

COR18

ADOPTED: 25.05.11

REVIEWED: 28.05.14; 31.05.17; 26.08.20;

## UNACCEPTABLE ACTIONS POLICY

### 1.0 INTRODUCTION

1.1 This policy describes how we will deal with the relatively small number of situations when we consider that the actions or behaviour of someone who is not an employee or Committee Member are unacceptable. This includes the actions or behaviour of:

- applicants
- tenants or members of their household
- staff employed by consultants, contractors or any other organisation or agency
- any other member of the public.

1.2 In dealing with everyone who contacts us, we will aim to:

- make it clear what we can or cannot do regarding the matter they are raising;
- be as open as possible and not raise hopes or expectations that we cannot meet;
- deal fairly, honestly, consistently and appropriately with all who contact us, including those whose actions we may consider unacceptable, on the basis that everyone has the right to be heard, understood and respected;
- provide a service that is accessible to all while retaining the right, where we consider actions to be unacceptable, to restrict or change access to our service;
- ensure that the majority of those who contact us, and our staff, do not suffer any disadvantage from the small minority who act in an unacceptable manner.

1.3 This policy should be read in conjunction with our Dignity at Work policy, which describes how we will deal with bullying or harassment within the workplace, i.e. unacceptable actions or behaviour by staff or Committee Members, our Complaints policy and our Equality and Diversity policy.

### 2.0 SCOTTISH SOCIAL HOUSING CHARTER

2.1 The relevant standards and outcomes for the Unacceptable Actions Policy are:

#### 1: Equalities

Social Landlords perform all aspects of their housing service so that:

- every tenant and other customer has their individual needs recognised, is treated fairly and with respect, and receives fair access to housing and housing services.

## 2: Communication

Social Landlords manage their businesses so that:

- tenants and other customers find it easy to communicate with their landlord and get the information they need about their landlord, how and why it makes decisions and the services it provides.

### 3.0 UNACCEPTABLE ACTIONS - DEFINITIONS

3.1 We recognise that people may act “out of character” in times of trouble or distress. For example, we may have to take into account that they may have experienced upsetting or distressing circumstances shortly before contacting us or coming to our office.

3.2 We do not view behaviour as unacceptable just because someone is being forceful or determined - being persistent can be a positive advantage when pursuing a matter. However, the actions of those who are angry, demanding or persistent may result in unreasonable demands on the office or unacceptable behaviour towards staff. It is these actions that we consider unacceptable and which we aim to manage under this policy.

3.3 The types of actions we will consider unacceptable are:

- a) Aggressive or abusive behaviour
- b) Unreasonable demands
- c) Unreasonable persistence

#### **Aggressive or abusive behaviour**

3.4 We recognise that 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.

3.5 Examples of the types of behaviour that can occur under this heading include:

- verbal or physical threats
- actual physical violence
- personal verbal abuse
- derogatory remarks and rudeness
- inflammatory statements
- unsubstantiated allegations.

3.6 We recognise that people may feel angry about a matter they wish to raise with us. However it is when any such anger turns into aggression directed towards staff that the behaviour becomes unacceptable. We expect our staff to be treated courteously and with respect, and we will always regard violence or abuse towards our staff as unacceptable.

#### **Unreasonable demands**

3.7 People may make what we consider to be unreasonable demands on our office through:

- the amount of information they seek,
- the nature and scale of the service they expect to receive, 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 person.

3.8 Examples of the types of actions that can occur 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 matter being raised, or
- raising unrelated matters at random intervals.

3.9 We will consider such 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 callers or functions.

### **Unreasonable persistence**

3.10 We recognise that some people will not or cannot accept that we are unable to assist them further or provide a level of service other than that we have provided already. Such individuals may persist in disagreeing with the action or decision taken in relation to the matter they have raised, or contact the office persistently about the same issue.

3.11 Examples of the types of actions that can occur under this heading include:

- persistent refusal to accept a decision we have made in accordance with our current policies and procedures, taking into account the facts of the matter raised,
- persistent refusal to accept explanations relating to what this office can or cannot do in a particular situation, or
- continuing to pursue a matter without presenting any new information.

The speech, tone of voice or physical actions of people who contact us in these situations may be entirely reasonable, but it is their persistent behaviour in continuing to do so that is not.

3.12 We will consider the actions of those who persist in such ways to be unacceptable when they take up what we regard as being a disproportionate amount of time and resources.

## **4.0 MANAGING UNACCEPTABLE ACTIONS OR BEHAVIOUR**

4.1 The action we will take to manage unacceptable actions or behaviour will depend on their nature and extent. If the behaviour adversely affects our ability to do our work and provide a service to others, we may need to restrict the type or amount of contact with our office in order to manage the situation. Appropriate measures will be taken to ensure that, where there are language barriers, service users understand the process.

4.2 We may restrict contact in person, by telephone, fax, letter or by email, or by any combination of these. We will try to maintain at least one form of contact and any action we take will aim, wherever possible, to allow the person to progress the matter to completion, if necessary through our complaints process.

4.3 In extreme situations, we may advise the person in writing that their name is on a 'no personal contact' list. This will mean that they must not telephone or visit our office and must restrict contact to either written communication or contact through a third party.

- 4.4 Where unacceptable actions are connected with a disability, life condition or mental health condition reasonable adjustments will be made in applying this policy. This can include the use of third party advocates to assist service users to air their complaint.
- 4.5 The threat or use of physical violence, verbal abuse or harassment towards our staff is likely to result in the ending of all direct contact with the person involved. If physical violence is used or threatened this will be reported to the Police. Other types of incident may also be reported, depending on the perceived threat.
- 4.6 We will not deal with correspondence (letter, fax or email) that is abusive to staff or contains allegations that lack substantive evidence. When this happens we will:
- tell the person that we consider their language offensive, unnecessary and unhelpful,
  - ask them to stop using such language, and
  - state that we will not respond to their correspondence if they do not stop.

We may require future contact to be through a third party.

- 4.7 Staff will be authorised to end telephone calls or conversations in the office if the person making contact is considered aggressive, abusive or offensive. The staff member handling the call or conversation will advise the person that their behaviour is unacceptable and that the call/conversation will end if the behaviour does not stop. Wherever possible, the staff member should alert a colleague to witness what they are saying to the person.
- 4.8 Where someone repeatedly phones, visits the office, sends irrelevant documents or raises the same issues, we may decide to:
- only take telephone calls from the person at set times on set days, or put an arrangement in place for only one member of staff to deal with calls or correspondence from that person in the future;
  - require the person to make an appointment to see a named member of staff before visiting the office, or that they contact the office in writing only;
  - return the documents to the person or, in extreme cases, advise the person in writing that further irrelevant documents will be destroyed;
  - take any other action that we consider appropriate.

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

- 4.9 Where someone continues to correspond on a wide range of issues and this action is considered excessive, then the person will be told that only a certain number of issues will be considered in a given period and they will be asked to limit or focus their requests accordingly.
- 4.10 If all internal review mechanisms have been exhausted and the person continues to dispute our decision on the matter they have raised, we may decide to tell them that no future phone calls will be accepted or interviews granted concerning the matter, and that any future contact on this issue must be in writing.

We may then read and file future correspondence, but only acknowledge or respond to it if the person provides significant new information relating to the matter.

## **5.0 DECIDING TO RESTRICT CONTACT**

- 5.1 All staff who directly experience aggressive or abusive behaviour will have the authority to deal immediately with that behaviour in a manner they consider appropriate in the circumstances, in line with this policy. This may include ending a telephone call, meeting or visit, or a conversation at Reception.

- 5.2 With the exception of decisions taken at the time of an incident, any decision to restrict contact with us will normally only be taken after careful consideration of the matter by a Manager or the Director. Wherever possible, we will give the person the opportunity to modify their behaviour or action before a decision is taken.
- 5.3 The person will be told 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.

### **Appealing a decision to restrict contact**

- 5.4 The person may appeal against a decision to restrict contact. An appeal will be dealt with either by the Director or a panel of three Committee Members, depending on who took the original decision.
- The person will be advised in writing of the outcome of their appeal and whether the restricted contact arrangements still apply or a different course of action has been agreed.

## **6.0 RECORDING AND REVIEWING A DECISION TO RESTRICT CONTACT**

- 6.1 The Director will ensure that all incidents of unacceptable actions or behaviour reported by staff are recorded. Where it is decided to restrict contact, the details will be noted in the relevant house file (where appropriate) and/or on relevant computer records.
- 6.2 A decision to restrict contact may be reconsidered if the person demonstrates a more acceptable approach. The Director, in consultation with the Manager of the staff involved will review the status of those with restricted contact arrangements at least every 3 months.

## **7.0 IMPLEMENTATION AND REVIEW**

- 7.1 The Director is responsible for ensuring that this policy is implemented when required, and that it is reviewed by the Management Committee at least every three years.

Approved by the Management Committee on 26 August 2020

Next review due by: August 2023

## PROSPECT EQUALITY IMPACT ASSESSMENT RECORD

<b>Title of policy/ practice/ strategy</b>	Unacceptable Actions Policy	
<b>Department</b>	Corporate	
<b>Who is involved in the EQIA?</b>	Management Team/Julie Thynne	
<b>Type of policy/ practice/ strategy</b>	New <input type="checkbox"/>	Existing <input checked="" type="checkbox"/>
<b>Date completed</b>	12/08/20	

### Stage 1: Screening Record

#### ***What is the main purpose of the policy?***

This policy describes how we will deal with the relatively small number of situations when we consider that the actions or behaviour of someone who is not an employee or Committee Member are unacceptable.

#### ***Who will the policy benefit and how?***

The policy will impact on all employees who deal with service users and complainants. It will also impact on service users who demonstrate unacceptable behaviours.

#### ***For each equality group, does or could the policy have a negative impact?***

Protected characteristic	Negative	Positive/no impact	Don't know
Age	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Disability	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gender reassignment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marriage & civil partnership	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Pregnancy & maternity	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Race	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Religion or belief (including no belief)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sex	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sexual orientation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

If you answered negative or don't know to the above question you should consider doing a full EQIA.

#### ***Are there any potential barriers to implementing the policy?***

There are no identified barriers to implementation.

	Yes	No
<b><i>Is a full EQIA required?</i></b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

#### ***If you answered no to the above question explain why a full EQIA is not required:***

No impact on equalities identified:	<input type="checkbox"/>
Other:	

## Stage 2: Data and evidence gathering, involvement and consultation

Include here the results of your evidence gathering, including qualitative and quantitative data and the source of that information, whether national statistics, surveys or consultations with relevant equality groups.

Source	Qualitative evidence provided	Quantitative evidence provided	Which protected characteristics are covered?	Gaps identified/ action taken
Management information data		Annual staff and committee equalities data	Age, disability, gender, ethnicity. In some cases other protected characteristics	Membership data not collected.
Tenant satisfaction survey		Survey carried out in 2019	Age, disability, gender, ethnicity. In some cases other protected characteristics	Data becoming out of date.
Committee, Equalities Working Group and Tenants Forum minutes	Equality related issues identified and discussed		Various	
Review of complaints received	Tenant/service user experience	Statistical data on types of complaint	All protected characteristics	
Observations/conversations (anecdotal)	Staff/committee/tenant/service user levels of understanding, inclusive practice		All protected characteristics	
Edinburgh Census 2011		Statistical data	Age disability, gender, ethnicity, marital status, religion or belief.	Data becoming out of date.
EdIndex data		Statistical data provided for individuals on the housing waiting list	Age, disability, gender, ethnicity. In some cases other protected characteristics.	Data becoming out of date.
SHR Annual Return on Charter data		Statistical data on staff, committee and tenant profile for RSLs	Disability, ethnicity.	

### Stage 3: Assessing the impacts

**How might the policy impact on people who share protected characteristics?** Include both positive and negative impacts.

Protected Characteristic	Description of Impact
Age	No impact identified.
Disability	Individuals with certain life conditions or mental health conditions could be impacted negatively due to the lack of understand of their condition. Individual circumstances will be taken into account in the application of this policy and reasonable adjustments will be made in applying this policy. This can include the use of third party advocates to assist service users to air their complaint. We will provide training and support to employees when dealing with challenging behaviour and situation.
Gender reassignment	The policy protects employees from harassment. This extends to harassment on the grounds of gender reassignment.
Marriage & civil partnership	No impact identified.
Pregnancy & maternity	No impact identified.
Race	The policy will have a positive impact on employees. It makes clear that abuse and harassment will not be tolerated. This includes racial harassment. The policy sets out clear guidance for employees to enable them to deal with unreasonable behaviour. The policy has no differential impact with regard to the race of service users. However, translated copies of the policy can be made available for service users who do not speak English. Appropriate measures will be taken to ensure that, where there are language barriers, service users understand the process.
Religion or belief (including no belief)	The policy protects employees from harassment. This extends to harassment on the grounds of religion or belief.
Sex	No impact identified.
Sexual orientation	The policy protects employees from harassment. This extends to harassment on the grounds of sexual orientation.

#### **How does the policy promote equality of opportunity?**

The policy ensures that individual circumstances are taken into account and reasonable adjustments made for service users whose behaviour is impacted on by a disability. The protected characteristic of disability includes mental health conditions. This is balanced with our duty of care to employees.

#### **How does the policy promote good relations?**

The policy aims to ensure that all service users have access to our complaints procedure and that all parties are treated with dignity and respect.



## Stage 4: Decision making and monitoring

### *Identifying and establishing any required mitigating action*

If, following the impact analysis, you think you have identified any unlawful discrimination – direct or indirect - you must consider and set out what action will be undertaken to mitigate the negative impact.

Does the assessment show a potential for differential impact on any group(s)?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is there potential for unlawful direct or indirect discrimination?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

### *What arrangements could be implemented to reduce or mitigate any potential adverse or negative impacts identified?*

Individual circumstances are taken into account and reasonable adjustments are made where necessary.

### *Describing how Equality Impact analysis has shaped the policy making process*

- ◆ The following changes have been made as a result of the EQIA:
- ◆ Guidance has been included to ensure reasonable adjustments are made when unacceptable actions are connected with a disability.
- ◆ Appropriate measures will be taken to ensure that, where there are language barriers, service users understand the process.

### *Monitoring and Review*

The policy will be reviewed every three years.

## Stage 5 - Authorisation of EQIA

Please confirm that:

- ◆ This Equality Impact Assessment has informed the development of this policy:  
Yes  No
- ◆ Opportunities to promote equality in respect of age, disability, sex, pregnancy and maternity, gender reassignment, sexual orientation, race and religion or belief have been considered, i.e.:
  - Eliminating unlawful discrimination, harassment, victimisation;
  - Removing or minimising any barriers and/or disadvantages;
  - Taking steps which assist with promoting equality and meeting people's different needs;
  - Encouraging participation (e.g. in public life)
  - Fostering good relations, tackling prejudice and promoting understanding.

Yes  No

### Declaration

I am satisfied with the equality impact assessment that has been undertaken for **Unacceptable Actions policy**.

Name: **Brendan Fowler**

Position: **Director**

Authorisation date: **12/08/2020**