



## Bridgewater Housing Association Policy

<b>Policy name</b>	Unacceptable Behaviour
<b>Policy category</b>	Corporate (HR)
<b>Policy number</b>	CS 46
<b>Date adopted</b>	April 2022
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<b>This review</b>	March 2025
<b>Next review</b>	March 2028
<b>Equalities impact assessment required</b>	No
<b>Links to other documents</b>	<ul style="list-style-type: none"> <li>• Anti-social behaviour policy and procedure</li> <li>• Complaints policy and procedure</li> <li>• Dignity at Work policy</li> <li>• Equality &amp; Diversity policy</li> <li>• Health &amp; Safety policy</li> <li>• Lone Working policy</li> <li>• Stress Management policy</li> <li>• Freedom of Information Policy</li> <li>• Data Protection Policy</li> </ul>
<b>Consultation</b>	Internal

***This policy can also be provided in large print, braille, audio, or other non-written format and in a variety of languages on request. Please contact the Association by emailing [admin@bridgewaterha.org.uk](mailto:admin@bridgewaterha.org.uk) or call 0141 812 2237 to request this.***

## **1. INTRODUCTION**

- 1.1 Bridgewater Housing Association (BHA) employees meet many people in the course of our work activities: in most cases, these interactions are positive and productive.
- 1.2 The vast majority of customers who we engage with, treat our staff with respect. Occasionally, the behaviour or actions of individuals we have dealings with makes it impossible for us to continue any constructive engagement. This policy sets out the Associations approach when faced with the relatively few customers whose actions or behaviour we consider unacceptable.
- 1.3 We consider actions that result in unreasonable demands on our office or unreasonable behaviour to our staff to be unacceptable. It is these actions that we aim to manage under this policy.
- 1.4 We do not consider behaviour to be unacceptable simply because a customer is determined or assertive in making reasonable requests or complaints. We also understand that there may be situations where a customer is angry or upset and while these factors will be carefully considered when evaluating a customer's actions, we do view certain behaviours that fall into the 5 categories mentioned in Section 3 as unacceptable.
- 1.5 A copy of the Association's Unacceptable Behaviour Policy is available on our website for all customers to view and can also be requested from this office. We will also provide information about this policy in our newsletters and Social Media platforms.

## **2. PURPOSE**

- 2.1 The purpose of this Policy is:
  - To define what behaviour from customers we consider to be unacceptable.
  - To make every effort to ensure that our staff, board members, contractors and agents working on behalf of the Association can carry out their duties safely and without disadvantage, fear of discrimination or distress caused by unacceptable behaviour.
  - To give a commitment to our staff and make it clear to customers that unacceptable behaviour, will not be tolerated and will be dealt with robustly.
  - To provide guidance when circumstances arise which result in us considering a decision to restrict or change access to our service.

## **3. DEFINITIONS**

- 3.1 The term "staff" for the purposes of this Policy includes:
  - Employees of the Association
  - Board members
  - Contractors

- Consultants and agents.

3.2 The term “customer” for the purpose of this Policy includes:

- Current or former Bridgewater tenants.
- Private tenants, owner occupiers or local landlords.
- Housing applicants.
- Visitors to any property owned by the Association including people’s homes and Bridgewater’s offices or other premises.
- Friends, relatives, carers, advocates or a person or group acting on behalf of a customer or group of customers.
- Care and Repair clients, their relatives or representatives.
- Elected members, MSPs and MPs.
- Suppliers and contractors.
- Members of the public.

3.3 For the purposes of this Policy, there are **five** main categories of unacceptable behaviour. These are:

#### 3.4 **Unreasonable Behaviour**

Customers in some instances pursue requests for information or make complaints that are unreasonable. Examples of this type of behaviour include:

- Refusing to specify the details of a complaint, despite offers of assistance.
- Changing the basis of a complaint/request as the matter proceeds.
- Denying or changing statements made at an earlier stage.
- Making unjustified complaints about staff who are trying to deal with an issue and requesting to have them replaced.
- Covertly recording meetings and conversations.
- Submitting falsified documents from themselves or others.
- Refusing to accept a decision; repeatedly arguing points with no new evidence.
- Persistently seeking an outcome which the Association has already explained is unrealistic for policy, legal or other valid reasons.

#### 3.5 **Threats, acts of violence or aggression, or abusive behaviour**

This type of behaviour includes physical, verbal or written behaviour which may cause staff to suffer harm, or to feel afraid, intimidated, threatened or abused.

Examples of this type of behaviour include:

- Physical violence against a person.
- Physical violence against objects such as kicking, defacing or destroying property.
- Threats.
- Personal verbal abuse.
- Derogatory or insulting remarks.
- Persistent shouting.

- Persistent swearing.
- Unwelcome or rude gestures.
- Statements intended to or likely to cause offence.
- Unsubstantiated allegations.
- Sexist, racist, homophobic or any other discriminatory comments/abuse.

### 3.6 **Unreasonable demands**

Customers may make what can be considered as unreasonable demands on our staff through the amount of information they seek, the scale of the service they expect or the number of approaches or complaints that they make regarding the same issue.

We consider demands to be unreasonable when they impact substantially on the work of staff, for example by taking up an excessive amount of time which is disproportionate to the issue. This is likely to disadvantage other customers as it can impact on the service that can be provided to them.

Examples of this type of behaviour include:

- Demanding responses within an unreasonable timescale.
- Insisting on meeting with or speaking only to a particular member of staff.
- Making persistent phone calls or persistently contacting BHA by other means.
- Repeatedly changing the substance of a complaint or raising unrelated issues.

### 3.7 **Unreasonable persistence**

We recognise that some customers will not or cannot accept that we are unable to assist them further or provide a level of service other than that provided already. Customers may persist in disagreeing with the action or decision taken in relation to their concern or contact our office persistently about the same issue. We consider the actions of persistent customers to be unacceptable when they take up a disproportionate amount of time and resources. Customers who feel frustrated when they believe that they are not receiving appropriate satisfaction from the Association can pursue a complaint, ultimately to the Scottish Public Services Ombudsman or other relevant independent organisation.

Examples of this type of behaviour include:

- Persistent refusal to accept a decision made in relation to a complaint.
- Refusal to accept explanations relating to what can and what cannot be done.
- Continuing to pursue a complaint without presenting any new information, although this does not preclude customers from pursuing a complaint through the Bridgewater complaints process.
- Unwillingness to accept the terms of a tenancy agreement or title conditions where these terms are clear and unambiguous.

### 3.8 **Vexatious behaviour**

We consider vexatious behaviour to be when customers complain to cause unnecessary aggravation, frustration or inconvenience rather than to resolve a genuine issue. Their complaint may be based on fictitious events or extreme exaggerations of very minor service issues.

Examples of this type of behaviour include:

- Where the requester states the request is meant to cause significant inconvenience, disruption or annoyance.
- Requests for information the customer has already seen or demonstrates a clear intention to reopen issues that have already been considered.
- Customers who have developed an opportunity to complain by their own actions, or lack of actions, creating or making a situation worse, and then complaining about it.

3.7 We also consider the use of social networking sites and the internet to perpetrate or encourage aggression and/or abuse including any of the above types of behaviour towards our staff to be unacceptable behaviour. The Association will consider any messages posted via social media or other internet-based media, including email, in the same light as any written or spoken communication.

## 4. **MANAGING UNACCEPTABLE BEHAVIOUR**

4.1 Any staff or Board Member who believes they have experienced unacceptable behaviour from any customer (listed at section 3), must take responsibility for raising a concern.

4.2 Heads of Service and/or Managers should deal with reported incidents of unacceptable behaviour.

4.3 We may restrict customer contact with our office. For example, we may:

- Only take calls from the customer during specified times and days.
- Arrange for a specific member of staff to deal with calls or correspondence from the customer.
- Require the customer to make an appointment to see a named member of staff before visiting the office.
- Restrict email contact, which is immediate and easily abused.
- Require the customer to communicate in writing or through a third party and add them to a 'no personal contact' list.
- Take other action that we consider appropriate.

### 4.5 **Managing unreasonably demanding, persistent, and vexatious actions**

- In all cases we will contact the service user to explain what actions we consider unacceptable and why. We will ask them to amend their behaviour and explain what actions we may take if they do not.

- Where we must act, we will tell the service user in writing what action we are taking and why.
- We may offer to meet the service user at our office to discuss the unacceptable actions and agree a way forward.
- It may be appropriate in some cases to engage external experts, such as independent mediators, to assist us in resolving a situation.
- We may advise the service user that we consider the issue(s) fully responded to and that continuing correspondence on the issue(s) would serve no useful purpose. In these circumstances we will advise the service user of the Unacceptable Actions appeals procedure and advise that future correspondence to the Association relating to the issue(s) will be noted and filed but will not be acknowledged or responded to unless they contain significant new information which we consider requires further action or response.
- We may advise the service user that we can only consider a certain number of issues within a given period and ask them to limit or focus their request accordingly.
- We may restrict service user and complainant contact with our office (see Section 5: Restricting Contact).

#### **4.6 Managing aggressive or abusive behaviour**

- The threat or use of physical violence, verbal abuse or harassment towards staff is likely to result in a customer being added to a 'no personal contact' list. All incidents where physical violence is used or threatened will be reported to the police. Verbal abuse or harassment may also be reported to the police if it is sufficient to cause fear and alarm to a member of staff.
- Where appropriate we will explore our legal options which may result in breach of tenancy action or raising an interdict.
- Customer correspondence that is abusive to staff or which contains unsubstantiated allegations of a serious nature will be dealt with by informing the customer in writing why we consider what they have written to be unacceptable. We will ask them to stop communicating in this way and advise that we will not respond to future abusive correspondence. If this behaviour continues, we may apply any of the restrictions listed in this section.
- We will end telephone calls if the caller is considered aggressive, abusive or offensive. All staff have the right to make this decision, they must tell the caller that the behaviour or language is unacceptable, provide an opportunity for the behaviour to be moderated and end the call if the behaviour does not stop.

### **5. RESTRICTING CUSTOMER CONTACT**

- 5.1 Except in cases where immediate action is necessary, decisions to restrict contact will only be made after careful consideration by the relevant manager. Whenever possible, we will provide the customer with the opportunity to adjust their behaviour or actions before a decision to restrict contact is made.
- 5.2 We aim to restrict contact in a way that allows the customer to continue receiving a service from us and continue to progress through any process they are currently involved in. We will aim to maintain at least one form of contact, except in extreme situations where we will require all contact to be through a third party and add the customer to a 'no personal contact' list.
- 5.3 In instances where a decision has been taken to restrict a customer's contact, sufficient provision will be made to allow the tenant to report out of office hours emergency repairs and other emergency tenancy issues.
- 5.4 Staff who directly experience aggressive or abusive behaviour from a customer have the authority to deal with that behaviour immediately, professionally and in a manner, they consider appropriate to the situation and in line with this policy.
- 5.6 We will tell customers in writing why a decision has been made to restrict future contact, the restricted contact arrangements and the length of time that the restriction will be in place.
- 5.7 We will ensure relevant staff are informed of any restrictions put in place.
- 5.8 Any decision to restrict customer contact will be made in the relevant file and on the Housing Management IT system.
- 5.9 We will report on the number of customer's subject to unacceptable behaviour restrictions annually to the Board.

## **6. RIGHT TO APPEAL**

- 6.1 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 complaint made or to our decision to close a complaint.
- 6.2 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 customer because of personal circumstances.
- 6.3 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.

## **7. RECORDING AND REVIEWING DECISIONS TO RESTRICT CONTACT**

- 7.1 We will record all incidents of unacceptable actions and any decisions taken to restrict service user contact.
- 7.2 When a review of restricted contact is required it will be carried out in line with section 5 above.
- 7.3 In addition, a decision to restrict contact may be re-considered if a service user demonstrates a more acceptable approach.

## **8. LINKS TO RELEVANT LEGISLATION**

- 8.1 The Unacceptable Behaviour Policy is framed within the context of and complies with relevant legislation, which includes:
  - The Equalities Act (2010)
  - The Human Rights Act (1998)
- 8.2 This Policy also complies with the Association's tenancy agreements.

## **9. EQUALITY & DIVERSITY**

- 9.1 BHA is committed to promoting an environment of respect, understanding, encouraging diversity and eliminating discrimination by providing equality of opportunity for all. This is reflected in our Equality and Diversity Policies.

## **10. REVIEW**

- 10.1 This policy will be reviewed every three years, or as needed, to assess its effectiveness and make any necessary updates based on experience, new guidance, best practices, and changes in legislation.