



# Rural Stirling

## Housing Association



Quality property  
management services

## GROUP UNACCEPTABLE ACTIONS POLICY

<b>Rural Stirling Housing Association, Stirling Road, Doune, FK16 6AA</b> <b>Registered as a Scottish Charity No. SC037849</b> <b>Venachar Limited, Incorporated under the Companies Act (Company Number SC447415), Registered Office: Stirling Road, Doune, FK16 6AA</b>	
<b>Policy Name</b>	<b>Group Unacceptable Actions Policy</b>
<b>Policy Category</b>	<b>Corporate</b>
<b>Date Policy Reviewed</b>	<b>23 November 2023</b>
<b>Review Period</b>	<b>Three years</b>
<b>Next Review Due</b>	<b>November 2026</b>
<b>Equality Impact Assessment</b>	<b>Yes</b>

## **1.0 Policy Statement**

- 1.1 We believe our customers have the right to be heard, understood and respected. Occasionally, the behaviour and actions of some individuals using our services makes it very difficult for us to work effectively with them. In a small number of cases the actions become unacceptable because our staff or our processes are abused. When this happens, we must act to protect other customers and our staff. In doing so, we consider the impact of the behaviour on our ability to do our work and provide a service to others. This policy explains how we will approach these situations and aims to support our staff to manage this kind of behaviour.
- 1.2 Our Unacceptable Actions Policy relates to anyone who receives a service from the Rural Stirling Group (RSG) and has been developed in accordance with the Scottish Public Services Ombudsman's (SPSO) model policy on unacceptable actions.

## **2.0 Scope**

- 2.1 We are committed to providing high quality services to our customers and will ensure that expressions of dissatisfaction from our customers are dealt with in the best possible manner. We value complaints and customer feedback and will use this to help us improve our services.
- 2.2 We are committed to ensuring that the promotion of diversity, elimination of discrimination, and equality of opportunity are integral to our activities. We will comply with equalities legislation and will ensure all individuals are treated equally where they have a "protected characteristic" as defined by the Equality Act 2010.
- 2.3 We also recognise that if individuals are angry, demanding or persistent, this may result in unreasonable demands on time and resources or unacceptable behaviour towards our staff. We will, therefore, apply this policy and the associated procedures to protect our staff from unacceptable behaviour such as unreasonable persistence, threats or offensive behaviour.

## **3.0 Equality & Diversity Statement (Group Statement)**

- 3.1 We will ensure that this policy is applied fairly and consistently. In implementing this policy, we will not directly or indirectly discriminate against any person or group of people because of their race, religion or belief, gender, disability, age, sexual orientation any other grounds. Our commitment to equality and fairness will apply irrespective of factors such as age, disability, gender reassignment, marital or civil partnership status, pregnancy or maternity, race, religion or belief, sex, sexual orientation, or other personal attributes.

This policy and any other Rural Stirling Group (RSG) publication is available in other formats e.g., other languages, Braille, large print, audio.

#### **4.0 SHR Regulatory Standards**

4.1 The SHR's regulatory framework sets out Regulatory Standards of Governance and Financial Management to be achieved by all Registered Social Landlords (RSLs). The Board accepts that it is responsible for ensuring that the Association complies with these standards. The standards of direct relevance to this policy are noted below:

- *Standard 1: The Governing Body leads and directs the RSL to achieve good outcomes for its tenants and other service users.*
- *Standard 2: The RSL is open and accountable for what it does. It understands and takes account of the needs and priorities of its tenants, service users and stakeholders. And its primary focus is the sustainable achievement of these priorities.*
- *Standard 4: The governing body bases its decisions on good quality information and advice and identifies and mitigates risks to the organisation's purpose.*
- *Standard 5: The RSL conducts its affairs with honesty and integrity.*
- *Standard 6: The governing body and senior officers have the skills and knowledge they need to be effective.*

#### **5.0 Relevant legislation (Scottish Government or UK Government)**

- Health and Safety at Work 1974
- RSG Dignity at Work Policy

#### **6.0 Purpose**

6.1 Our Unacceptable Actions Policy will:

- Deal fairly, honestly, consistently and appropriately with all customers, including those whose actions we consider unacceptable,
- Ensure that our staff are treated with respect and are not subject to verbal or physical abuse by customers,
- Ensure that our staff and other customers do not suffer any disadvantage from customers who act in an unacceptable manner,
- Provide a service that is accessible to all customers. However, we retain the right where we consider customers' actions to be unacceptable to restrict or change access to our service.

#### **7. Defining unacceptable actions**

7.1 We recognise that people may act out of character in times of trouble or distress. For example, they may have faced upsetting or distressing circumstances leading up to a complaint. We do not view behaviour as unacceptable just because an individual is forceful or determined in their approach to us. However, the actions of customers who

are angry, demanding or exceptionally persistent may result in unreasonable demands being placed on our time and resources or unacceptable behaviour being directed towards staff. It is these actions that we consider unacceptable and aim to manage under this policy.

7.2 We have grouped these actions under four broad headings.

#### **Aggressive and abusive behaviour**

- We understand that very occasionally customers may become upset or angry about issues they have raised as a complaint or a concern with us. If that behaviour escalates into aggression towards our staff, we consider that unacceptable. Any violence or abuse towards staff will not be accepted. 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 offended, afraid, threatened or abused. We will judge each situation individually and appreciate individuals who come to us may be upset.
- Language, which is designed to insult or degrade, is racist, sexist or homophobic or which makes serious allegations that individuals have committed criminal, corrupt or perverse conduct without any evidence is unacceptable. We may decide that comments aimed at third parties, including other customers, are unacceptable because of the effect that listening or reading them may have on our staff. We also consider any inflammatory statements and unsubstantiated allegations made to be abusive behaviour.
- We may occasionally receive correspondence from customers which is threatening or abusive to staff, or which contains inflammatory statements or unsubstantiated allegations. We may contact the customer making the remarks to advise them on why the behaviour is unacceptable. Depending on the nature of the remarks, we may seek advice from Police Scotland.

#### **Unreasonable demands**

- Customers may make what we consider to be unreasonable demands through the amount of information they want from us, the nature and scale of service they expect or the number of times they contact us. A demand becomes unreasonable when it starts to impact substantially on staff time and our ability to deliver our service and to other customers. Examples of unreasonable demands include:
  - repeatedly demanding responses within an unreasonable timescale,
  - insisting on seeing or speaking to a particular member of staff when that is not possible,
  - repeatedly changing the substance of a complaint or raising unrelated concerns,
  - continuing to seek to pursue a complaint or service where the concerns identified are not within the remit of our staff to investigate.

#### **Unreasonable levels of contact**

- Sometimes the volume and duration of contact made by an individual can cause problems. This can occur over a short period, for example, a number of calls in one day or a tenant repeatedly makes long telephone calls to us or inundates us

with requests for copies of information that has already been sent or that is irrelevant to the issue.

- We consider that the level of contact has become unacceptable when the amount of time spent talking to a tenant or service user or responding to, reviewing and filing emails or written correspondence impacts on our ability to deal with that complaint, or with other people's complaints.

#### **Unreasonable use of the complaints process**

- Individuals with complaints about RSG have the right to pursue their concerns through our complaints handling process. They also have the right to complain more than once about our service if subsequent incidents occur. However, this contact becomes unreasonable when the effect of the repeated complaints prevents us pursuing a legitimate aim or implementing a legitimate decision. We also consider it unacceptable if a complainant seeks to re-open a complaint where we, or the SPSO, has reached a final decision.
- We consider access to our complaints system to be vital and it will only be in exceptional circumstances that we would consider such repeated use is unacceptable, but we reserve the right to do so in those exceptional cases.

### **8. Managing unacceptable behaviour**

- 8.1 We will act when unreasonable behaviour impairs the functioning of our service. We aim to do this in a way that allows a service request to be handled or complaint to progress through our complaints handling procedure.
- 8.2 RSG staff who directly experience aggressive or abusive behaviour from a tenant or service user has the authority to deal immediately with the behaviour in the manner they think appropriate in line with this policy. With the exception of such immediate decisions taken at the time of an incident, decisions to restrict contact with RSG should only be taken after careful consideration of the situation. Wherever possible we will give the complainant the opportunity to change their behaviour or action before a decision is taken. We will try to ensure that any action we take in managing unacceptable behaviour is the minimum required to solve the problem, considering relevant personal circumstances including the seriousness of the complaint or request raised, and the needs of the individual.
- 8.3 Our staff will end telephone calls if they consider the caller aggressive, abusive or offensive. Our staff have the right to make this decision, to tell the caller that their behaviour is unacceptable and end the call if the behaviour persists. Any such action will be followed up in writing to the customer.
- 8.4 The threat or use of physical violence, verbal abuse or harassment towards staff is likely to result in a termination of all direct contact with the customer. We may seek legal advice or report incidents to Police Scotland. This will always be the case if physical violence is used or threatened.
- 8.5 We will not respond to correspondence (in any format) that contains statements that

are abusive to staff or contains allegations that lack substantive evidence. Where we can, we will return the correspondence. We will explain why and say that we consider the language used to be offensive, unnecessary and unhelpful and ask the sender to stop using such language. We will state that we will not respond to their correspondence if the action or behaviour continues. In extreme situations, we will tell the complainant in writing that they have been placed on our Unacceptable Actions Register. This means that we will limit contact with them. Our Unacceptable Actions Register can be found [here](#).

8.6 Each case of unacceptable behaviour will be considered on an individual basis. We may decide to:

- limit contact to telephone calls from the complainant at set times on set days
- restrict contact to a nominated member of staff who will deal with future calls or correspondence from the complainant
- see the complainant by appointment only
- restrict contact from the complainant to writing only
- return any documents to the complainant or, in extreme cases, advise the complainant that further irrelevant documents will be destroyed
- take any other action that we consider appropriate

8.7 Where unacceptable actions persist after appropriate warnings have been issued by RSG staff and we believe the sustained unacceptable actions to be a breach of a customer's occupancy or tenancy agreement, we will seek legal advice on the appropriateness of taking enforcement action due to a breach of the customer's agreement with us.

8.8 Where the customer is not a tenant of RSG, but receives service from us, we may, in exceptional circumstances, consider the withdrawal of our service provision but will only do so as a last resort and in discussion with relevant carers, statutory agencies, etc.

8.9 Where we consider continued correspondence on a wide range of issues to be excessive, we may tell the customer that only a certain number of issues will be considered in each period and we ask them to limit or focus their requests accordingly. In exceptional cases, we reserve the right to refuse to consider a complaint or service issue raised, or future complaints or service issues raised from an individual. We will consider the impact on the individual and whether there would be a broader public interest in considering the matter further. We will always tell the customer what action we are taking and why.

## **9. Recording a decision to restrict contact**

9.1 We will seek to manage the unacceptable actions of individual customers through appropriate communication channels and by issuing warnings. However where we believe we have exhausted all reasonable approaches to limit the impact on our service, we will consider if our action should be escalated to formally restrict contact

with the customer as set out in Section 5.

- 9.2 Any decision to restrict customer contact will only be made at Director level and above and reasons why must be recorded on our Unacceptable Actions Register. The customer will be notified in writing as to why this decision has been made and will be advised on the restricted contact arrangements and if relevant, the length of time that these restrictions will be in place. All cases where contact has been restricted will be reviewed every 3 months with an update provided to the customer. During this period we will continue to seek solutions to improve our relationship with customers placed on the Unacceptable Actions Register. Where appropriate, this could include the use of external mediation services to support customers and front-line staff to rebuild relationships where these have been affected by this process.
- 9.3 If we decide to restrict a customer's contact, we will be careful to follow the process set out in our policy and to minimise any restrictions on the customer's access to the complaints process. We will normally continue investigating a complaint even where contact restrictions are in place (for example, limiting communication to letter or to a named staff member). In some cases, it may be possible to continue investigating the complaint without contact from the customer. Our policy allows us in limited circumstances to restrict access to the complaint process entirely. This would be as a last resort, should be as limited as possible (for a limited time, or about a limited set of subjects) and requires Director approval. Where access to the complaint process is restricted, we must signpost the customer to the SPSO.

## **10. How we let people know we have made this decision**

- 10.1 When a staff member makes an immediate decision to respond to aggressive or abusive behaviour, the complainant is advised at the time of the incident. When a decision has been made by a Director the tenant or service user will always 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 the restrictions will in place. This ensures that the tenant or service user has a record of the decision. We will make it clear that they can still request services i.e. repairs whilst their access is restricted.

## **11. The process for appealing a decision to restrict contact**

- 11.1 It is important that a decision can be reconsidered. A tenant or service user can appeal a decision to restrict contact. An appeal could include, for example a tenant or service user saying that: their actions were wrongly identified as unacceptable; the restrictions were disproportionate or that they will adversely impact on them.
- 11.2 A Director not involved in the original decision or the CEO will consider the appeal. They must advise the tenant or service user in writing that either the restricted contact arrangements will still apply or a different course of action has been agreed.

## **12. Training**

12.1 The RSG will ensure that all staff are made aware of the application of this policy during their induction period. All staff who deal with customers on a day-to-day basis will receive training and information on this policy, along with our wider Complaints Handling Procedure and Customer Services Standards.

## **13.0 Related Documents.**

13.1 This policy relates to the following documents:

- RSG Complaints Policy
- RSG Dignity at Work Policy

## **14.0 Review**

14.1 We will review and update this policy every three years. More regular reviews will be considered where, for example, there is a need to respond to new legislation/policy or regulatory guidance.