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<b>Report To:</b>	<b>Policy and Resources Committee</b>	<b>Date:</b>	<b>25 March 2025</b>
<b>Report By:</b>	<b>Head of Legal, Democratic, Digital &amp; Customer Services</b>	<b>Report No:</b>	<b>LS/021/25/LB</b>
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<b>Subject:</b>	<b>Unacceptable Actions Policy Update</b>		

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## **1.0 PURPOSE AND SUMMARY**

1.1  For Decision  For Information/Noting

1.2 The purpose of this report is to seek approval of an updated version of the Council's Unacceptable Actions Policy.

## **2.0 RECOMMENDATIONS**

2.1 It is recommended that the Committee approves the updated Unacceptable Actions Policy appended to this report in Appendix 2.

**Lynsey Brown**  
**Head of Legal, Democratic, Digital & Customer Services**

### **3.0 BACKGROUND AND CONTEXT**

- 3.1 Inverclyde Council is committed to providing its customers with professional services to a high standard and seeks to do so in a polite and courteous manner.
- 3.2 However, when things go wrong, customers have a right to be heard, understood and respected. Having a robust, accessible and transparent complaints process is vital in ensuring that complaints are dealt with appropriately, effectively and with a view to improving our services. The Council's procedure for dealing with the majority of complaints and complainants is set out in the Complaints Handling Procedure and supporting guidance.
- 3.3 There are a very small number of customers however whose behaviour makes it difficult for employees and Elected Members to be able to deal with their complaint or enquiry. In some cases the customer's actions become unacceptable because they involve abuse of employees, Elected Members or Council processes.
- 3.4 The attached updated policy seeks to provide concise guidance to assist employees and Elected Members to deal with actions or behaviours from customers and others engaging with the Council that are considered unacceptable, whether directed at them verbally, in writing or by social media and the internet.

### **4.0 MANAGING UNACCEPTABLE ACTIONS BY CUSTOMERS**

- 4.1 There are relatively few customers whose actions the Council considers unacceptable. The nature and extent of these actions will determine how the Council will manage them. The key aim of the Unacceptable Actions Policy is to manage the behaviour or actions of customers who are making it difficult for employees or Elected Members to be able to deal with their complaint or enquiry effectively. These actions can include:
  - aggressive or abusive behaviour
  - unreasonable demands
  - unreasonable levels of contact
  - unreasonable use of the complaints process
- 4.2 The key provisions of the Unacceptable Actions Policy include:
  - defining unacceptable actions
  - managing unacceptable actions
  - deciding on restricting access and the process of appeal
  - reviewing the decision to restrict contact
- 4.3 The policy also reflects the increase in use of social media and internet communication.
- 4.4 The policy is intended to increase protection for employees and customers where an individual's actions result in unreasonable demands on services or unreasonable behaviour towards employees and Elected Members.
- 4.5 The policy is consistent with the best practice guidance provided by the SPSO. It should also be noted that the SPSO has produced a Complaints Handling Practice Guide: Dealing with Problem Behaviour, which contains useful guidance to supplement the policy.
- 4.6 The Unacceptable Actions Policy continues to be essential to ensure that the Council's principles in dealing with those who act in an unacceptable manner are consistent with those principles set

out in the SPSO's Engagement Policy. The policy is also in keeping with the Council's zero tolerance approach to abuse and its commitment to the safety of its employees and Elected Members in seeking to ensure that they do not suffer any disadvantage from those who act in an unacceptable manner.

## 5.0 REVIEW OF THE UNACCEPTABLE ACTIONS POLICY

5.1 The Council's Unacceptable Actions Policy was approved in September 2015. The policy has been reviewed and the substantive changes are as follows:

- Additional information added on vexatious and manifestly unreasonable information requests;
- Clearer guidance added around the processes to follow at the end of restriction period;
- More information added around the appeals process;
- Clearer guidance to employees on where they can seek further guidance on unacceptable behaviour and/or the application of the policy; and
- Additional information on how the Council takes account of its duties under the Equality Act 2010.

5.2 The Policy has also been updated to reflect the Council's new policy template. A table which summarises the proposed changes to the Policy is set out at Appendix 1, with the revised Policy set out at Appendix 2 for Committee's consideration.

## 6.0 IMPLICATIONS

6.1 The table below shows whether risks and implications apply if the recommendation(s) is(are) agreed:

SUBJECT	YES	NO
Financial		X
Legal/Risk	X	
Human Resources		X
Strategic (Partnership Plan/Council Plan)	X	
Equalities, Fairer Scotland Duty & Children/Young People's Rights & Wellbeing	X	
Environmental & Sustainability		X
Data Protection		X

### 6.2 Finance

One off Costs

Cost Centre	Budget Heading	Budget Years	Proposed Spend this Report	Virement From	Other Comments
N/A					

Annually Recurring Costs/ (Savings)

Cost Centre	Budget Heading	With Effect from	Annual Net Impact	Virement From (If Applicable)	Other Comments
N/A					

### 6.3 Legal/Risk

Any decision to restrict access in terms of the Unacceptable Actions Policy does not affect the Council's legal responsibilities to customers – for example in terms of the Freedom of Information (Scotland) Act 2002 and the Data Protection Act 2018. The application of this policy should not prevent a customer from the right to access statutory services from the Council. This will be taken into account when any restrictions are put in place.

### 6.4 Human Resources

There are no direct Human Resources implications arising from this report.

### 6.5 Strategic

This Policy supports the delivery of the following outcomes within the Council Plan 2023-2028:

- High quality and innovative services are provided giving value for money.
- Our employees are supported and developed.

### 6.6 Equalities, Fairer Scotland Duty & Children/Young People

#### (a) Equalities

This report has been considered under the Corporate Equalities Impact Assessment (EqIA) process with the following outcome:

X	YES – Assessed as relevant, an EqIA is required and is available on the Council's website. <a href="#">Equality Impact Assessments - Inverclyde Council</a>
	NO – This report does not introduce a new policy, function or strategy or recommend a substantive change to an existing policy, function or strategy. Therefore, assessed as not relevant and no EqIA is required.

#### (b) Fairer Scotland Duty

If this report affects or proposes any major strategic decision:-

Has there been active consideration of how this report's recommendations reduce inequalities of outcome?

	YES – A written statement showing how this report's recommendations reduce inequalities of outcome caused by socio-economic disadvantage has been completed.
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X
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NO – Assessed as not relevant under the Fairer Scotland Duty.

(c) Children and Young People

Has a Children’s Rights and Wellbeing Impact Assessment been carried out?

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YES – Assessed as relevant and a CRWIA is required.

X
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NO – Assessed as not relevant as this report does not involve a new policy, function or strategy or recommends a substantive change to an existing policy, function or strategy which will have an impact on children’s rights.

**7.0 CONSULTATION**

7.1 The Information Governance Steering Group and the Corporate Management Team have been consulted on the updated Unacceptable Actions Policy.

**8.0 BACKGROUND PAPERS**

8.1 None.

**SUMMARY OF PROPOSED REVISIONS TO UNACCEPTABLE ACTIONS POLICY – MARCH 2025**

<b>PAGE</b>	<b>TITLE</b>	<b>SECTION</b>	<b>PROPOSED CHANGE</b>
Throughout	n/a	n/a	Use of new policy template
6	Defining Unacceptable Actions	3.2.3	New paragraph – to clarify that examples of unacceptable actions are set out under three broad headings.
6	Aggressive and/or Abusive Behaviour	3.2.4	New paragraph – to clarify difference between aggression and reasonable annoyance
7	Aggressive and/or Abusive Behaviour	3.2.5	Examples of aggressive/abusive behaviours expanded.
7	Unreasonable Demands or Levels of Contact	3.2.7	Examples of unreasonable demands/levels of contact expand and now also include vexatious or repeated requests under FOISA
7	Unreasonable Demands or Levels of Contact	3.2.8	New paragraph – noting that “repeated” interactions can subjective and should be agreed by a senior manager.
8	Unreasonable Persistence	3.2.14	New paragraph – how to deal with customers who send multiple emails.
9	Managing Unacceptable Actions	3.3.1	Paragraph expanded to provide further information on continuing to provide a level of service to the customer and that threats/violence will be reported to the Police.
9	Customer Complaints	3.3.2	New paragraph – reminder of use of complaint handling procedure
11	Who can decide to restrict contact	3.4.4	New, updated section on where employees can seek further guidance on unacceptable behaviour and/or application of the policy.
11	Who can decide to restrict contact	3.4.5	Further information about customers being given the opportunity to modify their behaviour before a restriction is put in place.
12	How to Appeal a Decision to Restrict Contact	3.6	Paragraph expanded to provide further information around the appeals process.
12	Recording a Decision to Restrict Contact	3.7.2	Updated to clarify responsibilities for reviewing contact restrictions.
13	Reviewing a Decision to Restrict Contact	3.8	New section – clearer guidance on the processes to follow at the end of a restriction period.
13	Related Matters	3.9	New section on SPSO, Information Requests and Equality Duties.

# ***Unacceptable Actions Policy***

Version No 2.0

Produced by:

Information Governance Team  
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## DOCUMENT CONTROL

<b>Document Responsibility</b>		
<b>Policy Title</b>	<b>Corporate Group</b>	<b>Service</b>
Unacceptable Actions Policy	Information Governance Steering Group	Legal, Democratic, Digital & Customer Services

<b>Change History</b>		
<b>Version</b>	<b>Date</b>	<b>Comments</b>
1.0	August 2015	New Policy
2.0	February 2025	Updated to new policy format, review and update of policy

<b>Distribution</b>
Corporate Directors, Heads of Service, ICON, Information Governance Steering Group

<b>Policy Review</b>		
<b>Updating Frequency</b>	<b>Next Review Date</b>	<b>Responsible Officer</b>
5 years	March 2030	Head of Legal, Democratic, Digital & Customer Services

<b>Policy Review and Approval</b>			
<b>Name</b>	<b>Action</b>	<b>Date</b>	<b>Communication</b>
Policy & Resources Committee			Website; ICON; IGSG;



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## 1 INTRODUCTION

### 1.1 EXECUTIVE SUMMARY

This Policy sets out Inverclyde Council's approach to the relatively few customers whose actions or behaviours are considered to be unacceptable.

All Council employees and elected members are entitled to respect as they carry out their roles and deliver Council services and the Council takes a zero-tolerance approach to abuse of its employees and elected members. This Policy aims to ensure that the Council takes a consistent and fair approach in dealing with customers or their representatives who make unreasonable demands of employees and elected members or who behave in a manner that is considered unacceptable.

### 1.2 BACKGROUND

The Council aspires to be an organisation that delivers excellent customer services through a range of channels. We will take account of customer needs and will respond with patience and understanding when customers have specific requirements of the Council. It is recognised that some customers will come into contact with the Council at difficult times in their lives and/or when experiencing challenging circumstances, and that this may cause them to act in ways that are out of character.

The Council will do its best to ensure that customers are offered appropriate support and guidance in their business with the Council. However, on occasion, customers may make unreasonable demands of behave in an unacceptable way and this Unacceptable Actions Policy sets out the Council's approach to the few customers whose behaviour is considered unacceptable.

### 1.3 STRATEGIC CONTEXT

This Policy supports the delivery of the following outcomes within the Council Plan 2023-2028:

- High quality and innovative services are provided giving value for money.
- Our employees are supported and developed.

### 1.4 LINKS TO LEGISLATION

Scottish Public Services Ombudsman Act 2002  
Freedom of Information (Scotland) Act 2002  
Data Protection Act 2018  
UK General Data Protection Regulation

### 1.5 POLICY AIMS

- To deal fairly, honestly, consistently and appropriately with all customers, including those whose actions the Council considers unacceptable. The Council believes that all customers have the right to be heard, understood and respected. The Council also considers that our employees and elected members have the same rights.

- To ensure that Council employees, elected members and other customers are not disadvantaged by the actions or behaviours of customers who behave in an unacceptable manner.
- To make it clear to all customers and others engaging with the Council at all stages of their dealings with the Council, the types of actions and behaviours the Council considers to be inappropriate and to set out how the Council will manage such actions.
- To provide services that are accessible to all customers and others engaging with the Council. However, where the Council considers a customer's actions to be unacceptable, the Council retains the right to restrict or change access to our employees and/or services.
- To support employees and elected members in dealing with actions or behaviour from customers and others engaging with the Council that is considered to be unacceptable whether directed at them verbally, in writing or by social media and the internet.
- To support existing Health and Safety arrangements and policies which deal with violence towards employees and elected members in the workplace.

#### 1.6 LINKS TO CORPORATE GROUPS

This Policy is linked to the work of the Corporate Management Team and the Information Governance Steering Group.

## **2 SCOPE**

The principles set out in this Policy apply to the Council's dealings with its customers in all circumstances.

## **3 POLICY CONTENT**

### **3.1 Introduction**

The Council's procedure for dealing with the majority of complaints and complainants is set out in the Complaints Handling Procedure and supporting guidance. It is intended that the following procedures will only be implemented in exceptional circumstances.

This policy details Inverclyde Council's approach for dealing with the very small minority of customers whose actions or behaviours are considered to be unacceptable.

The term "customer" also includes anyone acting on behalf of a customer or who contacts the Council in connection with any aspect of its services. The principles set out in this Policy apply to the Council's dealings with its customers in all circumstances.

It is important to emphasise from the outset that the Council is committed to providing high standards of customer care, and it is only in exceptional circumstances that the terms of this policy will apply. A key determinant of how responsive we are as a Council is ensuring that we have a positive approach to dealing effectively with our residents' and service users' complaints and using management information derived from such complaints to monitor performance and improve our services.

### **3.2 Defining Unacceptable Actions**

- 3.2.1 People may act out of character in times of trouble or distress. There may have been upsetting or disturbing circumstances leading up to a person formally contacting the Council. The Council does not view behaviour as unacceptable just because an individual is being forceful or determined.
- 3.2.2 The actions of individuals who are angry, demanding, offensive or persistent may result in unreasonable demands on the Council or unacceptable behaviour towards Council employees, elected members and other representatives acting on behalf of the Council. The Council considers these actions to be unacceptable and aims to manage them under the terms of this policy.
- 3.2.3 There is a wide range of behaviour that may be deemed unacceptable. While it is not possible to produce a comprehensive list of actions that would be considered unacceptable, this policy sets out examples of unacceptable actions under three broad headings:

#### **Aggressive and/or Abusive Behaviour**

- 3.2.4 The Council expects its employees and elected members to be treated with courtesy and respect. The Council also understands the difference between aggression and the reasonable annoyance that a customer may feel in connection with their circumstances or a complaint they may be making. Reasonable annoyance in such circumstances is to be expected, but when this turns into inappropriate behaviours or aggression, this is not acceptable. Violence, threats, offensive language or abuse toward employees or elected members is always unacceptable.

3.2.5 Aggressive or violent behaviour is not restricted to acts that may result in physical harm. It also includes behaviour or language (whether verbal or written) that may cause employees, elected members and other representatives acting on behalf of the Council to feel offended, afraid, threatened, humiliated or abused.

3.2.5 Examples of aggressive/abusive behaviours:

- Making threats
- Physical violence or intimidation
- Verbal abuse
- Using offensive language
- Being rude
- Making derogatory remarks
- Making inflammatory statements
- Making unsubstantiated allegations
- Making defamatory, slanderous or libellous statements

### **Unreasonable Demands or Levels of Contact**

3.2.6 Customers may make what we consider unreasonable demands on the Council through the amount of information they seek, the nature and scale of the 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 or their representative, including organisations that may contact us on behalf of their clients.

3.2.7 Examples of unreasonable demands or levels of contact:

- Repeatedly demanding responses within an unreasonable timescale
- Insisting on seeing or speaking to a particular employee or elected member when this is not possible
- Repeated visits, phone calls, letters or emails
- Routinely copying the same correspondence/request to a number of people
- Repeatedly changing the substance of a complaint or repeatedly raising unrelated concerns
- Repeated failure to identify the precise issues they wish to be investigated despite reasonable efforts by the Council to help them
- Repeatedly raising the same or similar issue which has already been responded to in terms of the Council's complaint handling procedure
- Vexatious or repeated FOI requests (refer to Section 14 of the Freedom of Information (Scotland) Act 2002).

3.2.8 As the term “repeated” is subjective, the number of interactions deemed repeated should be agreed by a senior manager within the relevant service.

3.2.9 The Council considers these demands unacceptable and unreasonable if they start to impact substantially on the work of the Council and its ability to deliver services, such as taking up an excessive amount of employee or elected member time to the disadvantage of other customers, service users or functions.

3.2.10 Some customers will not or cannot accept that the Council are unable to assist them further or provide a level of service other than that already provided. Customers may persist in disagreeing with the action or decision taken in relation to their complaint or issue.

3.2.11 We consider the actions of customers making persistent levels of contact to be unacceptable when the amount of time spent talking to a customer on the telephone, responding to e-mails and written correspondence, or responding to other forms of electronic communications impacts on our ability to deal with that issue or other customers' issues, and causes distress to either staff or other customers.

### **Unreasonable Persistence**

3.2.12 As highlighted above some customers cannot or will not accept that the Council is unable to assist them further or provide a level of service other than that already provided. This can result in unreasonable persistence. Unreasonable persistence is defined as continued, incessant and unrelenting conduct that has a disproportionate or unreasonable impact on the Council's employees, elected members and services' time and/or resources.

3.2.13 Examples of actions grouped under this heading include:

- unreasonable use of the complaints process;
- persistent refusal to accept a decision made;
- persistent refusal to accept reasonable and logical explanations without presenting any new information;
- sending multiple emails to many members of staff or elected members;
- persistent, organised and targeted campaigns to deliberately disrupt the work of the Council;
- persistent use of social media or the internet to draw attention to a particular issue repeatedly

3.2.14 Sending multiple emails to many employees or elected members is considered to be unacceptable. In the first instance, an individual who sends multiple emails or correspondence should be advised of a nominated contact within the Council. This will be a designated officer who is best placed to deal with the subject the individual wishes to pursue. Where the individual fails to adhere to these arrangements, the actions set out in sections 3.3 and 3.4 below may be invoked.

3.2.15 The Council considers the actions of persistent enquirers or serial complainants to be unacceptable when they take up what the Council considers to be a disproportionate amount of time and resources or have a negative impact on our employees or elected members. The actions set in sections 3.3 and 3.4 below may be invoked.

## **3.3 Managing Unacceptable Actions**

3.3.1 There are relatively few customers whose actions are unacceptable. How we aim to manage these actions depends on their nature and extent. If it adversely affects our ability to do our work and provide a service to others, we may need to restrict the individual or group's contact with the Council in order to manage the unacceptable action. We aim to do this in a way that wherever possible allows the issue to be

resolved, or for the service to be provided through the Council's normal processes for the matter that is the subject of the complaint or enquiry.

- The Council may restrict or cease contact in person, by telephone, letter or email or by any other means or any combination of these. The Council will try to maintain at least one form of contact but will reserve the right in extreme cases to withdraw all contact.
- In extreme cases, the Council will advise the individual in writing (or where applicable their chosen form of communication) that contact with the Council has been restricted and should include the provision(s) of the policy that are relevant and the specific restriction(s) being applied.
- The threat or use of physical violence, verbal abuse or harassment towards any Inverclyde Council employee or elected member is likely to result in the termination of all direct contact with the individual concerned. Incidents in which physical violence is used or threatened will be reports to the Police.

### **Customer Complaints**

3.3.2 With the exception of aggressive or abusive behaviour, customer complaints should be addressed through the Council's two stage complaint handling procedure. This will ensure customers have the right to seek review from the Scottish Public Services Ombudsman should a complaint progress through stages one and two. If the exact nature of a complaint is unclear, the Council should contact the customer seeking clarification. Employees can advise a customer as to the areas of complaint they propose to address, inviting the customer to respond if our understanding is not correct.

### **Written Correspondence**

3.3.3 We will not deal with correspondence that is abusive to employees or elected members or that contains allegations that lack substantive evidence. When this happens we will tell the customer that we consider their language offensive, unnecessary and unhelpful. We will ask them to stop using such language and advise that we will not respond to their correspondence if the action or behaviour continues. In certain cases we may block email addresses and emails.

These actions will also be used in situations where social media is used to direct abuse or offensive messages to an individual or group of employees or elected members.

### **Telephone communication**

3.3.4 Council employees and elected members will end telephone calls if the caller is considered to be aggressive, abusive or offensive. If they suspect or are informed that calls are being recorded for later use in public or are being live streamed then they are entitled to politely terminate the call immediately. The employee or elected member taking the call have the right to make this decision, tell the caller that the behaviour is unacceptable and end the call if the behaviour does not stop after two warnings.

## Meetings

3.3.5 In the event that Council employees and elected members have to meet with customers who are subject to the terms of this policy, appropriate steps will be taken, prior to the meeting, to ensure staff and elected member safety.

## Further actions

3.3.6 Where an individual repeatedly phones, visits the office, sends emails, sends irrelevant documents or correspondence, raises the same issues or uses social media inappropriately, we may decide to:

- only take telephone calls from the individual at set times/days or put an arrangement in place for only one employee to deal with calls or correspondence from the individual in future (single point of contact);
- ask the individual to make an appointment to see a named employee or elected member before visiting our offices or request that the individual contacts the Council in writing only, or where written English is not their first language of communication, their agreed form of communication;
- return the documents or correspondence to the complainant or in extreme cases advise the complainant that further irrelevant documents or correspondence will be destroyed;
- take other action that we consider appropriate, which may include directing emails to a separate, monitored mailbox, blocking emails or in extreme cases, raising legal action;
- Where an individual continues to correspond via any method on a wide range of issues that is considered to be excessive, the individual will be told that only a certain number of issues will be considered in any given period and to limit or focus their requests accordingly.
- in cases where social media is repeatedly used to abuse, threaten, etc. in public forums, despite Council requests for such abuse to stop or comments to be removed, the Council will support the employee or elected member in their rights in Law to take action against the perpetrators. Relevant managers will contact Corporate Communications and/or Legal Services for further advice on the appropriate course of action. This may result in contacting the administrator of social media sites and asking them to remove any abusive or defamatory comments.
- The Council shares information, images and video with the public through external social media websites. Social media offers opportunities for open discussion and debate and should be encouraged. Comments made by the public to these sites are reviewed and, while comments will not be edited by Council employees, a comment may be deleted if it is offensive, abusive or threatening to employees or elected members. In addition, offensive or unacceptable actions, language or trolling may also result in the perpetrator being blocked and/or reported to the social media site administrator.



- An individual with a complaint about Council services may be considered unreasonably persistent if, after all stages of the Council's Complaints Handling Procedure have been exhausted the complainant continues to dispute the Council's decision relating to the complaint. In this instance, the complainant will be told that no future phone calls will be accepted, interviews granted or correspondence responded to concerning this complaint. They will be told if there is a further review procedure out with the Council they could invoke (e.g. SPSO). Any future contact by the complainant would be read and filed, but only acknowledged or responded to if the complainant provides significant new information relating to the complaint.

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

### **3.4 Who can decide to restrict contact?**

- 3.4.1 Employees and elected members who directly experience aggressive or abusive 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. This may include reporting incidents to the Police.
- 3.4.2 Employees should report the incident to their supervisor/Line Manager and to the Council's Health and Safety Section using the Internal Reporting Form on ICON.
- 3.4.3 Elected members should notify the Head of Legal, Democratic, Digital and Customer Services who will make arrangements to record the incident.
- 3.4.4 If employees are uncertain how to proceed where unacceptable behaviour is evident or require further guidance in terms of the application of the policy, they should consult with the Council's Senior Information Governance and Complaints Officer in the first instance.
- 3.4.5 If the concerning behaviour is not acceptable but is not considered to be serious enough to be recorded on the system, a warning letter to the individual may be issued. This letter will state the nature of the unreasonable behaviour and will tell the individual that it should not continue.
- 3.4.6 With the exception of immediate decisions taken at the time of an incident, customers will be made aware of the policy and given the opportunity to change their behaviour or action before it is applied. Wherever possible the individual will be given an opportunity to modify their behaviour or actions before a final decision to restrict contact is taken.
- 3.4.7 Decisions to restrict an individual's contact with Council employees and elected members will only be taken after careful consideration by the relevant Head of Service in consultation with the Head of Legal, Democratic, Digital and Customer Services and the Head of Service (Organisational Development, Policy and Communications).

### **3.5 How we let customers know we have made the decision to restrict contact**

- 3.5.1 We will always tell the customer or group what action we are taking and why. When a staff member makes an immediate decision in response to aggressive or abusive behaviour, the customer is advised at the time of the incident.
- 3.5.2 When a decision has been made by a Head of Service to restrict contact the customer will be told in writing why the decision has been made. The communication will also include the restricted contact arrangements and, if relevant, the length of time the arrangements will be in place. If appropriate, the customer will also be advised who this information will be shared with and recorded on our systems. This ensures the customer has a record of the decision.

### **3.6 How to Appeal a Decision to Restrict Contact**

- 3.6.1 A customer can appeal a decision to restrict contact. We will only consider arguments that relate to the restriction and not to either the complaint made or our decision to close a complaint.
- 3.6.2 An appeal could include, for example, a complainant saying that:
- their actions were wrongly identified as unacceptable
  - the restrictions were disproportionate
  - the restrictions will adversely impact on the customer because of personal circumstances.
- 3.6.3 Appeals will be considered in terms of employees, by a senior manager who was not involved in the original decision. In respect of elected members, the review will be carried out by their respective groups with appropriate officer support.
- 3.6.4 They have the discretion to quash or vary the restriction as they consider appropriate. They will make their decision on the evidence available to them.
- 3.6.5 The customer will be advised of the outcome in writing that either the restricted contact arrangements still apply or a different course of action has been agreed.

### **3.7 Recording a Decision to Restrict Contact**

- 3.7.1 The Council will record all incidents of unacceptable actions by customers. Where contact has been restricted, this is noted in the relevant file and/or on appropriate computer systems.
- 3.7.2 A decision to restrict contact may be reconsidered if the customer demonstrates a more acceptable approach. The relevant Head of Service will review the status of all individuals with restricted contact arrangements periodically through respective Service Management Teams and must conduct a full review of the restriction before the end of the restriction period. In respect of elected members, these arrangements should be made through their respective groups.

### **3.8 Reviewing a Decision to Restrict Contact**

- 3.8.1 If a full review confirms the customer has moderated or altered their behaviour, restrictions may be relaxed or removed, however, these may be reinstated if subsequent contact is again deemed unacceptable or relates to matters which resulted in the contact restrictions first being applied.
- 3.8.2 Where restrictions are being relaxed or lifted after review, individuals should be informed of this in writing.
- 3.8.3 When reviewing a restriction, the total extent of the individual's demands on the Council during the restriction period should be taken into account, including any Freedom of Information (FOI) and Subject Access Requests.
- 3.8.4 If a contact restriction has been placed on an individual on a permanent basis there is no requirement to inform the individual of this upon each anniversary as long as the individual was informed the restriction was permanent when first applied.

### **3.9 Related Matters**

#### **SPSO**

- 3.9.1 Under section 2(2) of the Scottish Public services Ombudsman Act 2001, in certain circumstances, an authority within the Ombudsman's jurisdiction can ask the Ombudsman to investigate a complaint about itself. The SPSO's guidance states that such a request would only be made in the following circumstances:
- The authority has done all that it believes it reasonably can do to resolve the complaint, including telling the complainant of their rights to complain to the SPSO.
  - The complainant appears to have chosen not to bring the matter to the SPSO.
  - A public statement has been made alleging hardship/injustice to a member or members of the public as a result of the alleged maladministration or service failure by the authority.

#### **Information Requests**

- 3.9.2 When deciding to restrict contact we will not attempt to restrict the rights of an individual to raise requests under information legislation, such as the right to request information under the Freedom of Information (Scotland) Act 2002 (FOISA), the Environmental Information Regulations (Scotland) 2004 (EIRs), the Data Protection Act 2018 or a Subject Access Request under the UK General Data Protection Regulation. Any such requests received will be considered under the normal terms of those access regimes – although of course such a request, if couched in terms that are harassing, unreasonable or excessive, may be deemed vexatious under the FOISA or manifestly unreasonable under EIRs. If an FOI request is answered, it should solely result in the release of pre-existing documentation or information. Care should be taken not to undermine any decision to restrict contact through creation of new information, such as the answering of questions relating to the issue which gave rise to the restriction decision applied under this policy.

## **Equality Duties**

3.9.3 Some people may have difficulty expressing themselves or communicating clearly or appropriately. We will always consider the needs and circumstances that we have been made aware of, before deciding how best to manage the situation. This will include making reasonable adjustments. However, this does not mean that we will tolerate abusive language, shouting or other unacceptable behaviour or actions.

If an individual with a protected characteristic becomes the subject of a restriction under this policy, we will consider whether the restriction may affect them more than someone without that characteristic. If this is the case, we may make different arrangements so that they can still access the relevant service.

## **Policies**

3.9.4 This policy should be read in conjunction with the following supporting documents:

- Managing Occupational Violence and Aggression in the Workplace Policy
- Health and Safety Guidance on Managing Aggression at Work (available on ICON)
- Media and Social Media Protocol
- Complaints Handling Procedure

## **4 ROLES AND RESPONSIBILITIES**

As set out in Section 3.4 of the Policy.

## **5 IMPLEMENTATION**

### **5.1 COMMUNICATION OF THE POLICY**

This Policy will be available on ICON (the Council intranet), as well as publicly via the Council website.

## **6 RISK**

### **6.1 RISK**

The application of this policy should not prevent a customer from the right to access statutory services from the Council. This will be taken into account when any restrictions are put in place.

## **7 EQUALITIES**

### **7.1 CONSULTATION AND ENGAGEMENT**

This Policy was updated in consultation with the Corporate Management Team and the Information Governance Steering Group.

### **7.2 EQUALITY IMPACT ASSESSMENT**

Equality Impact Assessment available at [Equality Impact Assessments 2025 - Inverclyde Council](#)