

UNACCEPTABLE BEHAVIOUR POLICY

INTRODUCTION

- 1.1. Scottish Borders Housing Association (SBHA) is committed to listening to Tenants and Communities to innovate and improve. In so doing, we value feedback and complaints and believe 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 everyone 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 SBHA Team members 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. POLICY CONTEXT

- 2.1. 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.
- 2.2. SBHA is acutely aware of the rights of SBHA Team members and the duty of care we have 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, including sexual harassment in the course of their duties.
- 2.3. 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; Personal Safety Policy, Dignity at Work Policy, Staff Charter and Code of Conduct.

- 2.4. 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 LEGAL & REGULATORY CONTEXT

- 3.1 All Tenants are bound by the terms of the Scottish Secure Tenancy Agreement. Section 3 of the Model SST covers **Respect for Others** and states that -

You, those living with you, and your visitors, must not harass or act in an antisocial manner to, or pursue a course of antisocial conduct against, any person in the neighbourhood. Such people include residents, visitors, our employees, agents and contractors and those in your house.

‘Antisocial’ means causing or likely to cause alarm, distress, nuisance or annoyance to any person or causing damage to anyone’s property. Harassment of a person includes causing the person alarm or distress. Conduct includes speech. A course of conduct must involve conduct on at least two occasions.

- 3.2 This policy has been drawn up with reference to the following legislation:

- Scottish Public Services Ombudsman Unacceptable Actions Policy
- Housing (Scotland) Act 2001
- Housing (Scotland) Act 2014
- Data Protection Act 2018 (GDPR)
- Equality Act 2010
- Human Rights Act 1998

- 3.3 This Policy should be read in conjunction with the following SBHA policies –

- Complaints Handling Policy
- Customer Care Policy
- Anti-Social Behaviour Policy
- Equality, Diversity and Inclusion Policy
- Personal Safety Policy
- Dignity at Work Policy

4.0 BEHAVIOUR WE CONSIDER UNACCEPTABLE

- 4.1 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.
- 4.2 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 SBHA Team members and appointed Contractors to be unacceptable. It is these actions that we will aim to manage under this policy, and we will consider every situation individually.
- 4.3 These are grouped under three broad headings: aggressive or abusive behaviour; unreasonable demands and unreasonable levels of contact.

AGGRESSIVE OR ABUSIVE BEHAVIOUR

- 4.4 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.
- 4.5 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 SBHA team members 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.

HARASSMENT AND SEXUAL HARASSMENT

- 4.6 SBHA will not condone any acts of harassment, including sexual harassment towards team members,

Harassment is defined as unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.

Sexual Harassment is defined as unwanted conduct of a sexual nature, which has the purpose or effect of either:

- a) violating the complainant's dignity; or
- b) creating an intimidating, hostile, degrading, humiliating or offensive environment for the complainant.

UNREASONABLE DEMANDS

- 4.6 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.

- 4.7 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.
- 4.8 SBHA considers these demands as unacceptable and unreasonable if they start to impact substantially on the work of SBHA team members, including taking up an excessive amount of time to the disadvantage of other Tenants, customers, or service users.

SBHA will consider whether communication barriers, disability, trauma, health or care considerations may be contributing factors, and will offer reasonable adjustments wherever appropriate.

UNREASONABLE LEVELS OF CONTACT

- 4.9 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 Policy and Procedures.
- 4.10 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.
- 4.11 We consider the actions of persistent complainants to be unacceptable if they start to impact substantially on the work of team members, including taking up an excessive amount of time to the disadvantage of other Tenants, customers and service users.

FAILURE TO COOPERATE

- 4.12 SBHA have processes in place so we can efficiently provide services to all Tenants and will always try to work in a way which is convenient for the Tenant that meets their needs, but we consider obstructive behaviour or lack of cooperation to be unacceptable.
- 4.13 Failure to provide access to your home for repairs, inspections and home improvements work can have a negative impact on a Tenants living conditions and wellbeing as well as the property condition.
- 4.14 Rearranging or cancelling appointments an excessive number of times, avoiding contact when SBHA needs to discuss an issue with the Tenant and raising service complaints but refusing to engage with SBHA teams who deliver our services will be

considered as unacceptable. Failure to cooperate could result in SBHA having to withdraw services and may be managed as a breach of tenancy obligations.

5.0 MANAGING UNACCEPTABLE ACTIONS

5.1 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

5.2 The threat or use of physical violence, aggression, abusor harassment towards SBHA team members or our contractors 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.

5.3 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.

5.4 Where SBHA has identified or has received reliable information which highlights that an individual is or has a history of violent, 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, aggressive or abusive behaviour (or who have been identified as being potentially violent, aggressive or abusive following an incident) are marked as an alert to SBHA team members, contractors and partner agencies including out-of-hours service providers.

5.5 SBHA will not deal with correspondence (letter or electronic) that is abusive to team members or contains discriminatory content or 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 team members will not respond to their correspondence if they do not stop. SBHA may require future contact to be through a third party.

5.6 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.

5.7 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. The outcome of the contact will also be recorded in an Incident Report Form and shared with the Team members' line manager.

- 5.8 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.
- 5.9 In repeat cases of aggressive and abusive behaviour, the matter may be referred to SBHA's Antisocial Behaviour team which could result in further sanctions in line with SBHA's Antisocial Behaviour Policy which includes legal or tenancy action. Behaviour of this nature may also be reported to Police Scotland.

UNREASONABLE PERSISTENCE OR DEMANDS

- 5.10 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.
- 5.11 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.
- 5.11 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.
- 5.12 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.
- 5.13 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 Policy and 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.

6.0 DECIDING TO RESTRICT CONTACT

- 6.1 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.
- 6.2 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.
- 6.3 However we do have a duty to protect all SBHA team members and contractors, and when customers' behaviour is not acceptable, or behaviours outlined in section 4 take place we will take action. The kind of action we will take will depend on the nature of behaviour displayed, and the impact this has had on a team member or contractor concerned.

7.0 APPEALING A DECISION TO RESTRICT CONTACT

- 7.1 It is important that a decision can be reconsidered. A customer 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.
- 7.2 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.
- 7.3 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.
- 7.4 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.

8.0 TENANT CONSULTATION AND INVOLVEMENT

8.1 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.

9.0 EQUAL OPPORTUNITIES

9.1 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.

10.0 RECORDING AND MONITORING RESTRICTED CONTACT

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

10.2 A decision to restrict customer contact as described above, may be reconsidered if the customer 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 and a customer can request a review of accuracy or proportionality of the recorded marker at any time.

10.3 SBHA's Director of Customer Services has 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 (this does not include the use of DNVA indicators as set out in 5.4).

11.0 MEASURING EFFECTIVENESS OF THE POLICY

11.1 The effectiveness of this policy will be measured by the following:

- Near miss and incident reporting for team members who have been victim of abuse or aggression
- Effectiveness of control measures such as team member safety alert systems
- Annual review of equality impacts of restrictions

12.0 ROLES & RESPONSIBILITIES

Role	Responsibilities
Director of Customer Services	Making decisions to restrict contact with SBHA overseeing the effective implementation of this Policy, monitoring its effectiveness and reviewing the Policy in accordance with Section 12
Directors	Hearing appeals from customers raised under this Policy

Managers, Heads of Service	<p>Responding to Tenants' requests to appeal a decision to restrict contact.</p> <p>Supporting line managers with determining appropriate contact restrictions.</p> <p>Ensuring that this Policy is operationally effective.</p>
Line Managers	<p>Ensuring that team members understand and comply with this policy and associated procedures.</p> <p>Completing risk assessments with team members as a result of unacceptable behaviour perpetrated by a customer.</p> <p>Liaising with the Compliance Manager and/or Compliance Team in their absence and ensuring all reports are sent to the health and safety inbox to maintain accurate records of all incidents reported by team members and reassessing the risks and control measures after each incident.</p> <p>Identifying if any team members have training needs for dealing with unacceptable behaviour and ensuring appropriate training is provided where identified</p> <p>Determining the appropriate course of action when dealing with unacceptable behaviour.</p> <p>Conducting a review of contact restrictions at the specified review date and inform the customer(s) of the outcome.</p> <p>Monitoring the effectiveness of training.</p>

	<p>Team members' welfare including reminding team members of the free and confidential Employee Assistance Programme (EAP).</p>
All SBHA team members	<p>Supporting and dealing with customers fairly and in a professional manner.</p> <p>Delivering a high standard of customer service and in accordance with Customer Service Standards and related policies; and taking all reasonable steps to mitigate against difficult situations from escalating.</p> <p>Ensuring that incidents of unacceptable behaviour are recorded on SBHA systems and escalated where appropriate. Ensuring recording is objective, factual, and non-judgemental, and considering reasonable adjustments before escalation.</p> <p>Ensuring that warning letters are sent to customers where required and recorded appropriately on SBHA systems</p> <p>Considering their own behaviour when dealing with customers and for making sure their skills for handling difficult situations are up to date.</p> <p>Being aware of and following SBHA's relevant policies and procedures including this Policy. the Anti-Social Behaviour Policy and Health & Safety procedures.</p> <p>Reporting any incidents of unacceptable behaviour to their line manager</p>
Tenants	<p>Tenants are responsible for abiding by the clauses within the tenancy agreement.</p>

12 POLICY REVIEW

- 12.1 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.