

Provanhall Housing Association Limited

POLICY

Unacceptable Actions Policy

AUTHOR

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DRAFTED	APPROVED	NEXT REVIEW
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On request, the Association will provide translations of all our documents, policies and procedures in various languages and other formats such as computer disc, tape, large print, Braille etc. and these can be obtained by contacting the Association's offices.

1 Introduction

Employees of the Association have a right to undertake their duties without fear of abuse or inappropriate behaviour from our customers. As employer, the Association has a duty of care to support employees and address inappropriate conduct from customers. This Policy sets our approach to address incidents and who is responsible at each stage.

We recognise that individuals can act out of character at times due to personal circumstances. Our staff are trained to recognise where an individual may be upset due to a service failure or personal circumstances such as poor mental health or a crisis situation. We consider actions resulting in unreasonable demands or unacceptable behaviour. The Association will not tolerate verbal or physical abuse or threats towards staff.

The term staff includes direct employees of Association, its Management Committee members, contractors, consultants and agents.

This policy should be read in conjunction with the Association's Complaints Handling Procedures and Customer Services Standards Policy.

2 Equalities

An Equality Impact Assessment (EIA) has been carried out when reviewing this policy. In line with good practice the completed EIA will be published alongside the Unacceptable Actions Policy.

Where there is a need for follow-up action, the tasks and timeframe for achieving them shall be noted in the Equality and Human Rights Action Plan to ensure they are addressed.

We do not see this policy as having any direct impact upon the protected characteristics contained within the Equality Act 2010.

Defining unacceptable actions by customers

The Association has categorised these actions under three broad headings: -

(A) Aggressive or Abusive Behaviour

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

Examples of behaviours grouped under this heading include threats, physical violence, personal verbal abuse, derogatory remarks and rudeness. We also

consider that inflammatory statements and unsubstantiated allegations can be abusive behaviour. Whilst anger over a service failure can understandably be directed towards the situation; it is unacceptable when anger escalates into aggression directed towards Staff.

Individuals who struggle to cope with communicating without becoming angry should consider asking a friend, relative or support worker to act on their behalf or assist them in reporting issues.

(B) Unreasonable Demands

A customer may make what we determine as unreasonable demands on our service. This could be through information sought, nature and scale of service expected or number of approaches made. What amounts to unreasonable demands will always depend on the circumstances surrounding the behaviour and the seriousness of the issues raised by the customer.

Examples include demanding responses within an unreasonable time-scale, insisting on seeing or speaking to a particular member of staff, repeated telephone calls, e-mails or letters, repeatedly changing the substance of the enquiry or raising unrelated concerns.

We consider these demands as unacceptable and unreasonable if they start to impact substantially on the work of the office, such as taking up excessive staff time to the disadvantage of other customers.

(C) Unreasonable Persistence and or vexatious complaints

We recognise customers have the right to complain more than once as they have a continuing relationship with the Association and subsequent incidents may occur. Where a customer persists in disagreeing with the action or decision taken in relation to their enquiry it may be considered as unreasonable.

Features of an unreasonably persistent and/or vexatious complaint include the following (the list is not exhaustive, nor does one single feature on its own necessarily imply that the complaint and the person making it will be considered as being in this category).

- An unreasonably persistent and/or vexatious complaint may be one where:
There are insufficient or no grounds for the complaint and it is made only to annoy (or for reasons that the complainant does not admit or make obvious)
- There are no specified grounds for the complaint despite offers of assistance
- The complainant refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved
- The complaint is about issues not within the power of the Association to investigate, change or influence (examples could be a complaint about a

private car park, or something that is the responsibility of another organisation) and where the complainant refuses to accept this

- The complainant insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice (insisting, for instance, that there must not be any written record of the complaint or insisting the complaint is only dealt with by the Director)
- There appears to be groundless complaints about the staff dealing with the complaints, and an attempt to have them dismissed or replaced
- There is an unreasonable number of contacts with us, by any means, in relation to a specific complaint or complaints
- There are persistent and unreasonable demands or expectations of staff and/or the complaints process after the unreasonableness has been explained to the complainant (an example of this could be a complainant who insists on immediate responses to numerous, frequent and/or complex letters, telephone calls or emails)
- Attempts to harass, verbally abuse or otherwise seek to intimidate staff dealing with their complaint by use of foul or inappropriate language or by the use of offensive or discriminatory language
- Subsidiary or new issues are raised whilst a complaint is being addressed that were not part of the complaint at the start of the complaint process
- Trivial or irrelevant new information is introduced whilst the complaint is being investigated and an expectation that this to be taken into account and commented on
- There is a change to the substance or basis of the complaint without reasonable justification whilst the complaint is being addressed
- The complainant denies statements he or she made at an earlier stage in the complaint process
- The complainant electronically records meetings and conversations without the prior knowledge and consent of the other person involved
- The complaint is the subject of an excessively "scattergun" approach; for instance the complaint is not only submitted to the Association, but at the same time to a Member of Parliament, the council, elected councillors, the police, solicitors, and/or the Scottish Public Services Ombudsman
- The complainant refuses to accept the outcome of the complaint process after its conclusion, repeatedly arguing the point, complaining about the outcome, and/or denying that an adequate response has been given
- The same complaint is made repeatedly, perhaps with minor differences, after the complaints procedure has been concluded and where the complainant insists that the minor differences make these 'new' complaints which should be put through the full complaints procedure
- The complaint is submitted and persistently pursued through different Association departments at the same time
- The complaint remains "active" through the complainant persisting in seeking an outcome which we have explained is unrealistic for legal, policy or other valid reasons
- Documented evidence is not accepted as factual by the complainant

- The complaint relates to an issue based on a historic and irreversible decision or incident
- The complaint combines some or all of these features

We consider actions of persistent customers to be unacceptable when they take up what the Association regards as being a disproportionate amount of time and resource or the effect of the repeated contact is to harass or to prevent implementation of a legitimate decision.

Managing aggressive or abusive behaviour

The threat or use of physical violence, verbal abuse or harassment towards Staff is likely to result in the ending of all direct contact with the customer. Incidents may be reported to the Police. This will always be the case if physical violence is used or threatened.

We will end telephone calls if the caller is considered aggressive, abusive or offensive. Staff taking the call may make this decision by telling the caller the behaviour is unacceptable and ending the call. Staff will log on the Association's computer system that the call was terminated and the reasons for this. All calls are recorded for training and management purposes.

Where a Tenant of the Association breaches the terms of their Tenancy Agreement in regards to Respect for others – the Association will consider and take appropriate action.

Managing unreasonable behaviour

Where a customer repeatedly phones, visits the office, raises repeated issues, or sends large numbers of documents where their relevance isn't clear, we may decide to:

- Limit contact to telephone calls from the customer at set times on set days.
- Restrict contact to a nominated member of staff who will deal with future calls or correspondence from the customer.
- See the customer by appointment only.
- Restrict contact from the customer to writing only
- Return any documents to the customer or in extreme cases, advise the customer that further irrelevant documents will be destroyed.
- Take any other action that we consider appropriate.

Where we consider continued correspondence on a wide range of issues to be excessive, we may advise which issues will be considered in a given period and we will ask them to limit or focus their requests accordingly.

In exceptional cases, we reserve the right to refuse to consider a complaint or future complaints from an individual. We will take into account the impact on the individual and any on-going service due to them in making this decision.

We will always tell the customer what action we are taking and why.

The process we will follow to make decisions about unreasonable behaviour

Staff who directly experience aggressive or abusive behaviour from a customer 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, decisions to restrict contact are only taken after careful consideration of the situation by the Management Team. Wherever possible, we will give the customer the opportunity to modify their behaviour or action before a decision is taken.

When staff make an immediate decision in response to aggressive or abusive behaviour, the customer will be advised at the time of the incident. When a decision has been made by the Management Team, 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. This ensures the customer has a record of the decision.

Appealing a Decision to Restrict Contact

It is important that a decision can be reconsidered. A customer can appeal a decision to restrict contact. If they do this, we will only consider points relating to the restriction and not to either the complaint made or to our decision to close a complaint.

An appeal could include, for example, a customer saying that: their actions were wrongly defined as unacceptable; the restrictions were disproportionate; or that they will adversely impact on the individual because of personal circumstances.

A senior member of staff not involved in the original decision will consider the appeal. They have discretion to quash or vary the restriction as they think best. They will make their decision based on the evidence available to them. They must advise the customer in writing that either the restricted contact arrangements still apply or a different course of action has been agreed.

Recording and Reviewing a Decision to Restrict Contact

A decision to restrict customer contact may be reconsidered if the customer demonstrates a more acceptable approach. The Management Team will review the status of all customers with restricted contact arrangements on a regular basis.

We will record all incidents of unacceptable actions by customers on our systems.

Policy Review

This policy shall be reviewed at least every 3 years or earlier, if required by changes in legislation or deemed necessary by Management Committee.