

sportscotland

Unacceptable Behaviour Policy

Sport for life

sportscotland
the national agency for sport

Document Control

Change Record

Date	Author	Version	Change Reference	Notes
Apr 22	Andrew Shaw	D0.1		
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Unacceptable Behaviour Policy

Introduction

1. **sportscotland** is committed to providing high-quality customer services. We deal directly with many organisations and members of the public daily. This contact is crucial to delivering our organisation's aims. The vast majority our dealings with organisations and the public are conducted professionally and with the intention of delivering a high quality, helpful service without incident. However, measures are required to be put in place for circumstances in which unacceptable behaviour has taken place.

The Scope of Our Policy

2. It is important for **sportscotland** to define what constitutes unacceptable behaviour, identify when such behaviour is directed towards **sportscotland** staff and to set out the steps to resolve any instance of unacceptable behaviour. This policy enables **sportscotland** to deal with instances of unacceptable behaviour fairly and impartially. If necessary, measures will include disengaging from contact with a member of the public or with an individual but not necessarily that individual's organisation. Measures to disengage from contact will only be taken in exceptional circumstances and where **sportscotland** has taken reasonable steps to find an alternative resolution.
3. Our Chief Operating Officer takes overall responsibility for this policy. Our Legal Team is responsible for implementing this policy.

What is Unacceptable Behaviour?

4. Unacceptable behaviour can take many different forms. The following categories set out what **sportscotland** considers to be unacceptable behaviour:

Behaviour Type	Definition
Abusive	Offensive language or actions which upset the individual or group and/or affect their dignity
Bullying	Persistent actions, criticism and/or abuse in public or private which intimidate, demean, frighten and/or humiliate the individual or group
Discriminatory	Disrespect towards an individual or group based on their age, gender, race, religion, disability, sexual orientation, marriage, civil partnership, pregnancy and/or maternity
Duration	Persistent contact regarding the same issue or a variation of it over a period. Contact may be unnecessary, complicated and time consuming. It may be contact with one member of staff or more.
Frequency	Contact which prevents staff from delivering services, particularly if the issue were addressed previously or where a deadline/timescale to address the issue has been set. For example, many short emails over a short period of time or frequent, extremely complex lengthy emails would be deemed to be unacceptable behaviour.
Repetition	Repeated contact regarding the same issue. This may be contact with one member staff or several, particularly where said issue was previously resolved as far as practicably possible. Where

	sportscotland has exhausted the complaints process, further contact on the same issue will also be deemed to be unacceptable behaviour.
Threatening	Intimidating actions which may cause the individual or group to fear harm or injury. This type of behaviour is either verbal or physical.
Vexatious Requests	<p>Under S.14(2) of FOISA, Scottish public authorities do not have to comply with requests that are repeated and/or vexatious (see 'Repetition' above). Vexatious requests according to FOISA, are requests that meet the following criteria:</p> <ol style="list-style-type: none"> 1. Impose a significant burden on the public authority. 2. Does not have a serious purpose/value. 3. Is designed to disrupt or cause annoyance. 4. Harasses the public authority. 5. Is manifestly unreasonable or disproportionate according to the reasonable person. <p>The above criteria for a vexatious request should be applied to the request and not the requester.</p>

Extreme Behaviour

5. When behaviour is an immediate threat to the safety of **sportscotland** staff, their line manager will determine whether such a matter should be reported to the legal team and/or the police. Where it is decided that legal action should be taken, the person considered to have behaved unacceptably may not be given prior notice, though the Legal Team must advise them of the steps taken as soon as is appropriate.

Restrictions on Communication

6. Where it is deemed that a customer has behaved unacceptably, meeting criteria described in Clauses 4 and 5 of this policy, that customer will be given the opportunity to adapt their behaviour. If the customer continues to behave unacceptably, **sportscotland** may take one or more of the following measures as is appropriate:
 - Require that telephone calls and/or meetings take place in the presence of a witness.
 - Where the customer is an individual **sportscotland** may set specific dates that the customer can have contact with our staff.
 - Limit communication to written only.
 - Cease contact with the individual altogether. This decision would rest with the Chief Operating Officer.
 - If the customer is representing an organisation, **sportscotland** may disengage from contact with the individual representing the organisation but not the organisation as a whole (this approach may also be taken where the organisation is a partner of **sportscotland**).
 - Where a customer's matter has been resolved and/or concluded and they were deemed to have behaved unacceptably whilst their matter was being addressed, **sportscotland** may inform that customer that any future correspondence will be placed on file but not acknowledged, unless it contains new information.

Internal and External Review Procedure:

7. You can ask **sportscotland** to review its decision to restrict communication by emailing our complaints inbox (complaints@sportscotland.org.uk). You will receive an acknowledgement of your request for a Review within 5 working days (excluding public holidays) of your request being received.

sportscotland will issue a written response within 20 working days of receiving your request.

When receiving a response to your request for Review, you can expect a reply which adopts one of the following formats:

- A notice confirming that **sportscotland** has not changed its original decision and an explanation for this.
- A notice stating that **sportscotland** does not have to review its original decision because it considers your behaviour to have been unacceptable, falling within one or more of the definitions of the unacceptable behaviours detailed in Clauses 4 and 5 of this policy.
- Confirmation that **sportscotland** has reversed its decision to restrict communication, at which point communication shall recommence.

If the applicant is still not satisfied with the decision, they can complain to the Scottish Public Services Ombudsman (SPSO). The SPSO will ask you to complete a complaint form and provide a copy of our final response to your complaint. You can do this online or call them on Freephone 0800 377 7330.

To write to the SPSO, please see their postal address below:

The SPSO
Bridgeside House
99 McDonald Road
Edinburgh
EH7 4NS

Their Freepost address is: FREEPOST SPSO