



Unacceptable Actions Policy

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Notes:

New Gorbals Housing Association is generally referred to as “we” throughout this document.

The term ‘service user’ is predominantly used to refer to tenants, factored owners and applicants but also refers to complainants, members of the local community that we have interaction with, community representative, individuals requesting information and individuals who are involved in groups that we have a connection to.

1. INTRODUCTION

New Gorbals Housing Association (NGHA) employees meet many people in the course of our work activities; in most cases, these interactions are positive and productive for all parties.

Occasionally, the behaviour or actions of individuals we have dealings with makes it impossible for us to continue any constructive engagement. In this small number of cases, we must consider taking steps to protect our staff and to ensure that our ability to carry out our work activities effectively is not undermined. We aim to manage these actions under this Policy.

We want to support staff in delivering clear and consistent messages with regard to unacceptable actions. Therefore, the Association has adopted the following statement on staff safety:

“The safety and well-being of our people is our priority. They have the right to work without the threat of or actual abuse whether physical, verbal or written (including public postings on social media).

We understand that sometimes we have to deal with people who are upset, angry or frustrated but we have zero tolerance of any act of violence or aggression towards our staff, which makes an individual feel threatened.

If you are aggressive, abusive, speak, write or behave unreasonably towards a member of our staff we will take action. This may include action for breach of your tenancy agreement, restricting your contact with us, seeking an interdict and reporting the matter to Police Scotland as appropriate.

Our staff will do their best to help you”

The policy will define the unacceptable actions that we consider could result in unreasonable demands on our business activities or unreasonable behaviour towards our staff. It will also outline the approach NGHA will take with service users whose actions or behaviour towards staff are considered unacceptable.

This policy takes account of, amongst others, the Scottish Housing Regulator’s and Scottish Public Services Ombudsman’s Unacceptable Actions Policies and has been adopted by NGHA as best practice.

The Housing (Scotland) Act 2010 established the Scottish Social Housing Charter. The Charter contains three outcomes relating to the Customer/Landlord relationship. These outcomes have been considered in the development and review of this policy.

2. AIMS AND OBJECTIVES

NGHA believe that all our service users have the right to be respected. We also believe that our staff members have this same right.

Through this policy, we aim to:

- 2.1 Deal fairly, honestly, consistently and appropriately with all service user contacts, believing that all have the right to be heard, understood and respected;
- 2.2 Be open and transparent in our dealings with all service users, including those whose actions we may consider unacceptable.
- 2.3 Avoid raising expectations beyond what we can reasonably be expected to deliver;
- 2.4 Define unacceptable actions and outline the process to be followed when dealing with service users who behave in an unacceptable manner;
- 2.5 Provide an accessible service whilst retaining the right to restrict or change access to our service where we consider a service user's actions to be unacceptable;
- 2.6 Ensure that other service users and staff do not suffer any disadvantage from service users who act in an unacceptable manner.

3. DEFINITION OF UNACCEPTABLE ACTIONS

We do not simply view behaviour as unacceptable because a service user is forceful or determined. We appreciate that a service user may act out of character in times of trouble or distress and may have experienced upsetting or distressing circumstances leading up to a complaint or concern being raised with us.

There may be incidences of behaviour which an individual may find challenging but it would be reasonable to expect an experienced, confident member of staff to be able to deal with in most circumstances. This would not be considered an unacceptable action.

However, we consider certain behaviours towards our staff, and actions that place unreasonable demands on our business, as unacceptable.

We have grouped actions that we believe are unacceptable under the following broad headings:

- 3.1 Threats, violence and abusive behaviour
- 3.2 Unreasonable behaviour
- 3.3 Unreasonable demands
- 3.4 Unreasonable persistence
- 3.5 Vexatious behaviour

3.1 Threats, violence and abusive behaviour

We understand that service users may be annoyed by, or unhappy with, an experience they have had with NGHHA. However, where annoyance escalates into anger and aggression towards NGHHA staff we consider this unacceptable. Violent or aggressive behaviour towards staff will not be tolerated under any circumstances.

This category covers:

- 3.1.1 Aggression that may result in physical harm; and
- 3.1.2 Behaviour or language, regardless of how it is communicated, that may cause staff to feel upset, afraid, threatened or abused.

This includes:

- 3.1.3 Use of unacceptable language that is designed to insult or degrade, is racist, sectarian, sexist, homophobic, or makes serious allegations that individuals have committed criminal, corrupt or perverse conduct without any evidence;
- 3.1.4 Use of intimidating or threatening language or body language;
- 3.1.5 Aggressive or abusive comments (regardless of how they are communicated) directed at an NGHHA staff member;
- 3.1.6 Aggressive or abusive comments, (regardless of how they are communicated) received by a NGHHA staff member but not aimed directly at NGHHA or its staff, because of the effect that listening to or reading such language may have.

Further examples of this type of behaviour include:

- 3.1.7 Threats;
- 3.1.8 Physical Violence;
- 3.1.9 Personal verbal abuse;
- 3.1.10 Shouting;
- 3.1.11 Swearing;
- 3.1.12 Derogatory remarks;
- 3.1.13 Personal goading;
- 3.1.14 Rudeness;
- 3.1.15 Inflammatory statements.

Overall, we take threats, violence, abuse and harassment of staff very seriously. The threat or use of physical violence, verbal abuse, racial or other discriminatory remarks or harassment towards staff is likely to result in NGHHA restricting direct contact with the customer. This includes abuse or

harassment based on age, physical or mental disability, gender identity or sexual orientation, race, ethnicity or national identity or religious belief.

3.2 Unreasonable Behaviour

When we are investigating a complaint or an issue, we will ask the service user to work with us to establish the facts. This can include agreeing with us the specific nature of the complaint that we will be required to investigate. We consider it unreasonable to bring a complaint to us and then not respond to reasonable requests for information or access to investigate the complaint fully.

This category covers:

- 3.2.1 Requests for information and or/complaints made and/or pursued in a way that puts unreasonable demands on our business to the detriment of other service users.
- 3.2.2 Examples of this type of behaviour include:
- 3.2.3 Refusing to specify the details of a complaint or provide us with further information, evidence or statements when reasonably requested;
- 3.2.4 Refusing to co-operate, despite offers of assistance, with a reasonable request which makes it difficult for us proceed with our investigations or work activities;
- 3.2.5 Denying or substantially changing statements made at an earlier stage;
- 3.2.6 Making unjustified complaints about members of staff who are trying to deal with the matter and/or requesting to have them replaced without due cause.

3.3 Unreasonable demands

A demand becomes unreasonable when it starts to (or when complying with the demand would) impact substantially on the work activities of NGHA and/or works to the significant detriment of other service users. If demands have a negative impact on the work activities of our office and our ability to provide a service, such as taking up a disproportionate amount of staff time and/or resources to the detriment of other service users or Association functions, then these actions can be considered as unreasonable.

What amounts to unreasonable demands depends on the circumstances surrounding the behaviour and the seriousness of the issues raised by the service user.

This category covers:

- 3.3.1 The amount of information sought by a service user;
- 3.3.2 The nature and scale of service the service user expects;

- 3.3.3 The timescale in which the service user expects a response or resolution; and
- 3.3.4 The number of approaches the service user makes to different staff members regarding the same issue.

Examples of this type of behaviour include:

- 3.3.5 Demanding responses within an unreasonable timescale;
- 3.3.6 Insisting on seeing or speaking to a particular member of staff;
- 3.3.7 Excessive phone calls, emails or detailed letters;
- 3.3.8 Sending excessive amounts of correspondence where the relevance is not clear;
- 3.3.9 Repeatedly changing the substance of a complaint or raising unrelated concerns.

3.4 Unreasonable Persistence

This category may apply when a full and final decision on a matter has been communicated at the end of a process, or when a service user does not pursue the matter through the relevant procedure but continues to raise it. Staff will advise all service users on how they can progress a complaint in line with our Complaints Handling Procedure.

This category covers:

- 3.4.1 Contacting the office relentlessly about the same issue and being unwilling to accept that we are unable to assist further or provide a level of service other than that which is provided already;
- 3.4.2 Persistent refusal to accept the action or decision taken;
- 3.4.3 Refusal to lodge an appeal with the Scottish Public Sector Ombudsman when dissatisfied with NGHA's full and final response.

Further examples of this type of behaviour include:

- 3.4.4 Persistent refusal to accept a decision made;
- 3.4.5 Persistent refusal to accept explanations relating to our decisions or actions;
- 3.4.6 Persistent refusal to follow relevant procedures;
- 3.4.7 Excessive levels of contact which impacts on our ability to deal with the issues and/or affects services given to others;
- 3.4.8 Continuing to pursue an issue we consider resolved or closed without presenting any new information.

3.5 Vexatious Behaviour

A complaint becomes vexatious, and therefore unacceptable, when a complainant is acting to cause unnecessary aggravation, distress or disruption without any proper or justified cause, rather than to resolve a dispute.

Individuals with complaints about an NGHA service have the right to pursue their concerns through the Complaints Handling Procedure. Complainants also have the right to complain more than once, where they have a continuing service relationship with the Association, if subsequent incidents occur.

Examples of vexatious behaviour can include, but is not limited, to any one or a combination of the following:

- 3.5.1 Continuing to raise the same issue where it is unreasonable to do so, (for example, providing no new evidence to support the complaint) after exhausting the Complaints Handling Procedure;
- 3.5.2 Insisting an adequate response hasn't been received despite the Association being satisfied that the complaint has been dealt with fully under the Complaints Handling Procedure;
- 3.5.3 Requesting information that has already been seen;
- 3.5.4 A clear intention to reopen issues that have already been considered and dealt with;
- 3.5.5 Unwillingness or inability to specify the precise issues they wish to be investigated, or provide the evidence required to investigate their complaint, despite efforts to help them do so by NGHA staff;
- 3.5.6 Changing the substance of the complaint by persistently raising new issues or further questions after receiving a response, but the essence of the complaint remains the same;
- 3.5.7 Excessive contact with NGHA staff (e.g. copying large amount of e-mails to a number of Officers or Managers simultaneously) which unnecessarily consumes the Association's resources (and disadvantages other service users), and prevents their own complaint from being dealt with quickly;
- 3.5.8 Unreasonable demands or expectations, e.g. insisting on a response being provided more urgently than is reasonable, practical or appropriate;
- 3.5.9 Persisting in expecting a response from NGHA when the nature of the complaint is beyond NGHA's remit, and the appropriate channel for resolving their issue or appealing the decision has been advised;
- 3.5.10 Clearly meaning to cause inconvenience, disruption or annoyance to the Association's business activities, staff or reputation.

4. UNACCEPTABLE USE OF SOCIAL MEDIA

- 4.1 Contact, (including being tagged into a post or comment) with NGHA (including one of our projects or staff members), received via social media platforms that is threatening, intimidating or abusive towards staff, or which contains inflammatory statements or unsubstantiated allegations designed to damage the reputation of NGHA or its staff is unacceptable and will be removed and or reported where appropriate.
- 4.2 Content on social media sites that has not been sent directly to NGHA, or NGHA has not been tagged in, that is threatening, intimidating or abusive towards staff, or which contains unsubstantiated allegations designed to damage the reputation of NGHA or its staff, is unacceptable and will be reported to the relevant moderator. Service users who post unacceptable content will also be blocked from viewing or commenting on NGHA profiles, where appropriate.
- 4.3 Service users behaving in an unacceptable manner over social media towards NGHA or one of our projects or staff may be contacted and advised why the behaviour is not acceptable. NGHA may also seek legal advice and, where appropriate, correspondence received via social media which may contravene the Malicious Communications Act 1988 (Section 1) or Communications Act 2003 (Section 127) will be reported to Police Scotland.

5. GROUPS

We work to foster positive relationships with local groups and the wider community. If relationships break down with a group, or individuals acting on behalf of a group, and we are no longer able to engage constructively with the group or an individual(s) representing the group, we may have to take steps to protect our staff and ensure our ability to carry out work activities effectively is not undermined. We aim to manage these actions under this policy.

We have various degrees of involvement with groups of individuals who are working in the community, including:

- 5.1 Directly sponsoring and administering some housing related groups such as the Tenants Panel and some tenants and residents groups that represent their specific area.
- 5.2 Providing support to independent or 'standalone' groups, in our role as community anchor. This could be in the form of helping set up or constitute groups and/or providing support to access funding or other resources.
- 5.3 Attending meetings of groups or organisations in our capacity as the local housing provider or community anchor.
- 5.4 Working in partnership with a local group to deliver a project that is of benefit to the local community.

We will take whichever steps we deem are appropriate to manage actions, taken by a group we are working with or an individual(s) representing that group, that make unreasonable demands on our business activities or result in unreasonable behaviour towards our staff. These actions may include;

- 5.5 Any appropriate action that is outlined under sections 6 and 7 of this policy,
- 5.6 Working with the group, if sponsored by NGHA, to implement their code of conduct;
- 5.7 Withdrawing resources;
- 5.8 Limiting staff contact with the group to a manager;
- 5.9 Terminating contact with the group;
- 5.10 Discussing the unacceptable actions with the group's Management Committee or equivalent;
- 5.11 Taking legal advice and, if necessary, appropriate legal action.

6. MANAGING UNACCEPTABLE ACTIONS

6.1 Unreasonably demanding, persistent, and vexatious actions

- 6.1.1 In all cases we will contact the service user to explain what actions we consider unacceptable and why. We will ask them to amend their behaviour and explain what actions we may take if they do not.
- 6.1.2 Where we must act, we will tell the service user in writing what action we are taking and why.
- 6.1.3 We may offer to meet the service user at our office to discuss the unacceptable actions and agree a way forward.
- 6.1.4 It may be appropriate in some cases to engage external experts, such as independent mediators, to assist us in resolving a situation.
- 6.1.5 We may advise the service user 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 we will advise the service user of the Unacceptable Actions appeals procedure and advise that future correspondence to the Association relating to the issue(s) will be noted and filed but will not be acknowledged or responded to unless they contain significant new information which we consider requires further action or response.
- 6.1.6 We may advise the service user 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.
- 6.1.7 We may restrict service user and complainant contact with our office (see Section 7: Restricting Contact).

6.2 Aggressive or abusive behaviour

- 6.2.1 All members of staff have the right to make the decision to terminate telephone calls if the caller is considered aggressive, abusive or offensive. The staff member must tell the caller that the behaviour or language is unacceptable and confirm that the call will be terminated if the unacceptable behaviour does not stop.
- 6.2.2 The threat or use of physical violence, verbal abuse or harassment towards staff will not be tolerated and will result in us taking steps to manage contact with the service user, (see Section 7: Restricting Contact). All incidents where physical violence is used or threatened will be reported to Police Scotland. Verbal abuse or harassment may also be reported.
- 6.2.3 Where appropriate we will explore our legal options which may result in breach of tenancy action or raising an interdict.

7. RESTRICTING CONTACT

- 7.1 Except for incidents where immediate action is required, decisions to take action to restrict contact are only taken after careful consideration of the situation by a relevant Senior Manager. Wherever possible we will give the service user the opportunity to modify their behaviour or action before a decision is taken to restrict contact.
- 7.2 We will aim to manage restricted contact in a way that allows the service user to continue receiving a service from us and to continue to progressing through any process they are currently involved in. We will aim to maintain at least one form of contact except in exceptional circumstances where it may be necessary that all contact is through a third party e.g. NGHA's solicitors.
- 7.3 In instances where a decision has been taken to restrict a tenant's contact, sufficient provision will be made to allow the tenant to report out of office hours emergency repairs and other emergency tenancy issues.
- 7.4 We will tell service users in writing why a decision has been made to restrict future contact as well as our plan to manage the restricted contact and the length of time that this restricted contact will be in place.
- 7.5 We will ensure relevant staff are informed of any restrictions on contact that are put in place.
- 7.6 Staff who directly experience aggressive or abusive behaviour from a service user have the authority to deal with that behaviour immediately in a manner they consider appropriate to the situation and in line with this policy and associated staff procedures.

We may restrict contact by:

- 7.7 Only taking calls from the service user or complainant at set times and days;
- 7.8 Arranging for only one member of staff to deal with calls or correspondence from the service user;
- 7.9 Requiring the service user to make an appointment to see a named member of staff before visiting the office;
- 7.10 Restricting email and/or social media contact, which is easy to abuse;
- 7.11 Only communicating with the service user through a third party e.g. NGHAs solicitors or other relevant advisor;
- 7.12 Taking any other action considered appropriate including, in truly exceptional circumstances, terminating contact with the customer.

8. LIMITATIONS ON RESTRICTING CONTACT

In deciding to restrict contact, we will not attempt to restrict the rights of an individual to raise requests under information legislation, such as the right to request information under the Freedom of Information (Scotland) Act 2002 (FOISA), the Environmental Information (Scotland) Regulations 2004 (EIR), the Data Protection Act 2018 or General Data Protection Regulations 2018, as appropriate. Any such requests received will be considered under the normal terms of those access regimes.

9. RIGHT TO APPEAL

It is important that a service user can appeal a decision to restrict contact. If a service user chooses to appeal NGHAs will only consider points that relate to the decision to take steps to manage restricted contact and not, for example, to any ongoing complaint that has been made to us or to our decision to close a complaint.

- 9.1 An appeal might include, for example, a complainant saying that:
 - 9.1.1 Their actions were wrongly identified as unacceptable;
 - 9.1.2 The restrictions were disproportionate; or
 - 9.1.3 That the restriction will adversely affect the individual because of personal circumstances.
- 9.2 An appeal will not be considered where there is an ongoing Police Scotland investigation.
- 9.3 A Senior Manager, who was not involved in the original decision to restrict service user contact, will consider the appeal. Based on the evidence available to them, the Senior Manager considering the appeal may decide to quash the original sanction, maintain the managed contact arrangements or employ a different course of action.

9.4 Based on the merits of each case, NGHA may agree to review the arrangements to restrict contact periodically or upon further request after a suitable period has elapsed. The service user will be advised in writing of the outcome of the appeal and any review period would be explained in this correspondence.

10. RECORDING AND REVIEWING DECISIONS TO RESTRICT CONTACT

10.1 We will record all incidents of unacceptable actions and any decisions taken to restrict service user contact.

10.2 When a review of restricted contact is required it will be carried out in line with section 7 above.

10.3 In addition, a decision to restrict contact may be re-considered if a service user demonstrates a more acceptable approach.

11. POLICY REVIEW

This policy will be formally reviewed every three years to ensure that the aims and objectives are being met.