

# ENGAGEMENT POLICY

**Governance Framework**

Version 3

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# 1. INTRODUCTION

## 1.1. Why we need this policy and what it covers

In our work, we engage with a wide range of stakeholders - from industry professionals and international organisations to members of the public. We will always aim to facilitate positive interactions to ensure the best possible level of assistance. While most interactions are positive and productive, occasionally, we may need to take action to protect our employee's well-being or our ability to carry out our duties. This policy sets out how we identify and response in such situations.

This policy covers anyone who engages with WICS including water and sewerage customers, stakeholders, international partners and elected representatives.

Engagement includes all forms of contact including verbal (over the phone, in person), written (letters, emails, online forms) as well as contact at training, events or conferences.

## 1.2. Supporting positive engagement

We support positive engagement and believe that all correspondents have the right to be heard, understood and respected. We also believe that our staff have the same rights, and we must provide a safe working environment for them.

We aim, in all of our dealings, to:

- make it clear to everyone we deal with, both on initial contact and throughout our engagement, what WICS can and can't do to meet their concerns and expectations
- be open and not raise expectations that we can't meet
- deal fairly, honestly, consistently, and appropriately with all correspondents, even those whose behaviour or actions we consider unacceptable
- provide a service that is accessible to all, supporting reasonable adjustments where necessary
- ensure that our staff and other people who use our services do not suffer disadvantage as a result of the unacceptable behaviour of others.

Our policy sets out the kinds of actions and behaviour that may have a negative effect and what we will do if this occurs.

## 2. OUR APPROACH TO MANAGING ENGAGEMENT

While we work to always support positive engagement, there are some situations that we need to manage because of the negative impact on our ability to carry out our duties. As a small office, persistent unconstructive engagement has a significant impact on our ability to carry out our functions.

### 2.1. Restorative approaches

We will always seek, whenever possible, to restore positive and constructive communication. However, there may be a need to act if the situation becomes unacceptably challenging, is resulting in unreasonable demands on our organisation or unreasonable behaviour towards WICS staff.

We aim to ensure that a person is warned immediately if their actions are tending towards unacceptable, and what will follow if they persist. We will do so in a way which is intended to defuse the situation, with the aim of bringing the tone of communication back to a more reasonable level.

### 2.2. Actively managing behaviour

Where restorative approaches are not possible, appropriate, or have been tried and failed, we will take an active management approach. The approach will be tailored on a case by case basis and may include:

- Restricting contact by channel (e.g. only via email) or to a named person
- Not providing direct contact details or staff names (when there is a risk this will lead to harassment)
- Directing phone calls to an automated service (when phone contact has been abusive or unhelpful)
- Restricting time/volume of contact
- Ceasing contact on issues which have already been addressed and no new information is available.

In all cases, we will not tolerate any threat or use of physical violence against, or verbal abuse or harassment of, our staff. In these circumstances, we will inform the correspondent that if they

continue to engage in this way, we will terminate all contact. Such actions may also be reported to the police and will always be reported if physical violence is used or threatened.

If someone ignores the warning they have been given, or if they use or threaten physical violence, we will take action aimed as far as possible towards:

- reducing the risk of harm to WICS staff
- preventing the individual from inflicting further harm on themselves or others
- ensuring that the business of WICS is carried out as efficiently and effectively as possible and to the extent required by law.

To ensure consistency, a decision to actively manage a situation needs to be made by a manager. All such restrictions require to be supported by evidence and can be challenged by an appeal to the Ombudsman.

Restrictions are normally subject to review at appropriate intervals while we are providing a service. We retain the discretion to not include a review if the reason for the restriction means that would not be appropriate (for example if it is to protect staff from violence). The timing and circumstances where review would be considered should be explained clearly to the person who is under restriction at the time the restriction is put in place.

## 2.3. Protecting our staff and others

Our staff should feel confident and empowered to escalate any unacceptable communications to their line manager or any other member of the senior management team.

By dealing with unacceptable behaviour promptly and escalating it to management we can ensure we are handling all communications in a timely, professional manner.

There is advice below on identifying situations that we do not find acceptable.

### 2.3.1. PHONE OR FACE-TO-FACE CONTACT

Our staff will end any telephone calls if they consider the caller aggressive, abusive, or offensive. We have the right to make the decision, to tell the caller that their behaviour is unacceptable and to end the call if the behaviour persists.

If staff are informed they are being recorded for later use in public or are being live streamed, they need to end contact politely but immediately.

### 2.3.2. WRITTEN OR EMAIL CORRESPONDENCE TO WICS

If we receive violent or abusive correspondence, the sender should be informed this is unacceptable. This could be done by a manager or from an account that is not linked to an individual if this has been aimed at an individual staff member.

The decision that correspondence is unacceptable should be made by a manager to ensure consistency. Where this behaviour is repeated despite warnings or an individual instance is regarded as at the higher end of abusive we may need to take steps to restrict methods of contact with the office.

### **2.3.3. ONLINE, WEB AND SOCIAL MEDIA**

This is a fast-moving and changing area; nevertheless, the principles outlined in this policy will still apply. WICS will follow the best practice advice available at the time of any incident and note and record the reasons for our decisions. Actions may include:

- blocking accounts or using other technical options available on the relevant platform to minimise exposure
- using the relevant social media platform's own reporting mechanisms to seek to have the content removed
- limiting contact with the individual through other channels to reduce risk to staff – this could include ensuring the person is not provided with contact details
- direct threats on social media should be dealt with like any physical threat

## **2.4. Terminating or limiting contact**

Should there be a need to do so, the process of terminating contact will be carefully managed. There are several issues to consider, and the decision to terminate will not be taken lightly or without sufficient evidence. Generally, the recommendation to terminate contact will be made by a Director or the Chief Executive Officer.

We will carefully consider the form of such a termination to balance the rights of the individual against WICS' duty to protect our staff and to avoid disruption to our work. We will consider a range of options, such as:

- terminating all contact (subject to necessary limitations referred to below)
- terminating communication by specified channels only (e.g. refusing to take telephone calls from an individual)
- refusing to accept communication on a specified subject only.

### **2.4.1. LIMITATIONS ON TERMINATION OF CONTACT**

Any consideration of limiting or terminating contact needs to start by assessing the nature of the contact we have had.

In deciding to terminate or restrict contact, we will not attempt to restrict the rights of an individual to raise requests under information legislation, such as the right to request information under the Freedom of Information (Scotland) Act 2002 (FOISA), the Environmental Information (Scotland) Regulations 2004 (EIR) or the UK GDPR or Data Protection Act 2018 as appropriate.

Any such requests received will be considered under the normal terms of those access regimes. That said, such a request, if couched in terms that are harassing or unreasonable, may be deemed vexatious under FOISA or manifestly unreasonable under EIR(S).

#### **2.4.2. INFORMING THE INDIVIDUAL**

When a decision to restrict or terminate communication with an individual is made, we will inform that individual of the decision and its terms. This communication will also make it clear what if any recourse the individual has to make representations regarding that decision (see below).

#### **2.4.3. WHERE AN INDIVIDUAL REPRESENTS AN ORGANISATION**

An offending individual may be in contact with our staff as a representative of an organisation. In that case, an initial approach should be made, usually by a manager in the affected team, to the organisation itself. We reserve the right to terminate contact in the interests of our own staff even where an external organisation is not able or willing to act in respect of alleged unacceptable behaviour.

#### **2.4.4. MEASURES TO PREVENT CONTACT**

We will consider using technical measures to block an individual's attempts to contact us if that individual's communications have been judged to be abusive, threatening, or to constitute harassment of our staff.

We will consider measures such as seeking to block an individual's telephone number or email address. In more extreme cases we will consider whether to seek to interdict the individual or take other legal measures in order to protect our staff.

Where we decide to implement technical blocking measures, e.g. of an email address, we will not necessarily make that known to the individual concerned. Whether or not the individual will be informed about the use of technical measures will be a matter of judgement for the manager taking the decision to terminate or restrict contact.

## 3. IDENTIFYING TYPES OF ENGAGEMENT WE NEED TO MANAGE

We understand that people may act out of character in times of trouble or distress. Often, they have experienced upsetting or distressing circumstances leading up to a complaint or concern being raised with us. We do not view behaviour as unacceptable simply because a correspondent or complainant is forceful or determined.

However, we consider actions that result in unreasonable demands on our business or unreasonable behaviour towards our staff as unacceptable. We have grouped these actions under the following three broad headings.

### 3.1. Aggressive or abusive behaviour

We understand that people can feel passionate about the issues they discuss with us, and sometimes hurt, frustrated or angry. If those feelings escalate into aggression towards our staff, we consider that unacceptable. Violence towards or abuse of our staff will never be tolerated.

Violence and aggression are not restricted to acts that cause or threaten physical harm. They also include behaviour or language (whether oral or written) that may cause staff to feel afraid, threatened or abused.

Examples of such behaviour include swearing, threats, personal verbal abuse, derogatory remarks and rudeness (displaying a lack of manners, showing disrespect, being impolite, failing to thank for assistance etc). Inflammatory statements and unsubstantiated allegations can also be abusive behaviour.

Statements do not need to be made directly to a member of staff or expressly address or name them to be abusive or threatening. Even statements made outside the work environment or directed towards friends or family of a staff member, may constitute unacceptable actions within the terms of this policy that we will act upon. It is the overall context of the behaviour that is important.

### 3.2. Unreasonable demands

People can make unreasonable demands on our resources by the nature and scale of the service they expect. Examples of such behaviour may include:

- repeatedly demanding responses within an unreasonable timescale

- placing unreasonable conditions on officials
- insisting on seeing or speaking to a particular member of staff even when this isn't possible
- refusing to accept that we cannot provide a particular service or action a particular issue, or
- repeatedly changing the exact nature of the complaint or issue that is being raised, or raising unrelated concerns.

These kinds of behaviour can detract from our work and place a significant burden on the organisation. Dealing with such behaviour requires a disproportionate amount of time and diverts an unreasonable proportion of our financial and human resources away from our statutory functions. This can be difficult and stressful for staff to deal with when it is not possible to find common ground or a realistic approach to the issues being raised. What amounts to unreasonable demands will always depend on the circumstances surrounding the behaviour.

### 3.3. Unreasonable persistence

Sometimes an individual will contact WICS repeatedly about the same issue or closely related issues. Their manner in these contacts may be reasonable, but the persistence of their approach is not – they take up a disproportionate amount of time or resources in exchanges that are unproductive to us and ultimately to themselves.

Sometimes this persistence will take the form of serial complaining – lodging complaints about the handling of complaints. The defining characteristic is the persistence of approaches over time. We have the right to assess whether that persistence has reached the point of disrupting our ability to undertake our work or is amounting to harassment or unreasonable treatment of our staff.

## 4. SUPPORTING STAFF

Staff will receive guidance to defuse and actively manage situations. They are encouraged to seek support if any contact causes them concern or distress.

### 4.1. Empowering staff to end contact they find distressing

All staff have the authority to end any engagement or interaction which they find personally distressing or difficult at the point of occurrence. Staff should not feel they need to continue to engage in contact if it is having a negative impact on them or which is making them feel uncomfortable.

This is the case whether or not they consider it meets the zero tolerance criteria. Whenever possible and appropriate, staff should seek to end the engagement professionally and politely. This can include:

- explaining they find the situation uncomfortable or distressing and explaining what they need to happen to be able to continue
- ending a call
- ending an interview/meeting
- not reading an email or other correspondence to the end
- disengaging social media.

When this occurs, they should take a note and discuss with their line (or, if not available, other) manager as soon as possible.

### 4.2. Supporting staff

When a zero tolerance incident has occurred or active management approach has had to be used, all staff involved are encouraged to have a de-brief meeting with their line manager and agreed actions from that discussion noted. This ensures that we are providing support to all colleagues. Staff will be able to take a short time away from all contact if requested and may request to no longer have contact with a specific individual.

WICS makes use of the Employee Assistance Programme (EAP) which is there as a support mechanism for staff to use should they require support or advice during difficult or distressing situations. This helps to support the wellbeing of our staff. Staff who experience an incident should be reminded of the support available to them, and encouraged to access them if they wish.

### 4.3. Requesting removal from direct contact or from a case

Staff can ask for correspondence to be sent in the name of a senior manager or to be removed completely from involvement in engagement in a particular case or interaction. This may be appropriate if they have concerns about threats; have been or are at risk of being named publicly; or any other factor makes them more vulnerable.

## 5. APPROACH TO COMMUNICATING DECISIONS

We strive to always communicate effectively, with respect. When communicating that a situation needs to change or an active management technique is being introduced, we should always bear in mind the following:

- Explain the situation neutrally and avoid blame, there may be many reasons why the situation has become difficult. Engaging with public bodies can be stressful, people's situations, needs and abilities are complex.
- Look for opportunities to restore the relationship. Try to see the situation from the points of view of all involved. When possible or appropriate, seek ways to help someone demonstrate their needs and perspective rather than asking them to defend their position.
- Be clear and straightforward. We can provide access to more information, for example a copy of this policy, but that will not be required in all situations. Instead, a clear statement which focuses on the interaction and explains what has been decided and why is sufficient.
- Ensure the communication is accessible, inclusive and meets the needs of the person.

### 5.1. Communicating decisions to terminate or limit contact

Where we decide to terminate all contact with an individual, we will offer no right of appeal and entertain no representations from them. We will make this clear in our final communication. We will also draw their attention to their right to complain about our services to the Scottish Public Services Ombudsman. We will normally continue investigating a complaint even where contact restrictions are in place. In some cases, it may be possible to continue investigating the complaint without contact from the customer. Our policy allows us in limited circumstances to restrict access to the complaint process entirely. This would be as a last resort, should be as limited as possible, and requires manager approval. Where access to the complaint process is restricted, we must signpost to the SPSO.

Where we decide to place restrictions on how an individual may contact us or on what subject, we will consider whether to offer a route for the individual to make representations to a senior member of staff. This will not be a formal right of appeal but an opportunity for us to consider if the restrictions we have decided to apply are unfair in any way to the individual affected.

Where we have terminated or restricted contact and a significant amount of time has elapsed (at least two years), we will consider representations from an individual that something significant has occurred that will give us assurance that their behaviour has moderated sufficiently for us to lift restrictions.

## 6. RECORDING AND SHARING INFORMATION

Internally, we need to ensure all relevant staff are aware of actions taken and restrictions to make sure our actions are effective. This will vary depending on the action and decisions on sharing should be noted and recorded but as a minimum:

- where the behaviour relates to phone contact, staff who respond to our publicly available number on our website should be informed
- for emails, we should ensure this information is shared with people who monitor online web contact.

### 6.1. Recording and sharing when staff named publicly

If you find that a member of WICS staff has been publicly named in relation to their duties, an email should be sent to the member of staff's line manager in the first instance, and where applicable, a link to the relevant webpage should be provided.

To minimise impact on the named person, this information should not be shared any more widely than necessary to enable action to be taken.

The member of staff's line manager (or in their absence a Director) will inform the member of staff in private of the content of the material. The affected member of staff will have a say in what, if any, action is taken in response.

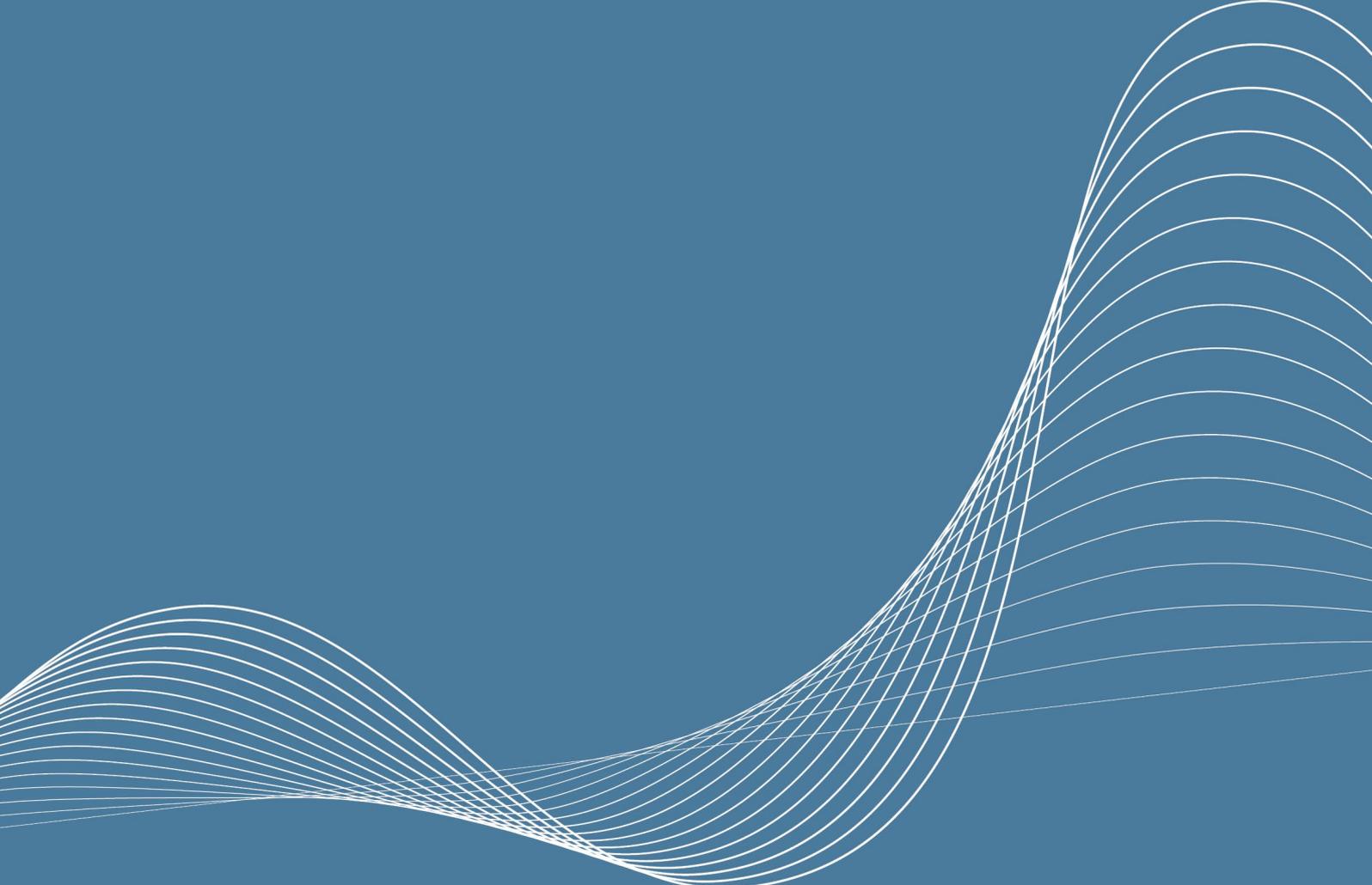
Action to support the member of staff may include an informal discussion and an offer of counselling support through the Employee Assistance Programme.

Any instances of WICS staff being publicly named online will be recorded and kept confidentially. We may actively seek to have the person's name removed unless the risk that would escalate the situation are felt to be significant. The incident will be shared with the Leadership Team and a decision will be made about whether a record is made in the staff member's personal records.

We will record incidents involving unacceptable actions and behaviours as they occur. Specifically, we recognise that it is important that we keep a clear record whenever we have had to:

- Actively work to restore a relationship to avoid restrictions
- Put restrictions in place
- Take a zero tolerance approach

We will only retain those records for a limited period unless further action is decided on at that time. Where it is decided to terminate or restrict contact with an individual, we will record that decision and the reasons for it. This record will be shared with senior management and with anyone that either has been contacted by the individual or where it is judged possible or likely that the individual may contact a team.



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