

Unacceptable actions policy

Author:	Corporate Governance Manager
Version:	05
Date:	July 2016 next review October 2018

Introduction

1. This policy sets out the Auditor General, the Accounts Commission and Audit Scotland's approach to actions or behaviour we consider unacceptable. It 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. This includes objections to accounts, whistleblowing disclosures and people who are using our complaints procedure to complain about us.
2. There are very few correspondents whose actions we consider unacceptable.
3. We use the term 'correspondent' in this policy to describe any individual, organisation or elected representative who contacts us about an issue.

Policy aims

4. This policy aims to do the following:
 - Make it clear to everyone we deal with what we consider unacceptable behaviour towards our employees.
 - 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. Our employees 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 if we consider someone's actions to be unacceptable.
 - Ensure that other correspondents who contact us and our employees are not disadvantaged by individuals who act in an unacceptable manner.

How we define unacceptable actions

5. 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

our employees. It is these actions that we consider unacceptable and aim to manage under this policy.

6. We have grouped these actions under three broad headings:
 - Aggressive or abusive behaviour.
 - Unreasonable demands.
 - Unreasonable persistence.

Aggressive or abusive behaviour

7. Violence is not restricted to acts of aggression that may result in physical harm. It includes behaviour or language (whether oral or written) that may cause our employees to feel afraid, threatened or abused.
8. 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.
9. We expect everyone to treat our employees courteously and with respect. Violence or abuse towards our employees is unacceptable. They understand the difference between aggression and anger. We understand that the anger felt by correspondents is about the issue of concern they are raising with us. However it is not acceptable when anger escalates into aggression directed towards our employees.

Unreasonable demands

10. Correspondents may make what we consider unreasonable demands through the amount of information they are asking for, the nature and scale of service they expect or the number of approaches they make. Demands that we consider to be unreasonable will always depend on the circumstances surrounding the behaviour and the seriousness of the issues raised.
11. Examples of actions grouped under this heading include:
 - demanding responses within an unreasonable timescale
 - insisting on seeing or speaking to a particular employee
 - continual telephone calls or letters
 - repeatedly changing the substance of the issue
 - raising unrelated issues.
12. We consider demands as unacceptable and unreasonable if they start to impact substantially on our work, for example by taking up an excessive amount of our employees' time so they are not able to deal properly with other correspondents or do other work.

Unreasonable persistence

13. Sometimes correspondents will not, or cannot, accept that we are unable to help them further or provide a level of service other than that we have provided already. They may persist in disagreeing with the action or decision we have taken about their issue or continually contact our office.
14. Examples of actions grouped under this heading include:
 - persistently refusing to accept a decision we have made about an issue or complaint about a public body they have brought to our attention
 - persistently refusing to accept our explanation about what we can or cannot do
 - continuing to pursue an issue without presenting any new information.
15. The way in which these correspondents contact us may be entirely reasonable, but it is their persistent behaviour in continuing to do so that may not be.
16. We consider the actions of persistent correspondents to be unacceptable when they take up what we consider a disproportionate amount of time and resources.

Managing unacceptable actions

17. There are very few correspondents whose actions we consider unacceptable.
18. The way 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 to manage the unacceptable actions. We aim to do this in a way, wherever possible, that allows us to complete our work in line with our policy and procedures on dealing with issues of concern. 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, for example by writing, or through a third party.
19. The threat or use of physical violence, verbal abuse or harassment towards our employees is likely to result in us ending all direct contact with the correspondent. We may report incidents to the police. This will always be the case if correspondents use physical violence or threaten our employees.
20. We do not deal with correspondence that is abusive to employees or contains allegations that lack substantive evidence. When this happens we tell correspondents:
 - 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
 - to provide substantive evidence of the allegations before we will take action.
21. Our employees will end telephone calls if they consider a caller is aggressive, abusive or offensive. The employee taking the call has the right to make this decision, advise the

caller that the behaviour is unacceptable and end the call if the behaviour does not stop. Our employees will then inform their line manager immediately that they have taken this course of action so we can decide what to do next.

22. If a correspondent repeatedly telephones, visits our office, sends irrelevant documents or raises the same issues, we may decide to take one of the following actions:
 - Only take telephone calls from them at set times on set days, or put an arrangement in place for only one employee to deal with calls or correspondence from them in the future.
 - Require them to make an appointment to see a named employee before visiting our office.
 - Require that they only write to us, not visit our offices or call us.
 - 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 always tell them what action we are taking and why.
23. If correspondents continue to contact us on a wide range of issues, and we consider this action as excessive, we will:
 - tell them we will only consider a certain number of issues in a set period of time
 - ask them to limit or focus their requests accordingly.
24. We consider the actions of some correspondents as unreasonably persistent if we have been through the process we have outlined in paragraph 22 and the correspondent continues to dispute our decision. In these cases, we will tell correspondents that we will not accept any more telephone calls or meet with them. The only way correspondents will be able to contact us in the future is in writing. We will read and file their correspondence, and only acknowledge or respond to it if they provide significant new information about the issue.

Deciding to restrict contact

25. Employees 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.
26. With the exception of such immediate decisions taken at the time of an incident, we only decide to restrict contact with a correspondent after our Chief Operating Officer has carefully considered the situation. Wherever possible, we give a correspondent the opportunity to modify their behaviour or action before we decide what to do. We tell correspondents in writing:
 - why we have decided to restrict future contact
 - the restricted contact arrangements
 - the length of time that these restrictions will be in place, if relevant.

Appealing a decision to restrict contact

27. A correspondent can appeal our decision to restrict contact. A member of the Audit Scotland Board, who was not involved in the original decision, will consider the appeal. The board member will advise the correspondent in writing that either the restricted contact arrangements still apply or we agree to take a different course of action.

Recording and reviewing a decision to restrict contact

28. We record all incidents of unacceptable actions by correspondents. If we decide to restrict someone's contact, we note this on the relevant file, appropriate computer records and in our unacceptable actions register.
29. We may reconsider our decision to restrict someone's contact with us if the correspondent demonstrates a more acceptable approach. Our Chief Operating Officer regularly reviews the status of all correspondents with restricted contact arrangements.

Policy availability and review

30. Copies of this policy are available from our offices and website. We will review this policy regularly to ensure that we are achieving its aims.