

Fyne Homes Ltd

Unacceptable Actions and Behaviours Policy

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Unacceptable Action and Behaviours Policy

1. Introduction

This policy sets out our approach to the relatively few people whose actions or behaviour we consider unacceptable.

Occasionally the behaviour or actions of individuals using our service makes it very difficult for us to deal with the enquiry or complaint. In a small number of cases the action may become unacceptable because they involve the abuse of our staff or our processes.

When this happens we have to take action to protect our staff. We consider the impact of the behaviour on our ability to do our work and provide a service to others.

2. Policy Aims

- To make it clear to all everyone who use our services, both at initial contact and throughout their dealings with our office, what we can or cannot do in relation to their request or complaint. In doing so, we aim to be open and not raise hopes or expectations that we cannot meet.
- To deal fairly, honestly, consistently and appropriately with everyone, including those whose actions we consider unacceptable. We believe that everyone has the right to be heard, understood and respected. We also consider that our staff and committee members have the same rights.
- To provide a service that is accessible to everyone who use our services. However, we retain the right, where we consider a person's actions to be unacceptable, to restrict or change access to our service.
- To ensure that other people, our staff and committee members do not suffer any disadvantage from people who act in an unacceptable manner.
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3. What do we consider unacceptable?

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 our office. We do not view behaviour as unacceptable just because a person is forceful or determined. In fact, we accept that being persistent can be a positive advantage when pursuing a request or complaint. However the actions of people who use our services who are angry, demanding or persistent may result in unreasonable demands or unacceptable behaviour towards our staff and committee members.

It is these actions that we aim to manage under this policy. We have grouped these actions under the following broad headings:

Aggressive or Abusive Behaviour

We expect our staff to be treated courteously and with respect. We will not tolerate behaviour or language (whether verbal or written) which may cause our staff, committee members or anyone acting on our behalf in the delivery of our service to feel afraid, threatened or abused.

Violence is not restricted to acts of aggression that may result in physical harm. Examples include threats, physical violence, personal verbal abuse, derogatory remarks and rudeness. We also consider that inflammatory statements and unsubstantiated allegations can be abusive behaviour.

Vexatious or Malicious Complaints

We will not accept vexatious or malicious complaints which set out to harass, undermine or injure staff and or other service users or which set out to obstruct normal working practice.

Unreasonable Demands

A demand becomes unacceptable when it starts to (or when complying with the demand) would impact substantially on the work of the office. What amounts to unreasonable demands will always depend on the circumstances surrounding the behaviour and the seriousness of the issues raised.

Examples of actions grouped under this heading include:

- repeatedly demanding responses within an unreasonable time-scale
- insisting on seeing or speaking to a particular member of staff when that is not possible
- continual phone calls , letters or emails
- repeatedly changing the substance of the complaint or raising unrelated concerns

Such behaviour will be unacceptable where it has a disproportionate impact on resources to the disadvantage of other service users or work.

Unreasonable Persistence

We recognise that some people will not or cannot accept that we are unable to assist them further or provide a level of service other than that provided already. They may persist in disagreeing with the action or decision taken in relation to their enquiry or complaint or contact the office repeatedly about the same issue without presenting any new information

Examples of actions grouped under this heading include:

- persistent refusal to accept a decision made in relation to an enquiry or complaint
- persistent refusal to accept explanations relating to what this office can or cannot do and continuing to pursue the enquiry or complaint without presenting any new information
- frequent or lengthy telephone calls ,letters or emails
- inundating us with information which has already provided

The way in which these people approach our office may be entirely reasonable, but it is their persistent behaviour in continuing to do so that is not. We consider this type of persistent behaviour to be unacceptable when a disproportionate amount of time and resources is taken up.

4. Managing Unacceptable Actions/Behaviours

There are relatively few people 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 contact with our office in order to manage the unacceptable action.

- We will always try to keep communication lines open and deal with issues in line with relevant policies. We will not take decisions to withdraw contact and or services lightly. However where the behaviour or actions of a person are deemed to be unacceptable we may consider the following: (this is not exhaustive and will depend on the individual case). We may restrict contact in person, by telephone, fax, letter, electronically or any combination of these. We will try to maintain at least one form of contact and will make sure the person is aware of the situation. In extreme situations we will tell the person in writing that they are on a “no personal contact list”. This means they must restrict contact with us to written communication or through a third party.
- We will end all direct contact with anyone who threatens or uses physical violence, verbal abuse or harassment to staff, committee members or others working on our behalf. Incidents may be reported to the police and other agencies as appropriate. This will always be the case if physical violence is used or threatened.
- We will not accept any correspondence (letter, fax or electronic) that is abusive to staff, committee members or others working on our behalf which contains allegations that lack substantive evidence. We will tell the person that we consider their language offensive, unnecessary and unhelpful and ask them to stop using such language. We will state that we will not respond to their correspondence if the action or behaviour continues.
- Staff, committee members and others working on our behalf will end telephone calls if they consider the caller aggressive, abusive or offensive. The person 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 persists.
- Where a person repeatedly phones, visits the office, sends large numbers of documents where their relevance isn't clear or raises the same issues repeatedly, we may decide to:
 - limit contact to telephone calls at set times on set days
 - restrict contact to a nominated member of staff to deal with future calls or correspondence
 - see the person by appointment only
 - restrict contact to writing only
 - return any documents to the person or, in extreme cases, advise them that further irrelevant documents will be destroyed
 - offer mediation to find a mutually agreeable way forward
 - take other action that we consider appropriate.

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

Where contact is excessive and on a wide range of issues, we may tell the person that only a certain number of issues will be considered in a given period and ask them to limit or focus their requests accordingly.

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Where all internal review mechanisms have been exhausted and the person continues to dispute our decision in relation to their enquiry or complaint we may tell them that no future correspondence will be entered into regarding the issue. Any correspondence will be read and filed but not acknowledged unless there is any new information relating to the issue.

5. How we make decisions about unreasonable behaviour?

Where a member of staff personally experiences aggressive or abusive behaviour they 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 with us are only taken after careful consideration of the situation by a Head of Department in consultation with any colleagues involved. . Wherever possible, we give the person the opportunity to modify their behaviour or action before a decision is taken.

When a member of staff or Committee member makes an immediate decision in response to unacceptable behaviour, the person is advised at the time of the incident. When a decision has been made by a Head of Department, the person will always be told in writing (or appropriate form for the individual) why a decision has been made to restrict future contact, the restricted contact arrangements and if relevant the length of time that the restriction will be in place.

6. Appealing a Decision to Restrict Contact

It is important that a decision can be reconsidered. A person 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/enquiry made to us or to our decision to close a complaint/enquiry.

An appeal could include e.g. a person saying that:

- their actions were wrongly identified as unacceptable
- the restrictions were disproportionate
- the restriction will adversely impact on the individual because of personal circumstances

A Head of Department 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 will advise the person in writing (or suitable format) that either the restricted contact arrangements still apply or a different course of action has been agreed.

7. Recording and Reviewing a Decision to Restrict Contact

We record all incidents of unacceptable actions/ behaviours. Where it is decided to restrict contact, an entry noting this is made in the relevant file and on appropriate computer records. A decision to restrict contact as described above may be reconsidered if the complainant demonstrates a more acceptable approach. The status of all complainants with restricted contact arrangements will be reviewed on a regular basis.

8. Publicity

This policy will be publicised in the association reception area, our website, newsletters and through the Tenants Handbook.

9. Monitoring and Review

We will review this policy every 3 years or sooner as required in line with best practice and/or legislation.