

# **OSCR: Unacceptable Actions Policy**

## **1. Introduction**

This Policy sets out the Scottish Charity Regulator's (OSCR) approach to the relatively few individuals whose actions or behaviour we consider unacceptable.

The policy applies to all individuals, organisations and individuals acting on behalf of organisations, who have contact with us. This includes, but is not restricted to, those making general enquiries, third parties acting on behalf of others, those raising concerns about a charity, interested members of the public and those wishing to complain about OSCR's services.

For ease of reference, throughout this document we refer to 'individuals' but the approach applies equally to our dealings with others e.g. organisations.

## **2. Policy aims**

We believe that all individuals have the right to be heard, understood and respected. We also consider that OSCR staff have the same rights.

We aim to provide a service that is accessible to all. However, we retain the right, where we consider individuals actions or comments to be wholly unacceptable, to restrict or change access to our service.

This policy is designed to ensure that neither individuals who contact OSCR and OSCR staff themselves suffer any disadvantage as a result of the unacceptable actions of others.

## **3. Defining unacceptable actions**

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

OSCR recognises that people may act out of character in times of trouble or distress. We also understand that there may have been upsetting or distressing circumstances which have led to individuals contacting us. Similarly we do not automatically 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 directed at OSCR staff will almost always be considered as falling within the scope of this policy.

OSCR has grouped unacceptable actions under three broad headings:

### **3.1 Unacceptable behaviour**

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 will not be tolerated. OSCR staff understand the difference between aggression and anger. However, it is never acceptable for anger to escalate to unacceptable behaviour directed at OSCR staff.

Examples of behaviours grouped under this heading include:

- Making threats
- Violence. 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
- Using verbal hostility or abuse
- Making derogatory remarks about OSCR staff or individual staff members
- Rudeness
- Swearing
- Making inflammatory statements about OSCR/staff
- Making unsubstantiated allegations about OSCR staff
- Recording conversations with staff without prior consent
- Using harassing or stalking behaviours
- Refusing to leave the premises when asked

### **3.2 Unacceptable demands**

In some instances, an individual may make what we consider to be unreasonable demands on our office through the amount of information they seek, the nature and scale of service they expect or the number of approaches they make. We consider these demands as unacceptable and unreasonable if they start to impact substantially on the work of the office, by taking up an excessive amount of staff time to the disadvantage of other functions.

What amounts to unreasonable demands will always depend on the circumstances surrounding the behaviour and the seriousness of the issues being considered.

Examples of actions grouped under this heading include:

- demanding responses within an unreasonable timescale
- insisting on seeing or speaking to a particular member of staff
- making continual phone calls, or sending letters stating the same thing, repeatedly
- demanding that issues already addressed are looked at again
- contacting us repeatedly in respect of decisions we have taken, with which they disagree

### **3.3 Unreasonable persistence**

While we accept that being persistent may be an appropriate and positive approach by individuals in a very limited number of circumstances, there are situations where the volume and/or duration of contact made to our office by a single individual causes problems. This can occur over a short period, for example, making a number of phone calls in a single day; or over the life-span of a 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 from them impacts on our ability to deal with that issue, or with other individuals.

Examples include:

- unduly frequent or excessively long phone calls or letters relating to the same subject.
- repeatedly changing the substance of an issue or raising unrelated concerns
- attempting to contact different people in our organisation to discuss the same issue, in the hope of a different outcome
- refusing to accept a final outcome where there is no right to review, or the review processes have been exhausted
- cc'ing OSCR into communications with multiple other agencies and expecting a response from us
- repeatedly raising minor or technical procedural issues and arguing that these call into question the merits or credibility of our decision
- repeatedly questioning the competency or integrity of our staff
- repeatedly questioning how we considered and dealt with a concern made against a charity
- persistent refusal to accept explanations relating to the application of OSCR's statutory functions
- continuing to express concerns about the actions of a charity without presenting any new information.

Unfortunately some individuals will not or cannot accept that OSCR is unable to assist them (further) or provide a level of service other than that already provided. Other individuals may persist in disagreeing with an action or decision taken by OSCR or contact the office persistently about the same matter. Both of these circumstances can lead to actions which we consider to be unacceptable.

### **4. Managing unacceptable actions**

Fortunately, there are relatively few people who are in contact with OSCR whose actions we consider unacceptable. For the minority whose actions and behaviours we do consider unacceptable, however, our approach will be dependent on the specific circumstances.

If the action adversely affects our ability to do our work and provide a service to others, we may restrict an individual's contact with our office to manage the impact of the unacceptable action.

The threat or use of physical violence, verbal abuse or harassment towards OSCR staff is always likely to result in us ending of all direct contact with the individual. In all instances where physical violence is used or threatened a report will be made to the police.

We do not deal with correspondence (letter, fax or electronic) that is abusive to staff or contains unsubstantiated allegations about OSCR staff that lack substantive evidence. When this happens we generally tell the individual that we consider their language offensive, unnecessary and unhelpful. We ask them to stop using such language and confirm that we will not respond to their correspondence unless they do. Alternatively, we may require future contact to be through a third party. In extreme cases, we may restrict contact to OSCR, with immediate effect.

OSCR staff will end telephone calls if the caller is considered aggressive, abusive or offensive. The staff member taking the call has the right to make this decision. They will tell the caller that they consider their behaviour to be unacceptable, and they will end the call if the behaviour does not stop.

Where an individual is being managed under this policy and their contact has been restricted to written contact only, our staff will quickly terminate any telephone calls they make to us.

Where an individual repeatedly phones, visits the office, sends irrelevant documents or raises the same issues, we may decide to:

- Only take telephone calls from them 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 that individual in the future.
- Require the individual to make an appointment to see a named member of staff before visiting the office, or request 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. We will, however, always tell the individual what action we are taking and why.

Where an individual continues to correspond with OSCR on a wide range of issues, at a frequency which is considered excessive, then the individual may be told that only a certain number of issues will be looked at by us in a given period, and asked to limit or focus their requests accordingly.

Any future contact on this issue must be in writing. Future correspondence will be read and filed, but only acknowledged or responded to if the complainant provides significant new information relating to the matter about which they continue to be dissatisfied.

## **Deciding to restrict contact**

OSCR 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 OSCR are only taken after careful consideration of the situation by senior members of OSCR's staff. Wherever possible, we give individuals the opportunity to modify their behaviour or action before restricting contact with us.

When a decision to restrict contact is taken by OSCR, the individual concerned is told in writing why the decision has been made and advised of any restricted contact arrangements and, if relevant, the length of time that these restrictions will remain in place.

## **Appealing a decision to restrict contact**

An individual can appeal a decision by OSCR to invoke the Unacceptable Actions Policy and restrict contact with them. They should do this by writing to the Head of Support Services requesting that a review of the UAP invocation is carried out. You will find OSCR's postal address at the end of this policy.

A senior member of staff not involved in the original decision will carry out the review and will consider, based on the information available, whether the decision to restrict contact was appropriate. Once these considerations have taken place, the individual concerned will be advised in writing whether the restricted contact arrangements still apply or a different course of action has been agreed.

## **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 OSCR files and on appropriate computer records.

A decision to restrict contact may be reconsidered if the individual demonstrates a more acceptable approach. The status of individuals with whom restricted contact arrangements have been put in place will be reviewed on a regular basis.

## **Policy availability and review**

Copies of this policy are free and are available on request or can be downloaded from the OSCR website at [www.oscr.org.uk](http://www.oscr.org.uk)

This policy is reviewed on a regular basis by OSCR's Senior Management Team.

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