unreasonable and unacceptable behaviour	
• Informing the complainant	
• The process for appealing a decision to restrict contact	
Recording and reviewing decisions	8

Introduction

Heriot-Watt University is committed to providing a fair and accessible Complaints Handling Procedure. The University believe that everyone who contacts us has the right to be treated with respect and dignity. The University also believe that our staff have the same rights, and the University must provide a safe working environment for all our staff. The University must also ensure the efficient and effective operation of our services, to all our customers.

The Heriot-Watt University Complaints Unacceptable Actions Procedure explains how we address unacceptable and unreasonable actions towards our staff. The procedure policy sets out the kinds of actions and behaviour that may have a negative effect and what the University will do if this occurs.

We recognise 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 the policy if actions or behaviours are having a negative effect on our staff or our work.

We believe that complainants have a right to be heard, understood and respected. However, occasionally, the behaviour or actions of individuals using our Complaints Handling Procedures makes it very difficult for us to deal with their complaint. 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 we have 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 Complaints Unacceptable Actions Procedure explains how we will approach these situations.

What actions do Heriot-Watt University consider to be unacceptable or unreasonable

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. Heriot-Watt University do not view behaviour as unacceptable just because a complainant is forceful or determined. In fact, the University accept that being persistent may sometimes be a positive advantage when pursuing a complaint.

However, we do consider actions that result in unreasonable demands, on or unreasonable behaviour, towards the University staff to be unacceptable. It is these actions that we aim to manage under this Procedure.

Aggressive or abusive behaviour

Heriot-Watt University understands that complainants may be angry about the issues they have raised in their complaint. If that anger escalates into aggression towards the University's 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 afraid, threatened or abused, and may include threats, personal verbal abuse, derogatory remarks or rudeness.

The University 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 certain conducts without any evidence is unacceptable. We may 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.

Unreasonable or unacceptable demands

A demand becomes unacceptable when it starts to (or when complying with the demand would) impact substantially on the work of the University. Examples of unacceptable 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,
- 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 other complainants and prevents their own complaint from being dealt with quickly.

Unreasonable or unacceptable levels of contact

Sometimes the volume and duration of contact made to our University Complaints Office 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 has been sent already or that is irrelevant to the complaint.

We consider 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's complaints.

Unreasonable or unacceptable refusal to co-operate

When the University considers a complaint, we will need to ask the individual who has complained to work with us. This can include agreeing with us the complaint we will look at; providing us with further information, evidence or comments on request; or helping us by summarising their concerns or completing a form for us.

Sometimes, an individual repeatedly refuses to cooperate and 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.

Unreasonable or unacceptable use of the complaints process

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

However, this contact becomes unreasonable when the effect of the repeated complaints is to harass, or to prevent the University from pursuing a legitimate aim or implementing a legitimate decision. We consider access to the University's complaints system to be important and it would only be in exceptional circumstances that we would consider such repeated use as unreasonable; but we reserve the right to do so in those exceptional cases.

How Heriot-Watt University will manage unacceptable or unreasonable behaviours

The threat or use of physical violence, verbal abuse or harassment towards any University staff is likely to result in a termination 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.

We will not accept any 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.

Actions we may take

University staff will have the right to end telephone calls if they consider the caller aggressive, abusive or offensive. The University member of staff will tell the caller that their behaviour is unacceptable and end the call if the behaviour persists.

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 we ask them to limit or focus their requests accordingly.

Where a complainant repeatedly phones, visits the office, 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 University 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.

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.

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

Processes we will follow to make decisions about unreasonable and unacceptable behaviour

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 procedure.

With the exception of such immediate decisions taken at the time of an incident, decisions to restrict contact with the University are only taken after careful consideration of the situation and evidence by the relevant manager. Wherever possible, we will give a complainant the opportunity to change their behaviour or action before a decision is taken.

Informing the complainant

When the University makes an immediate decision in response to offensive, aggressive or abusive behaviour, the complainant will be 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.

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, we 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 that either the restricted contact arrangements still apply or a different course of action has been agreed.

We 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.

Recording and reviewing decisions

The University will record all incidents of unacceptable actions by complainants. Where it is decided to restrict complainant contact, an entry noting this will be made in the relevant record(s). The Senior Complaints Officer will review the status of all complainants with restricted contact arrangements on a regular basis. The University Complaints Office will report on all restrictions to the University Secretary so that the University can ensure the policy is being applied appropriately. A decision to restrict complainant contact as described above may be reconsidered either on request or on review or if the complainant demonstrates a more acceptable approach.