

TOPIC: Unacceptable Actions Policy
DATE APPROVED: Oct 2013 **Revision No:** 01 **Code:** STAFF 07

THE PURPOSE

This policy has been developed in line with the Scottish Public Services Ombudsman's (SPSO) policy document "Unacceptable Actions" revised in January 2011.

This policy also sets out our approach to the relatively few customers whose actions or behaviour we consider unacceptable towards our staff. The Association operates a zero tolerance toward physical and verbal abuse of our staff that may have a negative effect on their physical health or mental wellbeing.

It aims to support and protect our staff to manage this kind of behaviour and is linked closely with our complaints policy and processes.

1. INTRODUCTION

Shettleston Housing Association operates in accordance with;

- Statutory requirements,
- The standards set down in the Scottish Social Housing Charter,
- The requirements of the Scottish Housing Regulator,

in the formulation and implementation of all its policies. SHA seeks to fulfil its Corporate Aims through the development and implementation of its policies and all SHA's policies operate to achieve its Strategic Objectives as set out in its Internal Management Plan.

2. EQUALITIES

SHA is committed to providing equality of opportunity to all persons or groups within its area of operations in every aspect of its activities. In operating this policy SHA will endeavor to ensure, equality of opportunity for all, at all times, and in all circumstances. In line with this commitment to equality, this policy, and any summary or information leaflet, can be made available, free of charge, in a variety of formats including; large print, translation into another language or, audio tape.

3. ACCESS TO POLICY INFORMATION

SHA will ensure that its policies are made fully available to all tenants, applicants, members, persons or groups within its areas. Every effort will be made by SHA to support access and promote awareness of its policies by posting these on its website, developing summaries, guidance and information leaflets as appropriate.

4. TENANT INVOLVEMENT AND CONSULTATION

SHA is committed to meet the requirements of the Housing (Scotland) Act 2010 in all of its policies and to meet the requirements of the Scottish Social Housing Charter. SHA will involve tenants in the development of its policies and seek feedback in appropriate circumstances. It will ensure that any material change to services affecting tenants in this and other policies will be the subject of consultation.

5. POLICY MONITORING

SHA is committed to ensure that adequate monitoring of the implementation of its policies is undertaken. This will be achieved through regular review by the Management Committee, customer/tenant feedback surveys, and regular consultation with tenant/resident groups.

6. RISK MANAGEMENT AND ASSESSMENT

SHA has a detailed Risk Management Policy in place and it will assess the risks to the Association in the implementation of each of its policies as part of its risk management strategy.

7. PROCEDURES

SHA will develop a detailed set of procedures identifying actions, roles and responsibilities in the implementation of its policies. These procedures will be subject to regular review and audit.

8. TRAINING

SHA will ensure that all staff are properly trained in terms of their knowledge and understanding of statutory requirements and the requirements of the Scottish Social Housing Charter pertaining to its policies. It will ensure that appropriate staff are kept up to date with all procedures pertaining to the implementation of policies. The Management Committee will have access to training to ensure that it can maintain appropriate control and overview of the policy and procedures.

9. OBJECTIVES

- 9.1** We will make clear to all of our customers, both at initial contact and throughout their dealings with us, what Shettleston Housing Association can or cannot do in relation to unacceptable actions. In doing so, we aim to be open and transparent. We will not raise hopes or expectations that we cannot meet.
- 9.2** We will deal fairly, honestly, consistently and appropriately with all of our customers, including those whose actions we consider unacceptable. We believe that all our customers have the right to be heard, understood and respected.

- 9.3 We will recognise that some individuals may act out of character in times of trouble or distress which may result in them acting in an unacceptable way. If an individual has a history of challenging or inappropriate behaviour, or has difficulty in expressing themselves, they may still have a legitimate grievance.
- 9.4 We will provide a service that is accessible to all of our customers. However, we retain the right, where we consider the customer's actions to be unacceptable, to restrict or change access to our service.
- 9.5 We will ensure that our staff and other customers do not suffer any disadvantage from customers who act in an unacceptable manner.

10. DEFINING UNACCEPTABLE ACTIONS

- 10.1 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

- 10.2 We understand that an individual may be angry about the issues they have raised. If an individual's anger escalates into aggression towards our staff, we will consider that unacceptable.
- 10.3 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 our staff to feel afraid, threatened or abused.
- 10.4 Examples of behaviours include threats, physical violence, personal verbal abuse, derogatory remarks and rudeness. We also consider that inflammatory statements and unsubstantiated allegations can be considered as abusive behaviour.
- 10.5 We expect our staff, to be treated courteously and with respect. Our staff understands the difference between aggression and anger. The anger felt by customers will likely involve the subject matter of their complaint. However, it is not acceptable when anger escalates into aggression directed towards our staff.

Unreasonable Demands

- 10.6 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.
- 10.7 Examples of actions grouped under this heading include where an individual:
- Repeatedly demands responses within an unreasonable timescale
 - Insists on seeing 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

10.8 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.

10.9 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 we can or cannot do and;
- Continuing to pursue a complaint without presenting any new information.

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.

10.10 We consider the actions of customers who persistently complain to be unacceptable when they take up what we regard as being a disproportionate amount of time and resources.

11. UNREASONABLE USE OF COMPLAINTS PROCESS

11.1 A customer's reasons for complaining may contribute to the way in which they present their complaint. Regardless of this, we must treat all complaints seriously and properly assess them. However, we also recognise that the action of customers who are angry, demanding or persistent may result in unreasonable demands on time and resources or unacceptable behaviour towards our staff. We will, therefore, apply our policies and procedures to protect staff from unacceptable behaviour such as unreasonable persistence, threats or offensive behaviour from customers.

11.2 Whilst complaints can give us valuable information that we can use to improve customer satisfaction, we will regard a customer's contact unreasonable when the effect of their repeated complaints is to harass, or to prevent staff from pursuing a legitimate aim or implementing a legitimate decision.

11.3 We consider access to a complaints system to be important and it will only be in exceptional circumstances that we would consider an individual's repeated use as unacceptable. We reserve the right to do so in exceptional cases.

11.4 Where we decide to restrict access to a customer under the terms of this policy, we have a procedure in place to communicate that decision, notify the customer of a right of appeal, and review any decision to restrict contact with us. We will allow the customer to demonstrate a more reasonable approach later. We must also make clear to the customer that they can still request other services such as repairs while their access is restricted.

12. MANAGING UNACCEPTABLE ACTIONS

- 12.1** We will not take any decision about unacceptable actions lightly. There are relatively few customers that make complaints whose actions we consider unacceptable.
- 12.2** We will continue to offer a service in the case of emergency or essential repairs.
- 12.3** In our Housing Support services, the Corporate Services Manager/Senior Housing Support Officer will assess the risk of withdrawing support to the service user and put necessary actions in place to reduce or eliminate the risk.
- 12.4** In managing unacceptable actions these will be dealt with by staff on an individual basis. If the unacceptable action adversely affects the ability to do our job and provide a service to others, we may need to restrict the customer's contact with our office. We may restrict contact in person, by telephone, letter or electronically or by any combination of these.
- 12.5** We will try to maintain at least one form of contact. We aim to do this in a way that, wherever possible, allowing the customer to have their concerns addressed and to progress a complaint to resolution through our complaints handling process.
- 12.6** The threat or use of physical violence, verbal abuse or harassment of staff is likely to result in us ending all direct contact with the customer. In such serious cases, incidents may be reported to the Police, this will always be the case if physical violence is used or threatened.
- In extreme situations such as the threat or use of physical violence, we will also advise the customer in writing that their name is on a 'no personal contact' list. This means they must restrict contact with our office to written communication to a particular member of staff or only through a third party.
- 12.7** We will not deal with correspondence (letters or electronic mail) that is abusive or contains allegations that lack substantive evidence. When this happens we will advise the customer that we consider their language offensive, unnecessary and unhelpful.
- 12.8** We will request the customer to stop using such language and state we will not respond to their correspondence if they do not stop. We may require future contact to be through a third party. We may also pursue legal action, where the circumstances merit this.
- 12.9** We will end telephone calls if the caller is considered aggressive, abusive or offensive. The customer will be advised all our calls are recorded for training and monitoring purposes and that should their aggressive, abusive or offensive language not stop the call will be terminated.
- 12.10** Where a customer repeatedly phones, 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 will 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.

12.11 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. We recognise that some customers may have a significant number of complaints. We reserve the right to prioritise these, within our set timescales, which they will be advised of.

12.12 Where the customer's actions are considered unreasonably persistent when all internal review mechanisms have been exhausted and the customer continues to dispute the decision relating to their complaint, the customer will be advised we will not accept future phone calls or interviews granted concerning their complaint. The customer will also be advised any future contact by them should be conducted in writing. Future correspondence will be read and filed but only acknowledged or responded to if the customer provides significant new information relation to the complaint.

13. RESTRICTING CUSTOMER CONTACT

13.1 Where the Association has decided to restrict the customer contact, an entry noting this will be in all relevant files and on appropriate computer records.

A decision to restrict the customer contact may be reconsidered if the customer subsequently demonstrates a more acceptable approach. The relevant Senior Manager will review in those circumstances.

13.2 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 case the customer experiences a genuine housing-related emergency.
- In extreme situations, we will advise the customer, in writing, that their name has been recorded on our computer systems that 'no personal contact' will be made this will include unscheduled home visits

13.3 The customer will be 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.

14. APPEALING A DECISION TO RESTRICT CONTACT

- 14.1** 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 and the contact details of the relevant person to whom the appeal may be addressed.
- 14.2** The senior member of staff or Director who was not involved in the original decision will consider the Appeal. They will advise the customer in writing of their decision which can be either the restricted contact arrangements will still apply or that a different course of action will be taken.
- 14.3** Any Appeal against, or review of the decision to restrict contact will be dealt with impartially by someone not previously involved in the case.
- 14.4** 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. Details of the service provided by the Scottish Public Services Ombudsman are available at our office.

15. CONFIDENTIALITY

- 15.1** The Data Protection Act 1998 regulates the way information is held and used, including the amount of information held, what it is used for and who it is passed on to.
- 15.2** All information given by our customers' in relation to this policy will be treated as strictly confidential and will not be discussed with third parties without their permission. We will ensure that any personal data disclosed during the handling of an unacceptable action case complies with the requirements under the Act.
- 15.3** Enquiries can be received on behalf of customers through other agencies. In these circumstances, we are required to ensure that an appropriate Mandate exists to enable us to respond to the enquiry.
- 15.4** Where a Councillor, MSP, MP or MEP makes a complaint on behalf of a customer, they will not be required to produce evidence of a mandate as they are all elected representatives.

16. APPROVAL & REVIEW

This policy was approved by the Corporate Services Committee on Tuesday 29th October 2013.

This Policy will be reviewed every three years unless required to do so by changes in appropriate Legislation.

SHA STAFF UNACCEPTABLE ACTIONS - PROCEDURES/PROCESS NOTE

Staff can consider taking action when unreasonable behaviour from our customers could impair on the functioning of the office. Staff has the authority to immediately deal with that behaviour in a manner they consider appropriate to the situation and in line with this Unacceptable Actions Policy.

Staff should aim to do this in a way that allows a complaint to progress through the Association's Complaints Procedures.

Staff who directly experience aggressive or threatening abusive behaviour should immediately inform their line Manager or another Senior Manager and complete an Incident Report form which should be passed to the Health & Safety Administrator or in his absence Corporate Services Manager.

Staff should try to ensure that any action they may decide to take is the minimum required to solve the complaint, taking into account relevant personal circumstances including the seriousness of the complaint and the needs of the individual.

Actions staff may consider taking:

Where a customer is considered abusive by telephone calls, emailing the Association, visiting the office, raising repeated issues, or posts in inappropriate documents staff can decide to:

- Remind the customer that all calls are recorded for training and monitoring purposes and may be used to investigate any abusive behaviour
- Remind the customer the Association has a Zero Tolerance towards abusive behaviour
- Limit the contact to telephone calls from the customer at set times or set days
- Restrict contact to another nominated member of staff as agreed by the appropriate line Manager who will deal with all future telephone calls or correspondence from the customer making the complaint
- Advise the customer they may only be seen by appointment only (you may wish to consider having another colleague attend the interview with you)
- Restrict contact from the customer to communicate in writing only
- Return any irrelevant documents to the customer or, in extreme cases, advise the customer that further irrelevant documents will be destroyed
- Take any other action as you may consider appropriate and is agreed by the appropriate line Manager
- In exceptional circumstances, you may reserve the right to refuse to consider a complaint or future complaints from an individual. This should only be considered after discussion and agreed with the appropriate line Manager

You should take into account the impact on the individual and also whether there would be broader public interest in considering the complaint further.

It is important that staff is aware a decision can be reconsidered. A customer can appeal a decision to restrict contact, if they do this, we will only consider arguments that relate to the restriction and not to either the complaint made to us or to our decision to close a complaint.

Always tell the customer what action is being taken and why – this should be done in writing to the customer.

- When writing to the customer, the relevant member of staff must also advise the customer of the restricted contact arrangements and, if relevant, the length of time these restrictions will be in place. This ensures the customer has a record of the decisions made.

Customer appealing against a decision

It is important that staff is aware a decision can be reconsidered. A customer can appeal a decision to restrict contact, if they do this, we will only consider arguments that relate to the restriction and not to either the complaint made to us or to our decision to close a complaint.

An appeal could include, for example;

- a customer saying; their actions were wrongly identified as unacceptable
- the restrictions were disproportionate; or
- that the decision will adversely impact on the individual because of personal circumstances.

A senior member of staff who was not involved in the original decision will consider the appeal. They will have the discretion to quash or vary the restriction as they think best. They will make their decision based on the evidence available to them.

The appropriate staff member must advise the customer in writing that either the restricted contact arrangements still apply or a different course of action has been agreed.

Recording restricted contact

Staff should record all incidents of unacceptable actions by customers. Where it is decided to restrict customer contact, an entry noting this should be made in any relevant file and appropriate computer records

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