



Unacceptable Actions Policy Oak Tree Housing Association Ltd

OTHA incorporates:

Oak Tree Housing Association Ltd

Adopted	April 2012	Last Reviewed	February 2025
Next Review Due	February 2028		

UNACCEPTABLE ACTIONS POLICY

1.0 INTRODUCTION

- 1.1 Our aim is to ensure that all contacts from our tenants and other customers can be dealt with in the best way possible. The Association values the contact we have with tenants and other customers and we welcome complaints as valuable feedback and, wherever it is possible, we aim to attempt to de-escalate problems to enable complaints or other issues to be investigated.
- 1.2 The vast majority of customers who Oak Tree Housing Association Ltd (OTHA) comes into contact with treat our staff with respect. This policy sets out OTHA's approach to the few customers whose actions or behaviour we consider unacceptable.
- 1.3 People may act out of character in times of trouble or distress. There may be underlying health conditions or have experienced upsetting or distressing circumstances leading up to a service request or complaint coming to OTHA. We do not view behaviour as unacceptable just because a person is forceful or determined. In fact, we accept that being persistent can be a positive advantage when pursuing a request or complaint.
- 1.4 However, we do consider actions that result in unreasonable demands on our office or unreasonable behaviour to our staff to be unacceptable. It is these actions that we consider unacceptable and aim to manage under this policy.
- 1.5 We have a zero-tolerance policy towards physical and verbal abuse of our staff, volunteers and contractors delivering a service on behalf of Oak Tree Housing Association. This policy sets out the approach of OTHA to the customers whose action or behaviour we consider to be unacceptable.
- 1.6 We recognise that dealing with the public may cause anxiety particularly where there is a risk of aggression, verbal abuse and/or violence. Such incidents should be identified through OTHA's general risk assessment process and suitable control measures implemented as outlined in the OTHA's Health & Safety Employee Handbook
- 1.7 The term staff includes direct employees of OTHA, its Management Committee members, contractors, consultants and agents.
- 1.8 This policy should be read in conjunction with OTHA's Complaints Handling Procedures and Customer Care Charter.

2.0 EXPECTED BEHAVIOURS

We expect all staff to behave in a professional manner and treat customers with courtesy, respect and dignity. We also ask customers bringing a complaint to treat our staff with respect. We ask customers to engage actively with the complaint handling process by:

- telling us their key issues of concern and organising any supporting information they want to give us (we understand that some people will require support to do this)
- working with us to agree the key points of complaint when an investigation is required; and
- responding to reasonable requests for information.

3.0 EQUALITY AND HUMAN RIGHTS

3.1 This policy has been developed with consideration of the Equality Act 2010 and seeks not to consciously or subconsciously discriminate or to have an adverse effect upon anyone on the grounds of age, disability, gender identity or sexual orientation, race, religion, belief, or sex.

3.2 OTHA is committed to promoting an environment of respect, understanding, encouraging diversity and eliminating discrimination by providing equality of opportunity for all. Throughout the Association there will be a consistent approach in promoting equality and diversity across all areas.

3.3 We are committed to ensuring that all people have an equal opportunity to access our services. We will consider the accessibility of the way we provide our service. We will be responsive to the way that tenants and other customers wish to contact and interact with OTHA and will make reasonable adjustments to the way we deliver our services to accommodate different needs. If in line with this policy we decide that we need to manage our contact with an individual, we will consider whether they have accessibility needs that should be considered when we do so.

4.0 DEFINING UNACCEPTABLE ACTIONS BY CUSTOMERS

4.1 We expect our staff to be treated courteously and respectfully. Violence or abuse towards staff is unacceptable. We accept that tenants or other customers may sometimes be angry or upset. However, it is not acceptable when anger about an issue escalates into aggression directed towards our OTHA staff.

OTHA has categorised these actions under three broad headings:

4.2 Aggressive or Abusive Behaviour

Violence is not restricted to acts of aggression that may result in physical harm. It also includes behaviour or language (whether oral or written) that may cause staff to feel afraid, threatened or abused.

Examples of behaviours under this heading include threats, physical violence, personal verbal abuse, derogatory remarks, slanderous or libellous remarks and

rudeness. We also consider that inflammatory statements and unsubstantiated allegations to be abusive behaviour.

The anger felt by many customers is directed towards the subject matter of their complaint. However, it is not acceptable when anger escalates into aggression directed towards OTHA staff.

4.3 Unreasonable Demands

Customers may make what we consider unreasonable demands on our staff through the amount of information they seek, the nature and scale of service they expect or the number of approaches they make. What amounts to unreasonable demands will always depend on the circumstances surrounding the behaviour and the seriousness of the issues raised by the customer.

Examples of actions under this heading include

- demanding responses within an unreasonable timescale
- insisting on seeing or speaking to a particular member of staff
- continual phone calls or letters
- repeatedly changing the substance of the enquiry or raising unrelated concerns.

We consider these demands as unacceptable and unreasonable if they start to impact substantially on the work of the office, such as taking up an excessive amount of staff time to the disadvantage of other customers.

4.4 Unreasonable Persistence

We recognise that customers have the right to complain more than once as they have a continuing relationship with OTHA and subsequent incidents may occur.

We also recognise that some customers will not or cannot accept that the Association is 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 enquiry or contact the office persistently about the same issue.

Examples of actions under this heading include persistent refusal to accept a decision made in relation to an enquiry or complaint, persistent refusal to accept explanations relating to what the office can or cannot do and continuing to pursue an enquiry or complaint without presenting any new information. The way in which these customers approach our office may be entirely reasonable, but it is their persistent behaviour in continuing to do so that is not.

We consider the actions of persistent customers to be unacceptable when they take up what the Association regards as being a disproportionate amount of OTHA staff time and resources or the effect of the repeated contact is to harass or to prevent implementation of a legitimate decision.

4.5 Sexual Harassment

OTHA have a zero-tolerance approach to sexual harassment.

We are committed to providing a positive experience whilst at work for all our employees, agency workers, consultants, as well as those who engage in work related interactions or transactions within Oak Tree including our properties.

We will take all reasonable steps to prevent any sexual harassment by third parties, as required by the Worker Protection Act 2023. A third party can be defined as “any individuals or entities who are not directly employed by Oak Tree HA but who interacts with employees, agency workers, consultants and tenants/customers in the course of our business activities”.

Please refer to our Anti-Harassment Policy for further information.

5.0 MANAGING AGGRESSIVE OR ABUSIVE BEHAVIOUR

- 5.1 We take threats of violence, abuse or harassment towards OTHA staff very seriously. The threat of physical violence, verbal abuse, racial or other discriminatory remarks or harassment towards OTHA staff delivering a service is likely to result in OTHA ending all direct contact with the Association. This includes abuse or harassment based on race, nationality ethnic origin, gender identity or sexual orientation, physical or mental impairment, religious belief or other grounds.
- 5.2 OTHA will consider threats, violence and/or abusive behaviour towards staff, volunteers or contractors delivering a service to be a breach of the tenancy agreement and legal action may be taken. The Association may also report such incidences to Police Scotland if the behaviour constitutes a criminal offence.
- 5.3 Through training staff understand and demonstrate the behaviours required to deliver excellent customer service and adopt a positive approach in dealing with customers. Staff will however end telephone calls if the caller’s behaviour is considered unreasonable, aggressive, abusive or offensive. The staff member handling the call has the right to make this decision, inform the caller that the behaviour is unacceptable and end the call if the behaviour does not stop. The staff member must log the details of the call on to the tenants file and note that the call was terminated and the reasons for this in a diary entry under the unacceptable behaviour code and notify their manager. They will also require completing an incident report form (appendix one) and the follow up action will be discussed with their line manager. The Association retains the right to record telephone calls for training and management purposes.
- 5.4 Correspondence received via social media platforms, text messaging and our on-line portal which is threatening or abusive to OTHA’s staff or which contains inflammatory statements or unsubstantiated allegations will be removed and/or reported. The customer making such remarks may be contacted to advise them on why the behaviour is not acceptable. Depending on the nature of the correspondence, Police Scotland may also be notified. Correspondence received

via social media which may contravene Section 127 of the Communications Act 2003.

6.0 MANAGING UNREASONABLE BEHAVIOUR

6.1 Where a customer repeatedly phones, visits the office, raises repeated issues, or sends large numbers of documents where their relevance is not clear, we may decide to:

- Limit contact to telephone calls from the customer at set times on set days.
- Restrict contact to a nominated member of staff who will deal with future calls or correspondence from the customer.
- See the customer by appointment only.
- Restrict contact from the customer to writing only
- Return any documents to the customer or in extreme cases, advise the customer that further irrelevant documents will be destroyed.
- Take any other action that we consider appropriate.

6.2 Where we consider continued correspondence on a wide range of issues to be excessive, we may tell the customer that only a certain number of issues will be considered in a given period and we will ask them to limit or focus their requests accordingly.

6.3 In exceptional cases, we reserve the right to refuse to consider a complaint or future complaints from an individual. We will take into account the impact on the individual and any on-going service due to them in making this decision.

6.4 We will always tell the customer what action we are taking and why.

7.0 THE PROCESS WE WILL FOLLOW TO MAKE DECISIONS ABOUT UNREASONABLE BEHAVIOUR

7.1 OTHA staff who directly experience aggressive or abusive behaviour from a customer have the authority to deal immediately with that behaviour in a manner they consider appropriate to the situation and in line with this Policy.

7.2 With the exception of such immediate decisions taken at the time of an incident, decisions to restrict contact are only taken after careful consideration of the situation by a line manager. Wherever possible, we will give the customer the opportunity to modify their behaviour or action before a decision is taken.

7.3 When a staff member makes an immediate decision in response to aggressive or abusive behaviour, the customer is advised at the time of the incident. When a decision has been made by the line manager, a customer will always be advised 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. This ensures the customer has a record of the decision.

8.0 APPEALING A DECISION TO RESTRICT CONTACT

- 8.1 It is important that a decision can be reconsidered. A customer can appeal a decision to restrict contact. If they do this, we will only consider arguments that relate to the restriction and not to either the complaint made or to our decision to close a complaint.
- 8.2 An appeal could include, for example, a customer saying that: their actions were wrongly defined as unacceptable; the restrictions were disproportionate; or that they will adversely impact on the individual because of personal circumstances.
- 8.3 A senior member of staff not involved in the original decision will consider the appeal. They have discretion to quash or vary the restriction as they think best. They will make their decision based on the evidence available to them. They must advise the customer in writing that either the restricted contact arrangements still apply or a different course of action has been agreed.
- 8.4 A customer may appeal a decision within 20 working days of being notified by the Association of a decision to restrict contact. Notification of the appeal must be made in accordance with any restrictions on contact currently in place.
- 8.5 An application to appeal a decision will be acknowledged within 5 working days of receipt. Any appeal will be considered and a decision communicated to the customer within 20 working days.

9.0 RECORDING AND REVIEWING A DECISION TO RESTRICT CONTACT

- 9.1 A decision to restrict customer contact may be reconsidered if the customer demonstrates a more acceptable approach. The Directors will review the status of all customers with restricted contact arrangements on no less than a six-monthly basis.
- 9.2 We will record all incidents of unacceptable actions by customers. Where it is decided to restrict customer contact; an entry noting this will be made in the relevant file and on appropriate computer records.

10.0 MONITORING OF THIS POLICY

- 10.1 Where an unacceptable action has been issued to a customer in line with this policy the volume and type of restriction will be reported to the Management Committee on a quarterly basis.

11 POLICY REVIEW

This policy will be reviewed every 3 years, or sooner if legislative, regulatory or best practice changes require this. Any review will take account of the tenant participation requirements of Section 54 of the Housing (Scotland) Act 2001 and requirements of the Scottish Social Housing Charter.

