

# Integrated Impact Assessment Form

Promoting Equality, Human Rights and Sustainability

|                                  |                             |
|----------------------------------|-----------------------------|
| <b>Title of Policy/ Proposal</b> | Unacceptable Actions Policy |
| <b>Completion Date</b>           | 03 February 2021            |
| <b>Completed by</b>              | Claire Butters              |
| <b>Lead officer</b>              | Claire Butters              |

## Type of Initiative:

Policy

Programme/Plan

New

Project

Changing/Updated

Service

Review or existing

Function

Other

Statement of Intent

## 1. Briefly describe the policy/proposal you are assessing.

Set out a clear understanding of the purpose of the policy being developed or reviewed (e.g. objectives, aims) including the context within which it will operate.

Midlothian Council's Customer Service Charter sets out the standards that determines the level of service that customers can expect to receive. The Charter explains that customers can expect to be treated with respect, and it makes clear that staff can expect to be treated the same way in return. This helps to ensure that contact with the Council is a positive experience.

The procedure for dealing with complaints and complainants is defined in the Council's Complaint Handling Procedure (CHP), and supporting guidance. This policy, the Unacceptable Actions Policy, complements the Complaints Handling Procedure, and ensures that the Council's principles are consistent with those of the Scottish Public Services Ombudsman (SPSO), and sets out Midlothian Council's approach for dealing with customers whose actions or behaviours are considered to be unacceptable.

## What will change as a result of this policy?

The policy introduces a formal approach that can be followed when dealing with customers whose actions and behaviour are considered to be unacceptable. The policy sets out the type of actions and behaviours that can be considered unacceptable and provides a clear process for staff and customers to follow.

The policy is required to address a limited number of cases where actions have become unacceptable due to such circumstances as abuse of staff, or the prevention of staff from continuing their duties or providing the service in which they are positioned.

The policy affects all customers, staff and elected members. It explains how the Council might restrict or change access to a service when a customer's actions are considered to be unacceptable. This is to ensure that staff and the services provided to our customers are protected.

## 2. Do I need to undertake an Integrated Impact Assessment?

| High Relevance  | Yes/no |
|---|--------|
| The policy/ proposal has consequences for or affects people       | Yes    |
| The policy/proposal has potential to make a significant impact on | No     |



|  |  |
|--|--|
|  | <p>the SPSO's policy which was shared with all public sector organisations as a practice example.</p> <p>The policy also aligns with the existing Work Related Violence and Unacceptable Behaviour 2020 Health and Safety Management arrangements in place across the Council.</p>   |
| Service user experience information                            | Should a complainant be unhappy with the way their complaint has been dealt with, and exhausted the internal Council process, there is an existing procedure whereby they are signposted to the Scottish Public Services Ombudsman who will consider and make a judgement on the issues they raise. Their dissatisfaction may relate to how they have been dealt with but as things currently stand there is no formal route to capture the Council's perception of the complainant's behaviour. |
| Consultation <b>and involvement</b> findings                   | There are a limited number of customers whose actions the Council would consider unacceptable. It is therefore intended that procedures that underpin the policy will only be implemented in exceptional circumstances.  |
| Good practice guidelines                                       | As noted above the policy is informed by a similar policy implemented by the Scottish Public Service Ombudsman (SPSO)  |
| Other (please specify)   | The policy supports the application of the Council's Complaint Handling Procedure which is a statutory requirement overseen by the SPSO.   |
| Is any further information required? How will you gather this? | A review of the policy that will ensure that it is being applied appropriately, and to identify any unintended consequences will be planned following its implementation.  |

#### 4. How does the policy meet the different needs of and impact on groups in the community?

| Equality Groups | Comments – positive/ negative impact |
|-----------------|--------------------------------------|
|-----------------|--------------------------------------|

|  |  |
|--|--|
| Older people, people in the middle years,  | Whilst there are a limited number of customers whose actions the Council would consider unacceptable, consideration must be given to any barriers to communication experienced by the complainant prior to enacting the policy. Barriers may be associated with any of the protected characteristics or the individual's circumstances, and as a result must be fully explored before the policy is applied. |
| Young people and children  | See above  |
| Women, men and transgender people (includes issues relating to pregnancy and maternity)  | See above  |
| Disabled people (included physical disability; learning disability; sensory Impairment; long term medical conditions; mental health problem) | See above  |
| Minority ethnic people (includes Gypsy/Travellers migrant workers non-English)   | See above  |
| Refugees and asylum seekers  | See above  |
| People with different religions or beliefs (included people with no religion or belief.  | See above  |
| Lesbian; gay bisexual and heterosexual people  | See above  |
| People who are unmarried; married or in a civil partnership  | See above  |
| Those vulnerable to falling into poverty   |  |
| Unemployed   | See above  |
| People on Benefits   | See above  |
| Single Parents and vulnerable families   | See above  |
| Pensioners   | See above  |

|   |                        |
|---|------------------------|
| Looked after Children   | See above              |
| Those leaving care settings<br>((including children and young<br>people and those with illness) | See above              |
| Homeless People   | See above              |
| Carers (including young carers)   | See above              |
| Those involved in the criminal<br>justice system  | See above              |
| Those living in the most deprived<br>communities (bottom 20% SIMD<br>areas)                     | See above              |
| People misusing services  | See above              |
| People with low literacy/numeracy   | See above              |
| Others e.g. veterans, students  | See above              |
| <b>Geographical Communities</b>   |                        |
| Rural/ semi-rural Communities   | No differential impact |
| Urban Communities   | No differential impact |
| Coastal Communities   | None in Midlothian     |

**5. Are there any other factors which will affect the way this policy impacts on the community or staff groups?**

No

**6. Is any part of this policy/ service to be carried out wholly or partly by contractors?**

If yes, how have you included equality and human rights considerations into the contract?

No

**7. Have you considered how you will communicate information about this policy or policy change to those affected e.g. to those with hearing loss, speech impairment or English as a second language?**

Introducing the policy provides a clear framework to deal with unacceptable behaviour and whilst there are a limited number of customers whose actions the Council would consider unacceptable, it is intended that procedures that underpin the policy will only be implemented in exceptional circumstances.

This is an internal policy referenced within the Complaint Handling Procedure on the Council's website and therefore subject to the same provisions, in terms of ensuring the information is accessible and understood, as any policy/procedure applied by the Council.

If required, and on request, the policy can be provided in a number of different formats such as Braille, large print, alternative language, British Sign language (BSL), and audio-tape.

**8. Please consider how your policy will impact on each of the following?**

| <b>Objectives<br/>Equality and Human Rights</b>   | <b>Comments</b>   |
|---|---|
| Promotes / advances equality of opportunity e.g. improves access to and quality of services, status     | The policy provides clear instruction on behaviour that is not permitted. By following this all customers of the Council will have equality of opportunity, and in particular improved access to services.  |
| Promotes good relations within and between people with protected characteristics and tackles harassment | See above   |
| Promotes participation, inclusion, dignity and self- control over decisions                             | Introducing the policy provides a clear framework to deal with unacceptable behaviour and whilst there are a limited number of customers whose actions the Council would consider unacceptable, it intended that procedures that underpin the policy will only be implemented in exceptional circumstances. |
| Builds family support networks, resilience and community capacity                                       | N/A   |
| Reduces crime and fear of crime   | N/A   |

|   |     |
|---|-----|
| Promotes healthier lifestyles including<br>Diet and nutrition<br>Sexual Health<br>Substance Misuse<br>Exercise and physical activity<br>Life Skills | N/A |
| <b>Environmental</b>  |     |
| Reduce greenhouse gas (GHG) emissions in Midlothian (including carbon management)   | N/A |
| Plan for future climate change  | N/A |
| Pollution: air/ water/ soil/ noise  | N/A |
| Protect coastal and inland waters   | N/A |
| Enhance biodiversity  | N/A |
| Public Safety: Minimise waste generation/ infection control/ accidental injury /fire risk   | N/A |
| Reduce need to travel / promote sustainable forms of transport  | N/A |
| Improves the physical environment e.g. housing quality, public and green space  | N/A |
| <b>Economic</b>   |     |
| Maximises income and /or reduces income inequality  | N/A |
| Helps young people into positive destinations   | N/A |
| Supports local business   | N/A |
| Helps people to access jobs (both paid and unpaid)  | N/A |
| Improving literacy and numeracy   | N/A |
| Improves working conditions, including equal pay  | N/A |
| Improves local employment opportunities   | N/A |



**9. Is the policy a qualifying Policy, Programme or Strategy as defined by The Environmental Impact Assessment (Scotland) Act 2005?**

No

**10. Action Plan**

| Identified negative impact | Mitigating circumstances | Mitigating actions | Timeline | Responsible person |
|----------------------------|--------------------------|--------------------|----------|--------------------|
| None                       |                          |                    |          |                    |
|                            |                          |                    |          |                    |
|                            |                          |                    |          |                    |

**11. Sign off by Chief Officer/ NHS Project Lead**

Signature

Name

Date