



UNACCEPTABLE ACTIONS POLICY

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1. Introduction

- 1.1 Castlehill Housing Association (CHA) values comments and feedback from customers. Where customers are dissatisfied with the service we provide, there is a formal Complaints Handling Procedure. This Unacceptable Actions Policy and CHA's Complaints Handling Procedure both mirror Scottish Public Services Ombudsman (SPSO) Policy.
- 1.2 Occasionally, the behaviour or actions of individuals using our services makes it very difficult for us to deal with their complaint or for us to provide a service to them. In a small number of cases the actions of individuals become unacceptable because they involve abuse of our staff, contractors or our processes.
- 1.3 When this happens, we have to take action to protect our staff and contractors. We also consider the impact of the behaviour on our ability to do our work and provide a service to others.
- 1.4 This Policy explains how we will approach these situations.
- 1.5 People may act out of character in times of trouble or distress. There may have been distressing or upsetting circumstances leading up to contact with our staff or a complaint being made.
- 1.6 We do not view behaviour as unacceptable just because a customer is forceful or determined. However, we do consider actions that result in unreasonable demands on our organisation or unreasonable behaviour towards our staff or contractors to be unacceptable. It is these actions that we aim to manage under this policy.

2. Aggressive or abusive behaviour

- 2.1 We understand that customers can be angry about the issues they have raised with us. If that anger escalates into aggression towards staff, we consider that unacceptable. Any violence or abuse towards staff or contractors will not be accepted.
- 2.2 Violence is not restricted to acts of aggression that may result in physical harm. It also includes behaviour or language (whether verbal or written) that may cause staff or contractors to feel offended, afraid, threatened or abused, and may include threats, personal verbal abuse, derogatory remarks or rudeness. Abusive comments about other customers of CHA will not be tolerated. We also consider inflammatory statements and unsubstantiated allegations to be abusive behaviour.

3. Unreasonable demands

- 3.1 A demand becomes unacceptable when it starts to (or when complying with the demand would) impact substantially on the work of staff or the organisation as a whole. An example of such an impact would be that the demand takes up an excessive amount of staff time and in doing so disadvantages other customers.
- 3.2 Examples include:
 - Repeatedly demanding responses within unreasonable timescales

- Insisting on seeing or speaking to a particular member of staff when that is not possible
- Insisting on seeing or speaking to a particular member of staff without an appointment
- Repeatedly changing the substance of a complaint or raising unrelated concerns

4. Unreasonable levels of contact

- 4.1 Sometimes the volume and duration of contact made to our offices by an individual causes problems. This can occur over a short period, for example, a number of calls in one day or one hour. It may occur over the lifetime of the service we provide to a customer when long phone calls are repeatedly made to us or where a customer inundates us with copies of information that has already been sent or that is irrelevant to the service issue.
- 4.2 We consider that the level of contact has become unacceptable when the amount of time spent talking to a customer on the telephone, or responding to, reviewing and filing emails or written correspondence impacts on our ability to deal with that customer, or with other customer issues.

5. Unreasonable refusal to co-operate

- 5.1 When a customer requests a service or raises a complaint, we will need to ask the customer to work with us. This can include agreeing with us their request; providing us with further information, evidence or comments on request; or helping us by summarising their concerns or completing a form for us.
- 5.2 Sometimes, an individual repeatedly refuses to cooperate and this makes it difficult for us to proceed. We will always seek to assist someone if they have a specific, genuine difficulty complying with a request. However, we consider it is unreasonable to bring a request to us and then not respond to reasonable requests.

6. Unreasonable use of the complaints process

- 6.1 Individuals with complaints about CHA have the right to pursue their concerns through a range of means. They also have the right to complain more than once where there is a continuing relationship, if subsequent incidents occur. This contact becomes unreasonable when the effect of the repeated complaints is to harass, or to prevent us from pursuing legitimate aims or implementing legitimate decisions.
- 6.2 We consider access to a complaints system to be important and it will only be in exceptional circumstances that we would consider such repeated use is unacceptable – but we reserve the right to do so in such cases.

7. Examples of how we manage aggressive or abusive behaviour

- 7.1 The threat or use of physical violence, verbal abuse or harassment towards Castlehill staff is likely to result in a termination of all direct contact with the customer. We may report incidents to the police. This will always be the case if physical violence is used or threatened.
- 7.2 We may record telephone calls and staff will end calls if they consider the caller to be aggressive, abusive or offensive. Staff have the right to make this decision, to tell the caller that their behaviour is unacceptable and to end the call if the behaviour persists.

- 7.3 We will not accept any correspondence (letter, fax or electronic) that is abusive to staff or contains allegations that lack substantive evidence. We will tell the customer 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.
- 7.4 In extreme circumstances we will tell the customer in writing that their name is on a “no personal contact” list. This means that we will limit contact with them to either written communication or through a third party.

8. Examples of how we deal with other categories of unreasonable behaviour

- 8.1 We have to take action when unreasonable behaviour impairs the functioning of our organisation or impairs our ability to provide a service to our customers. We will try to ensure that any action takes account of the issue, relevant personal circumstances including the seriousness of the issue and the needs of the individual.

9. Actions we may take

- 9.1 Where a customer repeatedly phones, visits the office, raises repeated issues, or sends large numbers of documents where their relevance isn't clear, we may decide to:
- 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 with future calls or correspondence from the customer.
 - see the customer by appointment only.
 - restrict contact from the customer to writing only.
 - return any documents to the customer or, in extreme cases, advise the customer that further irrelevant documents will be destroyed.
 - take any other action that we consider appropriate.
- 9.2 Where we consider continued correspondence on a wide range of issues to be excessive, we may tell the customer that only a certain number of issues will be considered in a given period and we ask them to limit or focus their requests accordingly.
- 9.3 We will always tell the customer what action we are taking and why.

10. The process we follow to make decisions about unreasonable behaviour

- 10.1 Any member of Castlehill's staff who directly experiences aggression or abusive behaviour from a customer has the authority to deal immediately with that behaviour in a manner they consider appropriate to the situation and in line with this policy.
- 10.2 With the exception of such immediate decisions taken at the time of an incident, decisions to restrict contact with the customer are only taken after careful consideration of the situation by a more senior member of staff. Wherever possible, we will give a customer the opportunity to change their behaviour or action before a decision is taken.

11. How we let people know we have made this decision

11.1 When an employee makes an immediate decision in response to offensive, aggressive or abusive behaviour, the customer is advised at the time of the incident. When a decision has been made by senior management, a customer will always be given the reason in writing as to 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. This ensures that the complainant has a record of the decision.

12. The process for appealing a decision to restrict contact

12.1 It is important that a decision can be reconsidered. A customer can appeal a decision to restrict contact.

12.2 An appeal could include, for example, a customer saying that:

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

12.3 A senior member of staff who was 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 must advise the customer in writing (this can be supplemented if written communication is not the most appropriate form for the individual) that either the restricted contact arrangements still apply or a different course of action has been agreed.

12.4 We may review the restriction periodically or on further request after a period of time has passed. Each case is different. We will explain in the letter setting out the restriction what review process will be in place for that restriction and in what circumstances they could request this be reconsidered.

12.5 The Association operates a Complaint Handling Procedure and should a customer be unhappy about the way we have operated or interpreted this policy, the Complaints Handling Procedure may be used to escalate the complaint, ultimately to the Scottish Public Services Ombudsman.

13. How we record and review a decision to restrict contact

13.1 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. Each quarter a report on all restrictions will be presented to our Senior Management Team so that they can ensure the policy is being applied appropriately. A decision to restrict customer contact as described above may be reconsidered either on request or on review.