



## UNACCEPTABLE ACTIONS POLICY

(Ore Valley Group Policy)



Issue No	1
First Approved	
Effective From	
Review Date	
Date of Next Review	June 2023
Review Requirement	2 year

## **Introduction**

We believe that our tenants and other service users have a right to be heard, understood and respected. We work hard to be open and accessible to everyone.

Occasionally, the demands, behaviour or actions of individuals using our service makes it very difficult for us to deal with their request or complaint. In a small number of cases the actions of individuals become unacceptable because they involve abuse of our staff, or an abuse of the policies and procedures we use to deliver our service.

When this happens we have to take action to protect our staff. We also 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 is also to be referenced by all staff members, and used in conjunction with the following procedure note.

## **Unacceptable Actions Procedure**

### **What actions do Ore Valley HA consider to be unacceptable?**

People may act out of character in times of trouble or distress. There may have been upsetting or distressing circumstances leading up to someone contacting us to either request a service or make a complaint, and we recognise that our employees need to be adequately trained to be able to handle these situations.

We do not view behaviour as unacceptable just because a person is forceful or determined about the outcome they would like to see. In fact, we accept that being persistent may sometimes be a positive advantage when pursuing a complaint.

However, we do consider actions that result in unreasonable demands on our service or unreasonable behaviour towards our staff or contractors to be unacceptable. It is these actions that we aim to manage under this Policy.

### **Helping prevent an unacceptable action**

OVHA staff will try to calm a situation before it becomes an unacceptable action. They'll do this where it's safe to do so.

They might:

- remind you that they are here to help as best they can
- let you know that your actions are becoming unacceptable
- tell you what will happen if these unacceptable actions continue
- signpost you to this policy, if appropriate

You'll have the chance to change your behaviour where possible.

### **Aggressive or abusive behaviour**

We understand that there may be occasions when tenants or other service users can be upset or angry when they contact us to request a service or make a complaint. If that anger escalates into aggression towards OVHA staff, we consider that unacceptable. Any violence or abuse towards our

staff or contractors 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 will take into account the circumstances of the person who has contacted us. Language which is designed to insult or degrade, is racist, sexist or homophobic or which makes serious allegations that individuals have committed a criminal act or have breached our staff code of conduct without any evidence is unacceptable. We may also decide that comments aimed not at us but at third parties are unacceptable because they discriminate against particular individuals, groups or interests who are protected under the Equality Act 2010.

### **When an unacceptable action takes place**

Staff who face continued aggressive or abusive behaviour will deal with the situation right away. They'll decide what's right to do in line with this policy.

They'll tell you that your actions are unacceptable. If the behaviour does not change, OVHA staff might:

- end the phone call or webchat
- end the face-to-face meeting
- contact the police

### **Unreasonable demands**

A demand becomes unacceptable when it has, or would have a substantial impact on the work of the office or an individual staff member:

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 staff when that is not possible.
- repeatedly changing the substance of a complaint or raising unrelated concerns.
- repeatedly challenging a 'fair' decision that complies with our approved policy.

An example of such impact would be that the demand takes up an excessive amount of staff time and in so doing disadvantages other tenants or service users.

### **Unreasonable levels of contact**

Sometimes the volume and duration of contact made to our office by an individual causes problems. This can occur over a short period, for example, with a high number of calls, emails or social media messages being received from the same tenant or service user. It may occur over the life-span of a complaint or service request, with repeated unreasonable demands being received from an individual tenant or service user.

When a tenant or service user repeatedly makes long telephone calls or repeatedly contact us by email or social media about the same or similar issues, we consider this level of contact to be unacceptable when the time spent significantly impacts on our ability to respond to that individual, or impacts on our ability to provide our service to others.

## **Unreasonable refusal to cooperate**

When we are providing a service or looking at a complaint, we may need to ask the tenant, service user, or individual who has complained to provide more information. This can include agreeing the service to be provided, or speaking to us so that we can get a better understanding of the complaint or problem that you would like us to resolve. This may also involve the tenant, service user or the individual making the complaint, being asked to provide us with further information, evidence or comments on request; or helping us by summarising their concerns or completing a form for consent or permission.

Sometimes, an individual repeatedly refuses to cooperate and this makes it difficult for us to proceed. We will always seek to assist someone if they have a specific, genuine difficulty complying with a request. However, we consider it is unreasonable to ask for a service or bring a complaint to us and then not respond to our reasonable requests for information.

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

Individuals with complaints about our service have the right to pursue their concerns through a range of means. They also have the right to complain more than once if they have a continuing relationship with us, and subsequent incidents occur. This contact becomes unreasonable when the effect of the repeated complaints is to harass, or to prevent us from pursuing a legitimate aim or implementing a legitimate decision. We consider access to our complaints system to be important and it will only be in exceptional circumstances that we would consider repeated use as unacceptable – but we reserve the right to do so in such cases.

## **Examples of how we manage unacceptable behaviour**

The threat or use of physical violence, verbal abuse or harassment towards our staff, or our contractors is likely to result in us terminating all forms of direct contact with that individual until we can carry out a full investigation. We may report incidents to the Police, and we may take further legal action against individuals where this is deemed necessary.

This will always be the case if physical violence is used or threatened, and in all such cases we will seek to terminate the tenancy agreement if one of our tenants is convicted of this offence.

Staff will end a telephone call or terminate a visit or conversation if they consider the person they are speaking to, is being aggressive, abusive or offensive.

Staff at all levels of the organisation have the right to make this decision, to tell the person that their behaviour is unacceptable and to end the contact with that person if the behaviour persists. Staff will be encouraged to report these incidents to their line manager for further investigation. Appropriate advice and support will be given to staff who are subject to verbal abuse or physical violence when carrying out their duties.

We will not respond to correspondence (in any format) that contains statements that are abusive or contains allegations that lack substantive evidence, or are offensive in nature. Where we can, we will return the correspondence. We will explain why we consider the language used to be offensive, unnecessary and unhelpful and ask the sender to stop using such language. If it is deemed appropriate we will refer any offensive correspondence or communication to the Police for further investigation.

We will state that we will not respond to their correspondence if the action or behaviour continues. In extreme situations, we will tell the person in writing that their name is on a 'no personal contact' list. This means that we will limit contact with them through a third party such as our Solicitor or legal agents.

### **Examples of how we deal with other categories of unreasonable behaviour**

We have to take action when unreasonable behaviour impairs the functioning of our office.

We aim to do this in a way that allows to continue providing essential services where is still reasonable for us to do so.

We will try to ensure that any action we take is the minimum required to solve the problem, taking into account relevant personal circumstances including the seriousness of the action or behaviour, and the needs of the individual.

Where a tenant or service users repeatedly phones, visits the office, emails or sends social media messages about the same or similar issues, or repeatedly challenges a 'fair' decision that complies with our approved policy, we may decide to:

- limit contact to telephone calls from the tenant or service users at set times on set days.
- restrict contact to a nominated member of OVHA staff who will deal with future calls or correspondence from the complainant within an agreed timescale.
- see the tenant or service user by appointment only.
- restrict contact from tenant or service user to office interviews only with two members of staff to be present at all times.
- return any documents to the complainant or, in extreme cases, advise that any offensive correspondence or communication will be referred to the Police for further investigation.
- take action to suspended the person from the Fife Housing Register housing list.
- take any other action that we consider appropriate, including legal action which could result in the termination of the person's tenancy agreement.

Where we consider continued correspondence on a wide range of issues to be excessive, we may tell the complainant that only a certain number of issues will be considered in a given period and we ask them to limit or focus their requests accordingly.

In exceptional cases, we reserve the right to limit or refuse to provide our service. We will take into account the impact on the individual and also whether there are any wider issues that we need to consider in relation to the Equality Act.

We will always tell the complainant what action we are taking and why.

Any staff member who directly experiences aggressive or abusive behaviour from a complainant has the authority to deal immediately with that behaviour in a manner they consider appropriate to the situation and in line with this Policy.

With the exception of such immediate decisions taken at the time of an incident, decisions to restrict contact with a tenant or service user will only be taken after careful consideration of the situation by a senior member of staff. Wherever possible, we will give the tenant or service user the opportunity to change their behaviour before a final decision is taken.

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

When a staff member makes an immediate decision in response to offensive, aggressive or abusive behaviour, the tenant or service user will be advised at the time of the incident.

This incident will then be referred to senior manager for further investigation, the tenant or service user will always be given the reason in writing as to 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. This ensures that the tenant or service has a record of the decision, and has a clear understanding of why the decision has been taken.

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

It is important that a decision can be reconsidered. A tenant or service user can appeal a decision to restrict contact. If they do this, we will only consider arguments that relate to the restriction and not to either the complaint made to us or to our decision to close a complaint.

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 the individual because of personal circumstances.

A senior member of staff who was not involved in the original decision will consider the appeal. They have discretion to revoke 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 or service user in writing that either the restricted contact arrangements still apply or a different course of action has been agreed.

We will review the restrictions every 3, 6 or 12 months or on further request after a period of time has passed.

Each case is different. We will explain in the letter setting out the restriction what review process will be in place for the restriction applied, and in what circumstances they could request this be reconsidered.

## **How we record and review a decision to restrict contact**

We record all incidents of unacceptable actions by tenants and service user. Where it is decided to restrict contact, an entry noting this is made in the relevant file and on appropriate computer records. Each quarter a report on all restrictions will be presented to our Senior Management Team so that they can ensure the policy is being applied appropriately. A decision to restrict complainant contact as described above may be reconsidered either on request or on review.

## **Independent review of our decision to restrict contact**

If you're unhappy with the review decision, you have the right to an independent review. You can ask the [Scottish Public Service Ombudsman](#) to do this. It will carry out an independent review of our decision to apply this policy.

## **Unacceptable Actions Procedures**

The following procedures are to be used by Staff and Senior Managers when they are dealing with

actions considered to be unacceptable in accordance with this Policy.

### [Unacceptable Actions Procedure](#)

#### **Policy Availability**

This Policy will be available on <https://www.orevalleyha.org.uk/page/policies>

Additional copies are available on request and free of charge from the Association's office. A summary can be made available in a number of other languages and in large print.

## **ORE VALLEY GROUP UNACCEPTABLE ACTIONS POLICY**

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Policy drawn up with reference to the following statutory framework:

- Equality Act 2010
  - Housing (Scotland) Act 2001 as amended
  - Housing (Scotland) Act 2010
  - Housing (Scotland) Act 2014
  - The Data Protection Act 2018
  - The Criminal Justice and Licensing (Scotland) Act 2010
  - The Crime and Disorder Act (Scotland) 1998
  - The Antisocial Behaviour Etc. (Scotland) Act 2004
  - Communications Act 2003
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#### **Dates to be approved**

Ore Valley Housing Association Board: 15th June 2021

Next Review Date: June 2023

Colin McInnes - Housing Manager





