

Unacceptable Actions Policy Oak Tree Housing Association Ltd

OTHA incorporates:

**Oak Tree Housing Association Ltd
Oak Tree Housing Initiatives Ltd**

UNACCEPTABLE ACTIONS POLICY

1.0 INTRODUCTION

- 1.1 The vast majority of customers who Oak Tree Housing Association Ltd comes into contact with treat our staff with respect. This policy sets out OTHA's approach to the relatively few customers whose actions or behaviour we consider unacceptable.
- 1.2 People may act out of character in times of trouble or distress. There may have been 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.
- 1.3 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.
- 1.4 We have a zero tolerance policy towards physical and verbal abuse of our staff. This policy sets out the approach of OTHA to the customers whose action or behaviour we consider unacceptable.
- 1.5 The term staff includes direct employees of OTHA, its Management Committee members, contractors, consultants and agents.
- 1.6 This policy should be read in conjunction with OTHA's Complaints Handling Procedures and Customer Care Policy.

2.0 DEFINING UNACCEPTABLE ACTIONS BY CUSTOMERS

OTHA has categorised these actions under three broad headings:

2.1 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 and rudeness. We also consider that inflammatory statements and unsubstantiated allegations can 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.

2.2 Unreasonable Demands

Customers may make what we consider unreasonable demands on our office 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 time-scale, 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.

2.3 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 this 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 time and resources or the effect of the repeated contact is to harass or to prevent implementation of a legitimate decision.

3.0 MANAGING AGGRESSIVE OR ABUSIVE BEHAVIOUR

3.1 The threat or use of physical violence, verbal abuse or harassment towards OTHA staff is likely to result in the ending of all direct contact with the customer. Incidents may be reported to the Police. This will always be the case if physical violence is used or threatened.

7.4 We 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. The staff member should log on the Association's computer system that the call was terminated and the reasons for this in a diary entry under the unacceptable behaviour code and notify their manager. The Association retains the right to record telephone calls for training and management purposes.

7.5 In extreme situations, we will tell the customer in writing that their name is on a 'no personal contact' list. This means we will limit contact with them to either written communication or through a third party.

8.0 MANAGING UNREASONABLE BEHAVIOUR

8.1 Where a customer repeatedly phones, visits the office, raises repeated issues, or sends large numbers of documents where their relevance isn't 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.

8.2 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.

8.3 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.

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

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

9.1 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.

9.2 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 senior management. Wherever possible, we will give the customer the opportunity to modify their behaviour or action before a decision is taken.

9.3 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 senior management, 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.

10.0 APPEALING A DECISION TO RESTRICT CONTACT

10.1 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.

- 10.2 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.
- 10.3 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.

11.0 RECORDING AND REVIEWING A DECISION TO RESTRICT CONTACT

- 10.1 A decision to restrict customer contact may be reconsidered if the customer demonstrates a more acceptable approach. The Service Managers will review the status of all customers with restricted contact arrangements on a regular basis.
- 10.2 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.

12.0 POLICY REVIEW

- 12.1 This policy will be reviewed every 5 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.