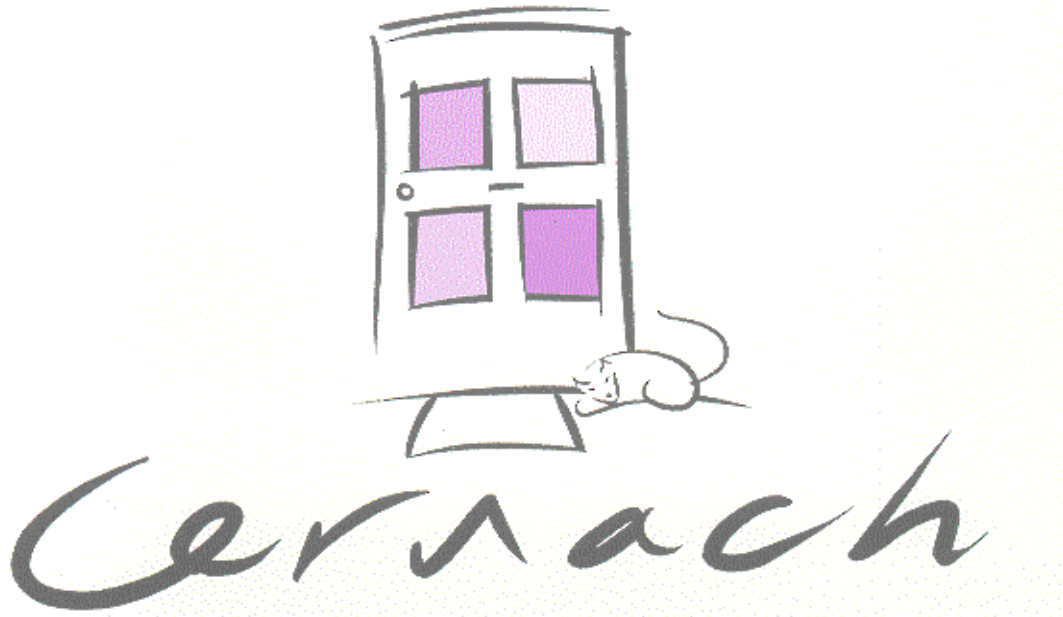


CERNACH HOUSING ASSOCIATION

LIMITED



UNACCEPTABLE BEHAVIOUR POLICY

Date Approved by Management Committee:

September 2018

Due for Review:

September 2021

1. INTRODUCTION

- 1.1 Cernach Housing Association Ltd (CHA) has Customer Service Standards that explain how our staff will behave towards and deal with residents and other customers. It is equally important that our staff should not be subjected to unacceptable behaviour from anyone they deal with in the course of their work.
- 1.2 The Association is committed to providing the highest level of customer service and this is achieved through our Customer Service Standards. These set out not only the key functions staff will undertake in delivering our services, but also their approach and behaviour when interacting with our customers. We have an expectation that customers, in return will behave appropriately towards our staff and that staff will not be subjected to unacceptable behaviour in the course of their work.
- 1.3 The Unacceptable Behaviour Policy is necessary for the efficient management and administration of Cernach Housing Association now and in the future and has been designed to define behaviour which the Association deems to be unacceptable and to put safeguards in place should staff encounter such behaviour.

2. POLICY AIMS

- 2.1 To define what behaviour from residents and other customers we consider to be unacceptable.
- 2.2 To make every effort to ensure that our staff, contractors and agents working on behalf of the Association are able to carry out their duties safely without disadvantage, fear of discrimination or distress caused by unacceptable behaviour.
- 2.3 To give a commitment to our staff and make it clear to tenants, residents and other customers that unacceptable behaviour, by them will not be tolerated and will be dealt with robustly.
- 2.4 To provide guidance when particular circumstances would mean that we would consider a decision to restrict or change access to our service.

3. SCOPE

- 3.1 The Unacceptable Behaviour Policy extends beyond our staff to Board Members, contractors, consultants and other agents working on behalf of the Association. Our view is very clear in that no one should be subjected to unacceptable behaviour when representing or working with or for the Association.

4. LINKS TO RELEVANT LEGISLATION

- 4.1 The Unacceptable Behaviour Policy is framed within the context of and complies with relevant legislation, which includes:
- a) The Equalities Act (2010)
 - b) The Human Rights Act (1998)
- 4.2 This Policy also complies with the Association's various tenancy agreements.

5. LINKS TO INTERNAL POLICIES

- 5.1 This Policy should be used in conjunction with other relevant CHA policies and procedure, which include:
- a) Neighbour Complaints and Anti Social Behaviour Policy and Procedure
 - b) Complaints Policy and Procedure
 - c) Dignity at Work policy
 - d) Equality & Diversity policy
 - e) Health & Safety at Work policy
 - f) Lone Working Policy and Procedure
 - g) Stress Management

6. DEFINITIONS

- 6.1 For the purposes of this Policy, the term customer refers to:
- a) Current or former CHA tenants

- b) Private tenants, owner occupiers or local landlords
- c) Housing applicants
- d) Visitors to any property owned by CHA including people's homes and CHA office or other premises
- e) Friends, relatives, carers, advocates or a person or group acting on behalf of a customer or group of customers
- f) Care and Repair clients, their relatives or representatives
- g) Elected members
- h) Suppliers and contractors
- i) Members of the general public

6.2 For the purposes of this Policy, the term 'staff' refers to:

- a) Staff directly employed by Cernach Housing Association
- b) CHA Board Members
- c) Staff employed by contractors or suppliers to Cernach Housing Association when they are working on behalf of CHA
- d) Any agent working on behalf of Cernach Housing Association
- e) Any person working with Cernach Housing Association on a voluntary basis

6.3 For the purposes of this Policy, there are five main categories of unacceptable behaviour. These are:

- a) Unreasonable behavior
- b) Aggressive or abusive behavior
- c) Unreasonable demands
- d) Unreasonable persistence
- e) Vexatious behaviour

6.4 We will not deem behaviour to be unacceptable just because a customer is determined or forceful when making reasonable requests or complaints. We also appreciate that there may be circumstances where a customer is angry or upset and this will be taken into account when considering whether or not their actions are unacceptable.

7. ROLES AND RESPONSIBILITIES

- 7.1 Any staff or Board Member who believes they have experienced unacceptable behaviour from anyone from the list at 6.1, must take responsibility for raising a concern, as outlined in the Unacceptable Behaviour Procedure.
- 7.2 Managers should deal with reported incidents of unacceptable behaviour within the timescales set out in the Unacceptable Behaviour Procedure's timescales.

8. EQUALITY AND DIVERSITY

- 8.1 The Association will comply with the terms of our Equality and Diversity policy when dealing with incidents of unacceptable behaviour. We will take into account the individual circumstances of the staff member and the customer involved when investigating an incident and determine the most appropriate course of action.
- 8.2 No one will be unlawfully discriminated against because of their race, colour, ethnic or national origin, language, religion, belief, age, gender, sexual orientation, marital status, family circumstances, employment status, physical ability or mental health.

9. POLICY REVIEW

- 9.1 The Unacceptable Behaviour Policy will be formally reviewed every three years by the leadership team in consultation with staff and customers to ensure the aims of the Policy are being met.
- 9.2 The accompanying Procedure will be reviewed, amended and updated as is necessary in order that it remains relevant and fit-for-purpose.
- 9.3 Appropriate training for staff and Board Members will be arranged to ensure that the policy is both understood and being adhered to. The Policy will also form part of induction training for new staff and new Board Members.

10. DEFINITIONS OF UNACCEPTABLE BEHAVIOUR

- 10.1 Customers in some instances pursue requests for information or make complaints that are unreasonable.

10.1.1 Examples of this type of behaviour include:

- a) Refusing to specify the details of a complaint, despite offers of assistance.
- b) Changing the basis of a complaint/request as the matter proceeds.
- c) Denying or changing statements made at an earlier stage.
- d) Making unjustified complaints about staff who are trying to deal with an issue and requesting to have them replaced.
- e) Covertly recording meetings and conversations.
- f) Submitting falsified documents from themselves or others.
- g) Refusing to accept a decision; repeatedly arguing points with no new evidence.
- h) Persistently seeking an outcome which the Association has already explained is unrealistic for policy, legal or other valid reasons.

10.2 Aggressive or abusive behaviour: This type of behaviour includes physical, verbal or written behaviour which may cause staff to suffer harm, or to feel afraid, intimidated, threatened or abused.

10.2.1 Examples of this type of behaviour include:

- a) Physical violence against a person.
- b) Physical violence against objects such as kicking, defacing or destroying property.
- c) Threats.
- d) Personal verbal abuse.
- e) Derogatory or insulting remarks.
- f) Persistent shouting.
- g) Persistent swearing.
- h) Unwelcome or rude gestures.
- i) Statements intended to or likely to cause offence
- j) Unsubstantiated allegations.
- k) Sexist, racist, homophobic or any other discriminatory comments/abuse.

10.2.2 We consider the use of social networking sites and the internet to perpetrate or encourage aggression and/or abuse including any of the above types of behaviour towards our staff to be unacceptable behaviour. (The Association will consider any messages posted via

social media or other internet based media, including email, in the same light as any written or spoken communication.)

10.3 Unreasonable Demands: Customers may make what can be considered as unreasonable demands on our staff through the amount of information they seek, the scale of the service they expect or the number of approaches or complaints that they make regarding the same issue.

10.3.1 We consider demands to be unreasonable when they impact substantially on the work of staff, for example by taking up an excessive amount of time which is disproportionate to the issue. This is likely to disadvantage other customers as it can impact on the service that can be provided to them.

10.3.2 Examples of this type of behaviour include:

- a) Demanding responses within an unreasonable timescale.
- b) Insisting on meeting with or speaking only to a particular member of staff.
- c) Making persistent phone calls or persistently contacting CHA by other means.

10.4 Repeat Unreasonable Persistence: We recognise that some customers will not or cannot accept that we are unable to assist them further or provide a level of service other than that provided already. Customers may persist in disagreeing with the action or decision taken in relation to their concern or contact our office persistently about the same issue. We consider the actions of persistent customers to be unacceptable when they take up a disproportionate amount of time and resources. Customers who feel frustrated when they believe that they are not receiving appropriate satisfaction from the Association can pursue a complaint, ultimately to the Scottish Public Services Ombudsman or other relevant independent organisation.

10.4.1 Examples of this type of behaviour include:

- a) Persistent refusal to accept a decision made in relation to a complaint.
- b) Refusal to accept explanations relating to what can and what cannot be done.

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- c) Continuing to pursue a complaint without presenting any new information, although this does not preclude customers from pursuing a complaint through the Cernach complaints process.
 - d) Unwillingness to accept the terms of a tenancy agreement or title conditions where these terms are clear and unambiguous.
- 10.5 Vexatious Behaviour: We consider vexatious behaviour to be when customers complain to cause unnecessary aggravation, frustration or inconvenience rather than to resolve a genuine issue. Their complaint may be based on fictitious events or extreme exaggerations of very minor service issues.

10.5.1 Examples of this type of behaviour include:

- a) Where the requester states the request is actually meant to cause significant inconvenience, disruption or annoyance.
- b) Requests for information the customer has already seen or demonstrates a clear intention to reopen issues that have already been considered.
- c) Customers who have developed an opportunity to complain by their own actions, or lack of actions, creating or making a situation worse, and then complaining about it.

11. RAISING AWARENESS OF UNACCEPTABLE BEHAVIOUR

- 11.1 A copy of the Association's Unacceptable Behaviour Policy will be part of the information provided to new tenants, new owners and will be referred to in any future Written Statement of Services for owners.
- 11.2 Housing Officers should emphasise that unacceptable behaviour will not be tolerated during the sign-up of new tenancies.
- 11.3 Team meetings will be used to openly discuss cases of unacceptable behaviour and actions taken in all departments.
- 11.4 Our website, office literature and tenant newsletters will be used to raise awareness of the Unacceptable Behaviour Policy.
- 11.5 Line managers should take responsibility for ensuring contractors and others as appropriate are aware of our Unacceptable Behaviour Policy.
- 11.6 Appropriate signage, which advise customers that abusive behaviour will not be tolerated, should be placed in locations where they can clearly be seen by customers.

12. MANAGING UNACCEPTABLE BEHAVIOUR

- 12.1 There are relatively few customers whose actions we consider unacceptable. How we aim to manage these actions depends on their nature and extent. If it adversely affects our ability to do our work and provide a service to others, we may need to restrict a customer's contact with our office in order to manage the unacceptable behaviour.
- 12.2 In all cases a manager will contact the customer to explain what actions we consider unacceptable and why, ask them to amend their behaviour, and explain what actions we will take if they do not. Where we have to take action we will tell the customer in writing what action we are taking and why.
- 12.3 We may offer to meet the customer to discuss the unacceptable actions and agree a way forward. It may be appropriate in some cases to engage external experts, such as independent mediators, to assist us in resolving a situation.
- 12.4 We may advise the customer that we consider the issue(s) fully responded to and that continuing correspondence on the issue(s) would serve no useful purpose. In these circumstances future correspondence relating to the issue(s) will be noted and filed but will not be acknowledged or responded to unless it contains new significant information which we consider require action or
- 12.5 We may advise the customer that we can only consider a certain number of issues within a given time period and ask them to limit or focus their request accordingly.
- 12.6 We may restrict customer contact with our office. For example, we may:
- a) Only take calls from the customer during specified times and days.
 - b) Arrange for a specific member of staff to deal with calls or correspondence from the customer.
 - c) Require the customer to make an appointment to see a named member of staff before visiting the office.
 - d) Restrict email contact, which is immediate and easily abused.
 - e) Require the customer to communicate in writing or through a third party and add them to a 'no personal contact' list.
 - f) Take other action that we consider appropriate.

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- 12.7 Customers will be notified in writing with details of any restrictions being imposed and the duration that these will apply. Aggressive or abusive behaviour
- 12.8 The threat or use of physical violence, verbal abuse or harassment towards staff is likely to result in a customer being added to a 'no personal contact' list. All incidents where physical violence is used or threatened will be reported to the police. Verbal abuse or harassment may also be reported to the police if it is sufficient to cause fear and alarm to a member of staff.
- 12.9 Customer correspondence that is abusive to staff or which contains unsubstantiated allegations of a serious nature will be dealt with by informing the customer in writing why we consider what they have written to be unacceptable. We will ask them to stop communicating in this way and advise that we will not respond to future abusive correspondence. If this behaviour continues we may apply any of the restrictions listed at 12.6 and 12.11-12.17.
- 12.10 We will end telephone calls if the caller is considered aggressive, abusive or offensive. All staff have the right to make this decision, they must tell the caller that the behaviour or language is unacceptable and end the call if the behaviour does not stop.
- 12.11 With the exception of incidents where immediate action is required, decisions to restrict contact are only taken after careful consideration of the situation by a relevant Manager. Wherever possible we will give a customer the opportunity to modify their behaviour or action before a decision is taken.
- 12.12 We aim to restrict contact in a way that allows the customer to continue receiving a service from us and continue to progress through any process they are currently involved in. We will aim to maintain at least one form of contact except in extreme situations where we will require all contact to be through a third party and add the customer to a 'no personal contact' list.
- 12.13 Staff who directly experience aggressive or abusive behaviour from a customer have the authority to deal with that behaviour immediately in a manner they consider appropriate to the situation and in line with this policy.

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- 12.14 We will tell customers in writing why a decision has been made to restrict future contact, the restricted contact arrangements and the length of time that the restriction will be in place.
- 12.15 We will ensure relevant staff are informed of any restrictions put in place.
- 12.16 Any decision to restrict customer contact must be made in the relevant file and on the Housing Management IT system.
- 12.17 We will report on the number of customer's subject to Unacceptable Behaviour restrictions annually to the Board.
- 12.18 A customer has the right to appeal against a decision to restrict contact. The customer should be advised in writing about this right and the contact details of the Director to whom their appeal should be addressed. The Director will advise the customer in writing that either the restricted contact arrangements will remain in force or a different course of action has been agreed.
- 12.19 At this stage we will advise the customer of their right to contact the Scottish Public Services Ombudsman (SPSO) or other relevant independent organisation if they believe our decision to restrict contact is unjust. Recording and reviewing decisions to restrict contact
- 12.20 We record all incidents of unacceptable actions and any decision taken to restrict customer contact.
- 12.21 The Housing Services Manager will review the status of all customers with restricted contact arrangements regularly. A decision may be reconsidered, and restrictions may be lifted or eased if a customer demonstrates a more acceptable approach.

13. EQUALITY & DIVERSITY

- 13.1 The Association's Equality and Diversity policy, which was approved by the Committee in April 2018 following community consultation, outlines our commitment to promote a zero tolerance to unfair treatment or discrimination to any person or group of persons, particularly on the basis of any of the protected

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characteristics¹. This includes ensuring that everyone has equal access to information and services and, to this end, the Association will make available a copy of this document in a range of alternative formats including large print, translated into another language or by data transferred to voice.

- 13.2 We are also aware of the potential for policies to inadvertently discriminate against an individual or group of individuals. To help tackle this and ensure that it does not occur, best practice suggests that organisations carry out Equality Impact Assessments to help identify any part of a policy that may be discriminatory so that this can be addressed (please see section 6 of the Equality and Diversity policy for more information).
- 13.3 In line with section 6.2 of the Equality and Diversity policy, the Association will apply a screening process based on that recommended by the Equality and Human Rights Commission to ascertain whether each policy requires an Impact Assessment to be carried out. The screening process was applied to this policy and it was decided that an impact assessment was not required.

¹ The Equality Act 2010 identifies the “protected characteristics” as age, disability, marriage and civil partnership, race, religion or belief, gender, gender reassignment and sexual orientation.