Unacceptable Actions Policy

Policy Implementation Checklist:	
Policy Guardian:	Chief Executive Officer
Policy Author:	Chief Executive Officer/Corporate Services Manager
Date Approved Policy Working Group:	
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1. Overview

1.1 Linthouse Housing Association ('LHA') is committed to providing the highest customer service and treating everyone with dignity and respect. The Customer Service Policy sets out the standards that people can expect from the Association. In return, however, it is equally important that customers behave appropriately towards staff and contractors and do not subject them to unacceptable conduct. LHA wants to ensure that staff and contractors are treated with respect and do not suffer any disadvantage from an individual who behaves unacceptably.

1.2 This Policy sets out LHA's approach to customers whose conduct is considered to be unacceptably challenging, resulting in unreasonable demands on LHA's staff or ability to deliver services to others. The Policy seeks to define what behaviour will be deemed unacceptable by the Association and outline the safeguards and procedures that are in place should any members of staff be concerned by such conduct.

1.3 LHA recognises that its processes must preserve and protect a customer's right to access services. It is equally important to ensure that a customer's actions or behaviour do not impact negatively the wellbeing of staff or resources to the detriment of other customers.

2. Scope & Legal Framework

2.1 This policy applies to all customers and staff members of LHA.

2.2 This policy is framed within the context of two key pieces of legislation: The Equalities Act (2010) and The Human Rights Act (1998). It also takes into account 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*'.

3. Objectives & Implementation

3.1 Objectives

The primary aim of this policy is to ensure that staff can perform their duties safely without fear of discrimination, distress, or upset caused by unacceptable behaviour. The Association must try to ensure that staff and contractors are treated with respect and are not subject to verbal or physical abuse by customers in the course of their duties. To achieve this, LHA has agreed the following objectives:

- To clearly define what conduct from customers LHA considers to be unacceptable
- To provide a clear commitment to staff that unacceptable behaviour from customers will not be tolerated and will be dealt with proportionately and robustly
- To make clear to all customers, both at initial contact and throughout their dealings with staff, what the Association can and cannot do

concerning their enquiry. In doing so, LHA aims to be open and not raise hopes or expectations that cannot be met

- To deal fairly, honestly, consistently and appropriately with all customers, including those whose actions are considered unacceptable and requiring a management response. LHA believes 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, LHA retains the right to restrict or change access to services, where it is considered a customer's actions are unacceptable

All LHA staff have the right to end contact with a customer they find personally distressing or uncomfortable. It is not appropriate for anyone to continue to engage if they become distressed or it is having a negative impact on them. This is the case even if it's decided that the criteria for further management response still need to be met. More information on supporting staff is below.

3.2 Implementation

3.2.1 Defining Unacceptable Actions by Customers

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. LHA does not view behaviour as unacceptable 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 LHA or unacceptable behaviour towards staff where such anger turns into aggression specifically directed at staff. It is these actions that are considered to be unacceptable and to manage under this Policy. If it is necessary to manage behaviour this way, the response will be proportionate to the behaviour and its impact on LHA staff. The Association has grouped these actions under three broad headings:

3.2.2 Aggressive or Abusive Behaviour

Violence or abuse towards staff is unacceptable. LHA accepts that customers may sometimes be angry or upset. However, it is intolerable when anger escalates into aggression towards Association staff. The anger or displeasure many customers feel often involves the subject matter of their complaint. However, it is unacceptable when anger escalates into aggression (an unprovoked verbal or physical attack) towards the staff member seeking to resolve the complaint or issue.

Unacceptable Behaviour is not restricted to acts of aggression or violence 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 based on race, colour, ethnic origin, sexual orientation, physical ability, mental health or other grounds.

Examples of unacceptable behaviour include personal verbal abuse, derogatory remarks, and rudeness. Inflammatory statements and unsubstantiated allegations will also be considered as abusive behaviour. If a staff member feels that the interaction with a customer has caused them upset or distress, they will complete an Unacceptable Behaviour Form provided in Appendix 1.

If a staff member experiences threats of, or actual physical violence, or abuse and harassment, the Unacceptable Conduct Incident Report Form provided in Appendix 2 must be completed, and the relevant Director informed of and in agreement with the proposed actions. Incidents of this type may be reported to the police and LHA may pursue legal action such as an anti-social behaviour order or other breach of tenancy remedies where circumstances merit this. As the potential victim of a crime, the individual staff member can report the incident to the police themselves if they choose to do so, and the Association will support this. Actual acts of violence perpetrated against staff must also be recorded in the Association's Accident Book which is held in the Corporate Services room.

Where incidents of threats of violence or actual physical violence occur, managers should encourage staff to seek support from Westfield Health Counselling service, whose staff are trained to deal with the impacts of such issues on staff wellbeing. Managers will meet with staff members affected as soon as possible after the event and agree on the appropriate support strategy to deal with the incident, recording details of the discussion on the Appendix 2 form. A management response may be to visit in two's and make alternative arrangements for customers to access the service.

3.2.3 Unreasonable Demands

Customers may make what LHA considers unreasonable demands on the Association through 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 timescale, insisting on seeing or speaking to a particular member of staff when that is not possible or necessary, continual phone calls or letters, changing the substance of the enquiry or raising unrelated concerns. LHA considers these demands unacceptable and unreasonable if they start to substantially impact the Association's work, such as taking up an excessive amount of staff time to the disadvantage of other customers or functions.

3.2.4 Unreasonable Persistence

It is recognised 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 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 about an enquiry or complaint, persistent refusal to accept explanations relating to what the Association can or cannot do and continuing to pursue an enquiry or complaint, which staff have responded to in full, without presenting any new information.

Actions will be deemed unacceptable when they take up what the Association regards as being a disproportionate amount of staff time and resources, and impacts on delivering services to other customers.

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

3.2.5 Managing Unacceptable Actions by Customers

There are a few customers whose actions LHA consider unacceptable. How LHA aims to manage these actions depends on their nature, extent and impact on staff. If it adversely affects the staff member's ability to carry out their work and provide a service to others, restricting customer contact may result. This will be done in such a way that allows a complaint to progress to completion through the Complaints Handling Procedure. In extreme situations, the customer will be informed in writing that their name is on a 'no personal contact' list. This means they must restrict contact with the office to written communication or through a third party.

When this management action is taken, the customer will be informed of the reason, how long the new contact arrangements will remain before review, and detail the aspects of the behaviour that need to change.

3.2.6 Threats, Violence and Abusive Behaviour

Threats, violence, abuse, and harassment are 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 based on age, physical or mental disability, gender identity or sexual orientation, race, ethnicity, national identity or religious belief. Particularly serious incidents may be reported to the police by LHA if it is deemed necessary as a result of a risk-based approach to the particular situation. In these circumstances, the rationale for pursuing this action will be explained to the member(s) of staff affected. The Association may also consider threats of violence or abusive behaviour to constitute a breach of tenancy which will be pursued via the Anti-Social Behaviour Policy.

3.2.7 Telephone Calls

Whilst 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.

3.2.8 Written Correspondence

Written correspondence (letter 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, the customer will be advised that their language is offensive, unnecessary and unhelpful. The customer will be asked to stop using such language and advised that the Association will not respond to their correspondence if it continues, and may result in future contact being through a third party. Police Scotland may be contacted depending on the nature of the correspondence.

3.2.9 Social Media

Correspondence received via social media platforms, such as the Association's X (formerly Twitter), which is deemed threatening or abusive to staff or 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 publicly available profiles. The posts will be shared with the SLT, and proportionate action will be considered, including not feeding the Troll.

3.2.10 Unreasonable Persistence

If 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 each 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 the decision to invoke one of the following actions may apply:

- 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 contact the office in writing only
- return the documents to the customer
- take other appropriate action. The customer will always be told what action will be taken 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 cooperate with the Ombudsman's investigation and implement appropriate recommendations. Any action taken by LHA will be based on the circumstances of the case.

3.2.11 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. Only where appropriate will the customer be told at the time of the incident. In their absence, such cases must be reported to the line manager and then to the appropriate Department Director or most senior staff member to ensure that the staff action is followed up with a letter, if applicable, as detailed below.

Except for such immediate decisions taken during an incident, decisions to restrict contact with the Association are only taken after careful consideration of the situation by the Department Director of the completed Appendix 2 form. This is to allow customers to modify their behaviour or actions wherever possible 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.

4. Compliance and Complaints

4.1 Appealing a Decision to Restrict Contact

A customer can appeal a decision to restrict contact by detailing in writing why they believe their actions were wrongly identified as unacceptable, why they think the restriction is disproportionate to them, or how they will be adversely affected by it due to personal circumstances. The CEO will consider the appeal. The CEO can 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 upon.

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

LHA will record all decisions to visit customers in twos on the Homemaster database. All complete Appendix 1 and 2 forms will be passed to the Health and Safety Administrator to retain statistical reports on the frequency and nature of incidents. Where it is decided to restrict customer contact, an entry noting this is made in the relevant Homemaster case file.

A decision to restrict customer contact will be for a time-limited period and reviewed at the end of the period by the relevant manager and staff member affected. The Director will review the status of all customers with restricted contact arrangements on a regular basis and check with the relevant manager if restrictions can be lifted.

5. Policy Review

This policy will be reviewed every 3 years to ensure it continues to reflect good practice.

6. Equalities Impact Assessment

Unacceptable Actions Policy	
What is the purpose of this policy?	To guide staff and customers on what behaviour will be considered unacceptable and outline the safeguards in place should any members of staff encounter such behaviour.
Protected characteristic groups affected by this policy:	N/A
Who is the target audience of this policy?	All association employees, contractors, consultants and agents, service users and all other customers.
List any existing documentation used to complete this assessment:	Customer Service Policy; Complaints Handling
Has any consultation taken place with protected characteristics groups identified?	No
What is the likely impact?	N/A
Have you, or will you, put the policy into practice? Who is responsible for delivery of the policy?	Yes; Policy aligns with Customer Service Policy and Complaints Handling Procedures.
How does this policy fit into our wider or related policy initiatives?	The Policy fits into LHA's wider policy initiatives to protect a customer's right to access services and to raise complaints or dissatisfaction whilst protecting staff and other customers.
Do you have a set budget for this work?	No

7. Version Control

Version Number	Name	Author	Notes
2.0	Unacceptable Actions	CEO/CSM	Revised and approved by ET Oct 24

Appendix 1 – Unacceptable Behaviour Form

Location of Unacceptable Behaviour			
Description of Unacceptable Behaviour towards Staff Member			
		Yes	**No**
In your view, could a reoccurrence result in an injury/impact on your wellbeing?			
Are there any actions you believe would prevent a reoccurrence? (List below)			
Name		**Date & time**	
Date discussed with Line Manager and record of discussion actions			
Continue overleaf if required			
Signature		**Date**	
Signature of Manager		**Date passed to H&S Admin**	

Appendix 2 – Unacceptable Conduct Incident Report Form

Date of Incident		**Time of Incident**	
Particulars of the person reporting the incident			
Name		**Age**	
Job Role		**Department**	
Home Address			
Nature of incident (including place/cause/circumstances)			
What did you do immediately after the incident?			
Signature of the person reporting the incident			
Name		**Department**	
Witness Name		**Department**	
Actions taken (to be completed by Line Manager in collaboration with reporter)			
Continue overleaf if required			
Signature		**Date**	
Signature of Manager		**Date passed to H&S Admin**	