SHETLAND
ISLANDS COUNCIL

Shetland Islands Council

Unacceptable Actions Policy

Document Information	
Document Name/Description	Unacceptable Actions Policy
Version Number	V1.2
Author	Performance and Improvement Adviser
Lead Officer/Manager	Executive Manager - Executive Services
Final Approval Date	15 March 2021
Approved by	Policy & Resources Committee
Review Frequency	Every 3 years
Date of next planned review start	March 2029

Summary of changes to document			
Date	**Version updated**	**New version number**	**Brief description of changes**
04/11/2026	V1.1	V1.2	Updated SPSO links

1. Introduction

This Policy sets out Shetland Islands Council's approach to the relatively few customers whose actions or behaviour we consider unacceptable. The term also includes anyone acting on behalf of a customer or who contacts us in connection with our business. The principles set out in this Policy also apply to our dealings with customers who are complaining about us. This Policy should be read and understood along with the council's:

- Complaints Handling Procedure
- Management of Occupational Violence and Aggression Policy
- Employee Code of Conduct
- Reporting Concerns at Work Policy (Whistleblowing)

2. Policy aims

2.1. In this Policy, we aim to:

2.1.1. deal fairly, honestly, consistently and appropriately with all customers, including those whose actions we consider unacceptable, in line with the Council's Values. We believe that all customers have the right to be heard, understood and respected. We also consider that our staff have these same rights.

2.1.2 be accessible to all our customers. However, we retain the right, where we consider a customer's actions to be unacceptable, to restrict or change access to our service.

2.1.3 ensure that other customers and council staff do not suffer any disadvantage from someone who acts in an unacceptable manner.

2.1.4 address the distracting and disruptive consequences of persistent and vexatious complainers and the strain this can place on council resources

2.1.5 provide staff with a framework they can use to deal more effectively and consistently with these complaints

3. Defining Unacceptable Actions by Customers

3.1 We recognise that people may act out of character in times of trouble or distress.
There may have been upsetting or distressing circumstances leading up to a customer coming to us. We do not view behaviour as unacceptable just because a customer is forceful or determined. However, the actions of customers who are angry, demanding, obsessive, prolific, repetitive, harassing or persistent may result in unreasonable demands on our resources or in unacceptable behaviour towards our staff. It is these actions that we consider unacceptable and aim to manage under this Policy. We have grouped these actions under three broad headings:

3.2 Aggressive or Abusive Behaviour

3.2.1 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. It is sufficient for staff to feel afraid, threatened or abused for the council to consider a customer's behaviour or actions unacceptable.

3.2.2 Examples of behaviours grouped under this heading include threats, physical violence, personal verbal abuse, derogatory remarks, and rudeness towards our staff when they are engaged on council business. We also consider that inflammatory statements and unsubstantiated allegations can be abusive behaviour.

3.2.3 We expect our staff to be treated courteously and with respect. Violence or abuse towards staff is unacceptable. We understand the difference between aggression and anger. The anger felt by many customers involves the subject matter of their contact with us. However, it is not acceptable when anger escalates into aggression directed towards council staff.

3.2.4 It should be noted that there are no automatic triggers that lead to the Unacceptable Actions Policy being invoked, except for violence against staff. Each request to place a customer under some form of restriction is carefully considered by the appropriate senior officers before any action is taken.

3.2.5 The number of customers placed under some form of restricted contact is very small in relation to the overall levels of contact made with the council by our customers.

3.3 Unreasonable Demands

3.3.1 Customers may make what we consider unreasonable demands on us 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 customer.

3.3.2 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 issue or complaint, or raising unrelated concerns: and;
- continuing to raise the same issue in the hope of eliciting a different response from the council
- focusing on a trivial matter to an extent which is out of proportion to its significance
- an unwillingness to accept documented evidence of services provided as being factual
- persists in pursuing a complaint where the formal Complaints Handling Procedure has been followed, implemented and exhausted and refuses to progress the complaint to the next stage (see 3.4.6 below)
- where a relative/carer/friend complains on behalf of someone who may not have a complaint themselves
- insisting they have not had an adequate response in spite of a large volume of correspondence specifically answering their questions/concerns

3.3.3 We consider these demands as unacceptable and unreasonable if they start to impact substantially on the work of the department involved, such as taking up an excessive amount of staff time to the disadvantage of other customers, services or functions.

3.4 Unreasonable Persistence

3.4.1 We recognise that some customers will not or cannot accept that we are unable to provide a level of service other than that provided already. Customers may persist in disagreeing with the action or decision taken in relation to their issue or complaint, or contact us persistently about the same issue.

3.4.2 Examples of actions grouped under this heading include:

- persistent refusal to accept a decision made in relation to an issue or complaint;
- persistent refusal to accept explanations relating to what we can or cannot do; and,
- continuing to pursue an issue or complaint without presenting any new information.

3.4.3 The way in which these customers approach us may be entirely reasonable, but it is their persistent behaviour in continuing to do so that is not.

3.4.4 We consider the actions of persistent customers to be unacceptable when they take up what we regard as being a disproportionate amount of time and resources.

3.4.5 This policy does not remove the right of an organisation or individual to make periodic requests on the same issue where there has been a change in circumstances or there is new information for the Council to consider. E.g. a Community Council with a long-standing request for an upgrade to a local service.

3.4.6 If the customer has made a formal complaint using the council's formal Complaints Handling Procedure, the council will advise the customer at the conclusion of Stage 2 of that process that, should they remain dissatisfied, they have the right to ask the Scottish Public Services Ombudsman (SPSO) to investigate their complaint. At this point the council will consider the matter closed, pending the SPSO investigation, and will make no further comment to the customer(s).

4. Managing Unacceptable Actions by Customers

4.1 There are very few customers whose actions we consider unacceptable. We aim to manage these actions based on their nature and extent. If our ability to do our work and provide a service to others is affected adversely, we may need to restrict that customer's contact with us in order to manage the unacceptable action.

4.2 We aim to do this in a way, wherever possible, that allows a complaint to progress to completion through our Complaints Handling Procedure.

4.2.1 We may restrict contact in person, by telephone, letter or electronically or by any combination of these.

4.2.2 We try to maintain at least one form of contact and this sometimes takes the form of identifying a named officer that the customer may only contact. No other officers would have direct contact with the customer in this circumstance.

4.2.3 In extreme situations, we tell the customer in writing that their name is on a 'no personal contact' list for specific council departments. This means that they must restrict contact with the service to either written communication or through a third party e.g. a solicitor, or voluntary sector advisory/advocacy service.

4.2.4 In some, extreme, circumstances a customer may be advised that he/she is not permitted on council premises. This measure is usually taken in consultation with Police Scotland.

4.2.5 The Chief Executive will maintain an overview of any restrictions that are in place across the council.

4.3 The threat or use of physical violence, verbal abuse or harassment towards staff is likely to result in the ending of all direct contact immediately with the customer. Incidents may be reported to the police. This will always be the case if physical violence is used or threatened.

4.4 We also view the use of social media networks, such as Facebook, Twitter and YouTube to be covered by this policy. The preceding list is not exhaustive. The council has a zero tolerance policy if explicit threats are made against its staff on such outlets, and will always refer the matter to Police Scotland.

4.5 We do not deal with correspondence (letter or electronic) that is abusive to staff. When this happens we tell the customer 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. We may require future contact to be through a third party if they persist.

4.6 Staff will end telephone calls if the caller is considered aggressive, abusive, offensive, unnecessarily repetitive or the time taken by the caller is disproportionate to the issues raised. 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.

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

- only take telephone calls from the customers 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 future.
- require the customer to make an appointment to see a named member of staff before visiting the office; or,
- that the customer contacts the office in writing only;
- return the documents to the customer or, in extreme cases, advise them that further irrelevant documents will be destroyed; or
- take other action that we consider appropriate.

4.8 Where a customer continues to correspond on a wide range of issues, and this action is considered excessive, then they will 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.

4.9 Customer action may be considered unreasonably persistent if all internal review mechanisms have been exhausted and the customer continues to dispute the council decision relating to their complaint or issue. The customer will be told that no future phone calls will be accepted or interviews granted concerning this complaint or issue. Any future contact by the customer on this issue must be in writing. Future correspondence is read and filed, but only acknowledged or responded to if the customer provides significant new information relating to the complaint or issue.

5. Customer Confidentiality

5.1 Where appropriate, we will always respect the confidentiality of a customer. However, confidentiality is not an absolute obligation as the law has always recognised that where appropriate it is permissible to release information which would normally be confidential if this is necessary to fulfil an overriding public interest, such as protecting someone else from harm. There may be cases where the professional's view is that there is no substance behind such a threat. If someone threatens someone else, we should be able to take appropriate steps in response such as alerting that person, the police or associated agencies.

6. Deciding to Restrict Customer Contact

6.1 Staff that directly experience aggressive or abusive behaviour from a customer have the authority to deal immediately with that behaviour in a manner they consider appropriate to the situation and in line with this Policy and the Management of Occupational Violence and Aggression Policy.

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

6.3 Customers will be issued with a warning letter containing a copy of this Policy. They will be told why their actions are deemed to be unacceptable, and asked to moderate this behaviour. If this is not done, then they will be told that a contact restriction can be put in place. It should be noted that,

in around half of all cases, a warning letter has the desired effect with the customer moderating their behaviour accordingly. In certain circumstances, where a customer's behaviour has been deemed particularly vexatious or unreasonable, the council reserves the right to impose some form of restricted contact without issuing a formal warning letter. The customer's right of appeal is unaffected.

6.4 When a decision has been made to restrict future contact, the customer will be written to with details of the restricted contact arrangements and, if relevant, the length of time that these restrictions will be in place.

6.5 If a serious threat of violence is made, then a warning letter is not necessary and the customer can be issued with a restricted contact letter immediately.

6.6 Where a decision is made to restrict a customer's contact we will always try to ascertain if that customer is known to Social Work Services, and whether any reasonable adjustments are required. For example, where a customer faces restricted telephone contact, due to unacceptable behaviour, and is unable to read or write to a standard where he/she may therefore be denied legitimate access to a service, we may consider adjusting the restriction to provide the customer with a named officer who shall be the sole point of telephone contact.

6.7 Where a customer has mental health issues, and is a customer of Social Work Services, their social or care worker may be an appropriate point of contact under the circumstances described in 6.6.

6.8 Where any restriction provides the customer with a sole point of contact, and the customer continues to attempt to contact multiple officers, the additional contact which falls outside of the restriction will be disregarded.

7. Appealing a Decision to Restrict Contact

7.1 A customer can appeal a decision to restrict contact. They can do so, in writing only, to the Chief Executive, within 10 working days of receipt of the letter.