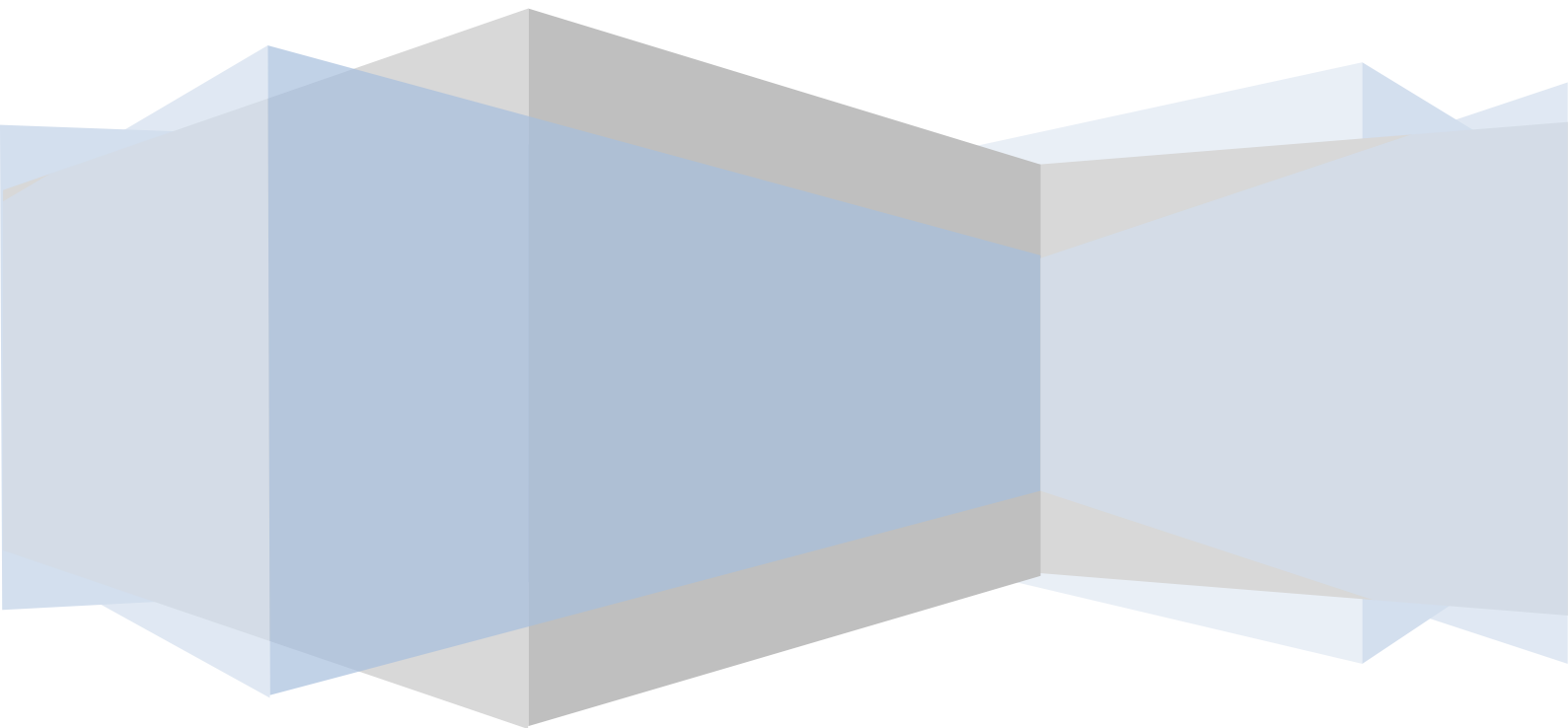




UNACCEPTABLE ACTIONS POLICY

November 2021



All Policies are available on tape, in braille, and translation into most languages. Please ask a member of staff if you would like this policy in a different format.

Date of Policy Review: November 2021
Date of Committee Approval: 16 November 2021
Date of Next Review: November 2024

SCOTTISH HOUSING REGULATOR STANDARDS	STANDARD 1: The governing body leads and directs the RSL to achieve good outcomes for its tenants and other service users STANDARD 2: 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. STANDARD 4: The governing body bases its decisions on good quality information and advice and identifies and mitigates risks to the organisations purpose STANDARD 5: The RSL conducts its affairs with honesty and integrity STANDARD 6: The governing body and senior officers have the skills and knowledge they need to be effective.
---	---

Contents

Page No.

Introduction	1
Policy Aims	1
Defining unacceptable actions	1
Managing unacceptable actions	3
Deciding to restrict customer contact	4
Appealing a decision to restrict contact	5
Recording and reviewing a decision to restrict contact	5
Equality & Diversity	5

INTRODUCTION

- 1.1 This Policy sets out Cathcart & District Housing Association's approach to the relatively few customers whose actions or behaviour we consider unacceptable when engaging with us.
- 1.2 The term customer includes tenants, owners, housing applicants, or anyone acting on behalf of a customer or who contacts us in connection with a complaint.

POLICY AIMS

- 2.1 To make it clear to all customers, both at initial contact and throughout their dealings with our office, what Cathcart & District Housing Association can or cannot do in relation to their 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 all customers including those whose actions we consider unacceptable. We believe that all customers have the right to be heard, understood, and respected. We also consider that Cathcart & District Housing Association staff have the same rights.
- 2.3 To provide a service that is accessible to all customers. However, we retain the right, where we consider customer actions to be unacceptable, to restrict or change access to our service.
- 2.4 To ensure that other customers and Cathcart & District Housing Association staff do not suffer any disadvantage from customers who act in an unacceptable manner.

DEFINING UNACCEPTABLE ACTIONS

- 3.1 People may act out of character in times of trouble or distress. There may have been upsetting or distressing circumstances leading up to a complaint coming to our office. We do not view behaviour as unacceptable just because a claimant is forceful or determined. We accept that being persistent can be a positive advantage when pursuing a complaint. However, the actions of customers who are angry, demanding or persistent may result in unreasonable demands on our office or unacceptable behaviour towards Cathcart & District Housing Association staff. It is these actions that we consider unacceptable and aim to manage under this Policy. Cathcart & District Housing Association has grouped these actions under three broad headings:

Aggressive or Abusive Behaviour

- 3.2 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.

3.3 Examples of behaviour 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.

3.4 We expect our staff to be treated courteously and with respect. Violence or abuse towards staff is unacceptable.

Cathcart & District Housing Association staff understand the difference between aggression and anger. The anger felt by many customers involves the subject matter of their complaint. However, it is not acceptable when anger escalates into aggression directed towards Cathcart & District Housing Association staff.

Unreasonable Demands

3.5 Customers may make what we consider unreasonable demands on our office 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 always depend on the circumstances surrounding the behaviour and the seriousness of the issues raised by the customer.

3.6 Examples of actions grouped under the heading include demanding responses within an unreasonable time scale, insisting on seeing or speaking to a particular member of staff continual phone calls or letters, repeatedly changing the substance of the complaint, or raising unrelated concerns. Or continuing to write about a matter that has been concluded very often through external agencies as well as our own.

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

Unreasonable Persistence

3.8 We recognise that some customers will not or cannot accept that Cathcart & District Housing 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 complaint or contact the office persistently about the same issue.

3.9 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 our office may be entirely reasonable.

But it is their persistent behaviour in continuing to do so that is not.

- 3.10 We consider the actions of persistent customers to be unacceptable when they take up what Cathcart & District Housing Association regards being a disproportionate amount of time and resources.

MANAGING UNACCEPTABLE ACTIONS

- 4.1 There are relatively few customers whose actions we consider unacceptable. How we aim to manage these actions depends on the nature and extent. If it adversely affects our ability to do our work and provide a service to others, we may need to restrict customer contact with our office in order to manage the unacceptable action. We aim to do this in a way wherever possible, that allows a complaint to progress to completion through our complaints process. We may restrict contact in person, by telephone, fax, letter, or electronically or by any combination of these. We try to maintain at least one form of contact. In extreme situations, we tell the customer in writing that their name is on a 'no personal contact' list. This means that they must restrict contact with our office to either written communication or through a third party.
- 4.2 The threat or use of physical violence, verbal abuse, or harassment towards Cathcart & District Housing Association 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.
- 4.3 We do not deal with correspondence (letter, fax, or electronic) that is abusive to staff or contains allegations that lack sustentative evidence. When this happens, we tell the customer that we consider their language offensive, unnecessary and unhelpful. We ask them to stop using such language and state that we will not respond to their correspondence if they do not stop. We may require further contact to be through a third party.
- 4.4 Cathcart & District Housing Association staff will 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, tell the caller that the behaviour is unacceptable, and end the call if the behaviour does not stop.
- 4.5 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 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 actions we are taking and why.
- 4.6 When a customer continues to correspond on a wide range of issues, and this action is considered excessive, then the customer is told that only a certain number of issues will be considered in a given period and asked to limit or focus their requests accordingly.
- 4.7 Customer action may be considered unreasonably persistent if all internal review mechanisms have been exhausted and the customer continues to dispute Cathcart & District Housing Association's decision relating to their complaint. The customer is told that no future phone calls will be accepted or interviews granted concerning this complaint. Any future contact by the customer on this issue must be in writing. Future correspondence is read and filed, but only acknowledged or responded to if the customer provides significant new information relating to the complaint.

DECIDING TO RESTRICT CUSTOMER CONTACT

- 5.1 Cathcart & District Housing Association 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.
- 5.2 With the exception of such immediate decisions taken at the time of an incident, decisions to restrict contact with Cathcart & District Housing Association are only taken after careful consideration of the situation by a more senior member of staff. Wherever possible, we give a customer the opportunity to modify their behaviour or action before a 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.
- 5.3 Any restrictions imposed by us will not affect a tenant or other customers statutory rights such as:
- Any right to request information under the Freedom of Information (Scotland) Act 2002 (FOISA), the Environmental Information (Scotland) Regulations 2004 (EIR), or the Data Protection Act 2018 as appropriate
 - To matters where there is a statutory right to consultation.

- 5.4 Any information requests under FOISA, EIR, or Data Protection will be considered under the normal terms of the associated access arrangements. However, if any such requests are made in a harassing or unreasonable manner, they may be deemed vexatious under FOISA or manifestly unreasonable under EIR.

APPEALING A DECISION TO RESTRICT CONTACT

- 6.1 A customer can appeal a decision to restrict contact. A senior member of staff who was not involved in the original decision considers the appeal. They advise the customer in writing that either the restricted contact arrangements still apply or a different course of action has been agreed upon.

RECORDING AND REVIEWING A DECISION TO RESTRICT CONTACT

- 7.1 We record all incidents of unacceptable actions by customers. Where it is decided to restrict customer contact, an entry noting this is made in the relevant file and on appropriate computer records.
- 7.2 A decision to restrict customer contact may be reconsidered if the customer demonstrates a more acceptable approach. The Director will review the status of all customers with restricted contact arrangements on a regular basis.

EQUALITY & DIVERSITY

- 8.1 We will ensure that we meet the Equality Act 2010 by being committed to equal and fair treatment for all and opposed to any form of unlawful discrimination. In implementing this Policy, we will provide a fair and equal service to all people. 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:

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation.

- 8.2 We are committed to removing any barriers to communication. Therefore, if required, this Policy can be produced in another format e.g. Braille, large print, etc. or another language.