



Unreasonable Complainant Behaviour Policy

POL-NWH-017

Lead Officer (Post):	Head of Performance and Planning
Responsible Office/ Department:	Performance and Planning
Responsible Committee:	Audit and Risk Management
Review Officer (Post):	Compliance and Information Governance Manager
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Public face / College internal facing only	Public facing within Complaints process
Date of Equality Impact Assessment:	
Has a Data Privacy Impact Assessment been completed:	Will be completed by Compliance Team – Completed / Data Protection Officer has approved that no DPIA is required

Accessible versions of this policy are available upon request. Please contact UHI North, West and Hebrides for more information.

Introduction

UHI believes that complainants have a right to be heard, understood and respected. Occasionally, the behaviour of individuals using our Complaints Procedures makes it very difficult for us to deal with their complaint. In a very small number of cases, the behaviour becomes unacceptable because it involves abuse of our staff or our processes. When this happens we have to take action to protect our staff. We 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.

Unreasonable behaviour

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 coming to UHI. We do not view behaviour as unreasonable just because a complainant is forceful or determined. However, we do consider behaviour that results in unreasonable demands on UHI or unreasonable behaviour towards staff to be unacceptable.

Aggressive or abusive behaviour

We understand that many complainants are angry about the issues they have raised in their complaint. If that anger escalates into aggression towards UHI 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 afraid, threatened or abused, and may include threats, personal verbal abuse, derogatory remarks or rudeness. We also consider inflammatory statements and unsubstantiated allegations to be abusive behaviour.

Unreasonable demands

A demand becomes unreasonable when it starts to, or when complying with the demand would, impact substantially on the work of staff investigating a complaint. Examples of behaviour under this heading include:

- repeatedly demanding responses within an unreasonable timescale
- insisting on seeing or speaking to a particular member of staff when that is not possible or necessary
- repeatedly changing the substance of a complaint or raising unrelated concerns

An example of such impact would be that the demand takes up an excessive amount of staff time and, in so doing, disadvantages others

Unreasonable levels of contact

Sometimes the volume and duration of contact made to staff investigating a complaint by an individual causes problems. This can occur over a short period: for example, a number of calls in one day or one hour. It may occur over the life-span of a complaint when a complainant repeatedly makes long telephone calls to UHI or inundates UHI with copies of information that has been sent already or that is irrelevant to the complaint.

We consider that the level of contact has become unreasonable when the amount of time spent talking to a complainant on the telephone, or responding to, reviewing and filing emails or written correspondence impacts on our ability to deal with that complaint, or with other people's requests for support.

Unreasonable use of the complaints process

Individuals with complaints about UHI have the right to pursue their concerns through a range of means. They also have the right to complain more than once about UHI if subsequent incidents occur whilst they are still a UHI student.

However, this contact becomes unreasonable when the effect of the repeated complaints is to harass, or to prevent UHI from pursuing a legitimate aim or implementing a legitimate decision. We consider access to the UHI complaints system to be important and it will only be in exceptional circumstances that we would consider such repeated use as unreasonable – but we reserve the right to do so in those exceptional cases.

Managing unreasonable complainant behaviour

The threat or use of physical violence, verbal abuse or harassment towards UHI staff is likely to result in a termination 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. We will not accept any correspondence that is abusive to staff or contains allegations that lack substantive evidence. We will tell the complainant that we consider their language offensive, unnecessary and unhelpful and ask them to stop using such language. We will state that we will not respond to their correspondence if the action or behaviour continues.

UHI staff will end telephone calls if they consider the caller aggressive, abusive or offensive. UHI 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.

In extreme situations, we will tell the complainant in writing that their name is on a 'no personal contact' list. This means that we will limit contact with them to either written communication or through a third party.

Where a complainant repeatedly phones, visits, raises repeated issues, or sends large numbers of documents where their relevance is not clear, we may decide to:

- limit contact to telephone calls from the complainant at set times on set days
- restrict contact to a nominated member of 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 continued correspondence on a wide range of issues to be excessive, 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.

The process

Any member of 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 UHI are only taken after careful consideration of the situation and evidence by the relevant manager. Wherever possible, we will give a complainant the opportunity to change their behaviour or action before a decision is taken.

Informing the complainant

When a staff member makes an immediate decision in response to aggressive or abusive behaviour, the complainant is advised at the time of the incident. When a decision has been made by the relevant manager, a complainant will be told in writing 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 complainant has a record of the decision.

Appeals

It is important that a decision can be reconsidered. A complainant can appeal a decision to restrict contact. If they do this, we will only consider 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 unreasonable; the restrictions were disproportionate; or that they will adversely impact on the individual because of personal circumstances.

The UHI Secretary will consider the appeal. They have discretion to quash or vary the restriction as they think best. 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.

Recording and reviewing decisions

We record all incidents of unacceptable actions by complainants. Where it is decided to restrict complainant contact, an entry noting this is made in the relevant file. A decision to restrict complainant contact as described above may be reconsidered if the complainant demonstrates a more acceptable approach. The relevant manager will review the status of all complainants with restricted contact arrangements on a regular basis.

Note

This policy is based upon the Scottish Public Services Ombudsman's Unacceptable Actions Policy 2011.

Version	Date	Approved by	Amendment(s)	Author
1		SMT	1 st Approval	UHI