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**POLICY**

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**UNACCEPTABLE  
BEHAVIOUR  
TOWARDS CREATIVE  
SCOTLAND STAFF**

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## 1. Introduction

Creative Scotland is committed to providing a quality service to all applicants and members of the public that interact with us, seek our funding or other support. In return, we expect everyone who comes into contact with our staff to treat them with respect.

Creative Scotland has clearly set out its expectations for **Dignity at Work** in Scotland's Creative and Cultural sectors. This provides a clear statement and set of expectations for how those working in the sector should be treated.

This states that:

1. Everyone working in Scotland's creative and cultural sectors is entitled to be treated with dignity and respect, whether they are an employee, freelancer, contractor, Board member or volunteer. Creative Scotland does not tolerate bullying, harassment, or victimisation under any circumstance, and expects the same of any organisation, individual or project that we support with public funding.
2. Creative Scotland remains committed to tackling discrimination and all forms of prejudice. As the national body for creative development, we have a responsibility to ensure our support reflects the diversity of Scotland's population. We work to ensure we meet the requirements of the Public Sector Equality Duty 2010, having due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out our work.

- 3.** These principles also apply to Creative Scotland and to our members of staff. This document sets out the policy and procedures we have in place to ensure this is the case.

Most of the people and organisations we have contact with, tell us that they are satisfied with our services. But we recognise that sometimes this is not always the case. To carry out our work we need to make sure we are using our resources in the best way. To do this our decisions about applications for funding are made in line with our funding processes and our published guidance.

Due to the number of applications we receive, the levels of support we can provide for applicants who are developing applications and for follow-ups to funding decisions is limited. We are unable to provide detailed pre-application support or additional feedback (beyond the assessment report) for unsuccessful applications. This might mean we can't respond to every issue or enquiry in a way an individual may want if it means using a disproportionate amount of time and resource on a single case. That can sometimes lead to dissatisfaction being expressed towards our staff.

We understand that, in times of trouble or distress, people may act out of character, and, in a very small number of cases, may behave in an unacceptable way despite our best efforts to help.

We have a duty to protect the welfare and safety of our staff. They should be able to come to work and carry out their duties without fear of violence, abuse, harassment, or discrimination. Creative Scotland will not tolerate unacceptable behaviour towards any member of our staff.

## **2. Purpose of this policy**

This policy means we can manage unacceptable behaviour towards our staff consistently and fairly. It sets out clearly what we consider to be unacceptable and the steps we will take to deal with such behaviour. It applies to everyone who accesses our services and helps us protect staff from abuse and harm.

## **3. Who this policy applies to**

This policy covers interactions with any member of Creative Scotland's Board and staff, including those involved in funding and operations, enquiries, communications, specialisms and assessors.

## 4. Principles – Dignity at Work

This policy draws upon the principles that underpin our wider policy on **Dignity at Work** for the sector. We consider Dignity at Work to mean being free to work without experiencing these four unacceptable behaviours:

- **Bullying** is offensive, intimidating, malicious or insulting behaviour involving the misuse of power that can make a person feel vulnerable, upset, humiliated, undermined or threatened. Power does not always mean being in a position of authority but can include both personal strength and the coercion through fear or intimidation. Bullying can take the form of physical, verbal, and non-verbal conduct.
- **Harassment** is any unwanted physical, verbal, or non-verbal conduct which has the purpose or effect of violating a person’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. It may be repeated behaviour, or in serious cases, may involve only a single incident. It also includes treating someone less favourably because they have submitted to or refused to submit to such behaviour in the past.

- **Discrimination** is being treated unfairly because of who you are. Direct discrimination occurs when a person is treated less favourably because of a protected characteristic as identified by the Equality Act 2010. Indirect discrimination occurs where employers have a rule, policy or practice that particularly disadvantages people who share a protected characteristic. Discrimination can also occur by perception and by association.
- **Victimisation** is the less favourable treatment of someone who has complained or given information about harassment or discrimination or supported someone else's complaint. Employees have the right to raise grievances and to raise issues relating to discrimination or bullying in good faith and to have these matters investigated. Where a member of staff raises an issue in good faith, they should not suffer any detriment or victimisation by virtue of raising their grievance or complaint with management.

Bullying, harassment, discrimination, and victimisation harm lives, causing emotional distress and adversely affecting careers. There is no measure of behaviours that are unacceptable to individuals, and instances can cause harm irrespective of their duration or whether they are isolated or persistent. They can occur face-to-face (including outside the workplace) and through written or online communication or commentary.



Our employees will always strive to:

- Provide a fair, open, proportionate, and accessible service
- Listen and seek to understand
- Treat everyone who contacts us with respect, fairness, empathy and dignity
- Make it clear what they can and cannot do to help you

In return, we expect people accessing our services to:

- Remember that Creative Scotland staff are people with feelings, and they should be treated with respect, fairness, empathy and dignity.
- Not behave in a way which is contrary to our staff's Dignity at Work, as set out above.
- Engage with us in a way that does not hamper our ability to carry out our work effectively and efficiently for the benefit of all.
- Give us time to review and respond to their requests.
- Consider any critical responses they intend to ensure they are based on fact and evidence and do not violate our staff's Dignity at Work.

## 5. Safeguarding and disclosures

If, in the course of our work, an individual threatens to harm themselves or others, we will consider disclosing this to a relevant health professional and/or to the police.

## 6. Unacceptable behaviour towards Creative Scotland staff

Unacceptable behaviour towards Creative Scotland staff includes acting in a way that violates our staff's Dignity at Work or is otherwise unreasonable, regardless of the level of someone's stress, frustration or anger. It may involve acts, words or physical gestures that could cause another person harm, distress or discomfort. This section sets out types of unacceptable behaviour covered by this policy.

Unacceptable behaviour and actions have been grouped under the following headings:

- violence, abuse or harassment
- unreasonable demands
- unreasonable levels of contact

Creative Scotland aims to manage these unacceptable actions with this policy. We will act on anything that is deemed unacceptable.

This policy cannot cover every example of an unacceptable action. It's important to remember that some unacceptable actions can be subjective.

## 6.1. Aggressive or abusive behaviour

This is behaviour or language (written or spoken) that could cause our staff to feel afraid, threatened or abused. This includes threatening emails, telephone calls, meetings, and comments on social media or elsewhere.

### **Physical violence and verbal abuse**

Violence and verbal abuse are defined as acts of aggression that cause or threaten physical harm or distress to staff or other members of the public. It includes any form of physical violence or threats of physical violence. It also includes any behaviour or language that might cause them to feel:

- offended
- harassed
- humiliated
- afraid
- threatened
- bullied
- abused

These acts of violence or verbal abuse can happen, directly or indirectly:

- in person
- over the telephone
- in writing or on webchat
- via social media, such as Facebook or Twitter

Examples of this include being personally abusive, verbally aggressive, swearing or making threats to Creative Scotland staff, whether this is directed at the staff member, or such language or threats are made concerning a third party, (i.e. using abusive or threatening language regarding a third party in discussion with Creative Scotland member of staff). Creative Scotland will not tolerate verbal or physical abuse or harassment of any kind.

### **Abusive language**

Certain types of language are unacceptable. Abusive language includes anything that is:

- meant to offend, scare or intimidate a Creative Scotland staff member.
- insulting or degrading language, including inappropriate banter, innuendo or malicious allegations.
- racist, sexist, ageist, xenophobic or homophobic.
- relating to any protected characteristic under the Equality Act 2010 which can reasonably be considered to amount to harassment as defined above.

Examples include name-calling, shouting or making threats towards staff or other people.

### **False accusations**

Accusing Creative Scotland or their staff of doing something wrong with no proof is an unacceptable action.

## **Abuse aimed at others**

Aggressive or abusive behaviour in connection with our services is unacceptable whether or not that behaviour is directed at a Creative Scotland staff member. Such behaviour does not need to address or name Creative Scotland staff to be unacceptable.

Examples include aggressive or abusive behaviour or statements:

- made somewhere outside the Creative Scotland workplace – for example, on social media or at events
- directed towards friends or family of a Creative Scotland staff member.

## **6.2. Unreasonable demands**

Individuals or organisations might make demands and requests that we cannot reasonably accommodate. Demands become unreasonable when they affect the ability of Creative Scotland staff to complete other work or infringe our staff's Dignity at Work.

Examples of unreasonable demands include:

- repeatedly demanding responses within an unreasonable period of time.
- repeatedly contacting Creative Scotland about the same complaint without good reason.
- demanding to see or speak to a particular member of staff.

- refusing to accept that Creative Scotland cannot provide a particular service or fix a particular issue.
- repeatedly altering a complaint lodged or raising unrelated concerns.
- where the nature and scale of the service demanded is outwith our ability to reasonably support.
- where the volume of correspondence generated by an individual or organisation is beyond our ability to proportionately accommodate.
- demanding a remedy or outcome that cannot be achieved.
- making demands of or pressuring individual staff to influence funding decisions.
- making demands of or pressuring individual staff to change funding decisions.
- requesting levels of support or information that is disproportionate to what we can reasonably provide to all funding applicants.
- focusing disproportionately on a matter in relation to its significance and continuing to focus on this point despite receiving proportionate responses addressing the matter.
- refusing to follow our **complaints procedure**.

- persistently pursuing a complaint where Creative Scotland's **complaints procedure** has been fully and properly implemented and exhausted, but no appeal has been made to the Scottish Public Services Ombudsman (SPSO). Or after the SPSO has considered and concluded the case, making a further complaint on the same issue.
- making demands for action by Creative Scotland outside of our processes, for example via social media, regarding matters that have not been brought to the attention of Creative Scotland staff through our official channels, or that have been resolved by Creative Scotland staff.

These kinds of unreasonable demands can take up an unfair amount of a staff member's time and may have the effect of undermining a staff member's Dignity at Work. This could:

- cause the staff member harm or distress or place them under undue pressure
- affect other people's applications or queries
- cause a delay in providing information to other people.

We accept that someone who is persistent is not necessarily guilty of unacceptable behaviour. What is seen as an unreasonable demand will depend on the circumstances of each case. We will always consider each case on its own merits.

However, the behaviour of someone who persistently contacts us about the same issue, when that issue has been dealt with in line with Creative Scotland's usual processes, can, in some circumstances, amount to unreasonable demand. Such behaviour takes up a disproportionate amount of our time and resources and can affect our ability to provide a service to others. It can also have a detrimental effect on the health and wellbeing of our staff.

### **6.3. Unreasonable levels of contact**

You should contact Creative Scotland if you have an issue or a complaint. However, sometimes the number of times contact is made about the same issue can cause problems and ultimately, violate our staff's Dignity at Work.

Examples of unreasonable levels of contact includes, but is not limited to:

- demanding answers about an issue within an unreasonable timeframe (for example, refusing to accept our published response timeframes for enquiries or complaints)
- contacting us repeatedly and frequently without giving us enough time to respond to previous correspondence
- insisting on seeing or speaking to a particular member of staff when a suitable alternative has been offered
- threatening or using actual physical violence towards staff or their associates



- adopting a ‘scatter gun’ approach: pursuing parallel complaints about the same issue with different members of staff
- contacting Creative Scotland repeatedly to ask the same questions
- overwhelming staff with copies of information they have already provided
- repeatedly calling Creative Scotland demanding new information where there is none
- attempting to contact members of staff via their personal social media accounts
- visiting our offices without an appointment
- making many complaints about how a complaint is being handled while it is under investigation
- recording meetings or conversations (whether face-to-face or on the telephone) without the prior knowledge or consent of other people involved

These kinds of unreasonable levels of contact can take up an unfair amount of a staff member’s time and may undermine their Dignity at Work. This could:

- cause the staff member harm or distress or place them under undue pressure
- affect other people’s applications or queries
- cause a delay in providing information to other people

## 7. How we will respond to incidents of unacceptable behaviour

We do not expect our staff to tolerate unacceptable behaviour and will seek to address any behaviour which undermines their Dignity at Work. When this happens, some or all of the actions in this section may be taken.

### 7.1. Immediate employee actions

When faced with unacceptable behaviours, staff will aim to deal with the situation right away. They will tell you that your actions are unacceptable. If the behaviour does not change, they'll decide what's right to do in line with this policy. Staff might:

- end the call or meeting.
- not reply to an abusive email or letter - we will only review these communications to ensure no new issues have been raised.
- not reply to a letter or email raising matters already dealt with through our processes.
- contact the police.
- notify senior management within Creative Scotland to seek their support.
- where the individual is acting on behalf of an organisation, notify the management of that organisation of the unacceptable behaviour.

Before taking such action, we will always warn the person concerned that they are behaving in an unacceptable way to give them the chance to change their behaviour. However, a warning will not be given in extreme cases, for example, when a physical threat is made.

Where it is appropriate to give a warning before taking action, we will take the following steps:

- we'll ask the person to modify their behaviour and explain why.
- if the behaviour continues to be unacceptable, our staff will remove themselves from the situation. If the communication is by telephone, the caller will be told that the call will be ended.
- the staff member will inform their manager who will keep a record of the incident. In all cases a manager will investigate the situation and decide what action to take. This could include limiting an individual's contact with us.
- if the manager believes further action is required to address the behaviour, they will discuss with a Director to agree a course of action.
- we'll refer the matter to the police where a criminal offence has been threatened or committed.

## 7.2. Communication restrictions

If the unacceptable behaviour continues, a senior manager, following discussion with a Director, can put in place a temporary or permanent communication restriction on an individual. If we decide to do this, we will tell the individual what we are doing, setting out:

- why we consider their behaviour unacceptable.
- what action we are taking and if there is a time limit on the restrictions.

If the individual represents an organisation, we may request the organisation nominates an alternative person to engage with Creative Scotland. If we decide to limit communication, we will make a note of the limitation in our records.

Communication might be:

- limited to being conducted in writing.
- limited to a specific individual.
- removed from Creative Scotland's social media and be blocked from our accounts. Depending upon the circumstances, this might be applied to social media accounts held by an individual or social media accounts held by an organisation.
- limited to a specific email address or telephone number.
- placed on file without a further response if the issued raised in the correspondence has previously been considered.

- limited in other ways which we consider appropriate in the circumstances, in line with this policy.

In addition, we reserve the right to:

- restrict contact to a nominated employee who will deal with all future calls or correspondence.
- restrict the issues on which we will correspond.
- block emails or telephone numbers if the number and length of communications sent is excessive.
- refuse to consider a complaint or any further contact in exceptional circumstances.
- take any other action which we consider necessary or appropriate to make this policy effective.

Where circumstances are serious enough to warrant further restrictions, we may take legal action to prevent further contact/poor behaviour.

In making any decision to take legal action in such cases, we may consider:

- how legal action may affect our staff.
- how legal action may affect the individual (including their personal circumstances and any reasonable adjustments).
- the extent to which we can engage or assist.
- the extent to which the process or subject matter has been exhausted.

### 7.3. Review

Decisions to restrict our interaction with an individual will be discussed by the Manager with their Director. The Director will agree any action required and will inform the Business Operations Directors (BOD) group of the action taken and when this will be reviewed.

We will regularly review any decision to restrict communications and when appropriate we may lift some or all restrictions.

## 8. How we will take account of our duties under the Equality Act 2010

We make sure that we meet the requirements of the Equality Act 2010 and the Public Sector Equality Duty. This includes making sure we consider adjustments for people with protected characteristics.

We will always consider the needs and circumstances that we have been made aware of, before deciding how best to manage the situation. This will include making reasonable adjustments. However, this does not mean we will tolerate abusive language, shouting, or other unacceptable behaviour or actions.

If an individual with a protected characteristic becomes the subject of a restriction under this policy, we will consider whether the restriction may affect them more than someone without that characteristic. If this is the case, we may make different arrangements so they can still access the service.

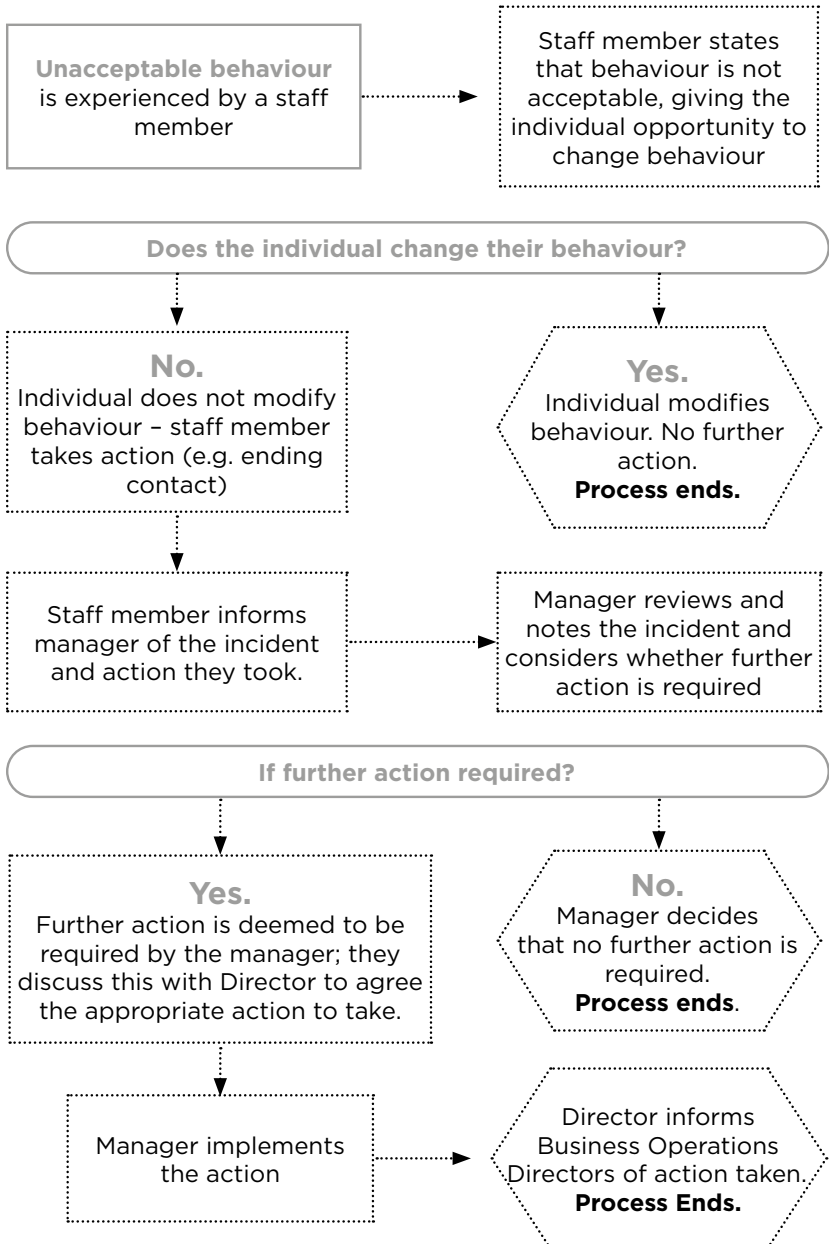
## 9. The Scottish Public Services Ombudsman (SPSO)

The SPSO recognises that a small number of people who complain can be unreasonably persistent or behave unacceptably. It recommends that public bodies should have their own arrangements for managing unacceptable behaviour. However, if any individual or organisation still feel that they have been treated unreasonably they can make a complaint to the SPSO.

### Changes and Revisions Log

Item	Date	Details	Approved
New Policy and Procedure Document	November 2023	Newly created policy and procedure.  Approved Oct 30th 2023 for publication November 2023.	SLT 30/10/23

## Response Flowchart





## Getting help to make your complaint

We understand that you may be unable or reluctant to make a complaint yourself. We can accept complaints on your behalf from a representative, such as a friend, relative or advocate, if you have given them your consent to complain for you.

You can also find out about advocates in your area by contacting the Scottish Independent Advocacy Alliance:

### Scottish Independent Advocacy Alliance

**Tel:** 0131 260 5380

**Fax:** 0131 260 5381

**Website:** [www.siaa.org.uk](http://www.siaa.org.uk)

## Access and Alternative Formats

We are committed to making our service easy to use and will always ensure that reasonable adjustments are made to help access and use our services. If you require this information in another format, such as large print, audio or Braille, please contact us on 0330 333 2000 or email [communications@creativescotland.com](mailto:communications@creativescotland.com)



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