



Unacceptable Actions Policy

1. Introduction

This policy explains how to approach situations in which members of the CHS Community encounter unacceptable behaviour when carrying out their role. The CHS Community includes Panel Members, members of the Area Support Teams, CHS staff and volunteers.

This policy aims to address unacceptable behaviour of individuals out with the CHS Community. Unacceptable actions most likely to occur during the complaints process or when concerns are expressed; however, it can relate to any situation in which a member of the CHS Community encounters any of the behaviours described in this policy.

This policy also helps protect the integrity of the Children's Hearing System. It is important that the resources allocated to support the hearing system are directed in a way that protect children and the public's confidence in the system.

We believe that an individual's complaint or concern should be heard, understood and respected. We work hard to be open and accessible. Occasionally, the behaviour or actions of an individual makes it very difficult for CHS to deal with their complaints or concern. In a small number of cases, the actions become unacceptable because they involve abuse of members of the CHS Community or our process. Although rare when this happens, we have to take action to protect our staff and CHS's ability to operate effectively. We will always consider the impact of the behaviour on our ability to do our work and provide a service to others.

2. Expectations

When you are engaging with CHS, you can expect us to:

- provide a fair, open, proportionate and accessible service
- listen and understand
- treat everyone who contacts us with respect, empathy and dignity
- conduct ourselves in accordance with our core values

We expect everyone who contacts us to:

- treat everybody with respect, empathy and dignity
- engage with CHS in a way that does not seriously impact on our ability to carry out our work effectively and efficiently for the benefit of everyone who interacts with us.

3. What actions do CHS consider to be unacceptable?

People may act out of character in times of trouble or distress. There may have been upsetting or distressing circumstances leading up to a concern or complaint coming to our organisation. We do not view behaviour as unacceptable just because an individual is forceful or determined. In fact, we accept that being persistent can be a positive advantage when pursuing a complaint.

However, we do consider actions that result in unreasonable demands on our organisation or unreasonable behaviour towards members of the CHS Community to be unacceptable. It is these actions that we aim to manage under this policy.

4. Aggressive or abusive behaviour

We understand that individuals may be angry about the issues they have raised in a complaint. If that anger escalates into aggression towards members of the CHS Community, we consider that unacceptable. Any violence or abuse towards members of the CHS Community will not be accepted. This 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 or volunteers to feel afraid, threatened or abused, and may include threats, personal verbal abuse, derogatory remarks and rudeness. We also consider inflammatory statements and unsubstantiated allegations to be abusive behaviour.

5. Unreasonable demands

A demand becomes unacceptable when it starts to (or when complying with the demand would) impact substantially on the work of the organisation. Examples of actions grouped under this heading include:

- repeatedly demanding responses within unreasonable timescales
- insisting on seeing or speaking to a particular member of the CHS Community 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 time and in so doing disadvantages other individuals and the operation of the organisation.

6. Unreasonable levels of contact

Sometimes the volume and duration of contact made to our organisation 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 an individual 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 an individual 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.

7. Unreasonable use of the complaints process

Individuals with complaints about CHS have the right to pursue their concerns through a range of means. They also have the right to complain more than once about an organisation with which they have a continuing relationship, if subsequent incidents occur.

However, this contact becomes unreasonable when the effect of the repeated complaints is to harass, or to prevent an organisation from pursuing a legitimate aim or implementing a legitimate decision. We consider access to a complaints process to be important and it will only be in exceptional circumstances that we would consider such repeated use is unacceptable –

but we reserve the right to do so in those exceptional cases.

8. Reasonable adjustments

We recognise that individuals may present as unreasonable or their actions unacceptable as a result of a Protected Characteristic as defined in the Equality Act 2010. CHS will make every effort to ensure reasonable adjustments are accommodated when made aware of the protected characteristics and what reasonable adjustments are needed when applying this policy.

CHS is committed to ensuring that all people have an equal opportunity to access our services. We do this actively by considering accessibility when designing the way we provide our service. We try to anticipate individual's requirements and encourage all users to tell us if we need to adjust the way we deliver our service for them. If we decide we need to manage engagement with an individual, we will consider whether they have accessibility needs that we should take into account when doing so.

If you have a disability or additional support need and require a reasonable adjustment, please contact the National Feedback and Complaints Team who will assist you. An example of a reasonable adjustment could be providing information in large font or in audio form to help someone with a visual impairment.

9. Examples of how we manage aggressive or abusive behaviour

The threat or use of physical violence, verbal abuse or harassment towards members of the CHS Community is likely to result in a termination of all direct contact with an individual. 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 (hard copy or electronic) that is abusive or contains allegations that lack substantive evidence. We will tell an individual that we consider their language offensive, unnecessary and unhelpful and ask them to stop using such language. We will state that we will not respond to their correspondence if the action or behaviour continues. Members of the CHS Community will end telephone calls if they consider the caller aggressive, abusive or offensive.

Members of the CHS Community have the right to make this decision, to tell the caller that their behaviour is unacceptable and end the call if the behaviour persists. In extreme situations, we will tell the individual in writing that their name is on a 'no personal contact' list. This means that we will limit contact with them to either written communication or through a third party.

10. Examples of how we deal with other categories of unreasonable behaviour

We have to take action when unreasonable behaviour impairs the functioning of our organisation. We aim to do this in a way that allows a complaint to progress through our process. 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 seriousness of the complaint and the needs of the individual.

11. Actions we may take

Where an individual repeatedly phones, visits the organisation, 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 individual at set times on set days
- restrict contact to a nominated member of the CHS Community who will deal with future calls or correspondence from the individual
- see the individual by appointment only
- restrict contact from the individual to writing only
- restrict access to CHS social media, online forums and related communication channels
- return any documents to the individual or, in extreme cases, advise the individual that further irrelevant documents will be destroyed
- take any other action that we consider appropriate.

Where we consider continued correspondence on a wide range of issues to be excessive, we may tell an individual 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.

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 individual what action we are taking and why.

12. The process we follow to make decisions about unreasonable behaviour

Any member of the CHS Community who directly experiences aggressive or abusive behaviour from an individual has 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 are only taken after careful consideration of the situation. Wherever possible, we will give an individual the opportunity to change their behaviour or action before a decision is taken.

13. How we let people know we have made this decision

When a member of the CHS Community makes an immediate decision in response to aggressive or abusive behaviour, the individual is advised at the time of the incident. When a decision has been made by senior management at CHS, an individual will always be 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. This ensures that the individual has a record of the decision. If you feel this has been unfairly applied, you can appeal the decision. You can also complain to the Scottish Public Services Ombudsman (SPSO) about it.

14. How we record and review a decision to restrict contact

We record all incidents of unacceptable actions by individuals. Where it is decided to restrict contact, an entry noting this is made in the relevant case file and in appropriate records. A decision to restrict contact as described above may be reconsidered if the individual demonstrates a more acceptable approach. A member of the Senior Management Team will review the status of any individuals with restricted contact arrangements on a regular basis.

15. If an individual does not comply with a restriction

If someone does not comply with a restriction, employees have approval to stop contact at the time this happens. For example, if the restriction prohibits any telephone contact, employees can remind that person of the restriction and end the call immediately. This also could apply to an individual posting on social media, online forums and related communication channels.

16. The process for appealing a decision to restrict contact

It is important that a decision can be reconsidered. An individual 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, an individual saying that: their actions were wrongly identified as unacceptable; the restrictions were disproportionate; or that the restrictions will adversely impact the individual because of personal circumstances. A member of the CHS National Team 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 individual in writing that either the restricted contact arrangements still apply or a different course of action has been agreed.

If an individual remains dissatisfied with the decision or the way CHS has applied the Unacceptable Actions Policy, they can complain to the SPSO.

The SPSO are an independent organisation that investigates complaints. They are not an advocacy or support service (but there are other organisations who can help with advocacy or support). The SPSO's contact details are

SPSO

Bridgeside House 99 McDonald Road Edinburgh
EH7 4NS

Their freepost address is

FREEPOST SPSO

Freephone

0800 377 7330

www.spsso.org.uk/contact-us

www.spsso.org.uk

17. Support

Experiencing unacceptable actions and unreasonable behaviour is often stressful. We aim to provide support to anyone from the CHS Community who experiences this.

If you need help at any point, please contact the National Feedback and Complaints Team who will try support you and/or signpost you to the most appropriate support depending on your situation.

Support is also available from your Area Support Team, line manager, and the Human Resources Team at CHS.

Support can be accessed here [Health Assured](https://www.healthassured.co.uk) [HealthAssuredEap.co.uk \(volunteers\)](https://www.healthassured.co.uk) or the [Employee Assistance Programme \(employees\)](#).

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