



Unacceptable Behaviour Policy

December 2022

The Scottish Legal Aid Board

www.slab.org.uk

Introduction

Occasionally, the behaviour of our customers using our service makes it very difficult for us to deal with their enquiry. This includes abuse of our staff or our process. When this happens we have to take action to protect our staff.

We also consider the impact of behaviour on our ability to do our work and provide a service to others.

Any member of staff who directly experiences aggressive or abusive behaviour from a customer has the authority to deal immediately with that behaviour in a manner they consider appropriate to the situation and in line with this Policy.

This policy explains how we deal with these situations.

Behaviour *not* covered by this policy

We do not consider behaviour as unacceptable just because a customer is forceful or determined.

Reasonable Adjustments

We are aware that there can be underlying medical conditions or disabilities that might affect a customer's interaction with us.

We will encourage our customers to tell us about any help they might need to facilitate communication. Dependent on what the customer tell us, we may have a duty to make reasonable adjustments for them to enable that communication.

The [Equalities Impact Assessment](#) sets out in more detail the nature of the relevant conditions.

Definition of unacceptable behaviour

Customers may act out of character in times of trouble or distress. There may have been upsetting or distressing circumstances leading up to their interaction with us.

However, unreasonable behaviour towards our staff or behaviour that results in unreasonable demands on our time is unacceptable.

Aggressive or abusive behaviour

We understand that many customers may feel angry about the issues they have raised. However, if that anger escalates into aggression towards staff, we consider that unacceptable.

Any physical or verbal abuse towards staff will not be accepted.

This is not limited to actions 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 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

A demand becomes unreasonable when it starts to (or when complying with the demand would) impact significantly on our work.

Examples of behaviour might 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.

Unreasonable levels of contact

Sometimes the volume and duration of contact from a customer can cause problems. This can occur over a short period, for example, the number of calls in one day.

It may occur over the life-span of an interaction when a customer repeatedly makes long telephone calls or inundates us with copies of information that have already been sent or that are irrelevant to the issue.

The level of contact will be unacceptable when the amount of time spent dealing with a customer on the telephone, or responding to, reviewing and filing emails or written correspondence impacts on our ability to deal with the issue, or with other people's issues.

Unreasonable refusal to cooperate

We often need to ask people who have contacted us for information or assistance. This can include agreeing with us the nature of the issue we will look at; providing

us with further information; helping us by summarising their concerns or completing a form.

Sometimes, an individual repeatedly refuses to cooperate and this makes it difficult for us to proceed. We will always seek to assist someone if they have a specific communication support need. However, it is unreasonable to expect a service from us and then not respond to reasonable requests.

Unreasonable use of the complaints process

Individuals with complaints about us have the right to pursue their concerns through our **complaints process**. They also have the right to complain more than once if subsequent incidents occur. This contact becomes unreasonable when the effect of the repeated complaints is to harass, or to prevent us from pursuing a legitimate aim. We consider access to a complaints system to be important and it will only be in exceptional circumstances that we would consider such repeated use is unacceptable - but we reserve the right to do so in such cases.

Managing unacceptable behaviour

The threat or use of physical violence, aggressive or abusive behaviour towards staff will result in a termination of all direct contact with someone or a change in the way we interact with them. We may report incidents to the police. This will always be the case if physical violence is used or threatened.

Telephone calls

All staff are empowered to end telephone calls if they consider that the caller's behaviour is unacceptable. All staff have the authority to make that decision, to tell the caller that their behaviour is unacceptable and to end the call if the behaviour persists.

Written correspondence

We will not respond to correspondence that contains statements that are abusive or contains allegations of criminal or corrupt behaviour that lack substantive evidence.

We will explain why 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 some situations, we will tell the customer in writing that their name is on a 'no personal contact' list. This means that we will limit contact with them via a third party.

Unreasonable levels of contact

Where a customer repeatedly phones, visits the office, raises repeated issues, or sends large numbers of documents where their relevance isn't clear are, actions we may take are to:

- limit contact to telephone calls from the customer at set times on set days
- restrict contact to a nominated member of SLAB staff who will deal with future calls or correspondence from the customer
- see the customer by appointment only
- restrict contact from the customer to writing only
- return any documents to the customer or, in extreme cases, advise the customer 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 tell the customer 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.

In exceptional cases, we reserve the right to refuse to consider a matter/complaint or future matters/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.

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

How we let somebody know we have made a decision under this policy

We will always tell the customer what action we are taking and why.

When a member of staff makes an immediate decision in response to unreasonable behaviour, the customer is advised at the time of the incident.

A customer 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 customer has a record of the decision.

How someone can challenge a decision under this policy

If someone is unhappy at a decision we have taken to stop or restrict contact, they can access our [complaints procedure](#). If they remain unhappy following our response they can contact the Scottish Public Services Ombudsman.

Record and reviewing a decision to restrict contact

We will keep a record of all customers that we have dealt with under this policy and the details of any restricted contact. This will be reviewed regularly.