



Commissioner for Ethical Standards in Public Life in Scotland

UNACCEPTABLE BEHAVIOUR POLICY

Date policy adopted: 01/04/2014

Review frequency: 3 years

Date of last review:

Date policy must be reviewed by: 31/03/2017

Introduction

The Commissioner is committed to being accessible to all, as well as providing a working environment of mutual respect amongst all who work in, visit or contact us. In that context, this policy defines what we consider to be unacceptable behaviour and how we expect any such behaviour to be dealt with.

Defining unacceptable behaviour

The following circumstances may be regarded as illustrative of unacceptable or unreasonable conduct by a complainant. This list is not exhaustive or conclusive.

1. Unreasonably persistent in pursuing a complaint where the Complaints Procedures about the Commissioner and his staff has been fully and properly implemented and exhausted.
2. Unreasonably changing the substance of a complaint or continually raising new issues or seeking to prolong contact by continually raising further concerns or questions upon receipt of a response whilst the complaint is being addressed. (The Commissioner will take care not to discard new issues which are significantly different from the original complaint, which might need to be addressed as separate complaints.)
3. Unreasonable refusal or failure to identify the precise issues which the complainant wishes to have investigated.
4. Unreasonable and disproportionate focus on trivial issues. (It is recognised that determining what a 'trivial' matter can be subjective and careful judgement will be used in applying this criterion.)
5. The threat or use of physical violence, verbal abuse or harassment towards Commissioner staff and contractors at any time.
6. Grossly excessive numbers of prior contacts with other regulatory or supervisory bodies in connection with the present or prior complaint.
7. Displaying unreasonable demands or expectations (e.g. insisting on responses to complaints or enquiries being provided more urgently than is reasonable or normal recognised practice).

Terminating or limiting contact

At any stage but particularly in relation to contact made following an investigation and decision by the Commissioner the Commissioner and his staff, where there is cause to do so, may restrict, impose conditions on or decline to maintain contact with correspondents. In that connection the Commissioner will take into account the following considerations:

Where it appears that a complainant is acting unreasonably, the Commissioner will consider whether it is appropriate to deem a complainant as such. If this occurs then investigation of the complaint or post decision correspondence will not be continued.

In relation to point 5 above, this will in itself cause personal contact with the complainant and/or their representatives to be discontinued and the complaint will then only be pursued through written communication. All such incidences will be documented. Staff recognise that complainants may sometimes act out of character at times of stress, anxiety, or distress and will make reasonable allowances for this.

Appealing decisions

Where we decide to restrict access to a person, we will communicate that decision to them, and be clear about the grounds on which we have done so. We will notify the complainant that they have a right of appeal, and will review any decision to restrict contact with us on the basis of the complainant's response. This will allow the complainant to demonstrate a more reasonable approach later.

Where a person claims there has been misconduct on the part of the Commissioner or his staff, a complaint may be made to the Scottish Public Services Ombudsman (SPSO) (see Complaints Procedures about the Commissioner and his staff). The correspondent will be advised of his/her right (if appropriate) to complain to the SPSO.