



Unacceptable Actions by Complainants Policy

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Version control

This is Version 1 of the Unacceptable Actions Policy by Qualifications Wales Complainants, published in February 2021.

This document is available in **Welsh**.

We keep our policies under review and welcome feedback at any time. Please send any comments to policy@qualificationswales.org.

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1. Introduction

- 1.1 Qualifications Wales is committed to dealing effectively with any complaints we receive whether they are about how we dealt with a regulatory matter or more general organisation-wide matters.
- 1.2 Sometimes, people conduct themselves in a manner that makes it difficult for us to deal with their complaint effectively or at all. In these rare cases where a complainant's conduct is deemed unacceptable by us, this policy will apply.
- 1.3 When implementing this policy, we will ensure that complainants are treated fairly, honestly, consistently and appropriately. In a similar way, we wish to be treated fairly and respectfully when we deal with the complaint and are committed to ensuring the safety and wellbeing of our staff.
- 1.4 The aims of this policy are as follows:
 - ensure that we are able to deal with a complaint in accordance with our policies without being hampered by unacceptable actions by a complainant;
 - describe actions that are deemed unacceptable by us;
 - explain how we may manage contact with a complainant due to unacceptable actions during or after the complaint;
 - explain how we may bring a complaint to a close due to unacceptable actions of a complainant;
 - demonstrate that we would make every effort to ensure that others do not suffer any disadvantage from complainants who act in an unacceptable manner;
 - ensure that the ability of staff to carry out their work is not adversely affected by unacceptable actions by a complainant; and
 - provide clarity to staff and complainants on what we mean by unacceptable actions.

2. Scope of the policy

- 2.1 This policy covers unacceptable actions by complainants relating to complaints of a regulatory nature as well as complaints falling under our corporate complaints.
- 2.2 Our complaints processes including appeals are set out in the relevant policy documents and should be read in conjunction with this policy. In particular, relevant policies are as follows:
- Complaints about awarding bodies policy
 - Regulatory appeals policy
 - Corporate Complaints policy
- 2.3 For the purposes of this policy, a complainant is the person for whom the complaint is regarding, anyone acting on behalf of a complainant, such as a carer, guardian or representative, or anyone who is in contact with us in connection with the complaint.

3. Actions we consider to be unacceptable

- 3.1 People may act out of character in times of trouble or distress. In this regard, we will endeavour to work with the complainant to investigate the complaint as efficiently as possible with the intention of reaching a conclusion as swiftly as reasonably possible. However, whilst we fully understand it can be a difficult time, we do expect to be able to carry out our investigation unhindered and that our staff are treated with dignity and respect.
- 3.2 For the purpose of this policy, unacceptable actions by complainants include making frivolous, vexatious, persistent or unreasonable demands, and / or behaving aggressively or abusively. We have categorised unacceptable actions as follows:
- i) aggressive or abusive behaviour; and
 - ii) making frivolous, vexatious, persistent or unreasonable demands.

i) Aggressive or abusive behaviour

- 3.3 Aggression, violence or abuse towards staff is unacceptable. It is not acceptable when anger escalates into aggression directed towards our staff or visitors.
- 3.4 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.
- 3.5 This can include behaviour or language, whether spoken, written or via social media, that makes staff feel offended, afraid, threatened or abused. For example, threats, personal abuse, offensive remarks or swearing.
- 3.6 Language that is racist, sexist, homophobic or that makes serious allegations that staff have committed criminal or corrupt conduct without evidence is unacceptable. We also consider inflammatory statements to be abusive behaviour.
- 3.7 Examples of what we consider aggressive or abusive behaviour include, but are not limited to, the following:
- swearing or abusive language;
 - over-bearing behaviour;
 - refusing to give staff an opportunity to speak or repeated derogatory comments;
 - inappropriate sexual or gender-based remarks;
 - inappropriate cultural, racial, political or religious references;
 - rudeness or shouting;
 - threatening behaviour; and
 - emotional abuse or manipulative behaviour.

ii) Unreasonable demands and persistence

- 3.8 From time to time a complainant may not accept or agree with the outcome of our investigation or do not believe that we have done all that we can. Complainants may persist in disagreeing with the action or decision taken in relation to their complaint or contact the office persistently about the same or similar matters.
- 3.9 Demands are considered unacceptable or unreasonable if they start to impact substantially on the work of the organisation. For example, such instances would include where the complainant is taking up an unreasonable amount of staff time which then may subsequently also have a negative impact on other work that needs completing or may disadvantage other complainants or stakeholders.
- 3.10 Complainants may make what are considered to be 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.
- 3.11 Examples of what we consider unreasonable demands and persistence include, but are not limited to, the following:
- refusing to accept explanations of what we can or can't do and investigate;
 - insisting the complaint be dealt with in a way/ways that are contrary to our policies or procedures, or incompatible with our process;
 - making unjustified complaints about staff without sound evidence, including inflammatory or defamatory remarks, and trying to have them disciplined or replaced;
 - changing the basis of the complaint during the investigation or preventing progress with the investigation in any way;
 - introducing irrelevant or overwhelming information at a late stage;
 - raising many questions and insisting they are all answered;
 - any form of covert means of obtaining data, including recording meetings and telephone conversations without permission;
 - submitting untrue, or falsifying documents;

- raising repeat complaints with minor changes or additions that the complainant insists are 'new' complaints about the same or very similar matter;
- continuing to chase a case with us once we have closed it;
- repeatedly arguing points without new evidence or repeatedly contacting staff over same or very similar issues;
- demanding we respond within an unreasonable timescale or not giving us the chance to respond in a timely manner; and
- demanding to see or speak to a particular member of staff when it is not possible or necessary.

4. Managing unacceptable actions by complainants

- 4.1 If an incident occurred, where the complainant displayed unacceptable actions, such as aggressive or abusive behaviour, this can result in us taking immediate action to ensure the wellbeing and safety of our staff or visitors. This may mean requesting the person leave our premises, bringing a call or meeting to a premature close, or reporting an incident to the police.
- 4.2 Other than as described in paragraph 4.1, wherever possible, we would give a complainant the opportunity to modify their behaviour or action and seek to resolve the matter informally. If the behaviour or action continued, then we would inform the complainant, in writing, that we are triggering this policy and will consider our approach to managing any future interactions with the complainant. For example, managing the frequency and ways of contacting us, pausing or ending the complaints process, and/or reporting the incident to the appropriate authorities.
- 4.3 These are examples of the approaches we may take to manage contact:
- put arrangements in place for a nominated member of staff to be the point of contact with the complainant;
 - only respond to telephone calls from the complainant at set times on set days;
 - pause or stop complaint process;

- require the complainant to make an appointment to see a named member of staff before visiting the office;
- require that the complainant contacts staff in writing only; and
- return documents to the complainant or, in extreme cases, advise the complainant that further irrelevant documents will be destroyed.

4.4 Whilst managing contact, we would still endeavour to progress the complaints process wherever possible. If however we are prevented from carrying out the complaint effectively or efficiently due to unacceptable behaviour, we reserve the right to bring a complaint to a close, and will write to the complainant explaining this. Wherever possible, we will endeavour to ensure that at least one line of contact will remain available.

Terms of Restriction

4.5 If we decide to manage the contact between us, and/or stop investigating a complaint due to unacceptable actions, the Chief Executive Officer will make this decision. We will inform the complainant in writing.

4.6 When making such decisions, we will be reasonable and proportionate.

4.7 Any restriction will be reviewed periodically, and any time frame for a review will also be communicated in writing.

5. Evidence and record keeping

5.1 Any steps we take will be based on the evidence we have available.

5.2 Evidence may include visitor or contact logs, witness statements, photographic and film, file notes, emails, social media, screen shots, documents etc. For example:

- if the complainant has used inappropriate language in an email or letter, we may retain a copy of the email or letter;
- if the complainant has been abusive during a phone call to our staff, we may retain a copy of the recording;
- if a complainant has been abusive during a phone call which has not been recorded, a written record of the phone call may be made.

5.3 Records of the details of the case and the action that has been taken will be retained by us in accordance with our [Privacy Policy](#).

5.4 If a complainant is judged to have acted unacceptably and restrictions are imposed on them, these will be recorded and those who need to within and outside Qualifications Wales will be notified.

5.5 We retain data about complaints in a database for the purpose of recording progress and monitoring our performance. We will only use personal data in accordance with the Data Protection Act 1998 to deal with your request and any matters that arise from it.

5.6 When making a decision to share information within Qualifications Wales and with third parties, we will always be guided by the provisions of the Data Protection Act 2018 and the General Data Protection Regulations ("GDPR") and will ensure that the complainant's rights to have their information processed in accordance with the statutory requirements is protected and adhered to.