

# SQA Accreditation Unacceptable Actions by Complainants Policy

## Introduction

The Scottish Qualifications Authority's Accreditation function (SQA Accreditation) receives enquiries, feedback and, from time to time, complaints regarding its products and services. In the case of complaints, SQA Accreditation will make enquiries, resolve issues, and, where appropriate, conduct investigations. SQA Accreditation aims to do this in a fair and transparent manner. SQA Accreditation has a limited resource for undertaking investigations into complaints, and aims to work to strict timescales in terms of responding to, and concluding, its investigations.

SQA Accreditation aims to conduct thorough, objective, and balanced reviews of all cases and will evaluate evidence submitted from all parties involved. For information on how we handle complaints, please refer to our Complaints Handling Policy.

SQA Accreditation will only respond to, and make enquiries and conduct investigations on, matters within its remit as the accrediting body. It will not get involved in personal grievances between a complainant and any approved awarding bodies or providers.

This policy sets out SQA Accreditation's approach to the relatively few correspondents and complainants whose actions or behaviour we consider unacceptable. This policy is modelled on best practice provided by the Scottish Public Service Ombudsman and the Scottish Information Commissioner.

For the purpose of this policy, the term 'complainant' includes anyone who contacts SQA Accreditation in connection with enquiries, feedback or complaints and includes anyone acting on behalf of a complainant.

## Policy aims

- ◆ This policy aims to help SQA Accreditation to make it clear to all complainants, both at initial contact and throughout their dealings with SQA Accreditation, what we can and cannot do in relation to their enquiry or complaint. In doing this, we aim to be open and not to raise hopes or expectations that we cannot meet.
- ◆ SQA Accreditation aims 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 believe that SQA Accreditation staff have the same rights.
- ◆ SQA Accreditation aims to provide a service that is accessible to all complainants. However, where we consider a complainant's actions to be unacceptable, we retain the right to restrict or change access to our service.
- ◆ We aim to ensure that other complainants and SQA Accreditation staff do not suffer any disadvantage from complainants who act in an unacceptable manner.

## **Defining unacceptable actions**

People may act out of character in times of trouble or distress. There may have been upsetting or distressing circumstances leading up to an enquiry or complaint to SQA Accreditation. We do not view behaviour as unacceptable just because a complainant is forceful or determined. In fact, we accept that being persistent can be a positive advantage when pursuing a complaint. However, the actions of complainants who are angry, demanding or unreasonably persistent may result in unreasonable demands on our offices or unacceptable behaviour towards SQA Accreditation staff. It is these actions that SQA Accreditation considers unacceptable and aims to manage under this policy.

SQA Accreditation has grouped these actions under three broad headings. These headings are not exhaustive. SQA Accreditation will consider each case on its own merits.

## **Aggressive or abusive behaviour**

Violence is not restricted to acts of aggression 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.

- ◆ Examples of behaviours grouped under this heading include threats, physical violence, personal verbal abuse, derogatory remarks and rudeness. SQA also considers that inflammatory statements and unsubstantiated allegations can be abusive behaviour.
- ◆ We expect SQA Accreditation staff to be treated courteously and with respect. Violence or abuse towards staff is unacceptable. SQA Accreditation understands the difference between aggression and anger. The anger felt by many complainants involves the subject matter of their complaint. However, it is not acceptable when anger escalates into aggression directed towards SQA Accreditation staff members.

## **Unreasonable demands**

Complainants may make what SQA Accreditation considers unreasonable demands on us 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 complainant.

- ◆ Examples of actions grouped under this heading include demanding responses within an unreasonable timescale, insisting on seeing or speaking to a particular member of staff, continual phone calls or letters, repeatedly changing the substance of the enquiry or complaint, or raising unrelated concerns.
- ◆ SQA Accreditation considers these demands as unacceptable and unreasonable if they start to impact substantially on the work of the office, such as taking up an excessive amount of staff time.

## **Unreasonable levels of contact**

SQA Accreditation recognises that some complainants will not, or cannot, accept that SQA Accreditation is unable to assist them further or provide a level of service other than that provided already. Complainants may continue to disagree with the action or decision taken in relation to their complaint or contact SQA Accreditation repeatedly about the same issue.

- ◆ Examples of actions grouped under this heading include persistent refusal to accept a decision made in relation to a complaint, persistent refusal to accept explanations relating to what SQA Accreditation can or cannot do, and continuing to pursue a complaint without presenting any new information. The way in which these complainants approach SQA Accreditation may be entirely reasonable, but it is their persistent behaviour in continuing to do so that is not.
- ◆ We consider that the level of contact has become unacceptable when the amount of time spent talking to a complainant on the telephone, or responding to, reviewing and filing e-mails or written correspondence impacts on our ability to deal with that complaint, or with other people's complaints.

## **Managing unacceptable actions**

There are relatively few complainants whose actions SQA Accreditation considers 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 complainant's contact with our office in order to manage the unacceptable action.

We aim to do this in a way, wherever possible, that allows an enquiry to be responded to or a complaint to progress to completion through our complaints process. We may restrict contact in person, by telephone, fax, letter or electronically, or by any combination of these.

We try to maintain at least one form of contact. In extreme situations, we tell the complainant in writing that their name is on a 'no personal contact' list. This means that they must restrict contact with SQA Accreditation to either written communication or through a third party.

The threat or use of physical violence, verbal abuse or harassment towards SQA Accreditation staff is likely to result in the ending of all direct contact with the complainant. This will be the case if physical violence is used or threatened.

SQA Accreditation will not deal with correspondence (letter, fax or electronic) that is abusive to staff or contains allegations that lack substantive evidence. When this happens, we tell the complainant that we consider their language offensive, unnecessary and unhelpful. We ask them to stop using such language, and state that we will not respond to their correspondence if they do not stop. We may require future contact to be through a third party.

SQA Accreditation staff will end telephone calls if the caller is considered aggressive, abusive or offensive. 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. Incidents may be reported to the police.

Where a complainant repeatedly phones, visits SQA Accreditation offices, sends irrelevant documents or raises the same issues, we may decide to:

- ◆ take telephone calls from the complainant only at set times on set days, or put an arrangement in place for only one member of staff to deal with calls or correspondence from the complainant in the future
- ◆ return the documents to the complainant or, in extreme cases, advise the complainant that further irrelevant documents will be destroyed
- ◆ take other action that we consider appropriate — SQA Accreditation will, however, always tell the complainant what action we are taking and why

Where a complainant continues to correspond on a wide range of issues, and this action is considered excessive, the complainant will be told that only a certain number of issues will be considered in a given period and they will be asked to limit or focus their requests accordingly.

Where all internal review mechanisms have been exhausted and the complainant continues to dispute SQA Accreditation's decision relating to their complaint, complainants have the right to ask the Public Service Ombudsman to look at their case, as set out in our Complaints Handling Policy. A complainant's action can be considered unacceptable if all internal review mechanisms have been exhausted and the complainant continues to dispute the SQA Accreditation decision relating to their complaint. The complainant will be told that no future phone calls or correspondence will be accepted concerning this complaint. Future correspondence will be read and filed, but only acknowledged or responded to if the complainant provides significant new information relating to the complaint.

## **Deciding to restrict contact from the complainant**

SQA Accreditation staff who directly experience aggressive or abusive behaviour from a complainant have 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 immediate decisions taken at the time of an incident, decisions to restrict contact with SQA Accreditation are only taken after careful consideration of the situation by a more senior member of staff. Wherever possible, we give a complainant the opportunity to modify their behaviour or action before a decision is taken. Complainants are told in writing why a decision to restrict future contact has been made, the restricted contact arrangements and, if relevant, the length of time that these restrictions will be in place.

## **Recording and reviewing a decision to restrict contact**

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 and on appropriate computer records.

A decision to restrict contact with a complainant may be reconsidered by a Senior Manager or Head of Accreditation if the complainant demonstrates a more acceptable approach.

## **Reviewing a decision to restrict contact**

A complainant can request a review of a decision to restrict contact. A senior member of staff who was not involved in the original decision will consider the request. They have the discretion to quash or vary the restriction, based on the evidence available to them. The complainant will be advised of the outcome of the review in writing.

## **Policy availability and review**

SQA Accreditation reviews this policy on a regular basis to make sure that the aims of the policy are being achieved.

The policy is available on request in other languages and formats.