

Unacceptable Conduct by External Contacts Policy

Owned and maintained by:	Head of Performance and Corporate Governance
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Purpose

This policy outlines the standards regarding conduct the Auditor General, the Accounts Commission, and Audit Scotland deem to be unacceptable. References to actions and behaviours in this policy are interchangeable. Where one term is used, it applies equally to the other.

Scope

The policy applies to anyone engaging with us including members of the public, organisations, elected representatives, or those acting on behalf of people who contact us.

People engage with Audit Scotland for different reasons, including, but not limited to, to raise an issue of concern about a public body we audit, to blow the whistle about a public body and to make a complaint about us.

Linked to this policy is our [Social Media Policy](#), which is for instances relating to online unacceptable behaviour. This includes what action will be taken if people post abusive, defamatory or unlawful content.

Policy aims

We believe that everyone has the right to be heard, understood and respected. This policy aims to:

- make clear what Audit Scotland considers unacceptable behaviour towards us and our colleagues and that we retain the right to limit access to us if we consider someone's actions to be unacceptable.
- ensure we deal fairly, honestly, consistently and appropriately with people who contact us, including those whose actions we consider unacceptable.
- ensure that unacceptable behaviour does not impact or disadvantage our colleagues and other people who contact us.

How we define unacceptable conduct

We understand that people may act out of character in times of trouble or distress. There may have been upsetting or distressing circumstances leading up to their contact with us. A person's determination, by itself, is not a reason for us to view their behaviour as unacceptable.

Actions of people who are angry, excessively demanding or persistent may result in unreasonable demands on our office or pressure on our colleagues. We consider these unacceptable and aim to manage them under this policy. We have grouped these actions under three broad headings:

- Aggressive or abusive behaviour.
- Unreasonable demands.
- Unreasonable persistence.

Aggressive or abusive behaviour

Violence is not restricted to acts of aggression that may result in physical harm. It includes behaviour or language (whether oral or written) that may cause our colleagues to feel afraid, threatened or abused.

Examples of behaviours include threats, physical violence, personal verbal abuse, derogatory remarks and rudeness. We also consider inflammatory statements and unsubstantiated allegations to be abusive behaviour.

Colleagues understand that anger felt by people who contact us can be about the issue they are raising. However, we expect everyone to treat our colleagues courteously and with respect. Violence or abuse towards our colleagues is unacceptable.

Unreasonable demands

People may make what we consider unreasonable demands through the amount of information they are asking for, the nature and scale of their request or the number of times they contact us. Demands that we consider to be unreasonable will always depend on the circumstances surrounding the behaviour and the seriousness of the issues raised. Examples of these actions include:

- demanding responses within an unreasonable timescale
- insisting on seeing or speaking to a particular employee
- continual telephone calls, emails or letters
- repeatedly changing the substance of the issue
- raising unrelated issues.

We consider demands as unacceptable and unreasonable when they take up a disproportionate amount of our time and resources.

Unreasonable persistence

Sometimes people will not, or cannot, accept that we are unable to help them further. Examples of these actions include:

- persistently refusing to accept a decision we have made about an issue or complaint about a public body they have brought to our attention.
- persistently refusing to accept our explanation about what we can or cannot do.
- continuing to pursue an issue without presenting any new information.

The way in which people contact us may be entirely reasonable, but it is their persistent behaviour in continuing to do so that may not be.

We consider the persistent actions of individuals to be unacceptable when they take up a disproportionate amount of our time and resources.

Managing unacceptable conduct

How we manage unacceptable behaviours and actions when they occur depends on their nature and extent. If we consider actions to adversely affect our ability to do our work and assist others, we will refer people to this policy. We will inform the person as to why we believe their behaviour is unacceptable.

We may restrict in-person contact at our offices, by telephone, letter or electronically or by any combination of these. However, we will always try to maintain at least one form of contact. In extreme situations, we may restrict all contact, however we will always let the person know why.

The length of time contact is restricted is determined by the severity of the unacceptable actions and will be determined on a case-by-case basis. The likelihood is between three and twelve months. The length is agreed with the Director of Corporate Services and communicated to the individual concerned.

The threat or use of physical violence, verbal abuse or harassment towards our colleagues will result in us ending all direct contact with the person. We may report such incidents to Police Scotland. This will always be the case if a person uses physical violence or threatens any of our colleagues. If a person uses offensive language, we will ask them to stop. There may be occasions where we require future contact to be through a third party.

Our colleagues will end telephone calls if they consider a caller is aggressive, abusive or offensive. The employee taking the call has the right to make this decision, advise the caller that the behaviour is unacceptable and end the call if the behaviour does not stop. Our colleagues will then inform their line manager immediately that they have taken this course of action, so we can decide what to do next.

If a person repeatedly telephones, visits our office, sends irrelevant documents or raises the same issues, we may decide to take one of the following actions:

- Only take telephone calls from them at set times on set days or put an arrangement in place for only one employee to deal with calls or correspondence from them in the future.
- Require them to make an appointment to see a named employee before visiting our office.
- Require that they only write to us, not visit our offices or call us.
- Return the documents to them or, in extreme cases, advise them that we will destroy further irrelevant documents.
- Take other action that we consider appropriate. We will always tell them what action we are taking and why.

If the person continues to contact us on a wide range of issues, and we consider this as excessive, we will:

- Inform them that we will only consider a set number of issues within a specified period; and
- ask them to limit or focus their requests accordingly.

We consider the actions of some people as unreasonably persistent if, after outlining our concerns and taking any relevant intermediate actions as appropriate, the person continues to dispute our decision. In these cases, we will inform them that we will not accept any more telephone calls or meet with them. The only way they will be able to contact us in the future is in writing. We will read and file their correspondence and only acknowledge or respond to it if they provide significant new information about the issue or we are required to by law.

Deciding to restrict contact

Colleagues who directly experience aggressive or abusive behaviour from a person who has contacted us have the authority to deal immediately with that behaviour in a manner they consider appropriate to the situation and in line with this policy.

With the exception of such immediate decisions taken at the time of an incident, the Corporate Services Director carefully considers any decision to restrict contact with a person. Wherever possible, we give the person an opportunity to modify their behaviour or actions before we decide to take further action.

We will inform the person in writing:

- why we have decided to restrict future contact, including listing where we have previously referred them to this policy
- the restricted contact arrangements
- the length of time that these restrictions will be in place, if relevant.

Appealing a decision to restrict contact

People can appeal our decision to restrict contact. A member of the Executive team, who was not involved in the original decision, will consider the appeal. The member will advise the person in writing that either the restricted contact arrangements still apply, or we agree to take a different course of action.

Recording and reviewing a decision to restrict contact

We record all incidents of unacceptable actions. If we decide to restrict contact with a person, we note this on the unacceptable actions register.

We may reconsider our decision to restrict a person's contact with us if they demonstrate a more acceptable approach. Our Director of Corporate Services reviews the status of people with restricted contact arrangements yearly.

Policy availability and review

Copies of this policy are available from our offices and website. We will review this policy every three years to ensure that we are achieving its aims.