

## UNACCEPTABLE BEHAVIOUR POLICY

### 1. Introduction

- 1.1 On a daily basis we encounter individuals from all walks of life, and with varying personal circumstances. It is inevitable that some will be classed as vulnerable, while others may exhibit behaviour or actions that we may consider as being challenging. Our staff can be confronted by a range of difficult situations and are trained and experienced in dealing with these. 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.
- 1.2 We recognise 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 we can identify where behaviour is unacceptable or unreasonable; and that we have appropriate arrangements in place for managing such situations.
- 1.4 This Policy sets out how we define unacceptable behaviour and the principles we will apply in dealing with it.

### 2 Policy Implementation

- 2.1 This Policy aims to complement our Complaints Policy and Complaints Handling Procedures. In accordance with these we will always do our best to resolve any dissatisfaction that a member of the public may express about our action or lack of action, or about standards of service they receive from us. We do not view complaints in themselves as unacceptable and indeed recognise their value in helping us improve our services. We will offer all complainants an equal right to be heard, understood and respected. It is the way in which an individual communicates with us in relation to a complaint however, that may be considered as unacceptable behaviour.
- 2.2 To this end we are acutely aware of the rights of staff members and the duty of care Ayrshire Housing has as an employer. In particular, this Policy aims to balance the need to respect the rights and expectations of individual service users and provide effective, consistent and responsive services, with the over-riding need to protect staff from all forms of abuse and harassment in the course of their duties.

- 2.3 The Policy aims to ensure the steps we take to address instances of unacceptable behaviour are proportionate to the nature and seriousness of the circumstances arising.

We retain the right to restrict or change access to our services or determine how an individual can access our services.

### **3 Defining Unacceptable Actions**

- 3.1 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. We group these actions under three broad headings.

#### Aggressive or Abusive Behaviour

- 3.2 We understand that customers may have genuine cause to be angry, if for example they feel we have failed to meet their expectations or caused them unnecessary difficulties. We consider it unacceptable however, if that anger escalates into aggression towards staff. Aggression can include physical acts of violence that may result in harm or injury. It also includes behaviour or language (whether verbal or written) that may cause staff to feel afraid, threatened or abused. This can include threats, physical violence, personal verbal abuse, derogatory remarks and rudeness. We also consider inflammatory statements and unsubstantiated allegations to be abusive behaviour.
- 3.3 We will not tolerate any form of violence or abuse towards staff and expect all customers to display courtesy and respect.

#### Unreasonable Demands

- 3.5 Individuals may make what we consider unreasonable demands on staff, as a result 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 us. 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 through a complaint.
- 3.6 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, continual telephone calls, letters or emails, or repeatedly raising unsubstantiated complaints.

- 3.7 We consider 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 service users.

#### Unreasonable Persistence

- 3.8 We recognise that some customers will not or cannot accept that we are unable to meet their demands or provide a level of service other than that provided already. Others may persist in disagreeing with a decision we have taken. This may result in the same issue being raised with us repeatedly, or persistent requests regarding the same matter.
- 3.9 Examples of actions grouped under this heading include persistent refusal to accept a decision made, persistent refusal to accept explanations relating to what we can or cannot do or accept the reasonableness of our published timescales, and continuing to pursue a complaint or other matter without presenting any new information. (In such circumstances we will remind customers of the provisions of our Complaints Handling Procedures). The way in which these customers approach us may be entirely reasonable, but their persistent behaviour in continuing to do so is not.
- 3.10 We consider the actions of persistent complainants to be unacceptable if they start to impact substantially on the work of staff, including taking up an excessive amount of time to the disadvantage of other service users.

## **4 Managing Unacceptable Actions**

- 4.1 We anticipate that customers displaying unacceptable behaviour or actions will be a relatively rare occurrence. Our 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 us. For example, where the customer is a tenant, we are 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 us 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 is likely to result in the ending of all direct contact with the customer. Such incidents will normally be reported to the police.
- 4.3 We 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.
- 4.4 We will not deal with correspondence (letter, fax or electronic) that is abusive to staff or contains allegations that lack substantive evidence. When this happens,

we will tell the complainant that we consider their language offensive, unnecessary and unhelpful.

We will ask them to stop using such language and state that we will not respond to their correspondence if they do not stop. We may require future contact to be through a third party.

- 4.5 Staff will end telephone calls if the caller is considered aggressive, abusive or offensive. The staff 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.
- 4.6 In all cases where aggressive or abusive behaviour is experienced, we will record relevant details on our housing and document management systems. This will include an appropriate level of factual information about spoken words and physical actions. As far as possible the outcome of the contact should also be recorded.

#### Unreasonable Persistence or Demands

- 4.7 Where the behaviour or actions are not aggressive or abusive, but instead adversely affects our ability to maintain normal business and provide a service to others, we will consider restricting contact in order to manage the situation. We will aim to do this in a way, wherever possible, that allows a customer to retain fair, reasonable and equal access to our services when required. We 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.
- 4.8 We may restrict contact to methods including in person, by telephone, fax, letter or electronically or to any combination of these.

In addition, we may:

- only take telephone calls at set times on set days or put an arrangement in place for only one member of staff to deal with calls or correspondence in the future;
- require the individual to make an appointment to see a named member of staff before visiting the office or that contact with the office is in writing only;
- return any documents we consider irrelevant or excessive to the individual or, in extreme cases, advise that further irrelevant documents will be destroyed; and
- take other action that we consider appropriate.

- 4.9 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.

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

## **5 Deciding to Restrict Contact**

- 5.1 Staff 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 generally 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 us will only be taken after careful consideration of the situation by the relevant head of service. Wherever possible, we will give the individual an opportunity to modify their behaviour or actions before a decision 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 we will review our decision as and when they demonstrate a more acceptable approach. We will record all decisions to restrict contact, and any associated conditions or arrangements, in our housing and document management systems.

## **6 Equalities and Human Rights**

- 6.1 Ayrshire Housing is committed to equal and fair treatment of all sections of the community. Accordingly, no person will be discriminated against during the implementation of this policy on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. In delivering this policy, Ayrshire Housing's staff will comply fully with the requirements of the association's Equalities and Human Rights Policy.

## **7 Complaints or Disagreement with a Decision to Restrict Contact**

- 7.1 We do not operate a specific appeals process relating to decisions to restrict contact. Expressions of dissatisfaction with our action or disagreement with our decision are within the scope of our detailed Complaints Handling Procedure. In

such situations, individuals will be advised that they may pursue the matter in accordance with this Procedure and request a Stage 2 Investigation.

- 7.2 Any individual who is dissatisfied with the service experienced should be encouraged to provide feedback. Complaints regarding the implementation of this policy will be dealt with in accordance with the association's Corporate Complaints Handling Policy and associated procedures.

## **8 Review**

This Policy will be reviewed every five years or earlier where there is a requirement.