



# Unacceptable Actions Policy

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<b>Scottish Social Housing Charter Standard</b>	<b>All</b>
<b>Scottish Housing Regulator Standard:</b>	<b>2</b>
<b>Scottish Housing Regulator Guidance:</b>	<b>2.1, 2.2</b>

## **UNACCEPTABLE ACTIONS POLICY**

Ardenglen Housing Association can provide this procedure on request, in large print, in Braille, on tape or in other non-written format, and in a variety of languages.

### **1. INTRODUCTION**

- 1.1 The Ardenglen Group ('the Group'), comprising Ardenglen Housing Association as the parent and Ardenglen Developments as a subsidiary, is committed to the highest standards of openness, probity and accountability.
- 1.2 Regulatory Standard 5 states that an RSL must "*conduct its affairs with honesty and integrity*". To ensure this, the Association has clear policy and procedures in place which make sure the organisation acts with transparency, honesty and propriety and avoids any public perception of improper conduct.
- 1.3 This Policy sets out Ardenglen's approach to the relatively few complainants whose actions or behaviour we consider unacceptable. The term complainant includes anyone acting on behalf of a complainant or who contacts our office in connection with a complaint. The principles set out in this Policy also apply to our dealings with people other than complainants.

### **2. POLICY AIMS**

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

### **3. 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. In fact, we accept that being persistent can be a positive advantage when pursuing a complaint.

However, the actions of complainants who are angry, demanding or persistent may result in unreasonable demands on our office or unacceptable behaviour towards Ardenglen's staff. It is these actions that we consider unacceptable and aim to manage under this Policy. Ardenglen 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 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.
- 3.4 We expect our staff to be treated courteously and with respect. Violence or abuse towards staff is unacceptable.

Staff members of Ardenglen understand the difference between aggression and anger. The anger felt by many complainants involves the subject matter of their complaint. However, it is not acceptable when anger escalates into aggression directed towards Ardenglen staff.

### **Unreasonable Demands**

- 3.5 Complainants 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 complainant.
- 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.
- 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 complainants or functions.

### **Unreasonable Persistence**

- 3.8 We recognise that some complainants will not or cannot accept that Ardenglen is unable to assist them further or provide a level of service other than that provided already. Complainants 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 complainants 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 complainants to be unacceptable when they take up what Ardenglen regards being a disproportionate amount of time and resources.

#### **4. MANAGING UNACCEPTABLE ACTIONS**

- 4.1 There are relatively few complainants 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 complainant 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 complainant 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 Ardenglen staff is likely to result in the ending of all direct contact with the complainant. 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 complainant 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 Ardenglen 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 complainant repeatedly phones, visits the office, sends irrelevant documents or raises the same issues we may decide to:

- Only take telephone calls from the complainant 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 complainant in the future.
  - Require the complainant to make an appointment to see a named member of staff before visiting the office or that the complainant contacts the office in writing only.
  - Return the documents to the complainant or, in extreme cases, advise the complainant that further irrelevant documents will be destroyed.
  - Take other action that we consider appropriate. We will, however, always tell the complainant what actions we are taking and why.
- 4.6 When a complainant continues to correspond on a wide range of issues, and this action is considered excessive, then the complainant 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 Complainant action may be considered unreasonably persistent if all internal review mechanisms have been exhausted and the complainant continues to dispute Ardenglen's decision relating to their complaint. The complainant is told that no future phone calls will be accepted or interviews granted concerning this complaint. Any future contact by the complainant on this issue must be in writing. Future correspondence is read and filed, but only acknowledged or responded to if the complainant provides significant new information relating to the complaint.

## **5. DECIDING TO RESTRICT COMPLAINANT CONTACT**

- 5.1 Any Ardenglen staff member who directly experience aggressive or abusive behaviour from a complainant 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 Ardenglen are only taken after careful consideration of the situation by a more senior member of staff. Wherever possible, we give a complainant the opportunity to modify their behaviour or action before a decision is taken. Complainants 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.

## **6. APPEALING A DECISION TO RESTRICT CONTACT**

- 6.1 A complainant 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 complainant in writing that either the restricted contact arrangements still apply or a different course of action has been agreed.

## **7. RECORDING AND REVIEWING A DECISION TO RESTRICT CONTACT**

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

## **9. TRAINING**

- 9.1 Ardenglen through its Internal Management Plan is committed to training and developing staff and Board members to their full potential in order to deliver a high quality of service in all areas of its business.
- 9.2 The Board induction programme includes an overview of this policy, including responsibilities for the promotion and delivery of openness and confidentiality as relevant to their job descriptions. Board members will receive updates on these issues and specific training as required.

## **10. EQUALITIES AND DIVERSITY**

- 10.1 This policy will be implemented in line with our Equality and Diversity Policy and is subject to an Equality Impact Assessment to assess the likely or actual effects of the policy to our customers in respect of their disability, age, gender, race, religion/belief, sexual orientation or gender identity to ensure equal and fair access for all.

## **11. MONITORING AND REPORTING**

- 11.1 The Association will use appeals, complaints, comments or suggestions from users of this policy to monitor its effectiveness. These will also be used to prompt a review of the policy where necessary.

## **12. REVIEW**

- 12.1 This Policy will be approved by the Board. It will be reviewed every three years unless amendment is prompted by a change in legislation, or monitoring and reporting reveals that a change in Policy is required sooner.

## **13. DISTRIBUTION**

- 13.1 This policy will be made available to every employee and Board member and will be made freely available to any tenant or interested party.

14. **LEGAL FRAMEWORK**

- Health & Safety at Work Act

14. **RELATED POLICIES**

- Complaints Policy
- Codes of Conduct
- Terms and Conditions of Employment

--- END OF POLICY ---