



# Unacceptable Actions and Behaviours Policy

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<b>Consultation Required</b>	<b>Yes</b>	<b>x</b>	<b>No</b>	
<b>Equalities Impact Assessment</b>	<b>Yes</b>		<b>No</b>	
<b>Added to Website</b>	<b>Yes</b>	<b>x</b>	<b>No</b>	

<b>SSHC Reference</b>	Outcome 1: Equality Outcome 2: Communication. Standard 13: Value for Money
<b>SHR Reference</b>	Standard 2-2.1, 2.2 <i>"The RSL is open about and accountable for what it does. It understands and takes account of the needs and priorities of its tenants, service users and stakeholders. And its primary focus is the sustainable achievement of these priorities."</i>

## Related Documents

- **Complaints Policy and Procedure**

## **Translation Statement**

We can give you this document in another way .Please tell us what you need. Contact us if you need help

## **Compliance**

This policy has been drafted to ensure that it complies with current legislation and industry good practice.

## **Equality & Diversity**

Fyne Homes is committed to providing services which embrace diversity and which promote equality of opportunity. As an employer we are also committed to equality and diversity within our workforce. Our goal is to ensure that these commitments, reinforced by our Values, are embedded in our day-to-day working practices.

## **Openness & Confidentiality**

Fyne Homes believes that its members, tenants and other interested parties should have access to information on how it conducts itself. This means that unless information requested is considered commercially sensitive or personally confidential it will be made available on request.

## **Data Protection**

Fyne Homes recognises the importance of data protection legislation, including the General Data Protection Regulation, in protecting the rights of individuals in relation to personal information that we may handle and use about them, whether on computer or in paper format. We will ensure that our practices in the handling and use of personal information during the processes and procedures outlined in this policy comply fully with data protection legislation. More information is available from our Data Protection Officer.

## Index

1. Introduction .....	4
2. Policy Aims .....	4
3. Links to Vision and Strategic Priorities.....	4
4. Legal Framework .....	4
5. What do we consider unacceptable? .....	5
5.3 Aggressive or Abusive Behaviour .....	5
5.4 Vexatious or Malicious Complaints .....	5
5.5 Unreasonable Demands .....	5
5.6 Unreasonable Persistence .....	6
5.7. Unreasonable refusal to co-operate.....	6
5.8 Unreasonable use of the complaints process .....	7
6. Managing Unacceptable Actions/Behaviours.....	7
7. How we make decisions about unreasonable behaviour? .....	8
8. Appealing a Decision to Restrict Contact.....	9
9. Recording and Reviewing a Decision to Restrict Contact.....	10
10. Publicity.....	10
11. Reviewing process .....	10

## **1. Introduction**

1.1 Fyne Homes expect our staff to treat customers with courtesy and respect and we expect the same courtesy and respect from our customers. We appreciate that there may be circumstances where a customer is angry or upset and this should be taken into account when considering whether or not actions are unacceptable.

1.2 Occasionally the behaviour or actions of individuals using our service makes it very difficult for us to deal with their 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.

1.3 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.

1.4 This policy sets out how we will approach these situations.

## **2. Policy Aims**

2.1 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.

2.2 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 committee members and contractors have the same rights.

2.3 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.

2.4 To ensure that other people, our staff and committee members do not suffer any disadvantage from people who act in an unacceptable manner

## **3. Links to Vision and Strategic Priorities**

3.1

## **4. Legal Framework**

4.1 We have adopted the Model Complaints Handling Procedure for Registered Social Landlords produced by the Scottish Public Services Ombudsman in line with the Public Service Reform Act 2010. As part of this commitment, the SPSO's policy on Unacceptable Actions has been used to inform this policy.

4.2 In taking decisions about unacceptable actions no one will be treated differently or less favourably than others because of any of the protected characteristics as listed in the Equality Act 2010

## **5. What do we consider unacceptable?**

5.1 We understand 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 Committee members or contractors. If that anger escalates into aggression that is unacceptable. Any violence or abuse will not be tolerated.

5.2 We have grouped these actions under the following broad headings:

- Aggressive or abusive behaviour
- Vexatious or malicious complaints
- Unreasonable demands
- Unreasonable persistence
- Unreasonable refusal to co-operate
- Unreasonable use of the complaints process

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

5.3.1 Violence is not restricted to acts of aggression that may result in physical harm. It also includes behaviour or language (verbal or written) that may cause staff to feel intimidated, offended, afraid, threatened or abused. Each situation will be judged individually. 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.

### **5.4 *Vexatious or Malicious Complaints***

5.4.1 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.

5.4.2 We consider individuals to be vexatious when they use actions to cause unnecessary aggravation or annoyance rather than to resolve a dispute.

### **5.5 *Unreasonable Demands***

5.5.1 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.

5.5.2 Such behaviour will be unacceptable where it takes up an excessive amount of staff time and in so doing disadvantages the delivery of services to other

users and can also prevent the individual's enquiry/complaint being dealt within appropriate timescales. Examples of actions 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 or refusing to deal with designated staff
- continual phone calls , letters or emails
- repeatedly changing the substance of the complaint or raising unrelated concerns

## **5.6 Unreasonable Persistence**

5.6.1. We recognise that some people will not or cannot accept that we are unable to assist them further or provide a level of service or response other than that provided already.

5.6.2 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

5.6.3 Examples of actions 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 or is irrelevant to the complaint

5.6.4 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.

## **5.7. Unreasonable refusal to co-operate**

5.7.1 In providing a service or handling a complaint it is necessary for us to engage with the individual. If the individual will not co-operate we will consider further action appropriate to the circumstances which may include:

- Refusing to allow access to contractors for essential works may result in the Association taking legal action to enforce access.
- Access refusal for non-essential works may result in cancellation of the service request.
- Refusing to provide information requested by us may result in cancellation of the service or complaint if the information is necessary to progress the service or complaint
- Refusal to comply with our complaint handling procedure

## **5.8 Unreasonable use of the complaints process**

5.8.1 Individuals with complaints about us have the right to pursue their concerns through a range of means

5.8.2 Our published Complaints Policy and Procedure describes in detail how we will deal with complaints and copies are available to download from our website. It complies with the recommended practice issued by the Scottish Public Services Ombudsman and the Scottish Housing Regulator

5.8.3 We recognise an individual's right to complain more than once about our service if subsequent incidents or concerns arise. If repeated complaints from an individual compromise our ability to conduct our legitimate business effectively, we consider such harassment to be unacceptable. We will not re-open a closed or completed complaint unless there is compelling new evidence directly related to the case that could not have been presented when the original complaint was active.

## **6. Managing Unacceptable Actions/Behaviours**

6.1 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 situation.

6.2 We recognise that certain disabilities, mental health conditions or other exceptional circumstances may have an influence on a person's behaviour. We will take such factors into account when implementing this policy; however we do not accept disability or medical problems as a justification or unacceptable conduct.

Where we are made aware that there is a health issue that may impact on a person's ability to modify their behaviour we will expect the individual to allow us to work around the issue with appropriate external professional advice.

6.2 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).

6.2.1 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.

6.2.2 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.**

6.2.3 We will not respond to any correspondence (in any format) 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 the sender to stop using such language. We will state that we will not respond to their correspondence if the action or behaviour continues.

6.2.4 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.

6.2.5 Where a person repeatedly contacts us, 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.

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

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

6.4 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.

## **7. How we make decisions about unreasonable behaviour?**

7.1 Where a member of staff personally experiences offensive, 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.

7.2 Such incidents must be reported to the appropriate Head of Department and recorded in the Unacceptable Behaviour Register. The Head of Department will consider the circumstances and a decision will be made about how future contact

and communication with the individual will be managed. The following list of examples is not exhaustive:

- Racist or homophobic comments
- Insulting or offensive comments
- Threatening or violent behaviour

7.3 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. .

7.4 The Head of Department will consider cases of unacceptable behaviour where more than one incident has been recorded or reported and make a decision on how further contact with the individual is to be managed. The following list of examples is not exhaustive:

- Unfounded allegations about individual staff, committee or contractors
- Refusal to accept decisions
- Abusive or aggressive behaviour
- Unreasonable levels of contact
- Unreasonable refusal to co-operate
- Unreasonable use of the complaints process

7.5 Any decision to restrict contact will be communicated in writing or appropriate form for the individual and will include why a decision has been made to restrict future contact, the restricted contact arrangements, if relevant the length of time that the restriction will be in place and the review/appeal process.

Any restrictions put in place will be reviewed every 12 months, or earlier dependent on the circumstances.

7.6 Wherever possible, we give the person the opportunity to modify their behaviour or action before a decision is taken.

7.7 In extreme situation we will stop all personal contact with the complainant and conduct all communications through a third party. Where the complainant is a tenant, this may have significant implications for the ongoing management of the tenancy. As a last resort we may take steps to terminate the tenancy.

7.8 Allegations of misconduct that lack substantive evidence will be referred to our legal advisers and further action may be taken through the legal system.

## **8. Appealing a Decision to Restrict Contact**

8.1 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.

8.2 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

8.3 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.

8.4 They will make their decision based on the evidence available to them. They will advise the person in writing (or suitable format) within 14 days of receipt of the appeal that either the restricted contact arrangements still apply or a different course of action has been agreed

## 9. Recording and Reviewing a Decision to Restrict Contact

9.1 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.

9.2 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.

9.3 We will report on the number of customers subject to unacceptable actions restrictions as part of the annual complaints report to Committee.

## 10. Publicity

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

## 11. Reviewing process

11.1 This policy will be reviewed in line with the respective current Fyne Homes' policies, and/or where a change in legislation arises.

11.2 If there is a procedural delay in the policy revision then the relative legislation in force at the time will prevail.

Version number	Revision Date	Part of doc revised	Reason for revision	Approved by
4	March 2021	all	Policy rewrite	Mgt Comm