

# Unacceptable Actions Policy

## February 2023



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## 1. Introduction

This policy sets out the Police Investigations and Review Commissioner's (PIRC) approach to the relatively few people whose actions or behaviour we consider unacceptable.

The approach applies to individuals, organisations and others acting on behalf of organisations who have contact with us. This includes, but is not restricted to, individuals, those making general enquiries, third parties acting on behalf of others, those making complaints and members of the public. For ease of reference, throughout this document we refer to 'individuals' but the approach applies equally to our dealings with others.

## 2. Policy Aims

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

## 3. Defining Unacceptable Actions

Unacceptable actions are those which, because of their nature and/or frequency, raise health, safety, resource or equality issues for the individuals involved.

The PIRC recognises that people may act out of character in times of adversity or distress. There may have been upsetting or distressing circumstances leading up to dealing with staff from our office and we do not view behaviour as unacceptable just because an individual is forceful or determined in their point of view.

However, actions which result in unreasonable demands on our office or unacceptable behaviour towards the PIRC staff are normally unacceptable. It is these actions that we aim to manage under this Policy.

The PIRC has grouped unacceptable actions under five broad headings:

### Unacceptable Behaviours

We expect our staff to be treated courteously and with respect at all times. Behaviour which may cause staff to feel distressed, threatened or abused is unacceptable. PIRC staff understand the difference between aggression and anger. The anger felt by many individuals involves the subject matter of their complaint or issue. However, it is not acceptable when anger escalates into unacceptable behaviour towards the PIRC staff.

There are a range of behaviours which we consider unacceptable and which, if they occur, will be proactively and robustly managed by our staff.

Examples include: -

- derogatory remarks,
- rudeness,
- swearing,
- verbal hostility or abuse,
- inflammatory statements,
- unsubstantiated allegations,
- recording interactions without prior consent,
- manipulative or “blackmailing” statements,
- making threats to self, others or property,
- attempts to discuss staff members’ personal lives or contact them out of hours,
- harassing or “stalking” behaviours, including through social media,
- threatening to attend PIRC premises or refusing to leave the premises when asked,
- any threats of or forms of physical violence.

### **Unacceptable Demands**

We consider demands to be unacceptable if they impact substantially on the work of the office to the detriment of other individuals or functions. Such demands may relate to the amount of information individuals seek or the nature and scale of service they expect. In assessing whether an individual’s demands are unacceptable we will always consider the context and gravity of the issues raised. Examples include:-

- demands about how a complaint should be handled,
- demands that we respond to trivial or irrelevant aspects of a complaint,
- demands that we deal with issues that are not within our remit,
- demanding responses within an unreasonable time-scale,
- demands to see or speak to a particular member of staff,
- demands that issues already addressed are looked at again,
- demands that we disclose information that we are not permitted to disclose,
- demands for unattainable or unrealistic outcomes,
- demanding a review of our decision.

### **Unreasonable Persistence**

Whilst we accept that being persistent may be an appropriate and positive approach by individuals in certain circumstances, there are situations where the volume and/or duration of contact made to our office by an individual causes problems. This can occur over a short period, for example, a number of phone calls a day, or it can occur over the life-span of a review, complaint or investigation, for example when an individual repeatedly makes long telephone calls or inundates us with unnecessary or irrelevant information.

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 issue, or with other individuals. For example, in situations where an individual makes repeated enquiries or places repeated demands on us in relation to matters which have already been addressed by us.

Examples include:-

- unduly frequent or excessively long phone calls or letters,
- repeatedly changing the substance of an issue or raising unrelated concerns,
- attempts to contact different people in our organisation in the hope of a different outcome,
- refusing to accept a final outcome,
- cc'ing the PIRC into communications with multiple other agencies expecting a response from us,
- repeatedly raising minor or technical procedural issues and arguing that these call into question the merits of our decision,
- repeatedly questioning the competency or integrity of the PIRC or its staff.

### **Unreasonable Lack of Cooperation**

Individuals with complaints about the PIRC or a policing body 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.

Along with these rights comes the responsibility for individuals to cooperate in the complaint, review or investigation process to allow the PIRC to carry out its duties as effectively and efficiently as possible. An individual's lack of cooperation becomes unacceptable when it prevents the PIRC from pursuing a legitimate aim or implementing a legitimate decision.

Examples include: -

- repeatedly failing to clearly define an issue or complaint,
- failing to reply to repeated requests for information,
- providing excessive disorganised or irrelevant information,
- withholding information that is material to the process,
- giving misinformation or acting dishonestly.

### **Unacceptable Arguments**

The PIRC can only review or investigate legitimate issues or complaints for which there is a practical purpose in pursuing. In order to ensure it is focussing on the correct types of issue, the PIRC expects that individuals provide a reasonable argument and evidence for their issue or complaint. An individual's argument may be deemed unreasonable if it is clearly groundless or if it is based upon a misunderstanding or misinterpretation of the law or the statutory remit of the PIRC.

Example include: -

- insisting on the importance of an issue that is clearly trivial,
- making spurious or groundless allegations on the basis of little or no supporting evidence,
- raising bizarre or incomprehensible issues or complaints,
- insisting that an erroneous interpretation of the facts or of the law is correct,
- repeatedly refusing to accept personal responsibility or blaming others for their misfortune,
- groundlessly alleging corruption or conspiracy on the part of the PIRC or other agencies.

#### 4. Managing Unacceptable Actions

The most effective way to manage any unacceptable action is to prevent it occurring in the first place. We aim to do this by providing individuals with a clear understanding of how the PIRC will deal with their issue and what expectations individuals can have of that process. Similarly, we set out in clear terms what expectations we have of an individual in their dealings with our organisation. This information is made available to individuals when their initial communication is acknowledged by the PIRC. Any areas of uncertainty should be clarified at the outset.

There are very few individuals whose actions we consider unacceptable. How we 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 will restrict or terminate contact, or implement alternative service arrangements, to manage the impact of the unacceptable action.

Whenever possible we aim to do this in a way that allows a review or complaint to progress to completion through our processes. We will, however, always tell the individual what action we are taking and why.

We may restrict contact in person, by telephone, fax, letter, electronically or by any combination of these. We will write to the individual when they are put on our Unacceptable Actions List, however we may in some cases have to restrict contact with immediate effect. Once we have decided to restrict contact, the individual may only communicate with our office using the means specified by us and we will not deal with them by any other method.

Unacceptable behaviours such as threatened or actual physical violence, verbal abuse or harassment towards the PIRC staff are likely to result in the termination of all direct contact with the individual. Threats or other actions which may be deemed criminal will also be reported to the police.

We do not deal with written correspondence that is abusive to staff. When this first happens we tell the individual 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 any future correspondence if they do not stop. We may require future contact to be through a third party.

The PIRC staff may end telephone calls if the caller is considered aggressive, abusive or in any other way inappropriate. The staff member taking the call has the right to make this decision, will tell the caller that the behaviour is unacceptable or that they are placing unreasonable demands on the PIRC resources and will end the call.

Where an individual is already being managed under this policy and telephone contact has been prohibited, our staff will terminate any call and remind the individual why. Staff are entitled to decline to answer any further calls from that individual.

In the cases of unacceptable demands or persistence such as repeated phone calls, visits to the office, sending irrelevant documents or raising issues which have already been addressed by us we may decide to:

- only take telephone calls from the individual 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 individual in the future.
- require that the individual contacts the office in writing only.
- return the documents to the individual or, in extreme cases, advise the individual that further irrelevant documents will be destroyed.
- take other action that we consider appropriate.

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

Where an individual continues to dispute the PIRC decision relating to their issue, the individual may be told that no future phone calls will be accepted or correspondence replied to regarding this issue. In such cases any future correspondence will be read and filed, but only acknowledged or responded to if we consider that it raises new and material issues.

## **5. Deciding to Restrict Contact**

Any PIRC staff who directly experience unacceptable behaviour from an individual 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 the PIRC are only taken after careful consideration of the situation by a senior team member, a PIRC Head of Department or Director of Operations. Wherever possible, we give an individual the opportunity to modify their behaviour or action before a decision is taken.

Individuals 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.

## **6. Appealing a Decision to Restrict Contact**

An individual can appeal a decision to restrict contact. A senior member of staff who was not previously involved considers the appeal. They advise the individual in writing whether the restricted contact arrangements still apply or a different course of action has been agreed.

## 7. Recording and Reviewing a Decision to Restrict Contact

We record all incidents of unacceptable actions by individuals. Where it is decided to restrict an individual's contact, an entry noting this is made in the relevant file and on appropriate computer records. In addition, a copy of related correspondence is saved to file. An entry is also placed on the Unacceptable Actions List.

The Unacceptable Actions List will be updated each time contact is made by individuals listed to indicate date and type of contact.

A decision to restrict an individual's contact will be reviewed twelve months from the date on which the restriction or continued restriction was imposed.

Any entries to be removed from the Unacceptable Actions List because the restriction has been lifted should be retained on the "Removed Persons" tab contained within the same file.

Whilst it is important to retain evidence for the inclusion of an individual on the Unacceptable Actions List, the retention of excessive volumes of correspondence is not necessary. A tab exists on the Unacceptable Actions List to record the type of correspondence, the date and who it was received from.

## 8. Email Communication with the PIRC

Whilst all staff have individual email accounts, the policy for contacting the PIRC is through accessing team and role specific email boxes. These email boxes are accessed by more than one member of staff and therefore this allow continuity of the service during staff absences, leave and changes to workload. The email addresses are provided to those who will require access to them, including publishing on our web site. For the purposes of good records management and data protection legislation, the email addresses of individual employees are not generally issued to access specific services, for example payment of invoices, making requests for information and applying for vacancies.

### Restricting Email Access

There are very few individuals whose actions we consider unacceptable. How we 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 will restrict or terminate contract, or implement alternative service arrangements, to manage the impact of the unacceptable action.

Individuals must always continue to have an opportunity to contact our office for one or more of the following reasons:

- Review of a Complaint about a Policing Body
- Making an information request
- Accessing own personal information
- Complaint about the PIRC



Therefore where an individual's email access to our services is restricted, we must allow access via another method to allow them to access these services.

## **9. Review of Policy**

This policy is a formal PIRC policy and will be reviewed annually by the policy owner. Any queries or comments about this policy should be addressed to the Head of Corporate Services.

## **10. Communication & Contacts**

This policy will be shared with all staff within PIRC and will be published for access on our intranet and web site.

Queries should be addressed to:

Head of Corporate Services

PIRC

Hamilton House

Hamilton Business Park

Hamilton

ML3 0QA

Phone: 01698 542900

Email: [enquiries@pirc.gov.scot](mailto:enquiries@pirc.gov.scot)

## **11. Benchmarks Used in Policy Formulation**

Previous PIRC Policy

Scottish Government

## Version Control Data

This Policy is a formal PIRC policy and will be reviewed by the PIRC Management Team on an annual basis.

### Version Control Data

Title:	Unacceptable Actions Policy
Author:	[REDACTED]
Approver:	[REDACTED]
Version Number:	Version 4
Publish Internet/Pulse	Both
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Modified by:	[REDACTED]
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