



**Policy Title:** **Unacceptable Behaviour Policy**

**Policy Manual Section:** **Governance**

**Date Approved by Management Committee:** **February 2020**

**Next Review Date:** **March 2023**

This document will be made available in different languages and formats on request, including Braille and audio formats.

# UNACCEPTABLE BEHAVIOUR POLICY

## CONTENTS

1. Introduction	-	Page 3
2. Policy Aims	-	Page 3
3. Confidentiality	-	Page 3
4. Equal Opportunities Statement	-	Page 4
5. Legal & Regulatory Framework	-	Page 4
6. Defining Unacceptable Actions	-	Page 4
7. Managing Unacceptable Actions	-	Page 5
8. Deciding to Restrict Customer Contact	-	Page 7
9. Recording & Reviewing a Decision to Restrict Contact		Page 7
10. Appeal a Decision to Restrict Contact	-	Page 7
11. Training and Awareness	-	Page 8
12. Performance Monitoring	-	Page 8
13. Policy Review	-	Page 8
14. Relationship to other Policies	-	Page 8

### Appendices

Appendix 1	-	Accident, Incident & Near Miss Reporting Form
Appendix 2	-	Incident Reporting Form – Unacceptable Actions



## **1.0 Introduction**

- 1.1 Cadder Housing Association (the Association) has a zero tolerance approach towards physical and verbal abuse of our staff and other stakeholders (Committee, Contractors, Consultants or other persons employed by the Association). This policy sets out the approach of the Association to the customers whose action or behaviour we consider unacceptable.
- 1.2 We recognise that dealing with the public can cause anxiety particularly where there is a risk of aggression, verbal abuse and/or violence. Such hazards are identified through the Association's risk assessment process and suitable control measures implemented.

## **2.0 Policy Aims**

### **2.1 The Unacceptable Actions Policy aims to:**

- Make clear to all customers, both at initial contact and throughout their dealings with our office, what the Association can or 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 have the right to be heard, understood and respected
- Ensure that the Association's staff and other stakeholders are treated with respect and are not subject to verbal or physical abuse by customers
- Provide a service that is accessible to all customers. However, we retain the right, where we consider customers actions to be unacceptable, to restrict or change access to our service.
- Ensure that other customers and Association's staff or contractors do not suffer any disadvantage from customers who act in an unacceptable manner.
- Provide support to the Association's staff and other stakeholders where they are subject to threatening or abusive behaviour by undertaking a thorough investigation into the issue.

## **3.0 Confidentiality**

- 3.1. All information given by tenants and service users in relation to this policy will be treated as strictly confidential and will not be discussed with third parties without their permission. The Association will have regard to the General Data Protection Regulations.

#### **4.0 Equal Opportunities Statement**

- 4.1 The Association is committed to providing fair and equal treatment for all its stakeholders including tenants and will not discriminate against any on the grounds of race, colour, ethnic or national origin, language, religion, belief, age, gender, sex, sexual orientation, marital status, family circumstances, employment status, physical ability and mental health. Indeed we will positively endeavour to achieve fair outcomes for all.
- 4.2 This policy complies with the Association's Equal Opportunities Policy. The Association recognises its pro-active role in valuing and promoting diversity, fairness, social justice and equality of opportunity by adopting and promoting fair policies and procedures.
- 4.3 The Association will regularly test this policy and associated procedures regularly for equal opportunity implications, taking appropriate action to address inequalities likely to result or resulting from the implementation of the policy and procedures.

#### **5.0 Legal and Regulatory Framework**

- 5.1 In formulating and implementing this policy, statutory requirements along with Scottish Housing Regulator's Regulatory Framework and Scottish Housing Charter requirements and good practice will be taken into account

#### **6.0 Defining Unacceptable Actions**

- 6.1 People may act out of character at times of trouble and distress. There may have been upsetting or distressing circumstances leading up to a contact with the Association or our contractors. We do not view behaviour as unacceptable just because a customer is forceful or determined. However, customers who are angry, demanding or persistent may make unreasonable demands, show unacceptable behaviour towards the Association's staff and other stakeholders. We aim to manage this kind of behaviour under this policy. The Association has grouped these actions under three broad headings:

##### **Aggressive or Abusive Behaviour**

- 6.2 We expect our staff and other stakeholders to be treated courteously and respectfully. Violence or abuse towards staff is unacceptable. We accept that customers may sometimes be angry or upset. However, it is not acceptable when anger about an issue escalates into aggression directed towards our staff and other stakeholders.
- 6.3 Violence is not restricted to acts of aggression that may result in physical harm. It also includes behaviour or language (whether spoken or written) that may cause staff and other stakeholders to feel afraid, threatened or abused.
- 6.4 Examples of behaviours grouped under this heading include threats, physical violence, personal verbal abuse, derogatory, slanderous or libellous remarks, either verbal or written, and rudeness. We also consider that inflammatory statements and unsubstantiated allegations can constitute abusive behaviour.

##### **Unreasonable Demands**

- 6.5 Customers may make what we consider to be unreasonable demands on our staff and other stakeholders 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.

- 6.6 Examples of actions grouped under this heading include demanding responses within an unreasonable time-scale, insisting on seeing or speaking to a particular member of staff, continual phone calls, letters or e-mails, repeatedly changing the substance of the complaint or the raising of unrelated concerns.
- 6.7 These demands are unacceptable and unreasonable if they start to impact substantially on the work of our staff by taking up an excessive amount of staff time to the disadvantage of other customers or functions

### **Unreasonable Persistence**

- 6.8 We recognise that some customers will not or cannot accept that the Association is 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.
- 6.9 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 this office can or cannot do and continuing to pursue a complaint without presenting any new information. The way in which these customers approach us may be entirely reasonable, but it is their persistent behaviour in continuing to do so that is not.
- 6.10 We consider the actions of persistent customers to be unacceptable when they take up what the Association regards as being a disproportionate amount of time and resources.
- 6.11 In situations where a staff member or other stakeholder is seen to have behaved in an inappropriate manner either towards a customer or other stakeholder of the Association this will be investigated through the Terms and Conditions of Employment or relevant Code of Conduct.

## **7.0 Managing Unacceptable Actions**

- 7.1 There are relatively few customers whose actions we consider unacceptable. How we aim to manage these actions depends on their nature and extent. If it adversely affects our ability to do our work and provide a service to others, we may need to restrict a customer's contact with our office in order to manage the unacceptable behaviour.

We aim to do this in a way that, wherever possible, allows a customer to have their concerns addressed and to progress a complaint to completion through our complaints process.

### **Threats, Violence and Abusive Behaviour**

- 7.2 We take threats, violence, abuse and harassment of staff very seriously. The threat or use of physical violence, verbal abuse, racial or other discriminatory remarks or harassment towards staff or other stakeholder is likely to result in the Association considering limiting or ending of all direct contact with the customer. This includes abuse or harassment on the basis of race, colour, ethnic origin, sexual orientation, physical ability, mental health or other grounds.
- 7.3 Staff or other stakeholder must report to their line manager or senior officer all such incidents of the above as a health and safety accident/incident, using the appropriate form (Health and Safety Accident/Incident Reporting Form – see Appendix 1). Incidents of this type may also be reported to the Police. We may also pursue legal action, such as an Anti-Social Behaviour Order, where the circumstances merit this level of action.
- 7.4 When such incidents occur, managers should encourage staff to seek support from the EVH Employee Assistance Programme whose staff is trained to deal with such situations. Managers should contact the Employee Assistance Programme as soon after the event as possible to enable the appropriate support strategy to be instigated.

## **Telephone calls**

- 7.5 The Association's staff may 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, but in the first instance must endeavour to tell the caller that the behaviour is unacceptable and will end the call if the behaviour does not stop. Staff should make a record when they terminate a call and report this to their line or sectional manager.

## **Letters**

- 7.6 Correspondence (letter, fax or e-mail) that is abusive to staff or contains allegations that lack substantive evidence should be referred to the line or sectional manager for a response. A letter should be sent to the customer stating that their behaviour is unacceptable and describing specifically in what way, e.g., 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 require future contact to be through a third party.

## **Restricting contact**

- 7.7 We may restrict contact from the customer in a number of ways: in person, by telephone, fax, letter, e-mail 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 situations, 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 offices to either written communication or through a third party. Where people are on the 'no personal contact' list, this will include unscheduled home visits and an appropriate warning should be put on the IT systems.
- 7.8 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 an arrangement in place for only one member of staff to deal with calls or correspondence from the customer in the future
  - Require the customer to make an appointment to see a named member 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.
- 7.9 Where a customer continues to correspond on a wide range of issues, and this action is considered excessive, then the customer may be told that only a certain number of issues will be considered in a given period and asked to limit or focus their requests accordingly.
- 7.10 Customer action may be considered unreasonably persistent if all internal review mechanisms have been exhausted and the customer continues to dispute the Association's decision relating to the complaint. The customer should be told that no future 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.
- 7.11 Where a customer is aggrieved at our service or performance then we will automatically register this as a complaint and attend to this through our Complaints Procedure. The customer will be advised that they can pursue their complaint beyond stage 2 (Investigation) to the Public Sector Ombudsman.

- 7.12 Any tenant or customer who is either being investigated or has had action taken against them under this Policy will be unable to put their name forward for election to the Association's Management Committee or Customer Service Review Group.

## **8.0 Deciding to Restrict Customer Contact**

- 8.1 The Association's staff or other stakeholder 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. Such cases must be immediately reported to their sectional manager or senior officer.
- 8.2 With the exception of such immediate decisions taken at the time of an incident, decisions to restrict contact with the Association's staff will be taken only after careful consideration of the situation by a more senior member of staff. Wherever possible, a customer should be given the opportunity to modify their behaviour or action before decision is taken. Customers are told 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.

## **9.0 Recording and Reviewing a Decision to Restrict Contact**

- 9.1 All incidents of unacceptable actions by customers must be recorded (see appendix 2). Any decision to restrict customer contact must be made and posted on our IT server and Housing software, SDM to ensure staff and contractor awareness.
- 9.2 A decision to restrict customer contact may be reconsidered if the customer demonstrates a more acceptable approach. A senior manager should review regularly (monthly) the status of all customers with restricted contact.

## **10.0 Appealing a Decision to Restrict Contact**

- 10.1 A customer can appeal a decision to restrict contact. The customer should be advised in writing about this right and the contact details of the relevant person to whom the appeal may be addressed. The Director will appoint a senior member of staff who was not involved in the original decision to consider the appeal. They should advise the customer in writing of their decision, which can be either that the restricted contact arrangements still applies or that a different course of action is to be taken.
- 10.2 If the customer remains dissatisfied after the appeals process, a complaint can be made to the Scottish Public Services Ombudsman who provides a free, open, accountable and accessible public services complaints system that looks into complaints about public bodies including housing associations.
- 10.3 The Ombudsman will consider complaints about administrative failure, failure to provide a service, or failure in a service provided, where the service user has suffered injustice or hardship as a result. Details of the service provided by the Scottish Public Services Ombudsman are available at the Association's Offices or can be provided on request.
- 10.4 The Association will co-operate fully with any involvement by the Ombudsman and will comply with any recommendations made to settle the case. All investigations by the Ombudsman and their outcome, will be reported to the Association's Management Committee
- 10.5 The customer has, of course, the right to complain to their elected representatives. Any subsequent enquiry from elected representatives should be notified to the Association's office at 66 Skirsa Street. Advice may be sought from the Association's Legal representatives if required.

## **11.0 Training and Awareness**

11.1 The Association will ensure that all staff and Management Committee members are aware of the Unacceptable Actions Policy. All staff who deal with customers or deal with complaints regularly will receive appropriate training and information on the Unacceptable Actions. The Policy will also form part of induction training for new staff and Committee members.

## **12.0 Performance Monitoring**

12.1 The Association will report on the number of customers subject to Unacceptable Actions restrictions as part of the Complaints Report to the Audit & Performance Sub-Committee of the Management Committee. The Association will meet the reporting requirements detailed in this policy.

## **13.0 Policy Review**

13.1 This policy will be reviewed every 3 years and is therefore is due for review in March 2020 or earlier to take account of:

- Changes in legislation, regulatory guidance or good practice;
- The outcome of Health & Safety audits, reports or guidance; and
- Our performance in managing unacceptable actions.

## **14.0 Relationship to Other Policies**

14.1 This policy should be read in conjunction with the Association's policies and procedures including:

- Complaints Policy
- Health and Safety Manual
- Code of Conduct
- Equal Opportunities Policy



## Appendix 1 – Accident/Incident Reporting Form



### ACCIDENT, INCIDENT & NEAR MISS REPORTING FORM

**To be completed in respect of any incident (accident, incident, near miss, work place violence, etc.).**

**Section 1:** To be completed by the affected person or their representative.

**Section 2:** To be completed by the affected person or their representative.

**Section 3:** To be completed by the affected persons Manager.

On completion of this form:

1 copy held by the affected person

1 copy to the Association's Health & Safety Officer

1 copy retained in Personnel file

**IT IS ESSENTIAL THAT AS MUCH INFORMATION OF THE INCIDENT IS SUPPLIED**

#### 1. Affected Person: Details

<b>Surname:</b>	
<b>Forename:</b>	
<b>Date of Birth:</b>	
<b>Age:</b>	
<b>Sex:</b>	Male / Female
<b>Cadder HA Employee:</b>	Yes / No
<b>Job Title:</b>	
<b>If not an employee then who is the affected person (e.g. Tenant, member of the public, contractor, etc.):</b>	

## 2. Affected Person: Incident Details

<b>Date of Incident:</b>	
<b>Time of incident (use 24 hour clock):</b>	
<b>Address and location incident occurred:</b>	
<b>Injury sustained (if applicable):</b>	
<b>Details of other persons involved in Incident:</b>	
<b>Name of Witness's:</b>	1. 2. 3. 4. 5.
<b>Police called*: Time Police called</b>	Yes / No
<b>Ambulance called: Time Ambulance called</b>	Yes / No
<b>Fire Brigade called: Time Fire Brigade called</b>	Yes / No
<b>Include here (if possible) the badge number of the Police involved and crime number:</b>	
<b>Time Police on site after incident reported:</b>	
<b>Are you a member of a union:</b>	Yes / No
<b>Union: If Yes which union:</b>	
<b>Do you wish your Union to be informed of this incident?:</b>	Yes / No
<b>Incident Details:</b>	
<b>Description of incident:</b>	
<b>Incident reported completed by:</b>	
<b>Contact telephone number:</b>	
<b>Date:</b>	
<b>Signature:</b>	

*\*All incidents of physical assault MUST be reported to the Police.*

### 3. Manager: Accident/Incident/Near Miss Investigation

<b>Further Action Taken Against Client (if applicable)</b>	
Letter sent regarding behaviour? If letter sent attach copy:	Yes / No
Interviewed by Manager:	Yes / No
Has the SDM Housing system been updated with relevant information?:	Yes / No
Case passed on to the Association's Solicitors for formal action e.g letter, interim ASBO, ASBO, etc:	Yes / No
If passed to Association's Solicitors date passed:	
Interdict / Legal action being pursued by Housing Services Manager (i.e. NPRP):	Yes / No
Further contact (delete as appropriate):	Interview Office Only Correspondence Only Manager Contact Only Via third party Only (Solicitors)
<b>The Affected Person</b>	
Did the incident cause time off work (must be recorded):	Yes / No
Please state time off work if applicable. If affected person has not yet returned to work, please inform the H&S Officer when they do. Note that any accident or incident that causes an employee to be off work for 3 consecutive days must be reported to the H & S Officer immediately for legal purposes:	
If 3 consecutive days off sick has a RIDDOR been completed and submitted to the H&S Executive.	Yes / No
Date Submitted:	
Counselling and support referral details:	
Have the actions taken against the customer been communicated back to those staff involved?:	Yes / No
<b>Accident Investigation (Mandatory H&amp;S requirement)</b>	
Is there a risk assessment in place for the activity when the incident occurred? :	Yes / No
Reviewed and signed/dated risk assessment for the activity attached:	Yes / No
Reviewed Procedure/Work Method for the activity attached:	Yes / No
Photograph(s) of incident scene attached:	Yes / No

<b>Any further relevant details, if the person tripped was it wet weather, the surface uneven etc?:</b>	
<b>What measures have been put in place to prevent a re-occurrence of the accident/incident? e.g. team briefing/meeting, repair lines, signs, restricted access, further training, equipment serviced or replaced etc:</b>	
<b>Copy of the affected employee's training plan attached:</b>	Yes / No
<b>Responsible Person (i.e. Manager):</b>	
<b>Name (Print):</b>	
<b>Signature:</b>	
<b>Position:</b>	
<b>Date:</b>	

**Appendix 2 – Incident Reporting Form – Unacceptable Actions**



**Unacceptable Actions Policy**

**Logging of “Unacceptable Actions” by Customers i.e. Unreasonable Demands, Unreasonable Persistence etc.**

<b>Name of Customer:</b>	
<b>Address:</b>	
<b>Flat No:</b>	
<b>Home Telephone No:</b>	
<b>Mobile Telephone No:</b>	
<b>Tenants/Factored Owner/Contractor (please specify):</b>	
<b>Please list all details and witnesses of what you consider to be “Unacceptable Actions”. (Please refer to policy i.e. excessive calls, e-mails, visits, letters etc.)</b>	
<b>Date/s:</b>	
<b>Witness/es:</b>	
<b>Please list what happened:</b>	

<b>Signed:</b>	
<b>Print Name:</b>	
<b>Passed to:</b>	
<b>Designation:</b>	
<b>Date:</b>	