



University for the Common Good

GLASGOW CALEDONIAN UNIVERSITY

Unacceptable Actions Policy

Version	Approved	Lead
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1. Introduction

Occasionally, the behaviour or actions of individuals using the Complaints Handling Procedure makes it very difficult for the University to deal with their complaint. In a small number of cases the actions of individuals become unacceptable because they involve abuse of University staff and/or process. When this happens we have to take action to protect our staff. We also consider the impact of the behaviour on our ability to do our work and provide a service to others. This Policy explains how we will approach these situations.

2. What actions does the University consider to be unacceptable?

People may act out of character in times of trouble or distress. There may have been upsetting or distressing circumstances leading up to a complaint being submitted. We do not view behaviour as unacceptable just because a complainant is forceful or determined. However, we do consider actions that result in unreasonable demands or unreasonable behaviour towards University staff to be unacceptable. It is these actions that we aim to manage under this Policy.

3. Aggressive or abusive behaviour

We understand that complainants may feel 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 accepted

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, harassed, threatened or abused. We will judge each situation individually, recognising that individuals who come to us may be upset. Language which is designed to insult or degrade, which is racist, sexist or homophobic or which makes serious allegations that individuals have displayed criminal, corrupt or perverse conduct without any evidence is unacceptable. We may also decide that comments made to us about third parties are unacceptable because of the effect that listening to or reading them may have on our staff.

4. Unreasonable Demands

A demand becomes unacceptable when it starts to, or when complying with the demand would, impact unreasonably on the work of staff investigating a complaint.

Examples of actions grouped under this heading include but are not restricted to:

- repeatedly demanding responses within an unreasonable timescale; and
- 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; and
- the submission of vexatious complaints.

An example of such impact would be that the demand takes up an excessive amount of staff time and in so doing disadvantages other complainants and prevents the individual's own complaint from being dealt with quickly.

5. Unreasonable level of contact

Sometimes the concentrated volume and/or duration of contact made with University staff by an individual causes problem. Numerous calls or emails in one day or one hour would be examples of

this. Equally, it may occur over the life-span of a complaint when a complainant repeatedly makes telephone calls, or sends correspondence or emails or posts comments on social media, to the University or inundates staff with information that has been sent already, been responded to or that is irrelevant to the complaint.

6. 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 proceed. 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. If a complainant refuses to co-operate, the University may be unable to proceed to investigate their complaint, either fully or in part, and will let the complainant know that their complaint is no longer being considered

7. Unreasonable use of the complaints process

Individuals with complaints about the University have the right to pursue their concerns through a range of means. They also have the right to complain more than once if subsequent incidents occur. However, 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. We consider access to a complaints system to be important and it will be in only exceptional circumstances that we would consider such repeated use unacceptable – but we reserve the right to do so in such cases.

8. Examples of how we manage unacceptable behaviour

The threat or use of physical violence, verbal abuse or any other form of harassment towards University 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 or the behaviour constitutes a hate crime.

University staff will end telephone calls if they consider the caller aggressive, abusive or offensive. University 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. We will explain 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. In extreme situations, we will tell the complainant in writing that their name is on a 'no personal contact' list. This means that any further contact with the University would have to come through a third party whom the individual has identified as willing to act on their behalf and who is acceptable to the University.

9. Examples of how we deal with other categories of unreasonable behaviour

In circumstances where the University considers that unreasonable behaviour is having an adverse impact on the complaint investigation, action will be taken to address this behaviour. We aim to do this in a way that allows a complaint to progress through our process.

Actions we may take where a complainant repeatedly phones, visits the office, raises repeated issues, or sends emails or large numbers of documents where their relevance isn't clear, are as follows:

- limit contact to telephone calls from the complainant at set times on set days.
- restrict contact to a nominated member of University 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 that a complainant has introduced unreasonable extraneous or irrelevant, or unrelated issues, we may tell the complainant 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 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.

Any member of University 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 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 the University are taken only 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.

10. How we let people know we have made this decision

When a member of University staff 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 told in writing why the decision has been made to restrict future contact, or why there are 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.

11. The process for appealing a decision to restrict contact

It is important that a decision can be reconsidered. A complainant can appeal a decision to restrict contact. If they do this, we will consider only arguments that relate to the restriction and not to either the complaint made to us or to our decision to close a complaint. An appeal could include, for example, a complainant saying that: their actions were wrongly identified as unacceptable; the restrictions were disproportionate; or that they will have a disproportionate, adverse impact on the individual because of personal circumstances. Appeals should be sent to the Department of Governance (email complaints@gcu.ac.uk)

A senior member of staff who was not involved in the original decision will consider the appeal, normally this will be the University Secretary. The person considering the appeal will have discretion to maintain, quash or vary the restriction as they judge appropriate. They will make their decision based on the evidence available to them. They must advise the complainant in writing that either the restricted contact arrangements still apply or a different course of action has been agreed.

The University may review the restriction periodically or on further request from the complainant after a period of time has passed.

Each case is different. We will explain in the letter setting out the restriction what review process will be in place for that restriction and in what circumstances the complainant could request this be reconsidered.

12. How we record and review a decision to restrict contact

We record all incidents of unacceptable actions by complainants. Where it is decided to restrict complainant contact, or drop a complaint because of the complainant's unacceptable behaviour, this will be recorded in line with data protection guidelines.