

## UNACCEPTABLE BEHAVIOUR POLICY

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### 1.0 INTRODUCTION

- 1.1 Scottish Borders Housing Association (SBHA) is committed to listen to Tenants and Communities to innovate and improve. In so doing, SBHA values feedback and complaints and believes that complainants have a right to be heard, understood, and respected.
- 1.2 SBHA recognises that individuals come from all walks of life with varying personal circumstances and needs. SBHA Teams and appointed contractors are trained and experienced in dealing with the diverse needs and behaviours of Tenants, service users and customers, treating all with dignity and respect. There can be occasions however, where individuals display behaviour or actions that make dealing with them and providing or continuing to provide a service particularly problematic. SBHA recognises that such behaviour or actions can arise for a number of reasons and be attributable to various factors. In some cases, there may be underlying social or health related problems. In other instances, an individual may have a complaint about us that involves particularly emotive issues or causes them undue stress or frustration. Others may have difficulty expressing themselves as a result of disability or language issues.
- 1.3 Notwithstanding this, it is essential that SBHA can identify where behaviour is unacceptable or unreasonable because it involves abuse of SBHA Team members or processes; and that appropriate arrangements are in place to take action to protect its staff and manage such situations.
- 1.4 This Policy sets out how SBHA defines unacceptable behaviour and the principles SBHA will apply in dealing with it.

### 2.0 POLICY CONTEXT

- 2.1 This Policy should be read in conjunction with SBHA's Complaints Handling Policy and Procedures; Customer Care Policy and Customer Service Standards.
- 2.2 In accordance with these, SBHA will always do its best to resolve any dissatisfaction that a Tenant, customer or service user may express about the action or lack of action, or standards of service received from SBHA. The Association does not view complaints in themselves as unacceptable and indeed recognises their value in helping improve the services SBHA delivers. SBHA will offer all complainants an equal right to be heard, understood and respected. It is the way in which an individual communicates with the Association, however, that may be considered as unacceptable behaviour.
- 2.3 To this end, SBHA is acutely aware of the rights of SBHA Team members and the duty of care SBHA has as an employer. In particular, this Policy aims to balance the need to respect the rights and expectations of individuals and provide effective, consistent and responsive services, with the over-riding need to protect SBHA Team members from all forms of abuse and harassment in the course of their duties.

- 2.4 In implementing this Policy, SBHA is also mindful of its commitments it makes in its Tenant Participation Strategy; Data Protection, Information Management and Retention Policy; Equalities Policy; Lone Working Policy and Staff Charter and Code of Conduct.
- 2.5 The Policy aims to ensure the steps taken by SBHA to address instances of unacceptable behaviour are proportionate to the nature and seriousness of the circumstances arising. SBHA retains the right to restrict or change access to its services or determine how an individual can access its services.

### **3.0 DEFINING UNACCEPTABLE ACTIONS**

- 3.1 SBHA recognises that people may act out of character in times of trouble or distress. There may have been upsetting or distressing circumstances leading up to contact with the Association.
- 3.2 SBHA does not view behaviour as unacceptable just because an individual is forceful or determined in their approach. In fact, SBHA accepts that being persistent can be a positive advantage when pursuing a complaint. However, SBHA does consider actions that result in unreasonable demands on SBHA Team members and appointed Contractors time and resources, or unreasonable behaviour towards staff SBHA Team members and appointed Contractors to be unacceptable. It is these actions that SBHA aims to manage under this Policy.
- 3.3 These are grouped under three broad headings: aggressive or abusive behaviour; unreasonable demands and unreasonable levels of contact.

#### ***AGGRESSIVE OR ABUSIVE BEHAVIOUR***

- 3.4 SBHA understands that in some cases individuals may well be emotional, upset, or angry about the issues they are raising when contacting the Association. If that behaviour escalates into aggression towards SBHA Team members and/or any appointed contractor, SBHA considers that unacceptable. Any violence or abuse towards SBHA Team members and/or appointed contractors by SBHA will not be accepted.
- 3.5 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 to feel afraid, threatened or abused, and may include threats, personal verbal abuse, derogatory remarks, and rudeness. Inflammatory statements and unsubstantiated allegations are also considered to be abusive behaviour.

#### ***UNREASONABLE DEMANDS***

- 3.6 Individuals may make what SBHA considers unreasonable demands on SBHA Team members, because of the amount of information or assistance they seek, the nature and scale of service they expect or the levels of contact they make or maintain with the Association. Identifying demands as unreasonable is dependent on the circumstances surrounding the behaviour. It may also, for example, depend on the seriousness of the issues raised.
- 3.7 Examples of actions grouped under this heading include:
- repeatedly demanding responses within an unreasonable timescale,
  - insisting on seeing or speaking to a particular member of the SBHA Team when that is not possible,
  - continual telephone calls, letters, or emails, or
  - repeatedly changing the substance of a complaint or raising unrelated concerns.

- 3.8 SBHA considers these demands as unacceptable and unreasonable if they start to impact substantially on the work of staff, including taking up an excessive amount of time to the disadvantage of other Tenants, customers, or service users.

#### ***UNREASONABLE LEVELS OF CONTACT***

- 3.9 SBHA recognises that some people will not or cannot accept that SBHA is unable to meet their demands or provide a level of service other than that provided already. Others may persist in disagreeing with a decision SBHA has taken. This may result in the same issue being raised repeatedly, or persistent requests regarding the same matter. In such circumstances SBHA will remind them of the provisions of its Complaints Handling Procedures.
- 3.10 Sometimes the volume and duration of contact made to SBHA by an individual can cause problems. This can occur over a short period, for example, several calls in one day or one hour. It may occur over the lifespan of a complaint when a complainant repeatedly makes long telephone calls to or inundates SBHA with copies of information that has been sent already or is irrelevant to the complaint. The way in which these customers approach us may be entirely reasonable, but their persistent behaviour in continuing to do so is not.
- 3.11 SBHA considers that the level of contact has become unacceptable when the amount of time spent talking to an individual on the telephone, or responding to, reviewing, and filing emails or written correspondence impacts on its ability to deal with that issue or complaint, or with other people's complaints.

#### **4.0 MANAGING UNACCEPTABLE ACTIONS**

- 4.1 SBHA anticipates that individuals displaying unacceptable behaviour or actions will be a rare occurrence. The response to such incidents will vary on a case-by-case basis, depending on the nature, extent and impact of the behaviour. It can also vary according to the relationship an individual has with SBHA. For example, where the person is a Tenant, SBHA is able to consider the extent to which tenancy conditions have been breached and follow the prescribed course of action. In all cases however, the following guiding principles will be used to help SBHA Team members decide on an appropriate means of handling the situation.

#### ***AGGRESSIVE OR ABUSIVE BEHAVIOUR***

- 4.2 The threat or use of physical violence, verbal abuse or harassment towards staff will not be tolerated and is likely to result in the ending of all direct contact with the individual. Such incidents will normally be reported to the Police. This will always be the case if physical violence is used or threatened. In the case of optional services, these may be terminated following consideration of all relevant circumstances.
- 4.3 SBHA will, however, be sympathetic in other instances where an individual is identified as being particularly vulnerable or has personal support requirements and will seek to accommodate these. This may involve directing future contact via a third party. Where SBHA is the support provider, appropriate action will be taken in accordance with the terms of the individual's support service agreement and tenancy or occupancy arrangements.
- 4.4 Where SBHA has identified or has received reliable information which highlights that an individual is or has a history of aggressive or abusive behaviour, SBHA Team members or appointed Contractor will not meet alone with these individuals. SBHA

operates a 'do not visit alone' indicator (DNVA) process, whereby the records of an individual who present a known risk of violence or abusive (or who have been identified as being potentially violent or abusive following an incident) are marked as an alert to staff.

- 4.5 SBHA will not deal with correspondence (letter, fax or electronic) that is abusive to staff or contains allegations that lack substantive evidence. When this happens SBHA will tell the complainant that it considers their language offensive, unnecessary and unhelpful. SBHA will ask them to stop using such language and state that staff will not respond to their correspondence if they do not stop. SBHA may require future contact to be through a third party.
- 4.6 SBHA Team members or appointed Contractor will end telephone calls if the caller is considered aggressive, abusive or offensive. The team 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.
- 4.7 In all cases where aggressive or abusive behaviour is experienced, SBHA will record relevant details on its in-house contact relationship management (CRM) system. This will include an appropriate level of factual information about spoken words and physical actions. As far as possible the outcome of the contact will also be recorded.
- 4.8 In extreme situations, SBHA may tell the complainant in writing that their name is on a 'do not visit alone' or 'no personal contact list'. This means that service delivery may be delayed to the individual due to the availability of SBHA Team members and a colleague to accompany them to the meeting or contact with them will be limited to either written communication or through a third party.

#### ***UNREASONABLE PERSISTENCE OR DEMANDS***

- 4.9 Where the behaviour or actions are not aggressive or abusive, but instead adversely affects SBHA's ability to maintain normal business and provide a service to others, SBHA will consider restricting contact in order to manage the situation and aims to do this in a way, wherever possible, that allows a customer to retain fair, reasonable and equal access to services when required, while trying to ensure that any action taken is the minimum required to solve the problem, taking into account relevant personal circumstances and the seriousness of the complaint. SBHA will be sympathetic in instances where an individual is identified as being particularly vulnerable or has personal support requirements. This may involve directing future contact via a third party.
- 4.10 Where a complainant repeatedly phones, visits the office, raises repeated issues, or sends large numbers of documents where their relevance is not clear, SBHA may decide to:
  - limit contact by telephone calls from the complainant to set times on set days or put an arrangement in place for a nominated SBHA Team member who will deal with future calls or correspondence from the complainant.
  - require the individual to make an appointment to see a named member of the SBHA Team before visiting the office or that contact with the office is in writing only
  - return any documents SBHA considers irrelevant or excessive to the individual or, in extreme cases, advise that further irrelevant documents will be destroyed.
  - take any other action that SBHA considers appropriate.
- 4.11 Where an individual continues to correspond on a wide range of issues, and this action is considered excessive, then the individual 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.

- 4.12 In all cases, SBHA will try to maintain at least one form of contact. In extreme situations, SBHA may tell the customer or complainant in writing that they will not be permitted any personal contact with SBHA Team members. This means that they must restrict contact with the office to either written communication or through a third party.
- 4.13 In the case of complaints, SBHA will similarly aim to enable a complaint to progress through our complaints process to completion. In accordance with the provisions of the Complaints Handling Procedures, SBHA will not consider an attempt to reopen a previously concluded complaint or to have a complaint reconsidered where SBHA have already given a final decision. Notwithstanding this, as detailed in the Complaints Handling Procedures, individuals retain the right to raise such issues with the Scottish Public Services Ombudsman.

## **5.0 DECIDING TO RESTRICT CONTACT**

- 5.1 SBHA Team members who directly experience aggressive or abusive behaviour from an individual have the authority to deal immediately with that behaviour in a manner they consider appropriate to the situation and in line with this Policy. This can include terminating a telephone call; ending a face-to-face discussion or interview; withdrawing their services or removing themselves from the situation.
- 5.2 With the exception of such immediate decisions taken at the time of an incident, decisions to restrict contact with SBHA will only be taken after careful consideration of the situation by SBHA's Director of Customer Services. Wherever possible, SBHA will give the individual an opportunity to modify their behaviour or action before a decision to restrict contact is taken. Individuals will be 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. They will similarly be advised that SBHA will review this decision as and when they demonstrate a more acceptable approach. SBHA will record all decisions to restrict contact, and any associated conditions or arrangements, in its relevant recording system.

## **6.0 DISAGREEMENT WITH A DECISION TO RESTRICT CONTACT**

- 6.1 It is important that a decision can be reconsidered. A complainant can appeal a decision to restrict contact. If they do this, SBHA will only consider arguments that relate to the restriction and not to either the complaint made to SBHA or to its decision to close a complaint as in such situations individuals may pursue the matter in accordance with the Complaints Handling Policy and Procedure and request a Stage 2 Investigation.
- 6.2 An appeal could include, for example, a complainant 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.
- 6.3 A Director 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 Tenant, customer or service user in writing that either the restricted contact arrangements still apply, or a different course of action has been agreed.

- 6.4 Individuals retain the right to raise the matter with the Scottish Public Services Ombudsman if they have followed SBHA's Complaints Handling Procedure and remain dissatisfied with the final outcome of the Stage 2 Investigation.

## **7.0 TENANT CONSULTATION AND INVOLVEMENT**

- 7.1 SBHA has consulted with Tenants and SBHA Teams, and appointed Contractors when formulating this Policy and any future review of this Policy will involve Tenants, customers, and other service users.

## **8.0 EQUAL OPPORTUNITIES**

- 8.1 This Policy will not be used to discriminate against any individual or household on grounds of race, religion, marital status, disability, age, sexual orientation, gender reassignment, political opinion, pregnancy, or maternity. SBHA aims to promote equal opportunities and comply with the requirements of the Equality Act 2010.

## **9.0 RECORDING AND MONITORING RESTRICTED CONTACT**

- 9.1 SBHA records all incidents of unacceptable actions by Tenants, customers, or service users. Where it is decided to restrict contact, an entry noting this is made in the relevant file and on appropriate computer records.

- 9.2 A decision to restrict complainant contact as described above, may be reconsidered if the complainant demonstrates a more acceptable approach. SBHA's Head of Support Services will review the status of all Tenants, customers, or service users with restricted contact arrangements on a 6 monthly basis.

- 9.3 SBHA's Director of Customer Services have overall responsibility for approving and monitoring the application of this Policy. More generally, they are also responsible for advising the Board of Management or relevant designated Sub-Committee of any serious incidences of unacceptable behaviour, where the provisions of this Policy have been implemented.

## **10.0 POLICY REVIEW**

- 10.1 This Policy will be reviewed in 3 years or earlier if legislative, performance or other changes necessitate this. Any necessary amendments will be made following full consultation with Tenants and other service users.