

**UNIVERSITY of  
STIRLING**



## **COMPLAINTS HANDLING PROCEDURE**

## **UNACCEPTABLE BEHAVIOURS AND ACTIONS POLICY**

## **Introduction**

1. This policy accompanies the Complaints Handling Procedure. Occasionally, the behaviour or actions of individuals using the Complaints Handling Procedure makes it difficult or impossible for the University to deal with their complaint. In a small number of cases the actions of individuals become unacceptable because they involve abuse of University staff and/or process. Where this happens, the University will take action to protect our staff, ensure proportionality in the staff capacity being dedicated to the complaint, and maintain the availability of the complaints process to others.

## **What actions does the University consider to be unacceptable?**

2. It is recognised that some people may act out of character in times of difficulty, trouble or distress and that there may have been upsetting or distressing circumstances leading up to a complaint being submitted. The University does not view behaviour as unacceptable simply because a complainant is forceful or determined. However, we do consider actions that result in unreasonable demands or unreasonable behaviour towards University staff and/or the complaints process to be unacceptable. It is these actions that we aim to manage under this Policy. Examples of the types of behaviours that the University considers to be unacceptable are:

### **i. Aggressive or abusive behaviour**

We understand that complainants may feel frustration or anger about the issues they have raised in their complaint. If emotions are expressed as, or escalate into any aggression, hostility, abuse or violence towards University staff, we consider that entirely unacceptable and will not be tolerated. Aggression, hostility, abuse or violence may be expressed through physical acts, verbally or in writing. All are equally unacceptable. Language which is designed to insult or degrade, which is racist, sexist or homophobic or which makes serious allegations that individuals have displayed criminal, corrupt or perverse conduct without any evidence is also entirely unacceptable. We will judge each situation individually, and may also decide that comments made to us about third parties are unacceptable because of the effect that listening to or reading them may have on our staff.

### **ii. Unreasonable Demands**

A demand becomes unacceptable when it starts to, or when complying with the demand would, impact unreasonably on the work of staff handling a complaint. Examples of actions grouped under this heading include but are not restricted to:

- repeatedly demanding responses within an unreasonable timescale;
- insisting on seeing or speaking to a particular member of staff when that is not possible or necessary;
- repeatedly changing the substance of a complaint or raising unrelated concerns;
- the submission of vexatious complaints.

An example of such impact would be that the demand takes up an excessive amount of staff time and in so doing disadvantages other complainants and prevents the individual's own complaint from being dealt with quickly.

**iii. Unreasonable level of contact**

Sometimes a concentrated volume and/or duration of contact made with University staff by an individual causes problem. Numerous calls or emails in one day or one hour would be examples of this. Equally, it may occur over the life-span of a complaint when a complainant repeatedly makes telephone calls, or sends correspondence or emails or posts comments on social media, to the University or inundates staff with information that has been sent already, been responded to or that is irrelevant to the complaint. This includes multiple contact with an individual member of staff or numerous members of staff across the institution.

**iv. Unreasonable refusal to co-operate**

When we are looking at a complaint, it is likely we will need to ask the individual who has complained to work with us. This can include:

- agreeing with us the complaint we will look at;
- providing us with further information, evidence or comments on request;
- or helping us by summarising their concerns or completing a form for us.

Sometimes, an individual repeatedly refuses to co-operate and this makes it difficult for us to proceed. We will always seek to assist someone if they have a specific, genuine difficulty complying with a request. However, we consider it is unreasonable to bring a complaint to us and then not respond to reasonable requests. If a complainant refuses to co-operate, the University may be unable to proceed to investigate their complaint, either fully or in part, and will let the complainant know that their complaint is no longer being considered.

**v. Unreasonable use of the complaints process**

Individuals with complaints about the University have the right to pursue their concerns through a range of means. They also have the right to complain more than once if subsequent incidents occur. However, contact can become unreasonable when the effect of the repeated complaints is to harass, intimidate or to prevent the University from pursuing a legitimate aim or implementing a legitimate decision. We consider access to a complaints system to be important and it will be in only exceptional circumstances that we would consider such repeated use unacceptable – but we reserve the right to do so in such cases.

**Examples of how we manage unacceptable behaviour**

3. The threat or use of physical violence, verbal abuse or any other form of harassment or intimidation towards University staff is likely to result in a termination of all direct contact with the complainant. We may report incidents to the police. This will always be the case if physical violence is used or threatened or the behaviour constitutes a hate crime.

4. University staff will end telephone calls if they consider the caller aggressive, abusive or offensive. University staff have the right to make this decision, to tell the caller that their behaviour is unacceptable and end the call if the behaviour persists.
5. We will not respond to correspondence (in any format) that contains statements that are abusive to staff. We will explain that we consider the language used to be unacceptable, unnecessary and unhelpful and ask the sender to stop using such language. We will state that we will not respond to their correspondence if the action or behaviour continues. In extreme situations, we may tell the complainant in writing that their name is on a 'no personal contact' list. This means that any further contact with the University would have to come through a third party whom the individual has identified as willing to act on their behalf and who is acceptable to the University.
6. In circumstances where the University considers that unreasonable behaviour is having an adverse impact on the complaint process, action will be taken to address this behaviour. We aim to do this in a way that allows a complaint to progress through our process where possible. Examples of actions we may take are as follows:
  - limit contact with the complainant to set times on set days;
  - restrict contact to a nominated member of University staff who will deal with future calls or correspondence from the complainant;
  - be in contact with the complainant by appointment only;
  - restrict the types of contact we will accept from the complainant;
  - return any documents to the complainant or, in extreme cases, advise the complainant that further irrelevant documents will be destroyed;
  - take any other action that we consider appropriate.
7. Where we consider that a complainant has introduced unreasonable irrelevant, or unrelated issues, we may tell the complainant 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.
8. 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.
9. We may cease all work on the complaint and close the complaint with immediate effect.
10. Any member of University staff who directly experiences aggressive or abusive behaviour from a complainant has the authority to deal immediately with that behaviour in a manner they consider appropriate to the situation and in line with this Policy. Any action taken must be communicated to the Complaints Team, who will maintain a record for future reference, as per paragraph 16.

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

#### **How we let people know we have made this decision**

12. Where a member of University staff makes an immediate decision in response to unacceptable behaviour, the complainant will normally be advised at the time of the incident. When a decision has been made by another staff member, a complainant will normally always be told in writing why the decision has been made to restrict future contact, or why there are restricted contact arrangements and, if relevant, the length of time that these restrictions will be in place. This ensures that the complainant has a record of the decision.

#### **Requests for a review of a decision**

13. It is important that a decision made in response to unacceptable behaviours can be reconsidered where appropriate. A complainant can ask for a decision made under this policy to be reviewed. If they do this, we will consider the decision itself and not the complaint made to us or any decision on the complaint. A request for a review will only be accepted where the complainant demonstrates that either:
- the restrictions were disproportionate;
  - or that they will have a disproportionate, adverse impact on the individual because of personal circumstances.
14. Should the University conclude that the request received represents further unacceptable behaviour or action, it will not be considered. Any requests for a review should be directed to [complaints@stir.ac.uk](mailto:complaints@stir.ac.uk)
15. An appropriate member of staff who was not involved in the original decision will consider the request and will have discretion to uphold, not uphold or vary the decision as they judge appropriate. They will make their decision based on the information available to them. They must advise the complainant in writing of their decision.
16. The University may, at its sole discretion, decide to review the restriction periodically.

#### **How we record and review a decision to restrict contact**

17. We record all incidents of unacceptable actions by complainants. Appropriate details of actions taken in response to unacceptable actions such as restricting complainant contact, or ceasing to progress a complaint because of the complainant's unacceptable behaviour, will be recorded and retained in line with data protection requirements.