

Unacceptable Actions Policy

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Out for tenant consultation



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1. Introduction and Purpose

- 1.1 Rosehill aims to provide a first class service to its tenants and other customers. However, we recognise that, at times, things can go wrong or that tenants or other customers can be dissatisfied and wish to make a complaint. We are open, approachable and responsive when dealing with complaints.
- 1.2 The Policy refers to dealings with our staff but can be equally applied to our Committee Members and anyone carrying out work on our behalf e.g. contractors and consultants.
- 1.3 Generally, Rosehill's tenants and other customers treat Rosehill's staff with consideration and respect in much the same way as they would expect to be treated themselves. There are very few whose behaviour is deemed as unacceptable and, in this small number of cases, we have to consider taking steps to protect our staff, or to ensure that the services we provide are not undermined.
- 1.4 This Policy sets out Rosehill's approach to the relatively few tenants or other customers whose actions or behaviour we consider unacceptable when engaging with us.

2. Policy Aims

- 2.1 We aim in all our dealings to:
 - make it clear to tenants and other customers what we consider to be unacceptable actions by them. In doing so, we aim to be clear and open about the potential consequences for people who act in an unacceptable manner;
 - be open and not raise expectations above those we can meet;
 - deal fairly, honestly, consistently and appropriately with everybody, including those whose actions we consider unacceptable. We believe that all tenants and other customers have the right to be heard, understood and respected. We also consider that our staff have the same rights;
 - operate in ways that are accessible to all;
 - provide a service that is accessible to all. However, we retain the right, where we consider actions to be unacceptable, to restrict or change access to our services;
 - ensure that other tenants and customers and our staff do not suffer any disadvantage from people who act in an unacceptable manner.

3. Compliance Context

3.1 The development and implementation of this policy is done within the context of legal, regulatory and other requirements.

| Legal | Regulatory | Scottish Social Housing Charter |
|---|--|--|
| <p>The Equality Act 2010</p> <p>Housing (Scotland) Act 2010 – Scottish Social Housing Charter</p> | <p>Standards of Governance and Financial Management –</p> <p>Standard 2 (2.1, 2.2)</p> <p>The RSL is open about and accountable for what it does. It understands and takes account of the needs and priorities of its tenants, service users and stakeholders. And its primary focus is the sustainable achievement of these priorities.</p> | <p>1. Equalities</p> <p>Social landlords perform all aspects of their housing services 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.</p> <p>2. Communication</p> <p>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.</p> |

3.2 We have adopted the Model Complaints Handling Procedure produced by the Scottish Public Services Ombudsman (SPSO) which was revised in 2020.

3.3 We have taken account of the SPSO's Unacceptable Actions Policy in the revision of our Policy.

4. Our Values

4.1 The delivery of our Vision and Strategic Objectives is underpinned by our Core Values:

We will

- Invest and Support

We will be

- Engaged and Responsive
- Accountable and Compliant
- Fair and Approachable
- Efficient and Responsible
- Excellent and Committed

4.2 The existence and implementation of the Unacceptable Actions Policy is a good example of our Values in practice with particular reference to invest and support and fair and approachable.

5. Other Relevant Policies

5.1 This Policy should be read in conjunction with our Complaints Handling Procedure.

6. Defining Unacceptable Actions

6.1 We understand that people may act out of character in times of trouble or distress. There may have been upsetting or distressing circumstances leading up to a tenant or other customer coming to us. We do not view behaviour as unacceptable just because someone is demanding or unduly persistent. However we do consider actions that result in unreasonable demands on our business or unreasonable behaviour towards our people, to be unacceptable. It is these unacceptable actions that we aim to manage under this Policy. We have grouped these actions under the following broad headings:

6.2 Aggressive or abusive behaviour

6.2.1 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 our people to feel offended, afraid, threatened or abused.

6.2.2 Examples of behaviours grouped under this heading include: physical violence; threats; personal abuse; derogatory remarks and rudeness. Language which is designed to insult or degrade, is racist, sexist, sectarian or homophobic is unacceptable or which makes serious and unsubstantiated allegations of criminal, corrupt or perverse conduct is unacceptable.

6.2.3 We expect our staff to be treated courteously and with respect. Violence or abuse towards our staff is unacceptable and will never be tolerated. Our staff understand the difference between aggression and anger. It is recognised that the anger felt by people is usually linked with what they want to speak to a staff member about. However, it is not acceptable when anger escalates into aggression directed towards our staff.

6.3 Unreasonable demands

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

6.3.2 Examples of actions grouped under this heading include:

- demanding responses within an unreasonable time-scale;
- insisting on seeing or speaking to a particular staff member when that is not possible;
- continual phone calls, letters or emails;
- placing unreasonable conditions on a member of staff;
- refusing to accept that we cannot carry out a particular request;
- refusing to engage with us to resolve things e.g. refusing to clarify things or provide additional information;
- repeatedly changing the substance of a complaint or query;
- raising unrelated concerns;
- seeking information simply to “fish” for “problems” or information which is not related to the complaint or query.

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

6.4 Unreasonable Persistence

6.4.1 We recognise that some people will not or cannot accept that Rosehill is unable to assist them further, or provide a level of service other than that provided already. People may persist in disagreeing with the action or decision taken in relation to a complaint or contact Rosehill persistently about the same issue.

6.4.2 Examples of actions grouped under this heading include persistent refusal to accept a decision made; persistent refusal to accept explanations relating to what Rosehill can or cannot do; and continuing to pursue a matter without presenting any new information. The way in which these people approach Rosehill may be entirely reasonable, but it is their persistent behaviour in continuing to do that which is not.

6.4.3 We consider the persistent actions of people to be unacceptable when they take up what we regard as being a disproportionate amount of time and resources. We have the right to assess whether someone's persistence of approaches over time has reached the point of disrupting our ability to undertake our work, or is amounting to harassment or unreasonable treatment of our staff.

7. Managing Unacceptable Behaviour and Actions

7.1 There are likely to be relatively few people whose actions we consider unacceptable. How we aim to manage these actions depends on their nature and extent.

7.2 Unacceptable Behaviour

7.2.1 We will aim to ensure that a person is warned immediately if their actions are tending towards unacceptable, and what will follow if they persist. However, we will attempt to defuse the situation and aim to bring the tone of communication back to a more reasonable level.

7.2.2 The threat or use of physical violence, verbal abuse or harassment towards our staff will never be tolerated. It is likely to result in the ending of all direct contact with the person. Such actions may be reported to the Police, and will always be reported if physical violence is used or threatened.

7.2.3 Staff 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 same principle applies to people who visit our offices and at home visits. Staff have the right to terminate interviews and require the person to leave the office, and to terminate a home visit and leave immediately. We may decide that there is a need for two of our staff to be present during any personal contact. The Police may be called in circumstances where a threat is made or physical violence used. We may restrict contact in future or only deal through a third party.

7.2.4 We will not deal with correspondence, in any format that is abusive to staff or contains allegations that lack substantive evidence or contains any language which is discriminatory. When this happens we will return the correspondence, where possible, and advise the person that we consider that their language is offensive, unnecessary and unhelpful, and that we will not deal with the correspondence. However, we may, at our discretion, provide the person with a chance to resubmit their correspondence in a form which is acceptable to us. In extreme situations, we will tell the person in writing that their name is on a 'no personal contact' list. This means that we will limit contact with them and any future contact will be through a third party.

7.3 Other unacceptable actions

7.3.1 If unacceptable actions affect our ability to do our work and provide a service to others, we may need to restrict people's contact in order to manage the unacceptable action. We aim to do this in a way that allows, for example, a complaint to progress to completion through our complaints process or a query to be answered. We will also take into account relevant personal circumstances including the seriousness of the complaint or matter and the needs of the individual. However, there may be cases where we will refuse to deal with things, including complaints, where the unacceptable actions make continuing impossible.

7.3.2 Where people repeatedly telephone, visit our office, send irrelevant documents or raise the same issues, we may decide to:

- only take telephone calls from the person at set times on set days
- put an arrangement in place for only one staff member to deal with calls or correspondence from the person in the future;
- require the person to make an appointment to see a named member of staff before visiting the office
- restrict contact from the person to writing only
- return documents or, in extreme cases, advise the person that further irrelevant documents will be destroyed;
- take other action that we consider appropriate including, in exceptional cases, refusing to deal with the matter. We will, however, always advise what action we are taking and why.

7.3.3 Where someone continues to contact us on a wide range of issues, and this action is considered excessive, then the person may be told that only a certain number of issues will be considered in a given period and asked to limit the focus of their requests accordingly.

7.3.4 In the case of a person making a complaint, action will be considered unreasonably persistent if all internal review mechanisms have been exhausted, and the Scottish Public Services Ombudsman has issued a decision, and the person continues to dispute Rosehill's decision relating to their complaint. The person will be told that no future telephone calls or correspondence will be accepted or interviews granted concerning this complaint. We will only acknowledge or respond to new unrelated complaints.

7.4 Restricting Contact

7.4.1 We may restrict contact in person, by phone, letter or email or by any combination of these. We may use technical measures to block an individual's attempts to contact us if that individual's communications have been judged, by us, to be abusive threatening or to constitute harassment. We may decide, in these circumstances, to block an individual's phone number and/or email address and any subsequent phone numbers and email addresses used. We will not necessarily make it known to individuals that we have taken measures to block them, this will be a matter for decision by the Manager dealing with the case.

7.4.2 In the most extreme cases we may seek to interdict the individual or take other legal measures to protect our staff. We will try to maintain at least one form of contact. In extreme situations, we may tell the person in writing that their name is on a 'no personal contact' list. This means that they must restrict contact with Rosehill to either written communication or through a third party.

7.5 Deciding to Restrict Access

7.5.1 Any member of our staff who directly experiences aggressive or abusive behaviour from a person has the authority to deal immediately with that behaviour in a manner they consider appropriate to the situation and in line with this Policy.

7.5.2 With the exception of such immediate decisions taken at the time of an incident, any decision to restrict contact with Rosehill is only taken after careful consideration of the situation and will be made by the relevant Manager or the Director. Wherever possible, we will give the person

the opportunity to change their behaviour or action before such a decision is taken.

7.5.3 Any restrictions imposed by us will not affect a tenant's or other customer's statutory rights such as:

- any right to request information under the Freedom of Information (Scotland) Act 2002 (FOISA), the Environmental Information (Scotland) Regulations 2004 (EIR) or the Data Protection Act 2018 as appropriate;
- to matters where there is a statutory right to consultation;

7.5.4 Any information requests under FOISA, EIR or Data Protection will be considered under the normal terms of the associated access arrangements. However, if any such requests are made in a harassing or unreasonable manner, they may be deemed vexatious under FOISA or manifestly unreasonable under EIR.

8. Notification of our Decision

8.1 When a Rosehill staff member makes an immediate decision in response to offensive, aggressive or abusive behaviour, the person is advised at the time of the incident. When a decision has been made by a Manager or the Director, the person will be notified in writing, explaining the following:

- why the decision has been made to restrict future contact;
- the restricted contact arrangements;
- if relevant, the length of time that these restrictions will be in place.

8.2 This will ensure that the person has a record of our decision.

9. Recording and Reviewing our Decision

9.1 We will hold a register of any restrictions imposed. The Director is responsible for:

- Reporting any cases, where restrictions or sanctions are imposed, to the Management Committee;
- Ensuring that all staff comply with this policy;
- Ensuring that this Policy is publicised.

9.2 If we make restrictions to how or when someone can contact us under the terms of this policy, we will review these periodically or on request. We will ensure that any restrictions are for set time periods only and that the person to which they apply is informed of the timescale and the date of review.

9.3 At the end of a period when a restriction has been put in place, the restriction will be lifted for a trial period, which lasts for the same amount of time as the original restriction did if there has been no repeat of unacceptable actions. If the person continues to act in an acceptable way, during the trial period, that is the end of the matter. However, if the person acts in an unacceptable way during the trial period the restriction will be put in place again.

10. Appealing our 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 original complaint made/issued raised or 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. Tenant Participation

11.1 We are a tenant focused organisation which is reflected in our Tenant Participation Strategy. This key document clearly demonstrates that we are committed to involving tenants in all aspects of our work and ensuring that tenants are included, informed and consulted about decisions that have an impact on the way their homes are managed.

11.2 As part of this commitment we will involve our tenants in the development of our policies and seek feedback where appropriate. We will ensure that any significant changes to this Policy and other Policies which will affect our tenants will be the subject of consultation.

12. Equality and Diversity

12.1 We will ensure that we meet the Equality Act 2010 by being committed to equal and fair treatment for all and opposed to any form of unlawful discrimination. In implementing this Policy, we will provide a fair and equal service to all people. No-one will be treated differently or less favourably than others because of any of the protected characteristics as listed in the Equality Act 2010:

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation.

12.2 We are committed to removing any barriers to communication. Therefore, if required, this Policy can be produced in another format e.g. Braille, large print, etc or another language.

13. Risk Management

13.1 In all the key areas of our business we need to consider any risks which may arise. To this end we have in place a robust Risk Management Policy and from this flows our Risk Register. We have identified our material risks which are regularly monitored by our Management Team and Audit Sub-Committee.

13.2 Key to the mitigation of the risks associated with unacceptable actions is having a comprehensive policy in place to govern the management of such behavior and to demonstrate openness and transparency in the decisions we make.

13.3 To ensure we continue to manage the associated risks we will periodically review this Policy to ensure compliance with all legislative requirements and regulatory and best practice guidance.

14. Complaints Procedure

14.1 We aim to get things right first time and provide a good quality service to our tenants. However, we acknowledge that things can go wrong and that some tenants may be unhappy with the service provided.

14.2 We promote our Complaints procedure through our website and periodic articles in our newsletters. In addition we initially issued all of our tenants with a copy of the new Procedure introduced in October 2012. This information leaflet is also issued to all new tenants as part of the signing up pack.

15. Data Protection

15.1 On the 25th May 2018 the legislation governing data protection changed with the introduction of the General Data Protection Regulation (GDPR).

15.2 We hold a variety of Personal Data relating to individuals including tenants, waiting list applicants, factored owners, other service users, employees and Committee Members. Our Privacy Policy sets out the basis on which we can process and share such data with third parties, it also sets out how we will securely store individuals' data, whether electronically or in paper format. It also provides information on individuals' rights under GDPR including: to view personal data held about them by us; to request a restriction of processing of their data; the right to be forgotten and a right to object to us processing their data. In terms of the rights to be forgotten and to restrict or object to processing of Personal Data, any such requests will require to be considered on their own merits and legal advice will need to be obtained in some circumstances. We have the responsibility for accepting or refusing such requests and will do so in *writing*.

15.3 Under GDPR we are required to provide individuals whose Personal Data we hold with a Fair Processing Notice (also known as a Privacy Notice). The Notice sets out the Personal Data we process and the basis for doing so.

15.4 We will only keep and process Personal Data for the original purpose we gathered it for and we will not keep it for any longer than necessary. Attached to our Privacy Policy is a table of Retention Periods for Personal Data held and processed by us. We recognise that not all Personal Data can be processed and kept for the same period of time, and this will vary depending on the individual circumstances of each person whose Personal Data we hold.

15.5 The Privacy Policy sets out what should happen in the event of a Data breach e.g. does the breach require reporting to the Information Commissioner's Office and whether the individual affected should be notified. Timescales are set out for dealing with data breaches.

15.6 A full copy of our Privacy Policy is available on our website www.rosehillhousing.co.uk or you can request a paper copy.

16. Review

16.1 As a minimum this Policy will be reviewed as set out below. However, if necessary, it may be reviewed sooner if there are any material changes to relevant statutory or regulatory requirements, or our practice, good practice guidance or current thinking.

| Review Cycle | Next Review Date |
|---------------------|-------------------------|
| 3 yearly | May 2023 |

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