



**Irvine**  
**Housing**  
in **Association** with you

## Unacceptable Behaviour Policy

Date Effective: 1<sup>st</sup> February 2020

Date of Review: 1<sup>st</sup> February 2023

 Part of  
**Riverside**

## 1. INTRODUCTION

The Association is committed to high quality customer service which underpins its activities. This involves putting customers first and respecting their rights, needs and views. We have a Customer Feedback procedure and we actively encourage customers to make use of it.

Customers may act out of character in times of trouble or distress. There may have been upsetting or distressing circumstances leading up to a complaint. We do not view behaviour as unacceptable just because someone is forceful or determined. However, the actions of users who are angry, demanding or persistent may result in unreasonable demands on, or unacceptable behaviour towards the Association's staff.

For the purpose of this policy and procedure, the actions we consider unacceptable and aim to manage include:

### Aggressive, abusive or unreasonable behaviour

- Physical violence, personal verbal abuse, derogatory remarks and rudeness.
- Abusive, offensive or threatening behaviour.
- Behaviour or language (whether oral or written) that may cause staff to feel afraid, threatened or abused.
- False or malicious statements.

### Unreasonable persistence or demands

- Repeatedly unwilling to accept documented evidence.
- Insistent that no response has been received.
- Sends an unreasonably high volume of letters, emails and/or phone calls.
- Keeps adding new complaints or concerns or changing the substance of the complaint or raising unrelated concerns.
- Makes many complaints about different issues or raises an unreasonable number of minor/trivial matters.
- Repeatedly complains or makes repeated requests about similar issues that have already been dealt with.
- Electronically recording meetings and conversations without the prior knowledge of those involved.
- Demanding responses with an unreasonable timescale.
- Continuing to pursue a case without presenting any new information.

## 2. OUR COMMITMENT

### Equality and Diversity Statement

Our commitment to equality is central to everything we do. We want our services to be available to as many people as possible and we will not restrict access to anyone on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and/or sexual orientation.

Whilst implementing this procedure we will:

- Consider each case based on the individual circumstances and needs of the customer.
- Make reasonable adjustments e.g. for people who have mental health issues, dementia or Tourette's syndrome, or other learning disabilities.
- Take into consideration any barriers to communication, e.g. language, hearing impairment, requirement for use of sign language.
- Recognise that some languages may sound, or have accompanying hand or body language, that to others may appear aggressive or inappropriate.
- Understand that some customers may display behaviours that appear to be non-cooperative but that may be part of their culture e.g. no male visitors, or no visits/contact on a particular day.
- Communicate with survivors of domestic abuse in line with guidance in the "Domestic abuse policy".
- Consider any safeguarding issues and refer to the Adult Support and Protection and Child Protection policies and procedures where appropriate.
- Consult tenants' records for any Tailoring our Services (TOS) needs during implementation of this procedure.

## 3. PROCEDURE SUMMARY

The Association has a duty of care to ensure that employees are working in a safe environment. Colleagues are responsible for making sure that they consider their own safety and that of others when carrying out their work.

If a member of staff experiences one or a number of examples of behaviour listed above, the customer's behaviour may be considered unreasonable. The case should be discussed with the Line Manager or Head of Service before invoking this policy.

If the decision is made to apply this policy, the customer must be informed and advised of the action to be taken. The following actions to address the issue **could** include:

- Only taking telephone calls from the customer at set times (for example, one telephone call on one specified morning of any week), or put an arrangement in place for only one member of staff to deal with calls or correspondence from the customer in the future, taking into account the individual's circumstances and needs.
- Requiring the customer to make an appointment to see a named member of staff before visiting the office, and / or requiring any personal contacts to take place with a witness.
- Where reasonable and necessary, limiting the customer to one appropriate method or avenue of contact i.e. email, telephone, individual.
- Only responding to this agreed method of contact unless there are exceptional circumstances such as emergency situations.
- Contacting the Police (warning the customer this is to happen) where staff have received a threat, been subject to physical violence or harassment.
- Refusing to deal with correspondence or other forms of communication which is abusive to staff or contains allegations that lack substantive evidence.
- Requiring contact to be made through a third party.
- Arranging a meeting with a **senior member of staff** to clarify issues or misunderstandings (this is not advised where the customer has threatened or used violence) in order to seek resolution.
- If the customers have used threats or physical violence the police should be informed.

If there has been no physical violence or threats made:

- A senior member of staff should meet the customer to clarify the issues or misunderstandings and try to resolve the situation.
- Records should be kept.
- The case should be reviewed after six months and a decision made whether to continue with the action or revise it.
- The customer should be contacted to inform them of this decision.

In all cases the Association's systems should be amended to note that the person is a "persistent complainer".

Note: This action will remove all timescales related to complaints made by this person until such time as this is removed from their records.

#### **4. MONITORING AND PERFORMANCE**

Information should be reported through the governance structure about the number of complaints, compliments and comments received and what changes were introduced in response to comments or suggestions. This report should include any cases that are currently being dealt with using the "Unacceptable Behaviour Policy" and any action currently being taken.

## 5. RIGHT TO APPEAL DECISIONS

A customer may appeal against the use of action to restrict contact with the Association. The customer should put their request for a review in writing within 14 days of the original decision. A senior member of staff who was not involved in the original decision should complete the review. Within 14 days of receipt of the review request letter, the customer should be advised in writing either that the course of action still applies or that a different course of action has been adopted.

There is no further right of review or appeal to us against the decision of the reviewing officer.

## 6. ONGOING CASE REVIEW

The decision to restrict customer contact may be reconsidered if more acceptable behaviour is demonstrated.

If unacceptable behaviour continues, then the Line Manager or Head of Service may have recourse to legal action e.g. an injunction, to enforce the requirement.

All individual cases will be reviewed and reported on after a six month period through the Association's Warning Marker review process and contact made with the customer.

The decision to remove the "persistent complainer" marker from One View should be taken by the Warning Marker review group. This should then be done by the system administrator.

## 7. INFORMATION AND RECORD KEEPING

Records of customers who have used aggressive, abusive or unreasonable behaviour should be case recorded as directed by the Personal Safety and Warning Markers procedure.

All complaints should be logged onto the Customer Feedback database in One View as follows:

**If the unacceptable behaviour relates to an existing complaint** the complaint case should be updated using the "Add note" facility within One View.

*(Note: if the complaint is a duplicate this should be "closed as duplicate" in One View and the reference of the initial complaint should be recorded)*

**If the behaviour relates to new or different complaints**, each one should be logged as a separate complaint within One View.

All correspondence or supporting information e.g. call recordings, incident forms etc. should also be scanned, uploaded and attached to the relevant case(s).

Where a complaint exists, this should continue to be investigated in line with the Customer Feedback Procedure, and the customer advised appropriately.