



## REIDVALE HOUSING ASSOCIATION

### Unacceptable Actions Policy

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Author	

## **1. INTRODUCTION**

- 1.1 Reidvale Housing Association recognises that the overwhelming majority of customers treat our staff with respect. This policy sets out the Association's approach to the relatively few customers whose actions or behaviour we consider unacceptable.
- 1.2 People may act out of character in times of trouble or distress. There may have been upsetting or distressing circumstances leading up to a service request or complaint coming to the Association. We do not view behaviour as unacceptable just because a person is forceful or determined.
- 1.3 However, we consider actions that result in unreasonable demands on our office or unreasonable behaviour to our staff to be unacceptable. It is these actions that we consider unacceptable and aim to manage under this policy.
- 1.4 We have a zero tolerance policy towards physical and verbal abuse of our staff. This policy sets out the approach of Reidvale Housing Association to the customers whose action or behaviour we consider unacceptable.
- 1.5 The term 'staff' includes direct employees of Reidvale Housing Association, its Management Committee members, contractors, consultants and agents.
- 1.6 This policy should be read on conjunction with the Association's Complaints Handling Procedure.

## **2. EQUALITIES**

- 2.1 Reidvale Housing Association is an equal opportunities organisation. We abide by the terms of the Equality Act 2010 which incorporates all of the main pieces of discrimination legislation. No person or group of persons will be treated less favourably than any other persons or groups of persons because of their sex, marital status, family circumstances, race or national origins, disability, age, religion, political orientation or sexual orientation. To ensure equal access to the information contained in this policy we are happy to provide copies free of charge in Braille, in large print, translated into other languages or put onto audio tape.

## **3. POLICY OBJECTIVES**

- 3.1 This Unacceptable Actions Policy aims to:
  - make clear to all customers/contractors/other parties, both at initial contact and throughout their dealings with us, what the Association can and cannot do. In doing so, we aim to be open and not raise hopes or expectations that we cannot meet.
  - deal fairly, honestly, consistently and appropriately with all customers, including those whose actions we consider unacceptable. We believe that all customers/contractors/other parties have the right to be heard, understood and respected.
  - ensure that our staff and contractors are treated with respect and are not subject to verbal or physical abuse by customers.

- provide a service that is acceptable to all customers. However, we reserve the right, where we consider customer actions to be unacceptable, to restrict or change access to our service.
- ensure that our staff or contractors and other customers do not suffer any disadvantage from customers who act in an unacceptable manner.

#### **4. DEFINING UNACCEPTABLE ACTIONS**

**4.1** Customers who are angry, demanding or persistent may result in unreasonable demands towards our staff. It is these actions we consider unacceptable and aim to manage this kind of behaviour under this policy. We have grouped these actions under three broad headings:

##### **AGGRESSIVE OR ABUSIVE BEHAVIOUR**

**4.2** We understand that individuals may be angry about the issue they have raised. However, if an individual's anger escalates into aggression towards our staff we will consider this to be unacceptable.

**4.3** Violence is not restricted to acts of aggression that may result in physical harm. It also includes behaviour or language (whether verbal or written) that may cause staff to feel offended, afraid, threatened or abused.

**4.4** Examples of behaviours grouped under this heading include threats, physical violence, personal verbal abuse, derogatory remarks, slanderous or libellous remarks (either written or verbal), harassment, stalking and rudeness. We also consider that inflammatory statements and unsubstantiated allegations can constitute abusive behaviour.

##### **UNREASONABLE DEMANDS**

**4.5** Customers may make what we consider to be unreasonable demands on our staff through the amount of information they seek, the nature and scale of service they expect or the number of approaches they make. What amounts to unreasonable demands will depend on the circumstances surrounding the behaviour and the seriousness of the issues raised by the customer.

**4.6** Examples of actions grouped under this heading include where an individual:

- repeatedly demands responses within an unreasonable timescale
- insists on seeking or speaking to a particular employee when that is not possible
- repeatedly changes the substance of their complaint or raises unrelated concerns
- makes the same complaint without any new evidence being presented
- causes us to spend an excessive amount of time on their demand and, in doing so, disadvantages others who access our services.

## **UNREASONABLE PERSISTENCE**

**4.7** We recognise that some of our customers will not or cannot accept that we are unable to assist them further or provide a level of service other than that provided already. Customers may persist in disagreeing with the action or decision taken in relation to their concern or contact our offices persistently about the same issue.

**4.8** Examples of actions grouped under this heading include:

- persistent refusal to accept a decision made in relation to a complaint
- persistent refusal to accept explanations relating to what we can or cannot do
- continuing to pursue a complaint without presenting any new information

**4.9** The way in which customers may approach us may be entirely reasonable, but it is their persistent behaviour in continuing to do so that is not. We consider the actions of customers who persistently complain to be unacceptable when they take up what we regard to be a disproportionate amount of time and resources.

## **5. MANAGING UNACCEPTABLE ACTIONS**

**5.1** There are relatively few customers whose actions we consider unacceptable. We will not take any decision about unacceptable actions lightly. We will try to ensure that any action we take is the minimum required to solve the problem, taking into account relevant personal circumstances including the seriousness of the complaint and the needs of the individual.

**5.2** The threat or use of physical violence, verbal abuse or harassment towards Association staff or contractors is likely to result in a termination of all direct contact with the customer. We will report incidents to the police, subject to receiving the consent of the person(s) affected.

**5.3** We may restrict contact from the customer in a number of ways: in person, by telephone, letter, fax, email or text, or by any combination of these. We will try to maintain at least one form of contact with a nominated person in the organisation in case the customer experiences a genuine housing related emergency. In extreme circumstances we will tell the customer, in writing, that their name is on a 'no personal contact' list. This means that they must restrict contact with our staff and offices to either written communication or through a third party.

**5.4** We will end telephone calls if the caller is considered aggressive, abusive or offensive. The staff member taking the call has the right to make this decision, tell the caller that the behaviour is unacceptable and end the call if the behaviour does not stop.

**5.5** We will not deal with correspondence (letters or electronic mail) that is abusive or contains allegations that lack substantive evidence. Where we can a letter should be sent to the customer stating that their behaviour is unacceptable and describing specifically in what way, for example, we consider their language offensive, unnecessary and unhelpful. We will ask them to refrain from using such language and state that we will not respond to their correspondence if they do not. We may also pursue legal action where the circumstances merit this.

- 5.6** Where a customer repeatedly telephones, visits the office, sends irrelevant documents or raises the same issues, we may decide to:
- Only take telephone calls from the customer at set times on set days or put arrangements in place for only specifically designated members of staff to deal with calls or correspondence from the customer in the future
  - Require the customer to make an appointment to see the designated members of staff before visiting the office or that the customer contacts the office in writing only
  - Return the documents to the customer or, in extreme cases, advise the customer that further irrelevant documents will be destroyed
  - Take other action that we consider appropriate. We will, however, always tell the customer what action we are taking and why.
- 5.7** Where a customer continues to correspond on a wide range of issues and this action is considered excessive, the customer will be told that only a certain number of issues will be considered in any given period and asked to limit or focus their requests accordingly. Should the customer fail to do so we reserve the right to prioritise the issues raised within our set of timescales and will advise the customer accordingly.
- 5.8** Customer action may be considered unreasonably persistent if all internal review mechanisms have been exhausted and the customer continues to dispute our decision relating to a complaint. The customer should be told that no further phone calls will be accepted or interviews granted concerning the complaint. Any future contact by the customer on this issue must be in writing. Future correspondence will be read and filed but only acknowledged or responded to if the customer provides significant new information relating to the complaint.

## **6. DECIDING TO RESTRICT CUSTOMER CONTACT**

- 6.1** Our staff or contractors who directly experience aggressive or abusive behaviour from a customer, contractor or other party, have the authority to deal immediately with that behaviour in a manner they consider appropriate to the situation and in line with this policy. Such cases must be immediately reported to a senior member of staff.
- 6.2** With the exception of such immediate decisions taken at the time of an incident, decisions to restrict contact with our staff will only be taken after careful consideration of the situation by the Senior Management Team. Whenever possible, we will give the customer the opportunity to modify their behaviour or action before a decision is taken.
- 6.3** When a staff member makes an immediate decision in response to aggressive or abusive behaviour, the customer will be advised at the time of the incident. Where a decision has been taken by senior management, a customer will always be advised in writing why a decision has been made to restrict future contact, the restricted contact arrangements and if relevant, the length of time that these restrictions will be in place.

## **7. APPEALING A DECISION TO RESTRICT CONTACT**

- 7.1** A customer has the right to appeal against any restriction we impose where they feel the decision was wrong or unjust. The customer will be advised in writing about this right at the time they are informed of our original decision to restrict contact.
- 7.2** The appeal will be considered by the Housing Services Sub-Committee. It should be noted that we will only consider arguments that relate to the restriction and not to either the complaint made or to our decision to close a complaint.
- 7.3** If the customer is dissatisfied with the outcome of the appeal a complaint can be made to the Scottish Public Services Ombudsman. Details of the services provided by the Scottish Public Services Ombudsman are available from the Association.

## **8. RECORDING AND REVIEWING A DECISION TO RESTRICT CONTACT**

- 8.1** We will record all incidents of unacceptable actions by customers. Where it is decided to restrict customer contact an entry noting this will be made in the relevant file and on appropriate computer records.
- 8.2** On expiry of the period of restriction the Senior Management Team will review the customer's record of conduct and will lift the restriction of contact providing that the customer has displayed good conduct during the period of restricted contact. Should the customer's conduct not have been satisfactory the period of restricted contact will be extended and subject to further review by the Senior Management Team.

## **9. REVIEW OF POLICY**

- 9.1** This policy will be reviewed and amended as necessary every five years.
- 9.2** The review process will take account of legislative changes, good practice guidance and the views of our tenants and other stakeholders.
- 9.3** This policy was approved by the Management Committee on 29<sup>TH</sup> January 2020.