

**QuEST**

Quality Enhancement and Standards Team

# **UWS Complaints Handling Procedure**

## **Part 6: Acceptable Behaviour Guidance**

UNIVERSITY OF THE  
WEST *of* SCOTLAND

**UWS**

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# Foreword

The University wants to make sure that anyone who has a complaint about us is heard and that anyone who makes a complaint is dealt with as fairly as possible.

Every effort will be made to ensure that the complainant receives relevant support to make the complaint. In addition, due to the nature of the complaint e.g. racial harassment, support will be offered.

In some cases, the behaviour of individuals can be unreasonable or difficult for our staff to deal with. These guidelines set out what we will do in these cases to ensure we can meet our duty to protect our staff. It has been produced adhering to the **Scottish Public Services Ombudsman's (SPSO) Unacceptable Actions Policy**.

In some cases, we may have to use other University processes, such as our procedure for student discipline, where a complainant's behaviour is considered by us to be unacceptable.





# What actions do UWS consider to be unacceptable?

## Aggressive or abusive behaviour

At UWS we understand that many complainants are angry about the issues they have raised in their complaint. If that anger escalates into aggression towards University staff, we consider that unacceptable. Any violence or abuse towards staff will not be tolerated.

Violence 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 to feel offended, afraid, threatened or abused. Language, which is designed to insult or degrade, is racist, sexist or homophobic or which makes serious allegations that individuals have committed criminal, corrupt or perverse conduct without any evidence is unacceptable. We may decide that comments aimed not at us but at third parties are unacceptable because of the effect that listening or reading them may have on our staff.

## Unreasonable demands

The University believes a demand becomes unacceptable when it starts to (or when complying with the demand would) impact substantially on the work of the University. Examples include:

- repeatedly demanding responses within an unreasonable timescale;
- insisting on seeing or speaking to a particular member of staff when that is not possible;
- repeatedly changing the substance of a complaint or raising unrelated concerns;
- continually contacting us when they have exhausted our internal complaints process.

Such demands take up an excessive amount of staff time and in so doing disadvantages other complainants and prevents their own complaint from being dealt with quickly.

## Unreasonable levels of contact

Occasionally the volume and duration of contact made to the University 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 lifespan of a complaint when a complainant 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 a complainant on the telephone or responding to/ reviewing emails or written correspondence impacts on our ability to deal with that complaint, or with other people's complaints.

## **Unreasonable refusal to co-operate**

When we are looking at a complaint, 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 cooperate, and this makes it difficult for us to progress the complaint. 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 we make to you for further information or clarification.

## **Unreasonable use of the complaints process**

Individuals with complaints about UWS have the right to pursue their concerns through a range of means. They also have the right to complain more than once about the University if subsequent incidents occur.

This contact becomes unreasonable when the effect of the repeated complaints is to harass, or to prevent the University from pursuing a legitimate aim or implementing a legitimate decision.

The University considers access to its complaints system to be important. However, whilst it is recognised that complainants have the right to raise subsequent issues, they cannot complain about the same issues if the complaints process has been exhausted. Therefore, only in exceptional circumstances would we consider such repeated use to be unacceptable.



## **Examples of how we manage aggressive or abusive behaviour**

The threat or use of physical violence, verbal abuse or harassment towards UWS 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.

UWS staff will end telephone calls if they consider the caller aggressive, abusive or offensive. UWS 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.

We will not respond to correspondence (in any format) that contains statements that are abusive to staff or contains allegations that lack substantive evidence. Where we can, we will return the correspondence. We will explain why and say that we consider the language used to be offensive, 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.

## **Examples of how we deal with other categories of unreasonable behaviour**

UWS will take action when unreasonable behaviour impairs the functioning of the University. 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.

In the case of applicants for admission to the University, unacceptable behaviour may result in consideration of an application being terminated, or an offer of admission being withdrawn.

In the case of registered students, unacceptable behaviour may result in action being taken under the University's Code of Discipline for Students. If such action is deemed necessary, the complainant will be advised of this and attempts will be made to complete the investigation of the complaint, however, contact with the complainant may be restricted.

In the case of a member of the public, a decision to restrict access may be made by a senior member of staff and the complainant will be advised in writing of the decision and the reasons for it. The University's decision on this will normally be final, and the complainant will be advised of their right to ask the SPSO to review the University's handling of the complaint.

# **Actions we may take**

Where a complainant repeatedly phones, visits a UWS premises, raises repeated issues, or sends large numbers of documents where their relevance is not clear, we may decide to:

- limit contact to telephone calls from the complainant at set times on set days;
- restrict contact to a nominated member of UWS staff who will deal with future calls or correspondence from the complainant;
- see the complainant by appointment only;
- restrict contact from the complainant to writing only;
- 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.

Where we consider continued correspondence on a wide range of issues to be excessive, we may inform the complainant that only a certain number of issues will be considered in a given period and request that they 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 complainant what action we are taking and why.

# **The process we follow to make decisions about unreasonable behaviour**

Any member of UWS 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.

With the exception of such immediate decisions taken at the time of an incident, decisions to restrict contact with the University are only taken after careful consideration of the situation by a more senior member of 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**

When a UWS employee makes an immediate decision in response to offensive, aggressive or abusive behaviour, the complainant will be advised at the time of the incident. When a decision has been made by senior management, a complainant will always be given the reason in writing as to 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 complainant has a record of the decision.

# The process for a review of a decision to restrict contact

It is important that a decision can be reconsidered. A complainant can request a review of 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.

A request for a review could include, for example:

- their actions were wrongly identified as unacceptable;
- the restrictions were disproportionate;
- or that they will adversely impact on the individual because of personal circumstances.

A senior member of staff who was not involved in the original decision will consider the review. They have discretion to quash or vary the restriction as they think fit. They will make their decision based on the evidence available to them. They must advise the complainant in writing (this can be supplemented if written communication is not the most appropriate form for the individual) that either the restricted contact arrangements still apply, or a different course of action has been agreed.

We may review the restriction periodically or on further request after a period of time has passed. This will be on a case-by-case basis. We will explain in the letter (or via email), setting out the restriction what review process will be in place for that restriction and in what circumstances they could request this be reconsidered.

# How we record and review a decision to restrict contact

We record all incidents of unacceptable actions by complainants.



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