

**EAST RENFREWSHIRE LNCT AGREEMENT**

**UNACCEPTABLE ACTIONS POLICY FOR ALL STAFF COVERED BY SNCT  
CONDITIONS OF SERVICE**

April 2022



*Education Department*

## **1. The purpose of this policy**

References to staff in this policy are to staff covered by SNCT conditions of service. For the purposes of this policy, the term 'stakeholder' refers to any parent, carer, family member or visitor who engages with an educational establishment.

All staff within education aim to positively support each individual who engages with us in order to provide them with the best possible level of service. The Education Department (the department) and Head Teachers have a duty of care to protect staff physically, emotionally and mentally. In some circumstances, it may be necessary to take action to protect our staff or service from types of engagement which impact on our ability to provide a quality service or on the health and well-being of our staff.

Engagement between staff and stakeholders includes all forms of contact for example, verbal (over the phone, in person, etc.), written (letters, emails, online forms, social media platforms etc.). Online comments about any establishment or individual member of staff, which are shared publicly, in a forum or in a way that means they are not private, would be regarded as engagement for the purposes of this policy regardless of whether the comments are shared directly with the establishment/individual member of staff in question.

Individual stakeholders may act out of character in times of trouble or stress. There may have been upsetting or disturbing circumstances leading up to a stakeholder formally contacting an establishment or an individual member of staff. The department will be mindful and take into consideration the specific circumstances leading up to an encounter with a stakeholder which may cause concern. However, behaviour from stakeholders (physically, verbally or in writing) which is perceived to be threatening, abusive or unreasonable will not be tolerated. This policy sets out the procedures for identifying and responding to those types of engagement between staff and stakeholders which may cause concern.

## **2. Supporting positive engagement**

All educational establishments support positive engagement and ensure stakeholders are aware of how they can engage positively by providing information on communication with establishments. Communication can take various forms and may include face-to-face meetings, telephone calls or written correspondence (including email). Each establishment will adopt an approach specific to its context and all stakeholders should refer to the establishment's handbook or website for further information.

Supporting positive engagement includes encouraging stakeholders to express concerns in a constructive manner and ensuring the customer service complaints process is applied fairly and objectively when individual concerns are raised. Each establishment's handbook contains its complaints procedure - complaints can also be registered directly with East Renfrewshire Council at <https://www.eastrenfrewshire.gov.uk/make-a-complaint-form>

While all staff will work to support positive engagement with stakeholders, there are some situations which have a negative impact on the health and wellbeing of staff and our ability

to meet the needs of other stakeholders. It is recognised that stakeholders may be upset and distressed when contacting establishments. The first response should be to support stakeholders to engage positively and establishments should seek to restore the relationship and ensure the needs of all stakeholders can be considered and an amicable outcome agreed.

However, if the situation becomes unacceptable and is resulting in unreasonable demands on a member of staff or unreasonable behaviour towards staff, then the situation should be actively managed by the Head of Establishment in the first instance.

### **3. Unacceptable Actions Defined**

There are certain behaviours that staff should not accept within the course of their employment, and the department should take positive action when they arise.

The department has a duty of care towards its staff and has a zero tolerance policy of threats either verbal or physical, violent and abusive behaviour or harassment by any stakeholder towards staff. The department also prohibits the recording or live streaming of any communication or engagement of stakeholders with staff (stakeholders should be advised at the start of any face to face meeting or telephone communication of this stance if a member of staff feels this is appropriate).

Staff will be supported in responding to or disengaging with stakeholders where it is perceived that the behaviour of the stakeholder has become unacceptable to the member of staff involved. In such circumstances staff should advise their Head of Establishment (Head of Service for Head Teachers and QIOs) and seek their advice and support with the situation. It is important to note that in some instances, the only appropriate action is to end contact immediately.

Unacceptable situations may occur via the following platforms:

- Verbally, either by phone or face-to-face
- Written or email correspondence
- Online, web and social media

Although not an exhaustive list the following are examples of unacceptable behaviour:

#### **3.1 Violent, aggressive or abusive behaviour**

The department has a zero tolerance policy of violence towards staff. However, aggressive or violent behaviour is not restricted to acts that may result in physical harm. It can also include behaviour or language (whether written or verbal) that may cause staff to feel afraid, harassed, threatened, humiliated or abused.

This may include:

- Violence or threats of violence
- Harassment
- Personal abuse, derogatory, slanderous, offensive or libellous remarks
- Inflammatory statements
- Unsubstantiated allegations

- Language which makes unfounded allegations about an individual's professionalism or seeks to belittle or denigrate them personally.

### 3.2 Unreasonable demands

Unreasonable demands can come in a variety of forms. The department consider demands of stakeholders to be unreasonable if they start to negatively impact on the ability of staff to carry out their day to day activities or to negatively impact on the delivery of an establishment's priorities in that such demands take up an unreasonable amount of time to the disadvantage of other stakeholders or functions. A request may be deemed unreasonable if, in the opinion of a reasonable person (Head of Establishment/Head of Service), it would appear to be manifestly unreasonable or disproportionate.

This may include:

- Demanding responses within an unrealistic timescale
- Insisting on dealing with a particular member of staff
- Insisting on a particular outcome, even though that outcome cannot be delivered (eg, for legal reasons)
- Changing the substance of the complaint or raising unrelated concerns.

### 3.3 Unreasonable levels of contact

On occasion, an stakeholder will contact a member of staff or educational establishment repeatedly about the same or closely related issues. The manner of the interaction may be reasonable in itself, however the volume and frequency of the contact may become problematic. Levels of contact by stakeholders is considered unreasonable when the time needed to respond to the stakeholder, (i.e. dealing with phone calls, personal visits, answering written correspondence) disrupts the ability of staff to effectively handle the enquiry and negatively impinges upon their ability to perform other duties and support other stakeholders.

This may include:

- excessive phone calls or emails over a short period
- continually visiting establishments requesting face to face meetings
- repeatedly raising the same matters with multiple members of staff with the expectation of a different response
- Provision of excessive information pertaining to their concern which has no direct relevance to the original complaint or which has already been provided in a different format.

## **4. Managing Unacceptable Actions (see Appendix 1 – Flowchart for Handling Unacceptable Actions)**

How unacceptable actions are managed is based on the individual circumstances of each situation. There are a variety of ways in which Heads of Establishment/Heads of Service can respond to the unacceptable action:

- Verbal discussion which will include a request for the stakeholder to alter the unacceptable behaviour. In a school based setting this discussion should be noted on Pastoral Notes for future reference.
- Written request for the stakeholder to alter the unacceptable behaviour (Appendix 2 - Warning Letter 1)
- Written request for the stakeholder to restrict contact with the establishment / member of staff. (Appendix 3 - Warning Letter 2)
- Written instruction for the stakeholder to cease contact for a period of time (Appendix 4 - Warning Letter 3)

Even when restrictions are applied the stakeholder still has certain statutory rights which may be unaffected by the restrictions applied under this policy.

If a decision is taken to put in place any restrictions this will not prohibit a stakeholder from making a request for information (e.g., under the Freedom of Information (Scotland) Act 2002 (FOISA)). Such requests will be dealt with under the Council's existing FOI procedures, although serious consideration will be given to the 'vexatious request' provision under S14 of the Act.

Before a decision is made to take action with regard to a stakeholder's actions, such as restricting contact, the effect of the stakeholder's behaviour will be explained to them which will include the reasons why their behaviour is perceived as unacceptable. The stakeholder will be given the opportunity to revise and modify their behaviour before any sanctions are implemented.

However in instances where a stakeholder is physically violent or aggressive or their verbal communication is deemed profane and personally abusive all contact with the stakeholder will be immediately terminated. In such instances the appropriate Head of Service should be contacted and a decision made as to whether to inform the police (Appendix 5 – Warning Letter 4). If it is known that the police have already been informed (by, for example, a member of staff), the appropriate Head of Service should be advised of this.

## **5. Empowering and supporting staff**

All staff have the authority to end an engagement or interaction with a stakeholder which they find personally intimidating, distressing or difficult to manage. Staff should not feel they need to continue with any engagement or interaction if it is having a negative impact on them or which is making them feel uncomfortable regardless of whether at the time they feel the behaviour of the stakeholder meets the zero tolerance criteria. In such circumstances, staff should seek to end the engagement professionally and politely. This can include:

- explaining they find the situation uncomfortable or distressing and explaining what they need to happen to be able to continue
- explaining to a stakeholder that if their communication does not improve they will be ending a call

- explaining to a stakeholder that they will be ending a call if it is expected that it is being recorded or live streamed without permission
- explaining to a stakeholder that they will be ending an interview/meeting if their behaviour does not change and outlining how that behaviour should change
- choosing not to read an email or other correspondence to the end and replying to the sender that the communication hasn't been read in its entirety and the reasons why
- requesting that a stakeholder removes information from social media

Staff should report any zero tolerance incident to their Line Manager as soon as possible and record any zero tolerance incident on the Council's online Accident Incident Reporting System (AIRS). The member of staff should also advise their Head of Establishment/Head of Service of the cessation of engagement with a stakeholder as soon as possible.

When a zero tolerance incident has occurred, all staff involved are encouraged to have a debrief meeting with their Head of Establishment/Head of Service and agreed actions from that discussion noted. This ensures that the most appropriate support is provided to all affected staff. Staff will be able to take a short time away from all contact with the stakeholder, if this would be of benefit to the member of staff. However, the decision for a member of staff to no longer have contact with a specific individual will be made by the Head of Establishment/Head of Service. This action may be appropriate if there are concerns about personal threats; the member of staff has been or maybe at risk of being named publicly; or any other factor which makes the member of staff personally vulnerable.

If appropriate a marker may be placed against a stakeholder under the terms of the Council's Concern Marker System (Dealing with aggression from clients and public). The Concern Marker Coordinator will review the incident details and decide if this merits a concern warning marker. Full details of this policy are covered in the Corporate Health and Safety Guidance Note on Dealing with aggression from clients and public. Full details of the Concern Marker policy and implementation arrangements can be accessed using the Council intranet at <https://intranet.erc.insider/CHttpHandler.ashx?id=14193&p=0>

## **6. Recording and sharing information**

### **6.1 Recording**

It is important that we keep a clear record whenever we have had to

- actively work to restore a relationship to avoid restrictions (Pastoral Notes)
- put restrictions in place (ERC Unacceptable Register)
- take a zero tolerance approach (ERC Unacceptable Register)

### **6.2 Unacceptable Actions Register**

This LNCT agreement should be read and utilised in conjunction with ERC's "Unacceptable Actions Policy" and as such for monitoring and policy review purposes an East Renfrewshire Council Unacceptable Actions Register has been set up and is accessible via ERC intranet

page: <https://intranet.erc.insider/article/8557/Revised-Unacceptable-Actions-Policy>

When a member of staff or establishment is required to utilise this LNCT agreement, anonymised summary details listed in the spreadsheet should be completed by the Head of Establishment/ Head of Service and sent to [morag.brown@eastrenfrewshire.gov.uk](mailto:morag.brown@eastrenfrewshire.gov.uk) in the Strategic Services Team. The following information is contained in the register:

- Department and Service
- Date
- Case Reference
- Complaint summary
- Category of type of unacceptable behaviour
- Restriction put in place
- Review of restriction timescale
- Outcome of review
- Appeal
- Outcome of Appeal
- Service contact

Any online evidence such as screen shots should be stored by the Head of Establishment/Head of Service. Material that is being stored as evidence may be distressing. This should always be stored in a way that it cannot be accidentally or unintentionally accessed – files should be named to indicate they contain distressing material (sensitive or official sensitive).

Individuals can feel shame and distress about situations that have become difficult. Whilst it is important to record what has happened, this should be done so in a factual and objective manner and procedures employed to ensure such information can only be accessed by a select number of staff. In instances when information needs to be imparted to allow the appropriate steps to be taken with stakeholder interactions then the minimum necessary information should be recorded.

### 6.3 Sharing information

All relevant staff should be advised of any restrictions or actions taken with regard to specific stakeholders to make sure any sanctions are effective. Decisions on sharing should be noted and recorded but as a minimum:

- Where the behaviour relates to phone or email contact this should be noted on Pastoral Notes, unless the unacceptable action is deemed violent, aggressive or abusive behaviour.

### 6.4 Recording and sharing when staff are named publicly (eg - online or in press reports)

If it is found that a member of staff has been publicly named in relation to their duties, the following steps should be taken:

- An email should be sent by the member of staff to their Head of Establishment/ Head of Service detailing the concerns. Where applicable, a link to the relevant webpage should be provided.
- To minimise the impact on the named person, this information should not be shared

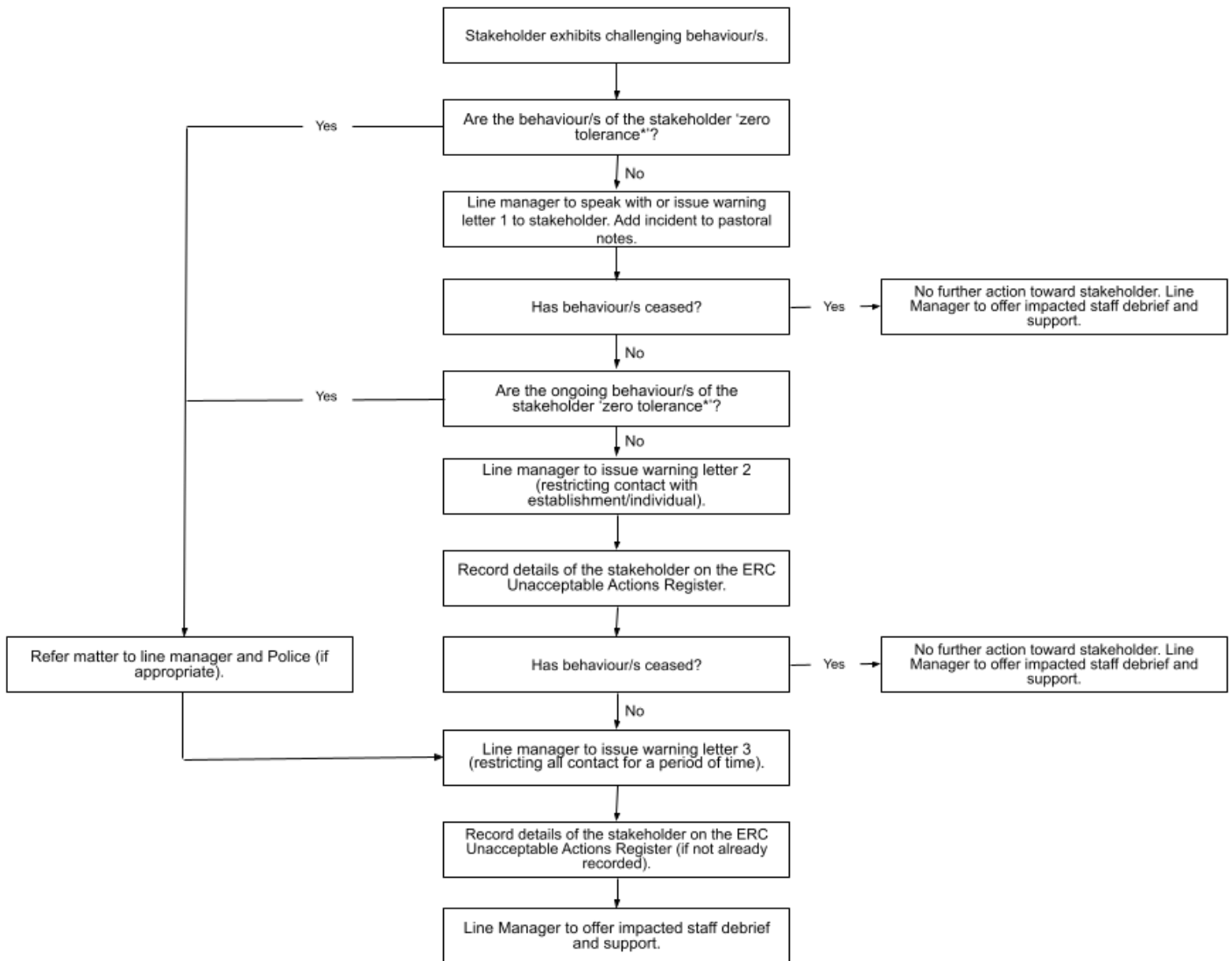
any more widely than necessary to enable action to be taken.

- The Head of Establishment/Head of Service will discuss with the affected member of staff in private any action to be taken in response and obtain their agreement as to the preferred course of action.
- Personal support should be provided to the affected member of staff if appropriate. Action to support the member of staff may include an informal discussion and an offer of counselling support through the Employee Assistance Programme.
- Any instances where staff are publicly named on a social media platform will be recorded and kept confidentially by the Head of Establishment/Head of Service. Every effort should be made by the department to actively seek to have the person's name removed from the public forum.



## APPENDIX 1

### Flowchart for Handling Unacceptable Actions



If Head Teacher, line manager is Head of Service

If Class Teacher/Principal Teacher or Depute Head Teacher, line manager is Head Teacher

\* Zero Tolerance behaviours include threats, violence and abusive behaviour towards staff

**Appendix 2 –**

**Warning Letter 1**

*School Name*  
*School Address*

*Today's Date*

*Recipient's Name*  
*Recipient's Address*

Dear *Inset name*

**Unacceptable Actions - Warning Letter 1**

I write regarding an exchange that took place between yourself and *insert name of staff member/s* on *insert date and time*. The advice and guidance that I offer in this correspondence is in line with East Renfrewshire's Unacceptable Actions policy, a copy of which is attached.

As I understand, the following took place:

*Insert details of incident*

According to the Unacceptable Actions Policy, the manner in which you conducted yourself towards *insert name of staff member/s* breaches acceptable levels of engagement with a staff member. I have a duty to protect my staff from any conduct that they find inappropriate and, therefore, ask that you moderate your conduct in any future exchange you have with *insert name of staff member* or any other member of staff.

Yours sincerely

*Name*  
*Title*

## Appendix 3 –

### Warning Letter 2

*School Name*  
*School Address*

*Today's Date*

*Recipient's Name*  
*Recipient's Address*

Dear *Inset name*

#### **Unacceptable Actions - Warning Letter 2**

You will recall that I wrote to you/spoke with you on *insert date of previous correspondence*. I regret to inform you that, since that correspondence took place, a further concern has been raised with me regarding your conduct towards a member of staff. I understand that this most recent exchange that took place between yourself and *insert name of staff member/s* on *insert date and time*. The advice and guidance that I offer in this correspondence is in line with East Renfrewshire's Unacceptable Actions policy, a copy of which is attached.

As I understand, the following took place:

*Insert details of incident*

According to the Unacceptable Actions Policy, the manner in which you conducted yourself towards *insert name of staff member/s* breaches acceptable levels of engagement with a staff member. As I have previously stated, I feel that I have a duty to protect my staff from any conduct that they find inappropriate and, therefore, for a period of *insert number of weeks*, until *insert end date*, I ask that you do not engage with any member of staff other than myself. I can be contacted on *insert method of contact (phone or email)*. These measures will not restrict your right to request information (e.g., under the Freedom of Information (Scotland) Act 2002 (FOISA)). These requests will be dealt with under the Council's existing FOI procedures, although consideration may be given to the 'vexatious request' provision under S14 of the Act.

Yours sincerely

*Name*  
*Title*

## Appendix 4 –

### Warning Letter 3

*School Name*  
*School Address*

*Today's Date*

*Recipient's Name*  
*Recipient's Address*

Dear *Inset name*

#### **Unacceptable Actions - Warning Letter 3**

You will recall that I wrote to you/spoke with you on *insert dates of previous items of correspondence*. I regret to inform you that, since our most recent correspondence took place, a further concern has been raised with me regarding your conduct towards a member of staff. I understand that this most recent exchange that took place between yourself and *insert name of staff member/s* on *insert date and time*. The advice and guidance that I offer in this correspondence is in line with East Renfrewshire's Unacceptable Actions policy, a copy of which is attached.

As I understand, the following took place:

*Insert details of incident*

According to the Unacceptable Actions Policy, the manner in which you conducted yourself towards *insert name of staff member/s* breaches acceptable levels of engagement with a staff member. As I have previously stated, I feel that I have a duty to protect my staff from any conduct that they find inappropriate and, therefore, until *insert date*, I ask that you do not engage with any member of staff, including myself. I will be in contact with you when this period of restricted access concludes. These measures will not restrict your right to request information (e.g., under the Freedom of Information (Scotland) Act 2002 (FOISA)). These requests will be dealt with under the Council's existing FOI procedures, although consideration may be given to the 'vexatious request' provision under S14 of the Act.

Yours sincerely

*Name*  
*Title*

**Appendix 5 –  
Warning Letter 4**

*School Name  
School Address*

*Today's Date*

*Recipient's Name  
Recipient's Address*

Dear *Inset name*

**Unacceptable Actions - Warning Letter 4**

I write regarding an exchange that took place between yourself and *insert name of staff member/s* on *insert date and time*. The advice and guidance that I offer in this correspondence is in line with East Renfrewshire's Unacceptable Actions policy, a copy of which is attached.

As I understand, the following took place:

*Insert details of incident*

According to the Unacceptable Actions Policy, the manner in which you conducted yourself towards *insert name of staff member/s* breaches acceptable levels of engagement with a staff member. The severity of your behaviour indicates to me that your conduct was excessively aggressive and abusive. I feel that I have a duty to protect my staff from any conduct that they find inappropriate and, therefore, until *insert date*, I ask that you do not engage with any member of staff, including myself. I will be in contact with you when this period of restricted access concludes. These measures will not restrict your right to request information (e.g., under the Freedom of Information (Scotland) Act 2002 (FOISA)). These requests will be dealt with under the Council's existing FOI procedures, although consideration may be given to the 'vexatious request' provision under S14 of the Act.

Yours sincerely

*Name  
Title*

