

UNACCEPTABLE ACTIONS POLICY

1.0 INTRODUCTION

- 1.1 We believe that all those affected by our services have a right to be heard, understood and respected. We work hard to be open and accessible to everyone. Occasionally, the behaviour or actions of individuals makes it very difficult for us to provide a service to them, or to others. In a small number of cases the actions of individuals become unacceptable because they involve abuse of our staff or our process. When this happens we have to take action to protect our staff. We also 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.

- 1.2 Please contact us if you would like a copy of this policy in another language or format (such as easy-read, audio or Braille):

ARK Housing Association Ltd, the Priory, Canaan Lane, Edinburgh EH10 4SG
0131 447 9027
www.arkha.org.uk

2.0 WHAT ACTIONS DOES ARK CONSIDER TO BE UNACCEPTABLE?

- 2.1 People may act out of character in times of trouble or distress. There may have been upsetting or distressing circumstances leading up to an individual being in contact with our staff. We do not view behaviour as unacceptable just because an individual is forceful or determined. In fact, we accept that being persistent may sometimes be a positive advantage when pursuing an issue or a service.

However, we do consider actions that result in unreasonable demands on, or behaviour towards, our staff to be unacceptable. It is these actions that we aim to manage under this Policy.

3.0 AGGRESSIVE OR ABUSIVE BEHAVIOUR

- 3.1 We recognise that for many of our service users and tenants, behaviour which challenges our ability to provide them with a service is an expression of a support

need, and in such cases we will respond accordingly, in accordance with our policy CS17 Behaviour of Concern.

- 3.2 Where relevant actions do not relate to a support need, ARK's definition of aggressive or abusive behaviour is set out in our policy on Managing Aggression at Work (HS11). We define this type of behaviour in accordance with the definition in the publication 'Preventing Workplace Harassment & Violence' (<http://www.hse.gov.uk/violence/preventing-workplace-harassment.pdf>)

The European agreement defines harassment and violence as unacceptable behaviour by one or more individuals that can take many different forms, some of which may be more easily identifiable than others. Harassment occurs when someone is repeatedly and deliberately abused, threatened and/or humiliated in circumstances relating to work. Violence occurs when one or more worker or manager is assaulted in circumstances relating to work. Both may be carried out by one or more manager, worker, service user or member of the public with the purpose or effect of violating a manager's or worker's dignity, affecting his/her health and/or creating a hostile work environment.

The European agreement recognises that harassment and violence can:

- Be physical, psychological, and/or sexual;
- Be one off incidents or more systematic patterns of behaviour;
- Be amongst colleagues, between superiors and subordinates or by third parties such as clients, customers, patients, pupils, etc.;
- Range from minor cases of disrespect to more serious acts, including criminal offences, which require the intervention of public authorities.

- 3.3 As per the definition above, 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.
- 3.4 We understand that there may be situations where individuals that we deal with may be angry about the issues they have raised, or that affect them. If that anger escalates into aggression towards ARK staff, we consider that unacceptable. Any violence or abuse towards staff that does not relate to a support need will not be accepted.
- 3.5 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 not at us but at third parties are unacceptable because of the effect that listening or reading them may have on our staff.

4.0 UNREASONABLE DEMANDS

- 4.1 A demand becomes unacceptable when it starts to (or when complying with the demand would) impact substantially on our work.

- 4.2 Examples of actions grouped under this heading include:
- repeatedly demanding delivery of actions or 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.
- 4.3 An example of such impact would be that the demand takes up an excessive amount of staff time and in so doing disadvantages other service users, tenants, or stakeholders, and prevents us from providing them with an effective service.

5.0 UNREASONABLE LEVELS OF CONTACT

- 5.1 Sometimes the volume and duration of contact made to one of our offices by an individual causes problems. This can occur over a short period, for example, a number of calls in one day or one hour. It may occur over a longer period e.g. when someone 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 service that we provide.
- 5.2 We consider that the level of contact has become unacceptable when the amount of time spent dealing with this person e.g. on the telephone, face to face, or reviewing correspondence etc. impacts on our ability to provide them with a service, or to provide a service to other people.

6.0 UNREASONABLE REFUSAL TO CO-OPERATE

- 6.1 When we are providing a service, we will usually need to ask the individual receiving the service to work with us. This can include agreeing to receive support at certain times, or to abide by the terms of a tenancy agreement. We will always seek to assist someone if they have a specific, genuine difficulty complying with a request. However, sometimes an individual repeatedly refuses to cooperate with reasonable requests and this can make it difficult for us to provide them with a service.

7.0 UNREASONABLE USE OF THE COMPLAINTS PROCESS

- 7.1 Individuals with complaints about ARK have the right to pursue their concerns through our complaints process. They also have the right to complain more than once if subsequent incidents occur.
- 7.2 This contact becomes unreasonable when the effect of the repeated complaints is to harass, or to prevent us from pursuing a legitimate aim or implementing a legitimate decision. We consider access to a complaints system to be important and it will only be in exceptional circumstances that we would consider such repeated use is unacceptable – but we reserve the right to do so in such cases.

8.0 HOW WE MANAGE UNACCEPTABLE ACTIONS

- 8.1 The threat or use of physical violence, verbal abuse or harassment towards ARK staff (which does not relate to a support need) is likely to result in a termination of all direct contact with the relevant individual. We may report incidents to the police. Further information on this aspect can be found in HS11 Managing Aggression at Work Procedure.
- 8.2 ARK staff will end telephone calls if they consider the caller aggressive, abusive or offensive. Again, further information can be found in HS11 Managing Aggression at Work Procedure.
- 8.3 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.
- 8.4 We will state that we will not respond to their correspondence if the action or behaviour continues.
- 8.5 Depending on the circumstances of the situation, we may take other actions as set out in this policy in order to deal with unacceptable actions.
- 8.6 In extreme situations, we will tell the individual in writing that their name is on a 'no personal contact' list. This means that we will limit contact with them to through a third party.

9.0 OTHER CATEGORIES OF UNREASONABLE BEHAVIOUR

- 9.1 We have to take action when unreasonable behaviour impairs our ability to provide our service.
- 9.2 We will try to ensure that any action we take is the minimum required to solve the problem, taking into account relevant personal circumstances including the needs of the individual and the potential impact of limiting our contact with them.
- 9.3 Where an individual repeatedly phones, visits one of our offices, raises repeated issues, or sends large numbers of documents where their relevance is not clear, we may decide to:
- Limit contact to meetings with or telephone calls from the individual at set times on set days.
 - Restrict contact to a nominated member or members of ARK staff who will deal with future contact with the individual.
 - Meet with the individual by appointment only.

- Restrict contact from the individual to writing only.
- Return any documents to the individual or, in extreme cases, advise them that further irrelevant documents will be destroyed.
- Take any other action that we consider appropriate.

9.4 Where we consider continued correspondence on a wide range of issues to be excessive, we may tell the individual that only a certain number of issues will be considered in a given period and we ask them to limit or focus their requests accordingly.

9.5 In exceptional cases, subject to relevant statutory and regulatory guidance, we reserve the right to refuse to provide a service to an individual. We will take into account the impact on the individual. We will always tell the individual what action we propose taking and why.

10.0 THE PROCESS WE FOLLOW TO MAKE DECISIONS ABOUT UNACCEPTABLE ACTIONS

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

10.2 Decisions to restrict contact with ARK are only taken after careful consideration of the situation by a more senior member of staff (Area Manager/ Member of the Senior Leadership Team or member of the Executive Team). Wherever possible, we will give an individual the opportunity to change their behaviour or action before a decision is taken.

11.0 HOW WE LET PEOPLE KNOW WE HAVE MADE THIS DECISION

11.1 When an ARK employee makes an immediate decision in response to offensive, aggressive or abusive behaviour, the individual will be advised at the time of the incident.

11.2 When a decision has been made by a member of senior management, the affected individual will always be given the reason in writing as to 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. This ensures that the individual has a record of the decision.

12.0 THE PROCESS FOR APPEALING A DECISION TO RESTRICT CONTACT

12.1 It is important that a decision can be reconsidered. An individual can appeal a decision to restrict contact. If they do this, we will only consider arguments that relate to the restriction and not to any other issue that can more appropriately be dealt with through another process (e.g. complaints).

- 12.2 An appeal could include, for example, an individual saying that:
- their actions were wrongly identified as unacceptable;
 - the restrictions were disproportionate; or
 - that they will adversely impact on the individual because of personal circumstances.
- 12.3 A senior member of staff who was not involved in the original decision will consider the appeal. This will usually be the line manager of the manager who took the original decision, but may also be a colleague. 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 individual in writing that either:
- the restricted contact arrangements still apply or
 - a different course of action has been agreed.
- 12.4 We may review the restriction periodically or on further request after a period of time has passed.
- 12.5 Each case is different. We will explain in the letter setting out the restriction what review process will be in place for that restriction and in what circumstances they could request that this be reconsidered.

13.0 REFERRAL FOR REVIEW TO THE SCOTTISH PUBLIC SERVICES OMBUDSMAN

- 13.1 If after appeal an individual is still unhappy with a decision to restrict contact, they can refer the decision for review to the Scottish Public Services Ombudsman (SPSO). The SPSO is the final stage for complaints about public services in Scotland. This includes referrals of decisions to restrict contact
- 13.2 The SPSO's contact details are:

In person:

SPSO
4 Melville Street
Edinburgh
EH3 7NS

By post:

Freepost SPSO (this is all you need to write on the envelope, and you don't need to use a stamp)

Freephone: 0800 377 7330

Online contact www.spsso.org.uk/contact-us

Website: www.spsso.org.uk

Mobile site: <http://m.spsso.org.uk>.

14.0 HOW WE RECORD AND REVIEW A DECISION TO RESTRICT CONTACT

- 14.1 We record all incidents of unacceptable actions by individuals. Where it is decided to restrict contact, an entry noting this is made in the relevant file and on appropriate computer records. All restrictions will be reported to our Senior Leadership Team, and they will be reviewed quarterly thereafter during the period that they are in place, so that the Senior Leadership Team can ensure that the policy is being applied appropriately.
- 14.2 A decision to restrict contact as described above may be reconsidered either on request or on review.

Approved by the SLT:

October 2017

Approved by the Board of Management:

October 2017

Next review due by:

October 2020

Complies with: