



## **CUSTOMER CONTACT - UNACCEPTABLE ACTIONS POLICY**

**Policy Classification: Management**

**Status: Approved**

<b>Policy Lead:</b>	Director of Housing & Care Services
<b>Date Approved:</b>	July 2017
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<b>Review Due Date:</b>	October 2020
<b>Review Period:</b>	3 years unless required earlier due to changes in the law, regulation, best practice or requirement of the Association

## REFERENCE PAGE

<b>Document Title:</b>	Unacceptable Actions Policy
<b>Aim:</b>	To explain how we will approach these situations and how we aim to support our staff to manage this kind of behaviour.
<b>Objective:</b>	1 The Eildon Group will ensure that the highest standards of governance and partnership working are adhered to, including compliance with our regulatory frameworks
<b>Scope of Policy:</b>	All stakeholders
<b>Nominated Officer:</b>	Corporate Services Manager
<b>Approval Source:</b>	Executive team
<b>Legal and Regulatory References:</b>	Equality Act 2010
<b>Procedural References:</b>	Complaints Framework
<b>Consultation Completed:</b>	Yes - Staff
<b>Risk Implications:</b>	1- Existing policy, minimal change
<b>Equalities Assessment:</b>	All Eildon policies and key documents are developed with the clear objective of ensuring that they do not discriminate against any person and have negative impacts for equality groups. We will always welcome comments on the impact of a policy on particular groups of people in respect of, but not limited to, age, disability, gender reassignment, race, religion, sex or sexual orientation, being pregnant or on maternity leave and children's rights and wellbeing.
<b>Accessibility:</b>	Accessible electronically/online and in print. All documents can be translated and made available in audio, braille and large print versions upon request.

**RELEVANCE TO SCOTTISH SOCIAL HOUSING CHARTER**

STANDARD	OUTCOME
<b>The Customer / Landlord Relationship</b>	
<p><b>1 Equalities</b></p> <p>Social landlords manage their businesses so that:</p> <ul style="list-style-type: none"> <li>• <i>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.</i></li> </ul>	<p>This <b>outcome</b> describes what social landlords, by complying with equalities legislation, should achieve for all tenants and other customers regardless of age, disability gender reassignment, marriage and civil partnership, race, religion or belief, sex, or sexual orientation. It includes landlords’ responsibility for finding ways of understanding the needs of different customers and delivering services that recognise and meet those needs.</p>
<p><b>2 Communication</b></p> <p>Social landlords manage their businesses so that:</p> <ul style="list-style-type: none"> <li>• <i>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.</i></li> </ul>	<p>This <b>outcome</b> covers all aspects of landlords’ communication with tenants and other customers. It is not just about how clearly and effectively a landlord gives information to those who want it. It also covers making it easy for tenants and other customers to make complaints and provide feedback on services, using that information to improve services and performance, and letting people know what they have done in response to complaints and feedback. It does not require landlords to provide legally protected, personal or commercial information.</p>

**RELEVANCE TO EILDON’S 5 YEAR STRATEGY**

<p><b>Strategic Objective 1</b> – The Eildon Group will ensure the highest standards of governance and partnership working are adhered to, including compliance with our regulatory frameworks.</p>
<p><b>Strategic Objective 3</b> - The Eildon Group will ensure the delivery of high quality, responsive and affordable housing and support services.</p>
<p><b>Strategic Objective 4</b> - The Eildon Group will ensure the delivery of high quality, responsive and affordable care services.</p>
<p><b>Strategic Objective 5</b> - The Eildon Group will ensure the delivery of high homes and property asset management services.</p>

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## **1. POLICY STATEMENT**

- 1.1.** We believe our customers have the right to be heard, understood and respected. Very occasionally the behaviour and actions of some individuals using our services makes it very difficult for us to work effectively with them. In a small number of cases the actions become unacceptable because our staff or our processes are abused. When this happens, we must act to protect other customers and our staff. In doing so, we consider the impact of the behaviour on our ability to do our work and provide a service to others. This policy explains how we will approach these situations and aims to support our staff to manage this kind of behaviour.
- 1.2.** Our Unacceptable Actions Policy relates to anyone who receives a service from the Eildon Group (known as “Eildon”) and has been developed in accordance with the Scottish Public Services Ombudsman’s (SPSO) model policy on unacceptable actions.
- 1.3.** We recognise that there may be occasion when application of this Policy may be inappropriate for customers who, on a day to day basis, present behaviours which we may find challenging due to care and support needs. On this basis, this Policy should be considered in conjunction with specialist frameworks and procedures, and in discussion with relevant external support agencies.

## **2. PRINCIPLES**

- 2.1.** We are committed to providing high quality services to our customers and will ensure that expressions of dissatisfaction from our customers are dealt with in the best possible manner. We value complaints and customer feedback and will use this to help us improve our services.
- 2.2.** We are committed to ensuring that the promotion of diversity, elimination of discrimination, and equality of opportunity are integral to our activities. We will comply with discrimination legislation and will ensure all individuals are treated equally where they have a “protected characteristic” of age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership, pregnancy and maternity as defined by the Equality Act 2010.
- 2.3.** We also recognise that if individuals are angry, demanding or persistent, this may result in unreasonable demands on time and resources or unacceptable behaviour towards our staff or their agents. We will, therefore, apply this policy and the associated procedures to protect our staff from unacceptable behaviour such as unreasonable persistence, threats or offensive behaviour.

## **3. PURPOSE**

- 3.1.** Our Unacceptable Actions Policy will:

- Deal fairly, honestly, consistently and appropriately with all customers, including those whose actions we consider unacceptable,
- Ensure that our staff are treated with respect and are not subject to verbal or physical abuse by customers,
- Ensure that our staff and other customers do not suffer any disadvantage from customers who act in an unacceptable manner,
- Provide a service that is accessible to all customers. However, we retain the right where we consider customers' actions to be unacceptable to restrict or change access to our service.

#### **4. DEFINING UNACCEPTABLE ACTIONS**

We recognise that people may act out of character in times of trouble or distress. For example, they may have faced upsetting or distressing circumstances leading up to a complaint. We do not view behaviour as unacceptable just because an individual is forceful or determined in their approach to us. However, the actions of customers who are angry, demanding or exceptionally persistent may result in unreasonable demands being placed on our time and resources or unacceptable behaviour being directed towards staff. It is these actions that we consider unacceptable and aim to manage under this Policy.

Eildon have grouped these actions under three broad headings as follows:

##### **4.1 AGGRESSIVE AND ABUSIVE BEHAVIOUR**

We understand that very occasionally customers may become upset or angry about issues they have raised as a complaint or a concern with us. If that behaviour escalates into aggression towards Eildon staff, we consider that unacceptable. Any violence or abuse towards staff will not be accepted. Violence is not restricted to acts of aggression that may result in physical harm. It also includes behaviour or language (whether verbal or written) that may cause staff to feel offended, afraid, threatened or abused.

We will judge each situation individually and appreciate individuals who come to us may be upset. Language which is designed to insult or degrade, is racist, sexist or homophobic or which makes serious allegations that individuals have committed criminal, corrupt or perverse conduct without any evidence is unacceptable. We may decide that comments aimed at third parties, including other customers, are unacceptable because of the effect that listening or reading them may have on our staff. We also consider any inflammatory statements and unsubstantiated allegations made to be abusive behaviour.

Correspondence from customers made through our social media platforms which is threatening or abusive to staff, or which contain inflammatory statements or unsubstantiated allegations, will be removed by Eildon. We may contact the customer making the remarks to advise them on why the behaviour is unacceptable. Depending on the nature of the remarks, we may seek advice from Police Scotland and report the incident to the relevant social media outlet.

## **4.2 UNREASONABLE DEMANDS**

Customers may make what we consider to be unreasonable demands through the amount of information they want from us, the nature and scale of service they expect or the number of times they contact us. A demand becomes unreasonable when it starts to impact substantially on staff time and our ability to deliver our service and to other customers.

Examples of unreasonable demands include:

- repeatedly demanding responses within an unreasonable timescale,
- insisting on seeing or speaking to a particular member of staff when that is not possible,
- repeatedly changing the substance of a complaint or raising unrelated concerns,
- Continuing to seek to pursue a complaint or service where the concerns identified are not within the remit of Eildon staff to investigate.

## **4.3 UNREASONABLE PERSISTENCE**

We recognise that some customers will not or cannot accept that we are unable to assist them or provide a level of service other than that provided already. Customers may persist in disagreeing with the action or decision taken regarding their complaint, service request or concern, or persist in contacting us about the same issue.

Sometimes the volume and duration of contact made to our office by an individual causes problem. This can occur over a short period, for example, several calls in one day or one hour, or excessive levels of emails. It may occur over the life-span of a complaint or concern when a customer repeatedly makes long telephone calls to us or inundates us with copies of information that has been sent already or that is irrelevant to the issue raised. We consider that the level of contact has become unacceptable when the amount of time spent talking to a complainant on the telephone, or responding to, reviewing and filing emails or written correspondence impacts on our ability to deal with that matter, or with other customer's needs.

## **5. MANAGING UNACCEPTABLE BEHAVIOUR**

- 5.1.** We must act when unreasonable behaviour impairs the functioning of our service. We aim to do this in a way that allows a complaint to progress through our complaints handling procedure, or service requests are handled through appropriate staff within Eildon. We will try to ensure that any action we take in managing unacceptable behavior is the minimum required to solve the problem, considering relevant personal circumstances including the seriousness of the complaint or request raised, and the needs of the individual.
- 5.2.** Eildon staff will end telephone calls if they consider the caller aggressive, abusive or offensive. Eildon staff have the right to make this decision, to tell the caller that their behaviour is unacceptable and end the call if the behaviour persists. Any such action will be followed up in writing to the customer.
- 5.3.** The threat or use of physical violence, verbal abuse or harassment towards staff is likely to result in a termination of all direct contact with the customer. We may seek legal advice or report incidents to the police. This will always be the case if physical violence is used or threatened.
- 5.4.** We will not respond to correspondence (in any format) that contains statements that are abusive to staff or contains allegations that lack substantive evidence. Where we can, we will return the correspondence. We will explain why and say that we consider the language used to be offensive, unnecessary and unhelpful and ask the sender to stop using such language. We will state that we will not respond to their correspondence if the action or behaviour continues. In extreme situations, we will tell the complainant in writing that their name is on a 'no personal contact' list. This means that we will limit contact with them.
- 5.5.** As each case of unacceptable behaviour will be considered on an individual basis, we may decide to:
- limit contact to telephone calls from the complainant at set times on set days.
  - restrict contact to a nominated member of staff who will deal with future calls or correspondence from the complainant.
  - see the complainant by appointment only.
  - restrict contact from the complainant to writing only.
  - return any documents to the complainant or, in extreme cases, advise the complainant that further irrelevant documents will be destroyed.

- take any other action that we consider appropriate.

**5.6** Where unacceptable actions persist after appropriate warnings have been issued by Eildon staff and we believe the sustained unacceptable actions to be a breach of a customer's occupancy or tenancy agreement, we will seek legal advice on the appropriateness of taking enforcement action due to a breach of the customer's agreement with Eildon.

**5.7** Where the customer is not a tenant of Eildon, but receives service from us, we may, in exceptional circumstances, consider the withdrawal of our service provision but will only do so as a last resort and in discussion with relevant carers, statutory agencies, etc.

**5.8** 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 each period and we ask them to limit or focus their requests accordingly. In exceptional cases, we reserve the right to refuse to consider a complaint or service issues raised, or future complaints or service issues raised from an individual. We will consider the impact on the individual and whether there would be a broader public interest in considering the matter further. We will always tell the customer what action we are taking and why.

## **6. RECORDING A DECISION TO RESTRICT CONTACT**

We will seek to manage the unacceptable actions of individual customers through appropriate communication channels and by issuing warnings. However where we believe we have exhausted all reasonable approaches to limit the impact on our service, we will consider if our action should be escalated to formally restrict contact with the customer/s as set out in Section 5.

Any decision to restrict customer contact will only be made in agreement with one of Eildon's Directors and reasons why must be recorded on our Unacceptable Actions Register. The customer will be notified in writing as to why this decision has been made and will be advised on the restricted contact arrangements and if relevant, the length of time that these restrictions will be in place. All cases where contact has been restricted will be reviewed every 3 months with an update provided to the customer.

During this period we will continue to seek solutions to improve our relationship with customers placed on the Unacceptable Actions Register. Where appropriate, this could include the use of external mediation services to support customers and front line staff to rebuild relationships where these have been affected by this process.

## **7. APPEALS**

A customer can appeal against any decision to restrict contact which they feel is unjust. The appeal will be dealt with impartially and will be directly referred to the Chief Executive for consideration.

## **8. CONFIDENTIALITY**

All information provided by customers in relation to this Policy will be treated as strictly confidential and will not be discussed with third parties without their permission. We will always have regard to the Data Protection Act 2018, GDPR.

## **9. TRAINING**

Eildon will ensure that all staff are made aware of the application of this policy during their induction period when joining Eildon. All staff who deal with customers on a day to day basis will receive appropriate training and information on this policy, along with our wider Complaints Procedures and Customer Services Standards.

## **10. REVIEW OF UNACCEPTABLE ACTIONS POLICY**

Eildon will review this policy every three years unless required earlier due to changes in the law, regulation, best practice or requirements of the Association.