

Unacceptable Actions Policy: managing customer contact in a fair and positive way

Who we are and what we do

The Scottish Charity Regulator (OSCR) is the independent regulator and registrar for Scotland's 25,000 charities. We grant charitable status, monitor registered charities, and identify and act where we believe misconduct including mismanagement has occurred.

We are a non-ministerial office of the Scottish Administration, operating independently of the Scottish Government, reporting directly to the Scottish Parliament. All charities in Scotland must be registered with us and must meet annual reporting requirements to keep their status. We are an enabling regulator and offer a wide range of services to support and encourage improvement within the Scottish charity sector.

We hold charities in Scotland to account and help the charity sector to improve so that the public have trust and confidence in charities.

Introduction to this policy

We believe that everyone has the right to be heard, understood, and treated with respect and dignity. We also believe that our staff have the same rights.

Occasionally the behaviour or actions of individuals using our services make it difficult for us to deal with them. In a small number of cases, the actions of individuals become unacceptable because they involve abuse of our staff or processes.

When this happens, we will take action to protect our staff.

This Policy explains how we will approach these situations.

The actions we consider to be unacceptable

We recognise that people may act out of character in times of trouble or distress. We also understand that there may have been upsetting or distressing circumstances that have led to individuals contacting us.

We do not view behaviour as unacceptable just because an individual is forceful or determined.

However, we do consider actions that result in unreasonable demands on our office or unreasonable behaviour towards our staff to be unacceptable.

It is these actions that we will manage under this Policy.

Aggressive or abusive behaviour

We understand that you may be angry with the issues you have encountered but if that anger escalates into aggression towards our staff, we consider that unacceptable. Any violence or abuse towards our staff is not accepted.

Violence and aggression is not restricted to physical harm alone; it includes behaviour or language (verbal or written) that cause our staff to feel threatened, abused or intimidated.

Language which is designed to insult or degrade, or which is racist, sexist or homophobic is unacceptable.

Unreasonable demands

Demands become unacceptable when it starts to impact substantially on the work of our office.

Examples include:

- repeatedly demanding responses within unreasonable timescales
- insisting on speaking to a particular member of staff when that is impossible
- repeatedly contacting us in respect of decisions we have taken and with which you disagree.

Unreasonable levels of contact

Sometimes the volume and duration of contact made to our office by an individual causes problems. This can occur over a short period of time or longer.

We consider that the level of contact has become unacceptable when the amount of time spent talking to an individual, or responding to, reviewing and filing emails or written correspondence impacts on our ability to deal with that issue, or with other individuals.

Examples of how we will manage unacceptable behaviour

The threat or use of physical violence, verbal abuse or harassment towards OSCR staff is likely to result in us ending all direct contact with the individual. We will always report to the police instances where physical violence is used or threatened.

We will not deal with correspondence (in any format) that is abusive or contains unsubstantiated allegations about OSCR staff. Where we can, we will return the correspondence, explaining why we consider it to be offensive and we will ask individuals to stop using such language.

Our staff will end telephone calls if they consider the caller to be aggressive, abusive or offensive. The staff member taking the call has the right to make this decision.

They will tell the individual that they consider their behaviour to be unacceptable, and will end the call if the behaviour does not stop.

Where individuals repeatedly phone, visit, send large volumes of documents where their relevance is unclear, or raises repeated issues we may:

- limit the number of telephone calls to set times and set days, or put an arrangement in place for only one member of staff to deal with calls or correspondence from that individual in the future.
- restrict contact to writing only; our staff will quickly terminate any telephone calls
- return documents to the individual or, in extreme cases, advise the individual that further irrelevant documents will be destroyed.

Communicating our decision to you

When an OSCR employee makes an immediate decision in response to offensive, aggressive or abusive behaviour, the individual will be advised straight away and at the time of the incident.

Where senior management make the decision, the individual will receive our reason in writing, the restricted contact arrangements put in place under this Policy, and, if relevant, the length of time these restrictions will remain in place.

The process for appealing a decision to restrict contact

A decision can be reconsidered.

An individual can appeal a decision to restrict contact by writing to OSCR's Head of Corporate. OSCR contact details are at the end of this policy.

We will only consider arguments that relate to the restriction. Where possible, a senior member of staff not involved in the original decision will carry out the review and will consider, based on the information available, whether the decision to restrict contact was appropriate. Once these considerations have taken place, the individual will be advised in writing whether the restricted contact arrangements still apply or a different course of action has been agreed.

How we record and review a decision to restrict contact

We record all incidents of unacceptable actions by individuals. Where it is decided to restrict an individual's contact, an entry noting this is made in the relevant OSCR files.

The status of individuals with whom restricted contact arrangements have been put in place will be reviewed on a regular basis.

A decision to restrict contact may be reconsidered either on request or on review.

Policy availability and review

Copies of this policy are available online at www.oscr.org.uk or on request from OSCR.

How to contact us:

OSCR
2nd Floor, Quadrant House
9 Riverside Drive
DUNDEE
DD1 4NY

Email: info@oscr.org.uk
Twitter: @ScotCharityReg
Facebook: ScottishCharityRegulator

Please contact us if you would like this leaflet in another language or format (such as large print, BSL or Braille)

This policy will be reviewed on a regular basis to make sure that its aims are being achieved.

Updated 4/6/2021