

## SCOTTISH PARLIAMENTARY STANDARDS COMMISSIONER

### Policy on Unacceptable Actions by Complainers

1. It is my aim to deal fairly, honestly, consistently and appropriately with all complainers, including the small minority who may act in an unacceptable fashion. I seek to ensure that, while the complaints process is accessible, it remains available for its proper purpose and is protected from abuse. I consider it helpful to make it plain to all complainers what actions might be considered unacceptable and how I will try to deal with them.

2. In this context, the following policy was agreed by the Standards and Public Appointments Committee on 31 May 2005:

3. *It is the intention of the Scottish Parliament that complaints about the conduct of MSPs are taken seriously. It is important that anyone with a complaint against an MSP is able to have that complaint fairly considered in order to maintain and strengthen public confidence in the complaints system.*

#### **Defining unacceptable behaviour**

4. *The Standards Commissioner should be able to work within an environment which is free from oppressive behaviour, such as the threat of or use of harassment, verbal abuse and physical violence. The Standards Commissioner will not view behaviour as unacceptable just because the complainer is forceful or determined. Actions and behaviour will be judged by the Commissioner on the basis of the nature and extent of the behaviour.*

5. *The Standards Commissioner will treat all individuals with courtesy and respect when carrying out his duties, and he should expect to receive similar consideration in return.*

6. *Wherever possible, the Commissioner will give the complainer the opportunity to modify their behaviour.*

#### **Aggressive and abusive language**

7. *Harassment through aggressive and abusive language may occur in a face-to-face setting, by telephone, in written or electronic communications.*

8. *The Commissioner should not be expected to put up with rude, abusive, derogatory, or threatening or harassing language and the Commissioner has the right to ask for the caller to use reasonable language. The Commissioner may warn the complainer that if they persist in using unreasonable language he will, where applicable, end the call or not respond to future communications couched in similar terms. (It is recognised that some people use bad language when they are in a panic or are frustrated. It is important for the Commissioner to determine whether this is the case or not.)*

#### **Harassment and aggressive and abusive behaviour**

9. As stated above, harassment and aggressive and abusive behaviour can take many forms. It may include unwanted physical or non-verbal conduct. It may occur in a face-to-face setting, by telephone, in written or electronic communications.

10. The Commissioner may warn the complainer that the threat or use of physical violence or harassment towards the Commissioner is likely to result in the ending of all direct contact with the complainer. Incidents may be reported to the police. This will always be the case if physical violence is used or threatened.

#### Unreasonable demands and persistence

11. It is recognised that some complainers may make unreasonable demands on the Commissioner. What constitutes unreasonable demands may depend on the circumstances surrounding the behaviour but could include demanding responses or action within an unreasonable timescale, continual phone calls or letters to the Commissioner or continuing refusal to accept a decision made in relation to a complaint.

12. Where the complainer repeatedly phones or sends irrelevant documents, the Commissioner may decide to only return calls from the complainer on a set time on set days or to return documents to the complainer. The Commissioner will explain to the complainer why he is taking a certain course of action.

13. If the complainer refuses to accept the decision of the Commissioner, the Commissioner may warn the complainer that future phone calls may not be accepted or correspondence on the same issue will be filed and a simple acknowledgement issued. The Commissioner will respond to the complainer if the complainer provides significant new information relating to the complaint.