



Unacceptable Actions Policy

Linthouse Housing Association	
Policy Implementation Checklist:	
Policy Guardian:	Chief Executive Officer
Policy Author:	Corporate Services Manager
Policy Title:	Unacceptable Actions Policy
Approved by Chief Executive on:	8 th December 2020
Approved by LHA Management Committee on:	8 th December 2020
Effective from:	9 th December 2020
Due for Review on:	December 2023
Policy Linkages	Anti-Social Behaviour Policy Dignity at Work Policy Equality and Diversity Policy Health and Safety Procedures Complaints Handling Procedures Privacy Policy
Training Completed on:	
Posted on Website on:	
Staff Sign off as Read and Training Completed:	

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Section 1: Introduction

1.1. Unacceptable Actions Policy

- 1.1.1 Linthouse Housing Association ('LHA') is committed to providing the highest level of customer service. In return, however, it is equally important that customers behave appropriately towards our staff and do not subject staff to unacceptable behaviour. We want to ensure that our staff are treated with respect and do not suffer any disadvantage from an individual who acts in an unacceptable manner.
- 1.1.2 This Policy sets out LHA's approach to any customers whose actions or behaviour we consider to be unacceptable, because they involve abusing our staff or our processes. The Policy therefore seeks to define what behaviour will be deemed unacceptable by the Association, as well as outline the safeguards that are in place should any members of staff encounter such behaviour.
- 1.1.3 Whilst we recognise that our processes must preserve and protect a customer's right to access our services, we also want to ensure that a customer's actions do not impact upon the resources of staff and to the detriment of other customers.
- 1.1.3 In this Policy, Linthouse Housing Association is referred to as "we", "us" or "our".

1.2 Scope

- 1.2.1 This Policy applies to all appropriate customers and staff members of the Association.
- 1.2.2 The term 'customer' includes tenants, factored owners, anyone acting on behalf of a customer or a nominated person acting on behalf of the customer, or anyone who contacts our office in connection with a housing services matter.
- 1.2.3 The term 'staff' includes direct employees of the Association, as well as its contractors, consultants and agents.

1.3 Equality and Diversity

- 1.3.1 Equality and diversity reflect the core values of Linthouse Housing Association and we strive to ensure that they are embedded throughout all of our services, policies and decision-making. We are committed to promoting an inclusive and diverse culture that treats every individual with dignity, respect and fairness. We will actively challenge discrimination and empower people to succeed.
- 1.3.2 If you require further information, please refer to our Equality and Diversity Policy.

1.4 Our Mission

- 1.4.1 The Unacceptable Actions Policy forms part of our mission to:
“deliver high quality and cost-effective housing services designed to meet the needs of existing and future customers. To work in partnership with others to create thriving communities that people want to live and work in”.

1.5 Our Vision and Values

- 1.5.1 Our vision is the creation and sustainment of lasting, unique, vibrant homes in stable, popular and ambitious urban communities. Our vision is underpinned by four core values which we apply to all areas of our business. These are to be:
- i. **Customer Driven**
 - ii. **Honest**
 - iii. **Accountable**
 - iv. **Transparent**

1.6 Our Organisational Culture

- 1.6.1 Our **C.H.A.T** values as outlined form the foundation of our **Listen, Hear, Act (L.H.A)** customer excellence and organisational culture programme. All staff receive training at induction on customer service standards and the organisational culture we promote. This includes reference to our Equality and Diversity Policy and a

requirement to treat colleagues, tenants, contractors, service users, and any other stakeholders with dignity and respect.

1.6.2 The organisational culture we promote is based on finding solutions to suit customer needs regardless of individual differences We will:

1. **Listen** - We are committed to listening to those we do business with, be that our customers, staff, stakeholders, regulators or funders, to ensure that our responses are reflective of what people are saying to us.
2. **Hear** - Once we listen and understand the need/demand/offer that is presented, we will ensure that we fully understand what is being said.
3. **Act** - Whilst we will think about what we do, we want to be known for acting swiftly to deliver solutions and for always keeping our promises.

1.6.3 Our Customer Services Standards aim is to ensure that all of our service users receive an excellent standard of service. The Customer Services Standards helps define what our customers can expect when contacting or engaging with the staff in our office. It is available on our website, direct from the office, or in other formats as required.

Section 2: The Legal Framework

2.1 Links to Relevant Legislation

The Unacceptable Actions Policy is framed within the context of two key pieces of legislation: The Equalities Act (2010) and The Human Rights Act (1998).

The Policy also complies with the Association's Tenancy Agreement, which provides in Section 3.1 that tenants must not harass or act in an antisocial manner to, or pursue a course of antisocial conduct against any person in the neighbourhood, which includes our employees, agents and contractors.

Section 3: Overarching Objectives and Implementation

This section outlines our overarching objectives and how we will implement these.

3.1 Overarching Objectives

3.1.1 Our primary aim is to ensure that our staff can carry out their duties safely without disadvantage, fear of discrimination or distress caused by unacceptable behaviour. The Association must ensure that staff and contractors are treated with respect and are not subject to verbal or physical abuse by customers. In order to achieve this aim, we have the following objectives:

- To clearly define what behaviour from residents and other customers we consider to be unacceptable
- To provide a commitment to staff and make clear to customers that unacceptable behaviour will not be tolerated and will be dealt with robustly
- To make clear to all customers, both at initial contact and throughout their dealings with our office, what the Association can and cannot do in relation to their enquiry. 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 all customers, including those whose actions we consider unacceptable. We believe that all customers and staff have the right to be heard, understood and respected
- To provide a service that is accessible to all customers. However, we retain the right, where we consider customer actions unacceptable, to restrict or change access to our services

3.2 Implementation

3.2.1 Defining Unacceptable Actions by Customers

We understand that customers may act out of character in times of trouble or distress. There may have been upsetting or distressing circumstances leading up to an approach to our office staff. We do not view behaviour as unacceptable

merely because a customer is angry, forceful or determined. However, the actions of customers who are angry, demanding or persistent may result in unreasonable demands on our office or unacceptable behaviour towards staff where such anger turns into aggression specifically directed at our staff. It is these actions that we consider to be unacceptable and aim to manage under this Policy. The Association has grouped these actions under three broad headings:

Aggressive or Abusive Behaviour

Violence or abuse towards staff is unacceptable. We accept that customers may sometimes be angry or upset. However, it is not acceptable when anger escalates into aggression directed towards our staff. The anger or displeasure felt by many customers often involves the subject matter of their complaint. However, it is not acceptable when anger escalates into aggression (an unprovoked attack) towards the staff member that is seeking to resolve the complaint or issue.

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. This includes abuse or harassment on the basis of race, colour, ethnic origin, sexual orientation, physical ability, mental health or other grounds.

Examples of behaviours 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.

Staff must report all incidents of threats of violence, abuse and harassment under the Health & Safety procedures. Incidents of this type may also be reported to the police and we may also pursue legal action such as an anti-social behaviour order, where circumstances merit this. As the potential victim of a crime, the individual staff member needs to make the decision to report the incident to the police

themselves, but will be supported by association to do this. Actual acts of violence perpetrated against staff are to be recorded in the association's Accident/Injury form.

Where such incidents occur, managers should encourage staff to seek support from EVH Employee Counselling Services whose staff are trained to deal with such situations. Managers should contact the Employee Counselling Service as soon after the event as possible, to enable the appropriate support strategy to be put in place.

Unreasonable Demands

Customers may make what we consider unreasonable demands on our office through the amount of information that 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.

Examples of actions grouped under this heading include demanding responses within an unreasonable time-scale, insisting on seeing or speaking to a particular member of staff when that is not possible or necessary, continual phone calls or letters, repeatedly changing the substance of the enquiry or raising unrelated concerns.

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

We recognise that some customers will not or cannot accept that the 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 enquiry or contact the office persistently about the same issue.

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 an enquiry or complaint without presenting any new information.

We consider the actions of persistent customers to be unacceptable when they take up what the Association regards as being a disproportionate amount of time and resources, and impacts on our ability to progress their complaint or deliver service to other customers.

In these circumstances, where appropriate, we will direct the customer to other independent sources of redress such as the Scottish Public Services Ombudsman or their elected member.

3.2.2 [Managing Unacceptable Actions by Customers](#)

There are relatively few customers 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 carry out 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 Handling Procedure. 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.

Threats, Violence and Abusive Behaviour

Threats, violence, abuse and harassment are all taken very seriously by the Association. The threat or use of physical violence, verbal abuse or harassment towards LHA staff is therefore likely to result in the ending of all direct contact with the customer. This includes abuse or harassment on the basis of age, physical or mental disability, gender identity or sexual orientation, race, ethnicity or national identity or religious belief. Incidents may be reported to the police if they are particularly serious. This will always be the case if physical violence is used. The Association may also consider threats of violence and/or abusive behaviour to constitute a breach of tenancy. In this event, we would pursue this via our Anti-Social Behaviour Policy.

Telephone Calls

Whilst our staff are required to deliver excellent customer services and adopt a positive approach when dealing with customers, staff are nevertheless empowered to end telephone calls where a customer's behaviour is considered unreasonable, aggressive, abusive or offensive. Where the behaviour does not stop, the staff member has the discretion to make this decision, tell the caller that the behaviour is unacceptable and end the call if said behaviour does not stop.

Written Correspondence

Written correspondence (letter, fax or electronic) that is abusive to staff or contains allegations that lack substantive evidence will be referred to the relevant line manager for response. When this happens, we will communicate to the customer that we consider their language offensive, unnecessary and unhelpful. We will ask the customer to stop using such language and state that we will not respond to their correspondence if they do not stop. We may state that we will not respond to their correspondence if the action or behaviour continues. We may require future contact to be through a third party and Police Scotland may be contacted, depending on the nature of the correspondence.

Social Media

Correspondence received via social media platforms, such as the Association's Twitter, which is deemed threatening or abusive to staff, or which contains inflammatory statements/unsubstantiated allegations, will be removed and potentially reported to the social media platform. This will also entail posts that customers share on their own profiles that are publicly available. The Association will contact the customer to state that their behaviour is unacceptable and that if they continue, we will no longer respond to correspondence in future. Police Scotland may also be notified depending on the nature of the correspondence.

Unreasonable Persistence

Where 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.

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 action we are taking and why

Customer action may be considered unreasonably persistent if all internal review mechanisms have been exhausted and the customer continues to dispute the Association's decision relating to their enquiry or complaint. The customer is told that no future phone calls will be accepted or interviews granted concerning this matter. 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 enquiry or complaint. In these circumstances, the customer will always be advised of their right to raise the matter with the Scottish Public Services Ombudsman and the Association will fully co-operate with the Ombudsman's investigation and implement appropriate recommendations.

We will try to ensure that any action we take is the minimum required to resolve the problem, taking into account the circumstances of the case.

3.2.3 Deciding to Restrict Customer Contact

LHA staff that 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. Where appropriate, the customer will be told at the time of the incident. Such cases must be reported immediately to the appropriate Head of Department, CEO or most senior member of staff in their absence, in order to ensure that the staff action is followed up with a letter, as detailed below.

With the exception of such immediate decisions taken at the time of an incident, decisions to restrict contact with the Association are only taken after careful consideration of the situation by the Head of Department. Wherever possible, we give a customer the opportunity to modify their behaviour or action before a decision is taken. Customers must be told in writing why a decision to restrict contact has been taken, the restricted contact arrangements, and if relevant, the length of time that these restrictions will be in place, and the fact that the customer

has the right to appeal the decision to restrict contact. The customer will be advised of the contact person to whom the appeal may be addressed.

Section 4: Compliance and Complaints

4.1 Appealing a Decision to Restrict Contact

4.1.1. A customer can appeal a decision to restrict contact by detailing in writing why they believe that their actions were wrongly identified as unacceptable, why they think the restriction is disproportionate to their actions, or how they will be adversely affected by the restriction due to personal circumstances. The CEO will consider the appeal. The CEO has the right to quash or vary the restriction as they think best. The CEO will make the decision based on the evidence available to them. The CEO will advise the customer in writing that either the restricted contact arrangements still apply or a different course of action has been agreed.

4.1.2 If the customer remains dissatisfied with the appeals process, a complaint can be made to the SPSO. The Association will comply with any recommendations made by the ombudsman to settle the case. All Ombudsman cases and findings are reported to the full Committee.

4.2 Recording and Reviewing a Decision to Restrict Contact

4.2.1 We will record all incidents of unacceptable actions by customers on the Capita database system. Where it is decided to restrict customer contact, an entry noting this is made in the relevant file and on appropriate computer records.

4.2.2 A decision to restrict customer contact may be reconsidered if the customer demonstrates a more acceptable approach. The Senior Leadership Team will reviews the status of all customers with restricted contact arrangements on a regular basis.

Section 5: Review of Unacceptable Actions Policy

- 5.1 This policy will be reviewed **every 3 years** to ensure that the appropriate amendments are made. All staff and relevant third parties will be informed. Continuously subjecting our Policy to review will ensure that its effectiveness is maintained, and that feedback can be acted upon in a reasonable time frame.

Appendix 1: Equalities Impact Statement

TITLE OF POLICY:	Unacceptable Actions Policy
Strategic Outcome:	Protect staff against unacceptable behaviour from customers
What is the purpose of the proposed Policy?	Provide guidance to staff and customers on what behaviour will be considered unacceptable and outline the safeguards that are in place should any members of staff encounter such behaviour
Protected Characteristic Groups affected by the Policy	Disability such as physical or mental impairments may affect behaviour which may result in reasonable adjustments being required to ensure that an individual is treated fairly. Race possibly, if for example there is a language barrier – but our Equality and Diversity Policy is designed to address this whereby any requests for information can be by provided in other formats or via translating services.
Who is the target audience of this policy or who is intended to benefit from the proposed policy and how? (ie. employees, service users, management committee etc.)	All employees of the association, contractors, consultants and agents, service users and all other customers. Staff will benefit from the policy as provides protection from unacceptable behaviour.
List any existing documents, evidence, research which have been used to inform the EqlA (this must include relevant data used in this assessment)	None
Has any consultation involvement been undertaken with the Protected Characteristic Groups to inform this assessment? (please provide details of who and how consulted)	No
What is the actual likely impact?	Unlikely to have a significant impact on the protected characteristics

<p>How have you, or will you, put the Policy into practice, and who is or will be responsible for delivering it?</p>	<p>The Policy will be introduced at the same time as the Complaints Handling Procedures. Tbc who/which agency will be responsible for delivering.</p>
<p>How does the Policy fit into our wider or related policy initiatives?</p>	<p>The Policy fits into our wider policy initiatives to protect a customer's right to access our services and to raise complaints or dissatisfaction whilst protecting staff and other customers</p>
<p>Do you have a set budget for this work?</p>	<p>No</p>