

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

**Classification: Management**

**Status: Approved**

<b>Policy Lead:</b>	Director of Business Support
<b>Last Review Date:</b>	September 2024
<b>Review Due Date:</b>	September 2029
<b>Review Period:</b>	5 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 define what is unacceptable behaviour, explain how we will approach these situations and how we aim to support our staff to manage this kind of behaviour when displayed by customers.
<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>	Customer Experience Manager
<b>Approval Source:</b>	Executive Team
<b>Legal and Regulatory References:</b>	Equality Act 2010 SPSO Model Framework
<b>Procedural References:</b>	Complaints Framework  Equality and Diversity Policy Anti Social Behaviour Policy Customer Service Standards
<b>Consultation Completed:</b>	Yes - Staff
<b>Risk Implications:</b>	1- Existing policy, minimal change
<b>Equalities Assessment:</b>	Refer to <a href="#">Unacceptable Actions Policy - EIA.docx</a>
<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.

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## 1 POLICY STATEMENT

- 1.1 We believe our customers have the right to be heard, understood and respected.
- 1.2 We aim to support everyone engaging with us to do so positively in order to help us provide them with the best possible level of service.
- 1.3 In occasional circumstances, 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 these actions become unacceptable because they impact our ability to provide a service or the well-being of our staff. This policy explains how we will identify and respond to these situations and aims to support our staff to manage them.
- 1.4 Our Unacceptable Actions Policy (the Policy) relates to anyone who receives a service from or engages with the Eildon Group (known as “Eildon”) and has been developed in accordance with the Scottish Public Services Ombudsman’s (SPSO) guidance. This includes individuals who are applying for a property but not a current Eildon tenant.
- 1.5 The Policy applies to all forms of contact including verbal (over the phone, in person, etc.), written (letters, emails, online forms, etc.) as well as contact at Eildon events, and through social media.
- 1.6 The Policy covers all Eildon staff across every aspect of our service. For simplicity, the term “staff” is used in the policy to cover staff, relief staff, board members, volunteers and contractors working on behalf of Eildon, and the term “customer” is used to all those who have any interactions with or pay for services provided by Eildon.

## 2 PRINCIPLES

### **Respect**

- 2.1 We expect all staff to behave in a professional manner and treat our customers and service users with courtesy, respect and dignity. We also ask individuals to treat our staff with respect.
- 2.2 We ask individuals to engage actively with us when raising concerns or complaints about our services 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 from us or another party to do this);
  - working with us to agree the key issues being raised;
  - and
  - responding to reasonable requests from Eildon for information.
- 2.3 This Policy covers situations when these standards of expected engagement with

us are not met. Section 5 sets out some examples of behaviours which fall below these standards.

## **Right to Raise Concern**

- 2.4 We are committed to providing high quality services to our customers and will support people to express concerns about our services in a constructive manner.
- 2.5 We value complaints and customer feedback and will use this to help us improve our services. We will apply our Complaints Handling Procedure fairly and openly when individual concerns are raised.
- 2.6 Where complaints or feedback relate to our regulated care services, we will also comply with the requirements of the Care Inspectorate in how we manage and investigate these.

## **Equality of Opportunity**

- 2.7 We are committed to ensuring that all people have an equal opportunity to access our services. We do this actively by considering accessibility when designing the way we provide our services.
- 2.8 We try to anticipate our users' requirements and encourage all users to tell us if we need to adjust the way we deliver our service for them.
- 2.9 We understand that our customers may have experience of trauma, present behaviours which we may find challenging due to a disability or have specific needs and requirements. We will ensure our staff have appropriate training to identify where additional support may be needed and are supported to treat all customers with kindness and compassion. We regularly signpost to organisations who can provide independent advice and support.
- 2.10 In the event that we decide we need to manage our interactions with an individual within the context of this Policy, we will consider what appropriate reasonable adjustments should be made to support the individual's needs and requirements. In some of these circumstances this Policy will need to be considered in conjunction with specialist frameworks and procedures, and in discussion with statutory partners and relevant external support agencies to enable us to respond appropriately.
- 2.11 This Policy can be made available in a variety of formats, including large print, translated into another language or other media.

## **Wellbeing of our Staff**

- 2.12 While we will support positive engagement with our customers, there will be occasions when this is not possible and we will have to apply this Policy and the associated procedures to protect our staff from unacceptable behaviour such as unreasonable persistence, threats or offensive behaviour.
- 2.13 This Policy aims to ensure that our staff are treated with respect and not subject to verbal or physical abuse by customers.

### 3 OUR APPROACH TO MANAGING UNACCEPTABLE BEHAVIOUR

- 3.1 This Policy sets out general advice in relation to Eildon's response to unacceptable behaviours and actions, but we will, whenever possible explain clearly the reason for any specific decision to the person affected and/or keep a separate documented record if that is not possible or appropriate.

#### **Proportionate Response**

- 3.2 We will work to support positive engagement with individuals, seek to defuse and de-escalate situations, and whenever possible restore the relationship to ensure we can communicate as normal.
- 3.3 However, we recognise there may be need to take action if the situation becomes unacceptably challenging, is resulting in unreasonable demands on Eildon or unreasonable behaviour towards our staff and others.
- 3.4 We will work to ensure our responses are proportionate to the behaviour and the impact on Eildon and our staff, are necessary and use the least restrictive method(s) available. This will include the consideration of relevant personal circumstances including the seriousness of the complaint or request raised, and the specific needs of the individual.
- 3.5 In assessing the situation we may take into consideration information available to us via written communication as well as any call recordings we have from our call centre software.
- 3.6 Where possible, we will seek to act in ways that recovers the relationship.

#### **Threat of Physical Violence, Abuse or Harassment towards Our Staff**

- 3.7 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.
- 3.8 This will always be the case if physical violence is used or threatened.
- 3.9 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 or delete where contact is by email or through other digital communications.

### 4 APPLYING THE UNACCEPTABLE ACTIONS POLICY

- 4.1 When the situation has become unacceptably challenging, is resulting in unreasonable demands on Eildon or unreasonable behaviour towards our staff and others we will decide to take management action to address the impact on Eildon and our staff and others.

- 4.2 We will seek to manage the unacceptable actions of individual customers through appropriate communication channels and by issuing warnings.

***Formal Warning under the Policy***

- 4.3 The decision to issue a formal warning under this Policy provides the individual(s) an opportunity to adjust their behaviour and avoid the need for the invoking of any further management action under this Policy. This decision will be made by one of Eildon's Operational Managers.

***Restrictions and/or Management Actions taken under the Policy***

- 4.4 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 a decision to formally restrict or manage contact with the customer(s).
- 4.5 The decision on the management approach of the unacceptable behaviour will be tailored to the individual and the situation, and could include:
- Restricting contact by channel (e.g. phone or email) or to a nominated member of staff
  - Not providing direct contact details or staff names (when there is a risk this will lead to harassment)
  - Restricting time/volume of contact
  - Limit contact to telephone calls from the individual at set times on set days.
  - See the individual by appointment only.
  - Restrict contact from the individual to writing only, including email contact.
  - Return any documents to the individual or, in extreme cases, advise them that further irrelevant documents will be destroyed.
  - In the case of emails or other digital contact, advise the individual that further irrelevant content will be deleted.
- 4.6 Any decision to formally invoke management action under this Policy will only be made in agreement with one of Eildon's Directors.
- 4.7 Reasonable adjustments should be made when appropriate to help individuals remain actively and positively involved with our service. In some cases, we may take a multi-disciplinary approach, involving staff from across our service and seeking assistance from professionals outside the organisation or third sector experts where we consider the person is vulnerable and restrictions would have a disproportionate impact.
- 4.8 When we need to manage interactions with individuals under this Policy we aim to do this in a way that allows a complaint to progress through our complaints handling procedure, or a service request to be handled through appropriate staff within Eildon.
- 4.9 Depending on the nature of an individual's behaviour, we may seek advice from the police and, where appropriate, report any online incident to the relevant social media outlet.

## 5 EILDON STAFF RIGHT TO END CONTACT

- 5.1 Eildon staff will end any meetings including online meetings or telephone calls if they consider the customer aggressive, abusive or offensive.
- 5.2 Eildon staff have the right to make this decision and to tell the customer that their behaviour is unacceptable and end the meeting or call if the behaviour persists. This is because it is not appropriate for anyone to continue to engage if they are becoming distressed or it is having other negative impact on them. Any such action will be followed up in writing to the customer.
- 5.3 The decision whether or not to take a management approach under this Policy does not affect the right of any member of Eildon staff to end contact they find personally distressing or uncomfortable.
- 5.4 There is more information on this in Section 9 Protecting our Staff.

## 6 COMMUNICATING AND RECORDING DECISIONS

- 6.1 Decisions to issue a warning or formally invoke this Policy will result an individual's classification within our system being flagged. This classification will remain in place until a review (see section 7) concludes that this is no longer required.
- 6.2 In addition, the decision and any restrictions or management actions to be implemented will be communicated to the individual(s) in writing from an Operational Manager or a Director.
- 6.3 A record of any communication will be retained within the customer record on our systems in line with our Privacy Policy.

## 7 REVIEW

### ***Formal Warning under the Policy***

- 7.1 A review of an individual's interactions with Eildon will happen at an appropriate interval following the issue of a formal warning (normally after 3 months). The review will evaluate whether the behaviours giving rise to the original warning have continued or not. In the event that they have not been satisfactorily addressed by the individual the situation will be raised with an Eildon Director to agree any further action that may be taken under this Policy. The outcome of the review will be communicated to the individual, and where relevant, will include details of any further action being taken.

### ***Restrictions and/or Management Actions taken under the Policy***

- 7.2 Restrictions are normally subject to review at appropriate intervals (normally every 3 months) while we are providing a service. The timing and circumstances where review would be considered should be explained clearly to the person who is under restriction at the time the restriction is put in place.

## 8 APPEALS

- 8.1 A customer can appeal against any decision to actively manage contact including the formal restriction of contact which they feel is unjust.
- 8.2 The appeal should be made in writing and to enable it to be dealt with impartiality should be directly referred to the Chief Executive for consideration.

## 9 PROTECTING OUR STAFF AND OTHERS

- 9.1 There are some situations that we are not able to accept and we will always take action. We have **zero tolerance** of threats, violent and abusive behaviour towards staff. This is to ensure their own safety and wellbeing, and also protect our services and others.
- 9.2 The advice below identifies other situations that we find unacceptable. Eildon staff always need to take action to respond to or disengage when these happen and should always raise with a manager what has happened and any steps they were able to take. It is important to note that in some situations, the only appropriate action is to end contact immediately.

### Phone or face-to-face contact

- 9.3 During phone or direct contact such as an in-person meeting, staff will issue a warning before ending contact if it is safe and they consider it appropriate to do so, but a warning is not required if it would be unsafe to do so or the language is intense, deeply upsetting or extreme.
- 9.4 If staff are informed by a customer that the conversation is being recorded for personal use, we will consent to this. However if staff are advised the recording will be used later for public use or are being live-streamed, they will end contact politely but immediately. As noted in section 5.3, depending on the surrounding circumstances, this could also come under the category of harassment.

### Written or email correspondence to Eildon

- 9.5 If we receive violent or abusive correspondence, the sender will be informed this is unacceptable.
- 9.6 We will not respond directly to the substance of the correspondence. In some cases, particularly if there is an indication of a risk to health or safety or a public interest, we may use evidence that is supplied with the correspondence as part of our investigation, or potentially within legal action depending on the content, but that should not be the default position.
- 9.7 The decision that correspondence is unacceptable will be made by an appropriate manager or director. Where this behaviour is repeated despite warnings or an individual instance is regarded as at the higher end of abusive we may need to take steps to restrict contact with Eildon.

## Online, web and social media

- 9.8 This is a fast-moving and changing area; nevertheless, the principles outlined in this policy will still apply. Eildon will follow the best practice advice available at the time of any incident and note and record the reasons for our decisions.
- 9.9 Actions may include:
- blocking accounts or using other technical options available on the relevant platform to minimise exposure
  - using the relevant social media platform's own reporting mechanisms to seek to have the content removed
  - limiting contact with the individual through other channels to reduce risk to staff – this could include ensuring the person is not provided with specific individual contact details
  - deletion of the comment/post where it has been made on an Eildon managed account
  - direct threats on social media should be dealt with like any physical threat (see section 9.10 below).

## Physical Threats

- 9.10 When a physical threat is made, we will always report it to the police and seek their advice on whether any further action should be taken by Eildon.
- 9.11 This includes situations when the threat made is not to us but a threat to harm a third party.

## 10 IDENTIFYING TYPES OF BEHAVIOUR WE NEED TO MANAGE

- 10.1 It is important Eildon are consistent when identifying unacceptable behaviour and when to use one of the approaches above to managing our engagement with individuals.
- 10.2 We have grouped these actions under four broad headings with a list of examples of situations where we may need to use one of the approaches set out in this Policy.
- 10.3 This list is not exhaustive, and we can manage types of engagement or behaviour not listed if it is impacting negatively on individuals or our ability to provide a service.

## Aggressive and Abusive Behaviour

### Violence

- 10.4 ***Violence towards staff or others will not be tolerated***
- 10.5 Violence is not restricted to acts of aggression that may result in physical harm. It also includes actions or language (whether verbal or written) that would

reasonably cause someone to feel offended, afraid or threatened.

### **Abuse**

#### **10.6 Abuse towards staff or others will not be tolerated**

- 10.7 Abusive language includes all language that is designed or could be perceived as 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 supporting evidence.
- 10.8 Language which makes unfounded allegations about an individual's professional ability or capability or seeks to belittle or denigrate them personally is also unacceptable.
- 10.9 Comments made about Eildon or Eildon staff on social media which are designed to be, or which it is reasonable to assume may be, shared or made public are also covered for the same reason, even if they are not shared directly with us.
- 10.10 Where possible, these will be removed by Eildon, otherwise we will contact the individual making the remarks and request that these comments are removed.

### **Harassment**

- 10.11 Harassment of staff, whether accompanied or not by violence or abusive comments, is not acceptable.
- 10.12 Harassment would include:
- Repeatedly contacting or continuing to contact individual staff members when previously asked not to.
  - Contacting staff out with working hours to seek to influence them.
  - Targeting and naming them on public or other easily shared social media.

#### ***Naming and targeting staff publicly***

- 10.13 We encourage those who wish to criticise Eildon online to name the organisation rather than individuals. Naming of individuals online may lead restrictions being put in place.
- 10.14 Statements that individuals intend to record and then use that recording publicly or to live stream would be regarded as harassment even if there is no directly abusive content to the statement.

## **Unreasonable Demands**

### **Unreasonable Demands for Information, Service or Contact**

- 10.15 An individual 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.
- 10.16 A demand becomes unreasonable when it starts to (or when complying with the demand would) impact substantially on work.

10.17 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 no possible or appropriate.
- Repeatedly changing the substance of a complaint or raising unrelated concerns.
- Makes the same complaint without any new evidence being presented.
- Causes us to spend an excessive amount of time on their demand and, in doing so, disadvantages others who access our services

### ***Contact Outside the Working Environment***

10.18 Any contact with by a member of staff with an individual outwith the normal working environment should be discussed with their manager who will decide whether this appropriate and whether it should be recorded. This includes personal contact via social network sites and includes social contact in outside normal working hours.

10.19 The highlighting of this and recording of it, where appropriate, helps to quickly identify any pattern of the individual seeking direct contact in an inappropriate manner.

## **Unreasonable Persistence**

### ***Persistent Contact on an Issue***

10.20 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. An individual 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.

10.21 Continuing a conversation which has become circular or repeats statements already made by other colleagues results in a deterioration of our relationship with an individual and detrimental to resolving issues. If this happens, we will end the conversation and seek to re-engage again later, if appropriate

10.22 Sometimes the volume and duration of contact made to our staff by an individual causes us problems. 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 we deem to be irrelevant to the issue raised.

10.23 We consider that the level of contact has become unacceptable when the amount of time spent talking to an individual 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 customers' needs.

10.24 If an individual will not accept that we are unable to assist further and continues to

contact us persistently about the same issue, we will regard their behaviour as unreasonable.

- 10.25 Where all internal review mechanisms have been exhausted and an individual continues to dispute our decision relating to the issue they have raised, we may impose some sanctions.

### ***Excessive Levels of Contact***

- 10.26 Where an individual continues to contact us on a wide range of issues and this action is considered excessive, we will consider restricting their contact to only a certain number of issues in a given period and will ask them to limit the focus of their requests accordingly.

### ***Unreasonable Use of Our Complaints Handling Process***

- 10.27 Whilst complaints give us valuable information we can use to improve customer satisfaction, we will regard an individual's contact unreasonable when the effect of their repeated complaints is to harass, or to prevent us from pursuing a legitimate aim or implementing a legitimate decision.
- 10.28 We consider access to a complaints system to be important and it will only be in exceptional circumstances that we would consider an individual's repeated use as unacceptable. We reserve the right to do so in exceptional cases.

## **11 TRAINING**

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

## **12 REVIEW OF UNACCEPTABLE ACTIONS POLICY**

- 12.1 The Customer Experience Manager will ensure that this policy is reviewed every five years unless required earlier due to changes in the law, regulation, best practice or Eildon's requirements.
- 12.2 The Executive Team have delegated authority to approve and review this management policy.