

FORTH HOUSING ASSOCIATION LIMITED

UNACCEPTABLE BEHAVIOUR POLICY

Code: GOV10

Approved: February 2024

Next review: February 2027

Cross reference: GOV05 Complaints Policy
GOV06 Customer Care
GOV07 Tenant Participation
GOV09 Equalities
HR 08 Health & Safety
HR 09 Staff Induction
HR 20 Staff Safety



This document can be made available in alternative languages or formats (such as large print, audio etc). Please contact staff as required.

Policy Summary

This policy has been developed to show how Forth Housing Association manage Unacceptable Behaviour from tenants.

Equalities

No equalities issues have been identified in the Equalities Impact Assessment Screening Questions and there is therefore no requirement to do a full Equality Impact Assessment.

Privacy

Data Protection legislation applies to customer records which will be managed accordingly. There is no requirement to do a full Privacy Impact Assessment.

Policy Owner

Name: William Boale

Date of Next Review: February 2027

1. Introduction

This policy outlines how Forth Housing Association will manage customers or tenants whose actions or behaviour towards staff is considered unacceptable. When Unacceptable behaviour has occurred then we must 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.

2.0 Principles

This policy has been reviewed alongside our Complaints Handling Procedures (CHP) and aims to provide our customers and tenants with clear guidance and what expectations the Association has in respect of customer and tenant contact with our staff.

This policy encompasses our aims of transparency with our customers and staff while investigating all aspects of complaints to ensure we provide quality services.

The Association aims to deal fairly, honestly and appropriately with all customer contacts. While we believe that all complainants have the right to be heard, we also expect that while dealing with customers, our staff have the right to protection against unacceptable actions or behaviours.

We also expect that we will:

- Provide an accessible service whilst retaining the right to restrict or change access to our service where we consider customers or tenants actions to be unacceptable and;
- Ensure that other customers, tenants and staff do not suffer any disadvantage from customers or tenants who act in an unacceptable manner.

3. Aims and Objectives

Forth Housing Association expect our staff to treat customers with courtesy and respect and we expect the same courtesy and respect from our customers. We appreciate that there may be circumstances where a customer is angry or upset and that this should be taken into account when considering whether or not actions are unacceptable.

Actions that are considered unacceptable are detailed below

- Aggressive or abusive behaviour (verbal or physical)
- Unreasonable demands
- Unreasonable persistence
- Vexatiousness

Demands and persistence are considered unreasonable if they have a substantial impact on the work of the office and our ability to provide a service, such as taking up a disproportionate amount of staff time and/or resources to the disadvantage of other customers or functions.

Aggressive or abusive behaviour includes

- Aggression that may result in physical harm; and
- Behaviour or language (oral or written) that may cause staff to feel upset, afraid, threatened or abused

Examples of this type of behaviour include:

- Threats
- Physical violence
- Personal verbal abuse
- Shouting
- Swearing
- Derogatory remarks
- Rudeness
- Inflammatory statements
- Unsubstantiated allegations

Unreasonable Demands

What amounts to unreasonable demands depends on the circumstances surrounding the behaviour and the seriousness of the issues raised by the customer. This category covers:

- The amount of information sought by a customer;
- The nature and scale of service they expect; and
- The number of approaches they make.

Examples of this type of behaviour include

- Demanding responses within an unreasonable timescale;
- Insisting on seeing or speaking to a particular member of staff;
- Excessive phone calls, letters or e-mails;
- Repeatedly changing the substance of a complaint or raising unrelated concerns

Unreasonable Persistence

Forth HA staff will always try and encourage tenants and customers to use existing arrangements, such as the Complaints Handling procedure, where appropriate. Customers will be advised as to how they can progress a complaint following response and review if applicable.

This category may apply following a final decision on a matter at the end of the process or when a tenant or customer does not pursue the matter through the relevant procedure but continues to raise it.

This category covers:

- Failure to accept that we are unable to assist the customer or tenant further or provide a level of service other than that provided already;
- Persistence in disagreeing with action or decision taken;
- Contacting the office persistently about the same issue

Examples of this type of behaviour include:

- Persistent refusal to accept a decision made;
- Persistent refusal to accept explanations relation to our decisions or actions;
- Persistent refusal to follow relevant procedures;
- Continuing to pursue an issue that Forth HA consider resolved or closed without presenting any new information.

Vexatiousness

Forth HA consider customers to be vexatious when they are acting to cause unnecessary aggravation or annoyance rather than to resolve a dispute.

4. Policy Framework

Unreasonably Demanding, persistent and vexatious actions

In order to manage a customer under this policy we must ensure that we have gathered information about the relevant issue and occurrences, and saved this into the tenancy file.

We must ensure that we have evidence to support our communication with tenants and customers, for example, text messages, copies of letters or e-mails or Report of Verbal Abuse forms.

In all cases we will contact the tenant or customer to explain what actions we consider unacceptable and why, ask them to moderate their behaviour and explain what actions we may 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.

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, for example independent mediators, to assist us in resolving a situation.

We may advise the tenant or customer that we consider the issue(s) fully resolved and that continuing correspondence on the issue(s) would serve no useful purpose.

In these circumstances future correspondence relating to the issue will be noted and filed but will not be acknowledged or responded to unless it contains new significant information which we consider to require action or response.

We may advise the tenant or customer that we can only consider a certain number of issues within a given time period and ask them to limit or focus their requests accordingly.

We may restrict tenant or customer contact with our office or staff (see section 4 – Restricting Customer Contact)

Aggressive or abusive behaviour

The threat or use of physical violence, verbal abuse or harassment towards staff is likely to result in a customer being considered as unsuitable for home visits by staff and the person only being interviewed within the office in Kildean Business & Enterprise Hub.

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.

Incidents will be recorded on our Unacceptable Behaviour Reporting form. The report will be completed by a staff member which will be submitted to the line manager for review and action.

We will fully investigate and evidence any reports of aggressive and abusive behaviour. Any reports which are corroborated or evidenced, a formal warning may be issued. Should there be a repeat or continuous aggressive / abusive behaviour further formal action will be taken with formal warnings which may lead to legal action being raised.

When we receive correspondence that is abusive to staff or contains unsubstantiated allegations, we will tell the customer in writing what we consider unacceptable and why. We will ask them to stop communicating in this way and advise that we will not respond to future correspondence if it continues. If this behaviour continues, we may require future contact to be through a third party.

We will end telephone calls if the caller is considered aggressive, abusive or offensive. Staff have the right to make this decision, tell the caller that the behaviour or language is unacceptable and end the call if the behaviour does not stop.

4. Restricting Customer Contact

With the exception of incidents where immediate action is required, decisions to restrict contact will only be taken after careful consideration of the situation by the Director.

Wherever possible we will give a customer the opportunity to modify their behaviour or actions before a decision is taken. In the first instance, unless involving physical or sexually motivated violence, we will always write to a customer and ask them to amend their behaviour.

We aim to restrict contact in a way that allows the tenant or customer to continue to receive a service from us, and we will 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.

Staff who directly experience aggressive or abusive behaviour from a tenant or customer have the authority to deal with that behaviour immediately in a manner they consider appropriate and in line with our core values and this Policy.

We will tell customers in writing why a decision has been made to restrict contact, the details of the restricted contact arrangements and the length of time that the restriction will be in place.

We will ensure relevant staff are informed of any restrictions put in place – this may also include contractors and other statutory agencies.

Recording and Reviewing Decisions to Restrict Contact

We record all incidents of unacceptable actions and any decision taken to restrict customer contact. This information is kept in the relevant tenant or customer contact file on our computer system.

The Head of Tenant Services reviews the status of all customers with restricted contact arrangements every six months. A decision may be reconsidered if a customer demonstrates a more acceptable approach.

5.0 Monitoring of the Policy

5.1 The Management Committee will review this policy at least every 3 years and staff are responsible for ensuring that it meets legal and good practice requirements.

6 Right of Appeal

6.1 Where a tenant is dissatisfied with our decision on being issued with a warning or to restrict contact, the tenant may in the first instance appeal this decision in writing to the Director. The Director will advise the tenant in writing of the outcome of the appeal and if the warning or the restricted contact arrangements in place or if a different course of action has been agreed.

- 6.2 A written appeal should be lodged within 28 days of our decision. This should be addressed to:

Director
Forth Housing Association
Kildean Business & Enterprise Hub
146 Drip Road
Stirling
FK8 1RW

- 6.3 At this stage we will advise the tenant of their right to contact the Scottish Public Services Ombudsman (SPSO) or other relevant independent organisation if they believe our decision is unjust.

7.0 Equalities

- 7.1 Equality and diversity underpin all our activities and services. When delivering our services, we never discriminate on the basis of sex or marital status, race, disability, age, sexual orientation, language, social origin, or of other personal attributes, including beliefs or opinions such as religious beliefs or political opinions. Full details of our Equalities Policy can be found on our website www.forthha.org.uk or can be obtained from our office.

8.0 Data Protection - Privacy

- 8.1 We recognise the importance of data protection legislation, including the General Data Protection Regulation, in protecting the rights of individuals in relation to personal information that we may handle, use and disclose about them, whether on computer or in paper format. We will ensure that our practices in the handling, use and disclosure of personal information as part of the processes and procedures outlined in this policy comply fully with data protection legislation. More information is available from our Data Protection Officer

9.0 Availability

- 9.1 This policy is available on our website and can be made available in a number of other languages and other formats on request.

10 Review

- 10.1 Management Committee will review this policy at least every 3 years, and Staff are responsible for ensuring that they meet legal and good practice requirements.

Appendix 2 - Equality Impact Assessment Screening Questions

Forth Housing Association Ltd – Alterations and Improvements Policy

Will the implementation of this policy have an impact on any of the following protected characteristics?

- | | | |
|-----------------------------------|------------------------------|--|
| 1. Age | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 2. Disability | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 3. Gender reassignment | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 4. Marriage and Civil Partnership | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 5. Pregnancy and Maternity | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 6. Race | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 7. Religion or belief | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 8. Sex | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 9. Sexual orientation | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

If you have answered 'Yes' to any of these points, please complete a full Equality Impact Assessment. If you have answered 'No', you need take no further action in completing an Equality Impact Assessment

Appendix 3 - Privacy Impact Assessment Screening Questions

Forth Housing Association – Alterations and Improvements Policy

1. A substantial change to an existing policy, process or system that involves personal information
Yes No
2. A new collection of personal information
Yes No
- 3.. A new way of collecting personal information (for example collecting it online)
Yes No
4. A change in the way personal information is stored or secured
Yes No
5. A change to how sensitive information is managed
Yes No
6. Transferring personal information outside the EEA or using a third-party contractor
Yes No
7. A decision to keep personal information for longer than you have previously
Yes No
8. A new use or disclosure of personal information you already hold
Yes No
9. A change of policy that results in people having less access to information you hold about them
Yes No
10. Surveillance, tracking or monitoring of movements, behaviour or communications
Yes No
11. Changes to your premises involving private spaces where clients or customers may disclose their personal information (reception areas, for example)
Yes No

If you have answered 'Yes' to any of these points, please complete a full Privacy Impact Assessment. If you have answered 'No', you need take no further action in completing a Privacy Impact Assessment.