

Unacceptable Behaviour and Actions Policy

Aim of the Policy

The General Teaching Council for Scotland (GTC Scotland) is the independent professional body which maintains and enhances teaching standards and promotes and regulates the teaching profession in Scotland. We strive to be a world leader in professional education.

GTC Scotland is committed to providing a high quality service to each individual (**Service User**) who is engaging with GTC Scotland, in whatever capacity. We believe that every Service User has the right to be heard, understood and respected.

In return, we expect every Service User to treat all GTC Scotland staff with respect, at all times, and we will not tolerate any behaviour that we consider to be unacceptable.

We understand that people may act out of character in time of trouble or distress. However, the unacceptable behaviour and/or actions of a Service User can have a significant negative impact on our ability to do our work and to provide a service for you and for others. For that reason we take very seriously and unacceptable behaviour, for example unreasonable demands on our organisation or unreasonable behaviour towards our staff.

This policy sets out the behaviour that we consider to be unacceptable and our approach to the relatively few individuals whose behaviour or actions we consider unacceptable.

What actions do we consider to be unacceptable?

Aggressive or Abusive Behaviour

We will not tolerate abusive or aggressive behaviour towards our staff at any time. Abusive or aggressive behaviour is not restricted to physical acts. It includes any actions or behaviour that may cause staff to feel offended, afraid, threatened or abused, as well as a Service User's language or tone which is designed to insult or degrade. This behaviour is considered to be unacceptable behaviour.

In addition, should a Service User make serious allegations about a member of GTC Scotland staff, without any reasonable basis, this will be considered to be unacceptable behaviour within the terms of this policy.

Where an individual behaves unacceptably during a telephone conversation, GTC Scotland staff have the right to tell the caller that their behaviour is unacceptable and end the call if the behaviour persists.

Unreasonable Demands

We may consider that a Service User is making unreasonable demands on our organisation, which we consider to be unacceptable behaviour. This may be through the amount of information they seek or the level of service they expect which has a significant effect on the service provided to them and others.

Further examples include:

- Insisting on responses within an unreasonable timescale;
- Unreasonably insisting on speaking to a particular member of staff; or
- Repeatedly changing the substance of a complaint or raising unrelated / unsubstantiated concerns.

Unreasonable Levels of Contact

We consider the level of contact to be unacceptable behaviour when the time taken to respond to a Service User exceeds a reasonable level and as a result impacts on our ability to deal with that matter and the needs of other service users. This may be due to the volume and duration of contact from a Service User. If we consider the level of contact from a Service User to be unreasonable we may formally raise this with the individual. At this stage we would highlight to the Service User that should the unreasonable level of contact persist we may consider taking further measures to restrict contact.

Unreasonable Use of the Complaints Process

Service Users have the right to complain about GTC Scotland. Should a Service User wish to raise a complaint, the Complaints Procedure should be followed. However, we consider persistent or frivolous complaints to be unacceptable behaviour. Such complaints may have a negative impact on our ability to do our work and provide a service for that individual and others. We understand that complaints about our service are important, however, persistent refusal to accept GTC Scotland's actions in relation to a complaint, or refusal to accept GTC Scotland's statutory functions in terms of the Public Services Reform (General Teaching Council for Scotland) Order 2011 that the organisation can provide, may result in action being taken.

How we will manage unreasonable behaviour

When we consider that a Service User's behaviour is unreasonable, we will tell them why we find their behaviour unreasonable and we will ask them to change it. If the unreasonable behaviour continues, we will take action to restrict the Service User's contact with GTC Scotland.

The decision to restrict contact to GTC Scotland will only normally be taken after we have considered all other reasonable courses of action in the circumstances. The decision to restrict a Service User's contact with GTC Scotland will be taken at Director level or above. Any restrictions imposed will be appropriate and proportionate. The options we are most likely to consider are:

- requesting contact in a particular form (for example, letters only);
- requiring contact to take place with a named member of staff only;
- restricting telephone calls to specified days and times;
- asking the individual to enter into an agreement about their future conduct;
- asking the individual to contact us through a legal representative or a mutually agreed third party.

We will write to tell the Service User why we believe their behaviour is unacceptable, what action we are taking and the duration of that action. We will also tell them how they can challenge the decision if they disagree with it and we will consider any challenge under our Complaints Procedure.

Formal Actions

Where, despite any adjustments we have made to a Service User's contact, the Service User continues to behave in a way which we consider to be unacceptable, we may take steps to restrict and/or terminate contact with them. This may involve:

- terminating all contact (subject to fulfilling our legal obligations);
- terminating communication by specified channels only (e.g. refusing to take telephone calls from an individual);
- requiring the individual to communicate only through a legal representative or a mutually agreed third party.

In exceptional cases, GTC Scotland reserves the right to refuse to investigate a complaint or future complaints from an individual. We will take into account the impact this decision may have on the individual and also whether there would be a broader public interest in investigating considering the complaint further.

Where the behaviour is so extreme that it threatens the immediate safety and welfare of our staff, we will consider other options – for example reporting the matter to the police or taking legal action. In such cases, we may not give the individual prior warning of that action.

Right to Appeal

A Service User can appeal in writing about GTC Scotland's decision to restrict contact with them. On consideration of any such appeal, we will only reconsider GTC Scotland's decision to restrict contact with the Service User. At this stage, we will not consider the substance of the initial matter referred to us, whether a service complaint, teacher referral or any other decision made by GTC Scotland.

The reasons for appealing the decision may be that, for example, the Service User considers that:

- their actions were wrongly identified as unacceptable;
- the restrictions were disproportionate;
- or that they will adversely impact on the individual because of personal circumstances.

A member of the Corporate Management Team or senior manager who was not involved in the original decision to restrict contact with the Service User will consider the appeal. They have discretion to overturn or vary the restriction as they think fit. They will make their decision based on the evidence available to them. They must advise the Service User, in writing, that either the restricted contact arrangements still apply or a different course of action has been agreed.

This policy and its use will be reviewed on a regular basis.