

Scottish COVID-19 Inquiry

Unacceptable actions policy

Background

The COVID-19 pandemic affected everyone in Scotland and many people who experienced tragic events or suffered in other ways want answers to legitimate questions. We understand that people contacting us may be upset, angry or frustrated. Whatever your reason for contacting the Inquiry, our colleagues are here to assist you and will do so in a professional and respectful way. It is expected that the same courtesy is shown to them.

Occasionally, individuals can make persistent and unreasonable demands of the Inquiry which make it difficult for us to undertake our duties effectively. When this happens, we must take action to ensure that our resources are directed towards furthering the Inquiry's important work.

There can also be instances where contact from an individual becomes aggressive, abusive or threatening and we must take action to protect Inquiry colleagues.

This policy explains what we consider to be unacceptable behaviour and how we will deal with it.

Unreasonable demands

A demand may be unreasonable due to the frequency of requests for information, the nature and scale of the service expected, or the number of approaches made by an individual.

This includes:

- repeatedly demanding responses within an unreasonable timescale;
- continuing to demand an answer to a question we have already answered or explained is outside the scope of the Inquiry; and
- insisting on communicating with a specific Inquiry colleague when we have explained this is not possible.

Responding to unreasonable demands reduces the time Inquiry colleagues can spend undertaking their duties. In deciding whether someone has made unreasonable demands, we will look at the impact these demands are having on our ability to further the Inquiry's work.

Excessive contact or unreasonable persistence

The level of contact made by an individual may be considered unacceptable due to the persistence or repetitiveness of communications.

Such contact can occur over a short period of time. For example, there may be multiple emails or persistent social media engagement over hours or days. Alternatively, an excessive level of contact can take place over a longer period. This may be the case if we receive repeated letters, emails or comments on social media or if we are sent a significant amount of information that is repetitive or irrelevant to the Inquiry's work. We consider contact to be excessive when we have explained our position and made clear that we will no longer respond to the same question but the persistent or repetitive contact continues. Responding to such contact requires unreasonable resource and affects Inquiry colleagues' ability to undertake their work.

In deciding whether someone has been unreasonably persistent, we will consider whether there is an unwillingness on their part to accept final decisions or communications from the Inquiry when all concerns and questions have been clearly responded to.

Aggressive, abusive or threatening contact

We understand that the COVID-19 pandemic caused people to experience difficult and upsetting events, and that people may be angry about the issue they are contacting us about. We do not view behaviour as unacceptable just because an individual might be forceful or determined. However, if contact becomes aggressive, abusive or threatening towards Inquiry colleagues, we must take action to protect them. This is not limited to instances in which there is a threat, or perceived threat, of physical harm. We consider this behaviour to include any contact, written or otherwise, which may cause colleagues to feel afraid, threatened or abused. Abusive behaviour can also include unsubstantiated allegations, inflammatory statements, threats, physical violence, swearing, personal verbal abuse, and derogatory remarks. We expect Inquiry colleagues to be treated courteously and with respect. We take a zero-tolerance approach to all abusive, aggressive or threatening behaviour.

How we will make decisions about these types of unacceptable behaviour

When deciding whether to implement this policy, we will consider the Inquiry's duties and the need to direct resources towards fulfilling them, as well as the importance of ensuring everyone in Scotland has the opportunity to be heard by the Inquiry in relation to matters within its Terms of Reference.

All actions taken in response to unacceptable behaviour will occur only after careful consideration by a senior member of the Inquiry team.

Before implementing any of the actions outlined below, we will make all reasonable efforts to inform the individual concerned that we are unable to assist further and provide an opportunity for any such behaviour to change. We will also make all reasonable efforts to explain why and how this policy is being applied, and how this will affect any future communication with us.

How we will respond to these types of unacceptable behaviour

We aim to be proportionate in our response. The action we take may include one

or more of the following:

- not responding to contact which is the same, similar or related to previous contact to which we have already responded;
- restricting contact, for example to a specific method or volume;
- ceasing all contact and blocking the individual from communicating further with us; or
- any other action we consider appropriate.

We will always tell the individual what action we are taking and why.

How we will respond to aggressive, threatening and abusive contact

If an individual's contact with the Inquiry involves behaviour or language that could make Inquiry colleagues feel afraid, threatened or abused, this will be escalated to a manager. If the manager agrees after careful consideration that the contact is unacceptable, we will ask the individual concerned to stop the behaviour and inform them that we will cease contact with them if it continues. If the aggressive, threatening or abusive behaviour does not improve, we will consider taking the actions outlined above. Additionally, where there is a threat of physical violence, we may contact the police.

Right to request a review

While this policy does not provide an automatic right to review, we will usually consider requests for us to review decisions made under this policy.

Review requests must be made in writing with the reasons clearly stated. Please send your request to:

Freepost SCOTTISH COVID-19 INQUIRY or

By email: contact@covid19inquiry.scot

Review requests will be considered by a senior member of the Inquiry team who was not involved in the initial decision. They may uphold, overturn or vary the initial decision. We will inform you of the outcome of any review within 20 working days of us receiving the request.

Where we decide to terminate all contact with an individual, we will offer no right of review. We will make this clear in our final communication.

Periodic review of decisions to restrict or cease contact

We will periodically review decisions made under this policy. We may also review a decision when we are given reason to believe there will no longer be issues relating to unreasonable demands or excessive contact.

Limitations

Any decision made to restrict or cease contact does not remove our obligations under data protection legislation.