



The Scottish Parliament
Pàrlamaid na h-Alba

Scottish Parliamentary Corporate Body Unacceptable Actions Policy

1. Introduction

1.1 In line with the Scottish Parliament's founding principles of openness and accessibility, we are committed to encouraging people to get involved in the work of their Parliament.

1.2 We believe that all members of the public have the right to be heard, understood and respected. We believe that our staff have the same rights.

1.3 Very occasionally, the behaviour or actions of people make it difficult for us to continue to engage with them. In such circumstances, we will consider the impact of this behaviour on our staff and on our ability to do our work and provide a service to others. Our paramount consideration is the welfare of our staff and we will take action to protect them.

1.4 This policy explains how we will approach these situations.

2. Purpose of the policy

2.1 To outline what we consider to be unreasonable and unacceptable behaviour or actions on the part of service users

2.2 To explain what actions we will take in such cases

3. What behaviour or actions does the Scottish Parliamentary Corporate Body (SPCB) consider to be unacceptable?

3.1 We categorise unacceptable behaviour and actions under three broad headings:

- **Aggressive or abusive behaviour** – for example, invasion of personal space, swearing, threats or derogatory remarks

- **Unreasonable demands** – requests that would impact adversely on our ability to provide a service for others
- **Unreasonable persistence** – repeated requests on the same or a similar issue that disrupt our ability to provide a service to others or persistent refusal to comply with reasonable requests made by staff.

3.2 Aggressive or abusive behaviour

3.2.1 We understand that people may be passionate about the issues they want to discuss with us and may sometimes feel frustrated or angry. If those feelings escalate into aggression towards Scottish Parliament staff, we consider that to be unacceptable. Violence or abuse towards staff will not be tolerated.

3.2.2 Aggressive behaviour is not restricted to acts that cause or threaten physical harm. It also includes behaviour or language (whether verbal or written) that may cause staff to feel afraid, threatened or abused. Examples of such behaviour include swearing, threats, confrontational body language, personal verbal abuse and use of language that is intended to insult or degrade. This includes the making of derogatory remarks about staff through social media channels.

3.2.3 It is the overall context of the behaviour that is important and we will judge each situation individually.

3.3 Unreasonable demands

3.3.1 A demand may be unreasonable because of the nature or scale of the service expected. We will consider such demands unacceptable when they begin to – or when complying with them would – impact adversely on the work of the organisation. Examples of this would be where dealing with such demands take up an excessive amount of staff time, or other resources, or where they detract from the service we can offer to others.

3.3.2 What constitutes an unreasonable demand will depend on the circumstances, but would include:

- repeatedly demanding responses within an unreasonable timescale
- insisting on seeing or speaking to a particular member of staff
- refusing to accept that Parliament staff cannot provide a particular service or action on an issue, or that they cannot do so in the way requested.

3.4 Unreasonable persistence

3.4.1 Sometimes the volume, frequency or length of contact by an individual to the Scottish Parliament causes problems. The way in which individuals approach us may be reasonable but it is their persistent behaviour in continuing to do so that is not. Examples of such behaviour include:

- making repeated or long telephone calls
- repeatedly sending written correspondence or online messages in the same or similar terms
- contacting different parts of the organisation about the same or a similar issue
- persistently refusing to accept a decision made in relation to a request, complaint or issue
- persistently refusing to accept our explanations relating to what we can or cannot do

3.4.2 We consider that the level of contact has become unacceptable when talking to an individual in person or on the telephone, or replying to any form of written or recorded correspondence, adds little or nothing to our original response. Contact which takes up a disproportionate amount of time or resources and so potentially disadvantages others is also considered unacceptable. The Scottish Parliament has the right to determine whether the individual's persistence has reached the point of disrupting our ability to undertake our work or is amounting to harassment or unreasonable treatment of our staff.

4. Managing unacceptable actions

4.1 We will not tolerate any threat or use of physical violence, verbal abuse or harassment directed at our staff. We may report such actions to the police and will always do so if physical violence is used or threatened.

4.2 We will not respond to correspondence (in any format) that is abusive towards staff or which contains offensive statements.

4.3 Scottish Parliament staff will describe to the individual concerned the behaviour they consider to be unacceptable. They will also explain the impact the behaviour is having on them and on their ability to carry out their work, as well as any impact on other people. Staff will indicate how the behaviour should be changed and confirm what will happen if the behaviour persists. Ultimately, this may involve limiting or ending contact with the individual.

4.4 We will try to ensure that any action we take is the minimum required to solve the problem, taking into account relevant personal circumstances, including the needs of the individual.

4.5 Our actions in line with this policy will not affect our external statutory obligations including for example (but not restricted to) our requirement to respond to requests for information made under the Freedom of Information (Scotland) Act 2002 and the requirements of the General Data Protection Regulation 2018 and the Data Protection Act 2018.

5. Actions we may take

5.1 If a person repeatedly phones, visits, writes or sends a large number of unsolicited documents or messages, we may decide to:

- limit contact to telephone calls at set times on set days
- restrict contact to a nominated member of staff who will deal with future calls or correspondence
- see the person by appointment only
- restrict contact to writing only
- take any other action that we consider appropriate.

5.2 In exceptional cases, we reserve the right to refuse to take calls, deal with correspondence from an individual or admit an individual into the building.

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

6. The process we follow in making decisions about unreasonable behaviour

6.1 Any member of Scottish Parliament staff who directly experiences aggressive or abusive behaviour has the authority to deal immediately with that behaviour in a manner they consider appropriate to the situation and in line with this policy.

6.2 With the exception of such immediate decisions taken at the time of an incident, decisions to restrict contact are taken only after careful consideration of the situation by a senior member of staff. Wherever possible, we will give an individual the opportunity to change their behaviour or action before a decision is taken.

7. How we communicate a decision

7.1 When a member of staff makes an immediate decision in response to offensive, aggressive or abusive behaviour, the person is advised at the time of the incident.

7.2 After incidents of unreasonable actions, if a decision on whether to impose a period of restriction on contact with an individual is required, this should be escalated to a member of senior management. When a decision has been made by senior management, the individual will be contacted in writing, or in another recorded format (where possible). This communication will state 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, where possible, that the individual has a record of the decision.

7.3 Where we do not have a means of contacting the individual in writing or in another recorded format, staff will record the decision in the same degree of detail. This is to ensure the decision is documented and can be made available to the individual concerned if they make further contact or provide a correspondence address.

8. The process for appealing a decision to restrict contact

8.1 It is important that such decisions are subject to a clear appeals process. An individual will be able to appeal in writing, or other recorded format, against a decision to restrict contact. If they do this, we will consider only arguments that relate to the restriction and not to the subject-matter of their contact with us.

8.2 Grounds for appeal could include, for example, where an individual believes that:

- their actions were wrongly identified as unacceptable
- the restrictions imposed were disproportionate
- the restrictions will adversely impact on the individual because of personal circumstances.

8.3 A senior member of staff who was not involved in the original decision will consider the appeal. They have discretion to remove or vary the restriction as they think appropriate. They will make their decision based on the evidence available to them. They must then advise the individual in writing, or in another recorded format, that either the restricted contact arrangements still apply or that a different course of action has been agreed.

8.4 A decision on an appeal will normally be issued within 10 working days.

8.5 Restrictions will normally be in place for six months and will be reviewed at the end of that period.

8.6 Each case is different. We will explain in the communication setting out the restriction what review process will be in place for that restriction and in what circumstances the person can ask for the restriction to be reconsidered.

8.7 A decision to restrict contact, as described above, may be reconsidered either in response to a request by the individual or on review.

8.8 If, following a review, the person remains dissatisfied with the decision reached, they may approach the Scottish Public Services Ombudsman (SPSO). The SPSO's contact details are:

By post: Freepost SPSO

Telephone: 0800 377 7330 or 0131 225 5300

Online: www.spsso.org.uk/contact-us

9. Recording and monitoring decisions to restrict contact

9.1 We will record all incidents of unacceptable behaviour or unacceptable actions by members of the public.

9.2 Each quarter, a report on all such incidents and restrictions will be provided to the Leadership Group so that they can ensure that the policy is being applied appropriately.

10. Questions about the unacceptable actions policy

10.1 If you have any questions about the unacceptable actions policy, please contact the Public Information and Resources team by emailing info@parliament.scot or calling 0131 348 5000 / 0800 092 7500.

(Updated June 2020)