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<b>Report to:</b>	MSMTM
<b>Report by:</b>	Helen Gardner-Swift, Head of Corporate Services (HOCS)
<b>Meeting Date:</b>	11 October 2023 2023
<b>Subject/ Title:</b>	Review of key document – C1 Unacceptable Actions Policy VC192652
<b>Attached Paper</b>	Unacceptable Actions Policy – Draft VC192513

## **Purpose of report**

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1. To seek SMT approval following the review of a key document.

## **Recommendation and actions**

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2. I recommend that the SMT:
  - subject to any further comments or suggested changes, approve the draft Unacceptable Actions Policy
  - agree the key document actions set out in paragraph 13
  - agree the publication arrangements set out in paragraph 16.

## **Executive summary**

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### **Background**

3. The Unacceptable Actions Policy (UAP) has been reviewed and adopts similar guidance issued by the Scottish Public Services Ombudsman (SPSO).
4. The UAP sets out the Scottish Information Commissioner's (the Commissioner) policy on action to be taken in relation to unacceptable actions and behaviour by individuals and others.
5. The Commissioner consider actions that result in unreasonable demands on our office or unreasonable behaviour towards the Commissioner's staff to be unacceptable. It is these actions that are managed under this UAP and the actions are grouped under the following headings:
  - aggressive or abusive behaviour
  - unreasonable demands
  - unreasonable levels of contact
  - unreasonable refusal to co-operate
  - unreasonable use of the complaints process
  - unreasonable persistence
6. The UAP sets out:

- examples of how unacceptable actions will be managed and the actions that may be taken
- the process we follow to make decisions about unreasonable behaviour
- the appeal process when a decision to restrict contact
- how we record and review a decision to restrict contact

### **C1 Unacceptable Actions Register & Guidance**

7. The Head of Enforcement (HOE) is the Responsible Manager for this key document and, if the UAP is approved, this document should be reviewed and updated, as required.

### **Risk impact**

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8. Having an effective and appropriate UAP will mitigate a number of operational risks relating to the protection of staff, operational ability and help to ensure that services provided are as effective as possible.

### **Equalities impact**

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9. There are no direct equalities impacts arising as a result of the recommendations in this report.

### **Privacy impact**

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10. There is no direct privacy impact arising from this committee report or from the document submitted for approval.

### **Resources impact**

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11. None directly arising from this report.

### **Operational/ strategic plan impact**

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12. The review of the CHP is a project included in the Operational Plan 2023-24.

### **Records management impact (including any key documents actions)**

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13. If the draft UAP is approved, the following records management actions should be undertaken:
  - the document is a key document and published in Class 1 of the Commissioner's Register of Key Documents
  - the HOCS is the Responsible Manager for the document
  - the review date will be 3 years from approval

### **Consultation and Communication**

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14. The revised draft has been considered by the SMT.

15. QSMTM 1 minute and ASM.

## **Publication**

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16. The following publication arrangements are recommended

- the CR is published
- the draft document is withheld on the basis that it is exempt from disclosure under section 27(1) of FOISA (information intended for future publication).