

<b>SCOTTISH ENVIRONMENT PROTECTION AGENCY</b>	<b>Business Procedure BPS-023</b>
<b>BUSINESS PROCEDURE</b>	<b>Page No: 1 of 3</b>
<b>UNACCEPTABLE ACTIONS POLICY</b>	<b>Issue No: 1</b>
	<b>Issue Date 19 July 2007</b>
	<b>Originator: Information Manager</b>
	<b>Issued by: Quality Manager</b>
	<b>Authorised by: CMT</b>

## 1 Introduction

This Policy sets out the Scottish Environment Protection Agency policy to handle the relatively few complainants whose actions or behaviour we consider unacceptable. For the purposes of this Policy a complainant is defined as "a person or organisation whose engagement with SEPA involves aggressive behaviour, unreasonable demands or unreasonable persistence."

## 2 Policy Aims

- 2.1. To make clear to all complainants what actions we will take as a result of their unacceptable actions. We aim to be open and not raise hopes or expectations that we cannot meet.
- 2.2. To deal fairly, honestly, consistently and appropriately with all complainants, including those whose actions we consider unacceptable. We believe that all complainants have the right to be heard, understood and respected. We also consider that our staff have the same rights.
- 2.3. To provide a service that is accessible to all complainants. However, we retain the right, where we consider a complainant's actions to be unacceptable, to restrict or change access to our service.
- 2.4. To ensure that other customers and our staff do not suffer any disadvantage from complainants who act in an unacceptable manner.
- 2.5. To provide the opportunity to any complainant whose actions we consider to be unacceptable to modify their behaviour before any further action is taken.

## 3 Defining Unacceptable Actions

- 3.1 The actions of complainants who are aggressive or abusive, who make unreasonable demands upon staff or who unreasonably persist with their complaints may result in unreasonable demands upon or unacceptable behaviour towards our staff. SEPA considers these actions to be unacceptable and aims to manage these actions under this Policy.

### *Aggressive (including abusive) Behaviour*

- 3.2 Aggression is not restricted to acts of violence 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 and also includes threats, physical violence, personal verbal abuse, derogatory remarks and rudeness.
- 3.3 SEPA expects its staff to be treated courteously and with respect. Violence or abuse towards staff is unacceptable.

### *Unreasonable Demands*

- 3.4 Customers may make what SEPA considers unreasonable demands through the amount of information they seek, the nature and scale of service they expect or the number of approaches they make. What amounts to unreasonable demands will always depend on the circumstances surrounding the behaviour and the seriousness of the issues raised by the customer but

**THIS DOCUMENT IS UNCONTROLLED WHEN IN HARD COPY OR STORED IN ANY ELECTRONIC FORMAT OTHER THAN IN THE BUSINESS MANAGEMENT SYSTEM.**

<b>SCOTTISH ENVIRONMENT PROTECTION AGENCY</b>	<b>Business Procedure BPS-023</b>
<b>BUSINESS PROCEDURE  UNACCEPTABLE ACTIONS POLICY</b>	<b>Page No:</b> 2 of 3
	<b>Issue No:</b> 1
	<b>Issue Date:</b> 19 July 2007
	<b>Originator:</b> Information Manager
	<b>Issued by:</b> Quality Manager
	<b>Authorised by:</b> CMT

may include demanding responses within an unreasonable time-scale, insisting on seeing or speaking to a particular member of staff, continual phone calls or letters, repeatedly changing the substance of the enquiry or raising unrelated concerns.

*Unreasonable Persistence*

- 3.5 Customers may persist in disagreeing with the action or decision taken in relation to their complaint or contact us persistently about the same issue.
- 3.6 Examples of actions grouped under this heading may include persistent refusal to accept a decision made in relation to a regulatory decision or course of action undertaken by us, persistent refusal to accept explanations relating to what we can or cannot do and continuing to pursue an issue without presenting any new information. The way in which these customers approach us may be entirely reasonable, but it is their persistent behaviour in continuing to do so that may not be.
- 3.7 SEPA may consider the actions of persistent customers to be unacceptable when they take up what we regard as being a disproportionate amount of time and resource.

**4 Managing Unacceptable Actions**

- 4.1 SEPA may restrict contact with complainants to being in person, by telephone, fax, letter or electronically or any combination of these. Where action to restrict contact is taken, SEPA will undertake to fully explain the reasoning behind this decision.
- 4.2 The measures that SEPA takes in reaction to unacceptable actions will depend on the duration and repetition of the actions. Any measures taken would be proportionate and appropriate to the situation.
- 4.3 The threat or use of aggressive or abusive behaviour, which may include physical violence, verbal abuse or harassment, towards our staff is likely to result in the immediate ending of all direct contact with the complainant. Incidents may be reported to the police. This will always be the case if physical violence is used or threatened.
- 4.4 SEPA staff will end telephone calls if the member of staff considers the caller to be aggressive or to be abusive. The staff member taking the call has the right to make this decision, tell the caller that the behaviour is unacceptable and end the call if the behaviour does not stop.
- 4.5 SEPA does not tolerate correspondence that is abusive to staff. When this happens SEPA will tell the customer that it considers their language offensive, unnecessary and unhelpful. SEPA may ask the complainant to stop using such language and state that SEPA will not respond to the complainant's correspondence if he or she does not stop. SEPA may request future contact to be through a third party.
- 4.6 Where correspondence from a complainant contains allegations against a SEPA staff member and after investigation it is found to lack substantive evidence, then this may be deemed an unacceptable action.
- 4.7 In situations where unacceptable actions are repeated or continuous or by themselves individual actions are sufficiently serious, SEPA may tell the complainant in writing that their name is on a "restricted contact" list. This

**THIS DOCUMENT IS UNCONTROLLED WHEN IN HARD COPY OR STORED IN ANY ELECTRONIC FORMAT OTHER THAN IN THE BUSINESS MANAGEMENT SYSTEM.**

SCOTTISH ENVIRONMENT PROTECTION AGENCY	Business Procedure	BPS-023
BUSINESS PROCEDURE  UNACCEPTABLE ACTIONS POLICY	Page No:	3 of 3
	Issue No:	1
	Issue Date:	19 July 2007
	Originator:	Information Manager
	Issued by:	Quality Manager
	Authorised by:	CMT

means that the complainant will be restricted in the future contact SEPA permits the complainant to have with its staff. Decisions to adopt this measure will be made by a Director.

- 4.8 All actions will be kept under review and are subject to appeal by the complainant.

## 5 Policy Availability and Review

- 5.1 Copies of this Policy are available on request and free of charge from our website and our local offices. We will review this Policy on a regular basis, at least annually, to make sure that the aims of the Policy are being achieved.

## 6. Restrictions on application of policy

- 6.1 This policy does not prevent any statutory rights a person may have to seek information from us or to require us to review our decisions; in particular, in terms of the Freedom of Information (Scotland) Act 2002 and/or the Environmental Information (Scotland) Regulations 2004.



Campbell Gemmell  
Chief Executive

19 July 2007

