



Putting People 1st

## Unacceptable Actions Policy

Ref H15

Reviewed: 25 March 2021

Date next due for review: March 2024

This policy document can be produced in various formats, for instance, in larger print or audio-format; and it can also be translated into other languages, as appropriate.

Our equality and diversity policy statement describes our key equality commitments that we use to develop all organisational services; this includes employment services and services to tenants and other customers.

Pineview Housing Association, 5 Rozelle Avenue, Drumchapel, Glasgow. G15 7QR  
Tel: 0141 944 3891. Email: [mail@pineview.org.uk](mailto:mail@pineview.org.uk) . Website: [www.pineview.org.uk](http://www.pineview.org.uk)

The Scottish Housing Regulator Reg. No: HAC231; Registered Scottish Charity No: SC038237; FCA Reg. No: 2375R(S); Property Factor Reg. No: PF000151

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## **1. Introduction**

Pineview Housing Association (PHA) aims to provide an excellent level of service to our tenants and customers. We aim to be open and accessible and will listen to and respect those who wish to complain about our service.

However, on rare occasions the behaviour or actions of complainants may make it difficult for us to respond to their complaints.

When this happens, we will consider the impact of the behaviour on our ability to do our work and provide a service to others.

This policy has been reviewed alongside our new Complaints Handling Procedures and aims to provide our tenants and customers with clear guidance and what expectations PHA has in respect of tenant and customer contact with our staff.

We aim to deal fairly, honestly and appropriately with all customer contacts.

We recognise that people may act out of character in times of trouble or distress. We also recognise that issues of health and disability may affect someone's behaviour.

However, we do consider actions that result in unreasonable demands on our staff or unreasonable behaviour towards staff to be unacceptable.

This policy explains how we will approach these types of situations.

Please note that this Unacceptable Behaviour policy extends beyond our staff to Management Committee members, contractors, consultants and other agents working on behalf of PHA i.e. no one should be subjected to unacceptable behaviour when representing or working with or for Pineview Housing Association.

## **2. Aims and Objectives**

- To define what behaviour, we consider to be unacceptable.
- To ensure that PHA staff and our customers are treated with respect and do not suffer any disadvantage from any individual who acts in an unacceptable manner
- To ensure that our zero-tolerance approach to violence or threats towards our staff is communicated to customers and that staff feel empowered to identify and deal with behaviours which may be unacceptable.
- To ensure that our customer processes allow us the flexibility to differentiate between challenging behaviours which result from short term trouble or distress, and behaviour which is unreasonable and inappropriate
- To ensure that our processes will protect and preserve a customer's right to access services whilst also ensuring that their actions do not impact upon the resources of our staff to the detriment of other customers.
- To support staff in delivering clear and consistent messages with regard to unacceptable actions.

### **3. Definition of Unacceptable Actions**

PHA 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 that this should be taken into account when considering whether or not actions are unacceptable.

Actions that are considered unacceptable are detailed below

- Aggressive or abusive behaviour (verbal or physical)
- Unreasonable demands
- Unreasonable persistence

Demands and persistence are considered unreasonable if they have a substantial Impact on our work and our ability to provide a service, such as taking up a disproportionate amount of staff time and/or resources to the disadvantage of other customers or functions.

#### **Aggressive or abusive behaviour includes**

- Aggression that may result in physical harm; and
- Behaviour or language (oral or written) that may cause staff to feel upset, afraid, threatened or abused.

#### **Examples of this type of behaviour include**

- Threats
- Physical violence
- Personal verbal abuse
- Persistent shouting
- Swearing
- Derogatory or insulting remarks
- Inflammatory statements
- Unsubstantiated allegations
- Unwelcome or rude gestures
- Sexist, racist, homophobic or any other discriminatory comments / abuse

#### **Unreasonable Demands**

What amounts to unreasonable demands depends on the circumstances surrounding the behaviour and the seriousness of the issues raised by the customer. This category covers:

- The amount of information sought by a customer.
- The nature and scale of service they expect; and
- The number of approaches they make

### **Examples of this type of behaviour include**

- Demanding responses within an unreasonable timescale
- Insisting on seeing or speaking to a particular member of staff
- Excessive phone calls, letters or e mails
- Repeatedly changing the substance of a complaint or raising unrelated concerns

### **Unreasonable Persistence**

PHA staff will always try and encourage tenants and customers to use existing arrangements, such as the Complaints Handling procedure, where appropriate. Customers will be advised as to how they can progress a complaint following response and review if applicable.

This category may apply following a final decision on a matter at the end of the process or when a tenant or customer does not pursue the matter through the relevant procedure but continues to raise it.

### **This category covers**

- Failure to accept that we are unable to assist the customer or tenant further or provide a level of service other than that provided already.
- Persistence in disagreeing with action or decision taken.
- Contacting PHA persistently about the same issue

### **Examples of this type of behaviour include:**

- Persistent refusal to accept a decision made.
- Persistent refusal to accept explanations in relation to our decisions or actions.
- Persistent refusal to follow relevant procedures.
- Continuing to pursue an issue that PHA consider resolved or closed without presenting any new information

Demands and persistence are considered unreasonable if they have a substantial impact on our work and our ability to provide a service, such as taking up a disproportionate amount of staff time and / or resources to the disadvantage of other customers or functions. The advice of Pineview's Data Protection Officer will be sought on a case by case basis in determining whether a customer who is making legitimate use of their rights under data protection and / or access to information law against Pineview Housing Association could be regarded as placing unreasonable demands or being unreasonably persistent in doing so.

## **4. Managing Unacceptable Actions**

We adopt a customer first approach and seek to respond positively and deal with all customer issues promptly, courteously and effectively at first point of contact. There will however be an extremely small number of customers whose actions we consider to be unacceptable.

How we aim to manage this behaviour depends on the nature and extent of their actions.

If it adversely affects our ability to do our work and provide a service to other customers, we may need to restrict a customer's contact with us 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 any complaint if necessary, to completion through our complaints process.

### **Aggressive, violent or abusive behaviour**

We will not accept violence or abuse towards our staff. If physical violence is used or threatened, we will report the incident to Police Scotland.

If a customer has used or threatened physical violence, we may also consider restricting future contact with them to:

- Written communication only
- Personal contact by appointment only or
- In extreme cases having future contact through a named third party only.

We will end telephone calls if the caller is aggressive, abusive or offensive. The staff member taking the call will have the right to make this decision and will tell the caller that their behaviour is unacceptable and end the call if the behaviour does not stop.

## **5. Restricting Customer Contact**

With the exception of incidents where immediate action is required, decisions to restrict contact will only be taken after careful consideration of the situation by a relevant Manager.

A customer has a right to appeal against a decision to restrict contact. The customer will be advised in writing about this right and the appeals process.

Wherever possible we will give a customer the opportunity to modify their behaviour or action before a decision is taken.

We will also balance the rights of an individual against our obligation to protect our staff, provide a comprehensive service to all our customers and avoidance of disruption to the business of the Association.

In instances where a decision to restrict a customer's contact has been made, we aim to restrict contact in a way that allows the customer to continue receiving a service from us.

Decisions to restrict customer contact will be reviewed on a regular basis by the Senior Manager, at least on a 6 monthly basis or sooner if the customer demonstrates a more acceptable approach.

### **Customer contact restrictions we may decide to implement are as follows:**

- Limit contact to telephone calls from the customer at set times on set days
- Restrict contact to a nominated member of staff who will deal solely with future calls or correspondence from the complainant.
- Meet the customer by appointment only.
- Restrict contact from the customer to writing only.
- Take other action that we consider appropriate.

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

In situations 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

Customer action may be considered unreasonably persistent if all internal review mechanisms have been exhausted and the customer continues to dispute a decision which we have previously made relating to the complaint.

The customer will be told that the Association's consideration of their complaint is now at an end, and that if they remain dissatisfied they should be signposted again to the SPSO.

## **6. Training and Development**

The training requirements of Management Committee and staff will be regularly assessed to ensure that they have the necessary skills to effectively implement and monitor this policy.

## **7. Equality and Diversity**

Our core values include providing a fair and equal service for all people and this is detailed in our Equality and Diversity Policy. Our approach to unacceptable actions will reflect that commitment.

## **8. Complaints Process**

Anyone who is not happy / satisfied with the service they have received as a result of this policy has a right to complain. Please see the Association's Complaints Policy for details on how to do this.

## **9. Review/Consultation**

This policy will be reviewed every 3 years unless amendment is prompted by a change in legislation or monitoring/ reporting reveals that a change in policy is required sooner.

Procedures and working methods may be altered more frequently where this is needed.

Policy review will involve consultation with our tenants, our Customer Forum and any other stakeholders as appropriate.

We will take account of any views or representations in revising our policy and service provision to assist in the development of effective service delivery.