



Queen Margaret University
EDINBURGH

Complaints Handling Procedure

Unacceptable Behaviour Policy

FOREWORD

Queen Margaret University's Complaints Handling Procedure, under Section 4: Managing Unacceptable Behaviour, states as follows:-

The actions of complainants who are angry, demanding or persistent may result in unreasonable demands on time and resources or unacceptable behaviour towards the University's staff. The University will, therefore, put into place policies and procedures to protect staff from such unacceptable behaviour. These policies and procedures will include the requirement to inform the complainant of any decision to restrict their access, their right of appeal, and any procedures for reviewing such a decision to restrict contact.

The University conforms to the principle that complainants have the right to be heard, understood and respected and the University strives to respond to all complaints in a fair, transparent and proportionate manner. However, occasionally the behaviour or actions of individuals prevents the University from dealing with the complaint under the Complaints Handling Procedure. The University is committed to equality of opportunity of all and expects all members of its community to be treated courteously and with respect. This Policy details the procedure to be followed in the event of unacceptable behaviour being determined, and procedures for reviewing that decision.

1 DEFINING UNACCEPTABLE BEHAVIOUR

It is recognised that people may act out of character at times of trouble, distress or as a symptom of illness. Behaviour that is forceful or determined is not, of itself, considered unacceptable. However, the actions of a person that result in unreasonable behaviour or demands on University staff or services or aggressive behaviour will be considered unacceptable. Examples of this are as follows:-

1. **Unreasonable demands:** a demand becomes unreasonable when it starts to (or complying with that demand would) impact substantially on the work of the staff or on University services. This could relate to the amount of information sought or the nature and scale of the service expected. All circumstances should be taken into account. Examples could be repeatedly changing the substance of a request or raising unrelated concerns.
2. **Unreasonable levels of contact:** if the level of contact from an individual exceeds what would be considered normal or reasonable, for example, numerous phone calls over a short space of time or being inundated with further information, then the contact may be considered unacceptable, particularly when this contact impacts on the complaint handler's ability to undertake other work tasks.
3. **Unreasonable use of the complaints process:** when an individual submits multiple complaints which have the objective of preventing the University pursuing a legitimate aim or implementing a legitimate decision.
4. **Aggressive or abusive behaviour:** behaviour or language, whether spoken or written, that may cause staff or students to feel afraid, threatened or abused will not be accepted. This can include threats, physical violence, inappropriate gestures, indecent comments, personal verbal abuse, discriminatory or derogatory remarks, rudeness, inflammatory statement or unsubstantiated allegations.

2 MANAGING UNACCEPTABLE BEHAVIOUR

If an individual's behaviour adversely affects the ability of a member of staff to do their work or provide a service to others, that member of staff will be entitled to restrict the contact that individual has with the University. If that individual is a member of staff or a student then the relevant discipline procedures may need to be considered. In serious cases, there may be a termination of all direct (face-to-face, voice or email) contact with the individual and incidents may be reported to the police.

The following actions may be used in situations where an individual shows unreasonable persistence:-

- Limit contact to telephone calls from the complainant at set times on set days;
 - Restrict contact to a nominated member of staff;
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- See the complainant by appointment only;
 - Restrict contact to written correspondence only, this may be through a third party;
 - Return all correspondence and documents and in extreme cases, advise that further correspondence will be destroyed; or
 - Take other actions as appropriate, for example, restricting the complainant's University email address or blocking emails from a specific address.

The threat or use of physical violence, verbal abuse or harassment towards staff will not be tolerated and is likely to result in the termination of all contact with the complainant. If the complainant is a member of staff or student, the relevant discipline procedures will be considered.

Staff have the right to politely end telephone calls or meetings if an individual is considered aggressive, abusive or offensive.

3 PROCEDURE FOR MANAGING UNACCEPTABLE BEHAVIOUR

Before determining whether to use one of the actions listed above, the member of staff should consider whether:-

- The relevant complaints/appeals/freedom of information or subject access request procedure has been correctly and fully implemented in relation to that individual's request;
- Due warning has been given to the complainant that continued contact may be deemed unacceptable;
- Any reasonable adjustments have been made for that individual; and
- There has been due regard to any of the protected characteristics in relation to the individual.

Staff should, where possible, try to diffuse the situation by calmly informing the individual that their behaviour is unacceptable and must stop. Staff can ask their line manager to assist with this as appropriate. Should this approach not work, the member of staff should approach their line manager who will determine whether the actions of that person affects one member of staff or the whole team and then take the appropriate action to limit contact. When staff across the University are affected, the University Secretary should be consulted.

Decisions to restrict contact can only be made after the individual has been given an opportunity to modify their behaviour. The decision should be communicated in writing, with clear contact arrangements specified and the length of time the restriction will be in place.

4 APPEAL, RECORD AND REVIEW

The individual concerned should be given the opportunity to appeal the decision to restrict contact. The appeal should be referred to the University Secretary who may nominate another senior member of staff to determine on whether the restriction was made appropriately. The procedure

undertaken, the proportionality of the decision and the reasoning for the decision to restrict contact may all be reviewed. The appeal will be considered on the balance of probabilities. The decision of the University Secretary, or of their properly appointed delegate, is final.

Any decision to restrict contact with an individual should be thoroughly recorded, with clear and transparent reasons, and an appropriate entry should be made in the individual's file.

The decision to restrict contact may be reconsidered should the individual display reasonable behaviour. A review procedure, at set intervals, should be included in the correspondence which communicates the decision to restrict contact.
