



# Unacceptable Behaviour Policy

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## **1. Introduction**

- 1.1** Yorkhill Housing Association delivers services to its residents, housing applicants and the wider public. The Association welcomes feedback about its services and has a robust complaint handling procedure in place to address issues raised by dissatisfied customers. We welcome complaints and believe they help us to improve our services.
- 1.2** Our staff are trained to handle complaints in a sensitive and respectful way. They accept that dealing with people's problems involves absorbing a degree of their frustration and/or distress.

However, sometimes when people are angry, demanding or persistent their conduct can escalate to a level that is unacceptable to our staff, governing body members or contractors.

- 1.3** Occasionally, the demands or actions of individuals making complaints or requesting a service make it very difficult for Association staff to properly investigate or resolve a problem.

In a small number of cases the actions of individuals become unacceptable because they involve abuse of our staff or our processes.

- 1.4** This policy sets out the Association's approach to dealing with unacceptable behaviour towards staff or others by service users and members of the public. It is based on guidance provided by the Scottish Public Services Ombudsman. It reflects our expectation that staff are treated with civility and respect regardless of circumstances.

## **2. Policy Objectives**

- 2.1** To ensure that YHA's employees, governing body members and contractors are protected from abusive or harmful behaviour from customers.
- 2.2** To ensure the Association's definitions of unacceptable behaviour are clear and accessible to customers through the website or on request.
- 2.3** To provide a fair and reasonable process of behaviour management for the protection of staff and benefit of the Association's customers, where there is demonstrable evidence of misconduct. This includes an appeal process where a decision to impose sanctions has been made.
- 2.4** To have an open and transparent procedure for dealing with customer complaints and service requests including those customers whose behaviour has been deemed to be unacceptable.

### **3 Definitions of Unacceptable Behaviour**

**Yorkhill Housing Association considers the following kind of behaviours to be unacceptable:**

- Aggressive or abusive behaviour
- Unreasonable persistence and demands
- Unreasonable levels of contact
- Unreasonable refusal to co-operate
- Unreasonable use of the complaints process

#### **3.1 Aggressive or Abusive Behaviour**

Any behaviour or language (written or verbal) that may cause staff to feel intimidated, offended, afraid, threatened or abused is considered to be unacceptable.

- 3.1.1** The Association will not tolerate personal attacks on staff (physical, written or verbal); unfounded allegations; insulting or derogatory comments to or about an individual member of staff; seeking to have an officer replaced or dismissed, attempting to undermine an officer's authority.
- 3.1.2** The Association will not tolerate harassment of any kind against any staff or committee member or contractor.
- 3.1.3** Threatening or violent behaviour and/or racist or homophobic comments will be reported to the police.

#### **3.2 Unreasonable Persistence or Demands**

The impact of unreasonable demands is an excessive and disproportionate amount of staff time is used, thus preventing other business being undertaken. This disadvantages other customers of the organisation and can also delay the complainant's own case being investigated and resolved within appropriate time scales. Examples of disruptive conduct are given below.

- 3.2.1** Refusing to accept decisions or raising complaints which have previously been through the formal complaints handling procedure and closed by the Association.
- 3.2.2** Refusing to deal with designated staff or insisting on only speaking to specific staff members.
- 3.3.3** Raising issues unrelated or irrelevant to the complaint.

### **3.3 Unreasonable Levels of Contact**

The Association's staff provide a range of services to customers including repairs, improvements, adaptations, benefits advice, allocations and complaints handling. Some of these services are planned and some are reactive. Most require interaction with customers. Sometimes, individual service users or complainants take up an inappropriate proportion of staff time with unnecessary levels of contacts.

We consider the level of contact has become unacceptable if our ability to provide the service to the individual or other service users has been compromised by:

- 3.3.1 - The volume and duration of phone calls from the individual
- 3.3.2 - The time required to read, review and respond to emails or letters from the individual

### **3.4 Unreasonable Refusal to Co-operate**

In providing a service or handling a complaint it is necessary for the Association to engage with the individual. If the individual will not co-operate, we will consider further action appropriate to the circumstances.

- 3.4.1 Refusing to allow access to contractors for essential works may result in the Association taking legal action to enforce access.
- 3.4.2 Access refusal for non-essential works may result in cancellation of the service request.
- 3.4.3 Refusing to engage with the Association's designated staff member may result in cancellation of the service request or complaint.
- 3.4.4 Refusal to provide information requested by the Association may result in cancellation of the service or complaint if the information is necessary to progress the service or complaint.
- 3.4.5 Refusal to comply with the Association's complaint handling procedures.

### **3.5 Unreasonable Use of the Complaints Process**

Individuals with complaints about Yorkhill Housing Association have the right to pursue their concerns through a range of means.

- 3.5.1 Our published '*Complaints Handling Procedure*' describes in detail how the Association will deal with complaints. Copies are available from the office on request. It is available to view or download from our website. It fully complies with recommended practice as issued by the Scottish Public Services Ombudsman Service and the Scottish Housing Regulator.

- 3.5.2** Our procedures for dealing with complaints about services outwith the Association's direct control are not included in the Complaints Handling Procedure. We will work with relevant authorities to try and resolve problems of this nature brought to our attention, but expect our customers to have a realistic awareness of the Association's role and authority in such matters.

Examples of such complaints include: Refuse disposal, dog fouling, neighbour disputes and anti-social behaviour.

- 3.5.3** We fully recognise the right of our customers to complain more than once about our service if subsequent incidents or concerns arise. If repeated complaints from an individual compromise the organisation's ability to conduct its legitimate business effectively we consider such harassment to be unacceptable. We will not reopen a closed or completed complaint unless there is compelling new evidence directly related to the case that could not have been presented while the original complaint was active.

#### **4 Management of Unacceptable Behaviour**

The Association recognises that certain disabilities, mental health conditions or other exceptional circumstances may have an influence on a person's behaviour. We will take such factors into account when implementing this policy. However, we do not accept disability or medical problems as a justification for unacceptable conduct.

Where we are made aware that there is a health issue that may impact on a person's ability to modify their behaviour, we will expect the individual to allow us to work around the issue with appropriate external professional advice.

- 4.1** We have to take action when unreasonable behaviour impairs the ability of staff to properly manage the Association's business activities. We aim to do this in a way that does not prevent a legitimate complaint to be processed in accordance with our published procedures.

**4.2** In managing unreasonable behaviour with or without a relevant related health issue, there are a number of actions we may consider as part of a structured management strategy; the list below provides examples of actions we may consider but is not exhaustive.

- limiting contact at the office or by phone to specific set days and times
- stopping all phone calls
- restricting contact with staff to specific individuals
- only allowing emails to one specific account
- restricting email correspondence
- always having two members of staff present in discussions
- in extreme cases, taking steps to obtain an ASBO or terminate the tenancy

## **5. Policy Implementation**

### **5.1 Stage 1 – Immediate Decisions**

Any member of YHA staff 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. The following list of examples is not exhaustive:

- racist or homophobic comments
- insulting or offensive comments
- threatening or violent behaviour

**5.1.1** Such incidents must be reported as soon as possible to the appropriate Line Manager and recorded in the Incident Book and Unacceptable Behaviour Register. In the absence of the most appropriate manager, a report should be made to any other member of the Senior Management Team.

**5.1.2** The case will be discussed by the Senior Management Team, and once the circumstances have been considered, a decision will be made about how future contact and communication with the individual will be managed.

**5.1.3** The Line Manager will write to the complainant to confirm the reason for the action taken and the implications for further contact with the Association.

### **5.2 Stage 2 – Senior Management Decisions**

The Senior Management Team will consider cases of unacceptable behaviour where more than one incident has been recorded or reported. The team will discuss the circumstances of the case and make a decision on how further contact with the individual is to be managed. The following list of examples is not exhaustive:

- unfounded allegations about individual staff, committee or contractors
- refusal to accept decisions
- abusive or aggressive behaviour
- unreasonable level of contact
- unreasonable refusal to co-operate
- unreasonable use of the complaints process

**5.2.1** In extreme situations we will stop all personal contact with the complainant and conduct all communication through a third party. Where the complainant is a YHA tenant, this may have significant implications for the ongoing management of the tenancy. As a last resort we may take steps to terminate the tenancy.



- 5.2.2** Allegations of misconduct that lack substantive evidence will be referred to the Association's legal advisers and further action may be taken through the legal system.
- 5.2.3** Decisions to restrict contact or take further action will be confirmed in writing to the individual. Information on the individual's right to appeal will be included.

## **6. Appeal Process**

An individual may appeal against a decision to restrict contact.

- 6.1** The appeal will be considered by a panel of Management Committee representatives. Committee members are not involved in the process leading to a restricted contact decision.
- 6.2** Only arguments that relate to the restriction will be considered. The panel will not consider complaints or decisions on a complaint. The Management Committee is not involved in the implementation of complaint handling policies.
- 6.3** The Appeal Panel may uphold, quash or vary the original decision.
- 6.4** The Panel will make its decision based on information provided by:
  - The appellant
  - and
  - The Chief Executive or members of the Senior Management Team.
- 6.5** Appeals against restrictions should be submitted in writing to the Secretary of the Association's Management Committee. The reasons for the appeal should be stated clearly.
- 6.6** The Secretary will arrange a meeting of the Appeal Panel within fourteen working days of receiving the appeal request.
- 6.7** The Panel will advise the appellant of its decision within seven working days of its meeting.

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