

Unacceptable actions policy for the Auditor General, the Accounts Commission and Audit Scotland

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Introduction

1. People may act out of character in times of trouble or distress. There may have been upsetting or distressing circumstances leading up to them contacting us or coming to our office. We do not view behaviour as unacceptable just because a correspondent is forceful or determined. There are very few correspondents whose actions we consider unacceptable.
2. This policy sets out the Auditor General's, the Accounts Commission and Audit Scotland's approach to actions or behaviour we consider unacceptable.
3. This policy applies to any member of the public, organisation or elected representative, or those acting on their behalf, who have raised an issue of concern with us about an audited body including objections to accounts, whistleblowing disclosures as well as those who are using our complaints procedure to complain about us.
4. Throughout this document we use the term 'correspondent', to describe any individual, organisation or elected representative that contacts Audit Scotland about an issue.

Policy aims

5. The aim of this policy is to:
 - Make it clear to everyone, both at initial contact and throughout their dealings with us, what we can or cannot do in relation to their issue. In doing so, we aim to be open and not raise hopes or expectations that we cannot meet.
 - Deal fairly, honestly, consistently and appropriately with all correspondents who contact us, including those whose actions we consider unacceptable. We believe that everyone has the right to be heard, understood and respected. We also consider that Audit Scotland staff have the same rights.
 - Provide a service that is accessible to all. However, we retain the right, to restrict or change access to our service, where the actions of correspondents are considered to be unacceptable.
 - Ensure that other correspondents who contact us and Audit Scotland staff do not suffer any disadvantage from individuals who act in an unacceptable manner.

Defining unacceptable actions

6. People may act out of character in times of trouble or distress. There may have been upsetting or distressing circumstances leading up to them contacting us or coming to our office. We do not view behaviour as unacceptable just because a correspondent is forceful or determined. In fact, we recognise that being persistent can be a positive advantage when pursuing any issue. However, the actions of correspondents 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 policy.
7. Audit Scotland has grouped these actions under three broad headings:
 - Aggressive or abusive behaviour
 - Unreasonable demands
 - Unreasonable persistence

Aggressive or abusive behaviour

8. 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.
9. 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.
10. We expect everyone to treat our staff courteously and with respect. Violence or abuse towards staff is unacceptable. Audit Scotland staff understand the difference between aggression and anger. We understand that the anger felt by correspondents is in relation to the subject matter of their issue. However, it is not acceptable when anger escalates into aggression directed towards Audit Scotland staff.

Unreasonable demands

11. Correspondents 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.
12. 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 issue, and
 - raising unrelated issues.

13. We consider these demands as unacceptable and unreasonable if they start to impact substantially on our work, such as taking up an excessive amount of staff time to the disadvantage of other correspondents or functions.

Unreasonable persistence

14. We recognise that some correspondents 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. They may persist in disagreeing with the action or decision taken in relation to their issue or contact the office persistently.
15. Examples of actions grouped under this heading include:
 - persistent refusal to accept a decision made in relation to an issue or complaint about a public body they have brought to our attention,
 - persistent refusal to accept explanations relating to what we can or cannot do, and
 - continuing to pursue an issue without presenting any new information.
16. 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 may not be.
17. We consider the actions of persistent correspondents to be unacceptable when they take up what Audit Scotland regards as being a disproportionate amount of time and resources.

Managing unacceptable actions

18. There are very few correspondents whose actions we consider unacceptable.
19. 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 contact with us in order to manage the unacceptable action. We aim to do this in a way, wherever possible, that allows an issue to progress to completion through our process. We may restrict contact in person, by telephone, letter or electronically or by any combination of these, however, we will always try to maintain at least one form of contact. In extreme situations, we may tell the correspondent in writing that they must restrict contact with our office to either a single source of communication or through a third party.
20. 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 correspondent. Incidents may be reported to the police. This will always be the case if physical violence is used or threatened.
21. We do not deal with correspondence that is abusive to staff or contains allegations that lack substantive evidence. When this happens we tell them 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.

22. 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 advise 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 they take this course of action.
23. Where a correspondent repeatedly telephones, visits the office, sends irrelevant documents or repeatedly raises the same issues, we may decide to:
 - Only take telephone calls from them 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 them in the future.
 - Require them to make an appointment to see a named member of staff before visiting the office
 - Require that they contact the office in writing only.
 - Return the documents to them or, in extreme cases, advise them that we will destroy further irrelevant documents.
 - Take other action that we consider appropriate. We will, however, always tell them what action we are taking and why.
24. Where a correspondent continues to contact us on a wide range of issues, and we consider this action as excessive, they will be told that only a certain number of issues will be considered in a given period and asked to limit or focus their requests accordingly.
25. Actions by correspondents may be considered unreasonably persistent if all internal review mechanisms have been exhausted and the correspondent continues to dispute Audit Scotland's decision relating to their issue. The correspondent will be advised that no future telephone calls will be accepted or interviews granted concerning the issue. Any future contact by the correspondent 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.

Deciding to restrict contact

26. Audit Scotland staff that 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.
27. With the exception of such immediate decisions taken at the time of an incident, decisions to restrict contact with Audit Scotland are taken only after careful consideration of the situation by the Chief Operating Officer. Wherever possible, we give a correspondent the opportunity to modify their behaviour or action before a decision is taken. Correspondents are advised 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.

Appealing a decision to restrict contact

28. A correspondent can appeal a decision to restrict contact. A member of the Audit Scotland Board, 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 if a different course of action was agreed.

Recording and reviewing a decision to restrict contact

29. We record all incidents of unacceptable actions by correspondents. Where we decide to restrict someone's contact, we note this on the relevant file, appropriate computer records and in the unacceptable actions register.
30. A decision to restrict someone's contact may be reconsidered if the correspondent demonstrates a more acceptable approach. The Chief Operating Officer reviews the status of all correspondents with restricted contact arrangements on a regular basis.

Policy availability and review

31. Copies of this policy are available from Audit Scotland's offices and website. Audit Scotland will review this policy on a regular basis to ensure that the aims of the policy are being achieved.