



**TRANSPORT
SCOTLAND**
CÒMHDHAIL ALBA

TRANSPORT SCOTLAND
Unacceptable Actions Policy

May 2016



The Unacceptable Actions Policy

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The Unacceptable Actions Policy

Introduction

The circumstances leading to a complaint may result in the customer acting in an unacceptable way. Customers who have a history of challenging or inappropriate behaviour, or have difficulty expressing themselves, may still have a legitimate grievance.

A customer's reasons for complaining may contribute to the way in which they present their complaint. Regardless of this, we must treat all complaints seriously and properly assess them. However, we also recognise that the actions of customers who are angry, demanding or persistent may result in unreasonable demands on time and resources or unacceptable behaviour towards our staff. We will, therefore, apply our policies and procedures to protect staff from unacceptable behaviour such as unreasonable persistence, threats or offensive behaviour from customers.

Where we decide to restrict access to a customer under the terms of an unacceptable actions policy, we have a procedure in place to communicate that decision, notify the customer of a right of appeal, and review any decision to restrict contact with us. This will allow the customer to demonstrate a more reasonable approach later.

This policy sets out Transport Scotland's approach to the relatively few complainants whose actions or behaviour the agency considers unacceptable. The term complainant includes anyone acting on behalf of a complainant or who contacts the agency in connection with a complaint.

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Policy Aims

- To make it clear to all complainants, both at initial contact and throughout their dealings with our office, what Transport Scotland can or cannot do in relation to their complaint. 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 complainants, including those whose actions we consider unacceptable. We believe that all complainants have the right to be heard, understood and respected. We also consider that Transport Scotland staff have the same rights.
- To provide a service that is accessible to all complainants. However, we retain the right, where we consider complainant actions to be unacceptable, to restrict or change access to our service.
- To ensure that other complainants and Transport Scotland staff do not suffer any disadvantage from complainants who act in an unacceptable manner.

Defining unacceptable actions by complainants

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 just because a complainant is forceful or determined. In fact, we accept that being persistent can be a positive advantage when pursuing a complaint. However, the actions of complainants who are angry, demanding or persistent may result in unreasonable demands on our office or unacceptable behaviour towards Transport Scotland staff. It is these actions that we consider unacceptable and aim to manage under this policy. Transport Scotland 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 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. We 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. Transport Scotland staff understand the difference between aggression and anger. The anger felt by many complainants involves the subject matter of their complaint. However, it is not acceptable when anger escalates into aggression directed towards Transport Scotland staff.

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Unreasonable demands

- Complainants 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 by the complainant.
- 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 phone calls or letters, repeatedly changing the substance of the complaint or raising unrelated concerns.
- We would 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 complainants or functions.

Unreasonable repeated complaints

- We recognise that some complainants will not or cannot accept that Transport Scotland is unable to assist them further or provide a level of service other than that provided already. Complainants may repeatedly disagree with the action or decision taken in relation to their complaint or contact the office persistently about the same issue.
- Examples of actions grouped under this heading include repeated refusal to accept a decision made in relation to a complaint, repeated refusal to accept explanations relating to what this office can or cannot do and continuing to pursue a complaint without presenting any new information. The way in which these complainants approach our office may be entirely reasonable, but it is their behaviour in continuing to do so that is not.
- We would consider the actions of repeated complainants to be unacceptable when they take up what the Transport Scotland regards as being a disproportionate amount of time and resources.

Managing unacceptable actions by complainants

There are relatively few complainants 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 complainant contact with our office in order to manage the unacceptable action. We aim to do this in a way, wherever possible, that allows a complaint to progress to completion through our complaints process. We may restrict contact in person, by telephone, fax, letter or electronically or by any combination of these. We would try to maintain at least one form of contact. In extreme situations, we would tell the complainant 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.

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The threat or use of physical violence, verbal abuse or harassment towards Transport Scotland staff is likely to result in the ending 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 do not deal with correspondence (letter, fax or electronic) that is abusive to staff or contains allegations that lack substantive evidence. When this happens we tell the complainant 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.

Transport 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, tell the caller that the behaviour is unacceptable and end the call if the behaviour does not stop.

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

- only take telephone calls from the complainant 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 the complainant in the future.
- require the complainant to make an appointment to see a named member of staff before visiting the office or that the complainant contacts 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 that we consider appropriate. We will, however, always tell the complainant what action we are taking and why.

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

Complainant action may be considered unreasonable if all internal review mechanisms have been exhausted, the complainant continues to dispute the Transport Scotland decision relating to their complaint, and the complainant has been directed to external assistance with their complaint. The complainant is told that no future phone calls will be accepted or interviews granted concerning this complaint. Any future contact by the complainant on this issue must be in writing. Future correspondence is read and filed, but only acknowledged or responded to if the complainant provides significant new information relating to the complaint.

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Deciding to restrict complainant contact

Transport Scotland staff who directly experience aggressive or abusive behaviour from a complainant 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 Transport Scotland are only taken after careful consideration of the situation by a more senior member of staff, and will in all occasions involve the relevant Transport Scotland Director. Wherever possible, we give a complainant the opportunity to modify their behaviour or action before a decision is taken. Complainants 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.

Appealing a decision to restrict contact

A complainant 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 complainant in writing that either the restricted contact arrangements still apply or a different course of action has been agreed.

Recording and reviewing a decision to restrict contact

We record all incidents of unacceptable actions by complainants. Where it is decided to restrict complainant contact, an entry noting this is made in the relevant file and on appropriate computer records. A decision to restrict complainant contact may be reconsidered if the complainant demonstrates a more acceptable approach. The Transport Scotland Management Board will review the status of all complainants with restricted contact arrangements on a regular basis.

Policy availability and review

Copies of this policy are available on request and free of charge from Transport Scotland. Transport Scotland reviews this policy on a regular basis to make sure that the aims of the policy are being achieved.

Copies of this document are available, on request, in audio and large print formats and in community languages (Urdu; Bengali; Gaelic; Hindi; Punjabi; Cantonese; Arabic; Polish).

اس دستاویز کی مزید کاپیاں آڈیو کیسیٹ پر اور بڑے حروف کی چھپائی میں اور کیوئی کی
زبانوں میں طلب کیے جانے پر دستیاب ہیں، برائے مہربانی اس پتہ پر رابطہ کریں:

এই ডকুমেন্ট-এর (দলিত) অতিরিক্ত কপি, অডিও এবং বড়ো ছাপার অক্ষর আকারে এবং
সম্প্রদায়িক লোক ভাষায় অনুরোধের মাধ্যমে পাওয়া যাবে, অনুগ্রহ করে যোগাযোগ করুন:

Gheibhear lethbhreacan a bharrachd ann an cruth
ris an èistear, ann an clò mòr agus ann an cànan
coimhearsnachd. Cuir fios gu:

इस दस्तावेज़/कागज़ात की और प्रतियाँ, माँगे जाने पर, ऑडियो
टैप पर और बड़े अक्षरों में तथा कम्युनिटी भाषाओं में मिल
सकती हैं, कृपया संपर्क करें:

ਇਸ ਦਸਤਾਵੇਜ਼/ਕਾਗਜ਼ਾਤ ਦੀਆਂ ਹੋਰ ਕਾਪੀਆਂ, ਮੰਗੇ ਜਾਣ 'ਤੇ,
ਔਡੀਓ ਟੇਪ ਉੱਪਰ ਅਤੇ ਵੱਡੇ ਅੱਖਰਾਂ ਵਿਚ ਅਤੇ ਕੰਮਿਊਨਿਟੀ
ਭਾਸ਼ਾਵਾਂ ਦੇ ਵਿਚ ਮਿਲ ਸਕਦੀਆਂ ਹਨ, ਕ੍ਰਿਪਾ ਕਰਕੇ ਸੰਪਰਕ ਕਰੋ:

此文件有更多備份，如果需要，語音版本和大字體版
本及少數種族語言版本也可提供，請聯絡:

يمكن أن تطلب النسخ الأخرى من هذا المستند كالتسجيل الصوتي والخط المكبر
ونسخ بلغات أخرى، يرجى الإتصال على:

Aby otrzymać niniejszy dokument w innej wersji językowej, na kasecie
lub w wersji z powiększonym drukiem, prosimy o kontakt:

Transport Scotland, Buchanan House,
58 Port Dundas Road, Glasgow, G4 0HF
0141 272 7100

info@transport.gov.scot

www.transport.gov.scot

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Published by Transport Scotland, May 2016

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