

**ELHA POLICY**

<b>Date Issued</b>	December 2018
<b>Department</b>	Corporate
<b>Title</b>	Unacceptable Customer Behaviour
<b>Objective</b>	<b>To describe the behaviours that are deemed unacceptable and outline how we will respond</b>
<b>Responsible</b>	Director of Housing
<b>Next Review Date</b>	December 2023

## **1.0 Introduction**

- 1.1 We have a Customer Care Charter that explains how our staff will behave towards and deal with tenants and other customers. The required standard of behaviour of our staff is also detailed in our staff Code of Conduct. It is equally important that our staff should not be subjected to unacceptable behaviour from anyone they deal with in the course of their work.
- 1.2 We are committed to providing the highest level of customer service and expect our staff to treat customers with respect and professionalism at all times. We have an expectation that customers, in return will behave appropriately towards our staff or anyone representing or working with or for us and that staff will not be subjected to unacceptable behaviour in the course of their work.
- 1.3 We will not deem behaviour to be unacceptable just because a customer is determined or forceful when making reasonable requests or complaints. We also appreciate that there may be circumstances where a customer is angry or upset and this will be taken into account when considering whether or not their actions are unacceptable.
- 1.3 This Policy defines behaviour which we deem to be unacceptable and details what will happen should staff encounter such behaviour. It aims to ensure that our staff, contractors and agents working on our behalf are able to carry out their duties safely without disadvantage, fear of discrimination or distress caused by unacceptable behaviour.
- 1.4 For the purposes of this Policy, there are five main categories of unacceptable behaviour. These are:

- a) Unreasonable behaviour
- b) Aggressive or abusive behaviour
- c) Unreasonable demands
- d) Unreasonable persistence
- e) Vexatious behaviour

1.5 We 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.

## 2.0 Links to Relevant Legislation, Policies and Procedures

2.1 Our Unacceptable Behaviour Policy is framed within the context of and complies with relevant legislation, and internal policies and procedures which include:

- The Equalities Act (2010)
- The Human Rights Act (1998)
- Anti-social behaviour Policy and Procedure
- Complaints Policy and Procedure
- Dignity at Work Policy
- Equality & Diversity Policy
- Health & Safety at Work Policy
- Lone Working and Personal Safety Policy and Procedure
- Stress Policy

## 3.0 Definitions of Unacceptable Behaviour

### 3.1 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/or requesting to have them replaced
- Recording meetings and conversations covertly or without explicit consent
- Submitting falsified documents from themselves or others
- Refusing to accept a decision; repeatedly arguing points with no new evidence
- Persistently seeking an outcome which we have already explained is unrealistic for policy, legal or other valid reasons

### 3.2 Aggressive 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

### 3.3 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 us by other means
- Repeatedly changing the substance of a complaint or raising unrelated issues

### 3.4 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 us can pursue a complaint, ultimately to the Scottish Public Services Ombudsman.

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 our complaints process
- Unwillingness to accept the terms of a tenancy agreement or title conditions where these terms are clear and unambiguous

### 3.5 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 actually 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

#### **4.0 Managing Unacceptable Behaviour**

- 4.1 There are relatively few customers whose actions we consider unacceptable. How we aim to manage these actions depends on their nature and extent. If it adversely affects our ability to do our work and provide a service to others we may need to restrict a customer's contact with our office in order to manage the unacceptable behaviour.
- 4.2 The action we may take when a customer's behaviour is deemed to be unacceptable are as follows:

##### **Restricting Customer Contact**

Behaviour that is abusive to staff or which contains unsubstantiated allegations will be dealt with by informing the customer in writing why we consider their behaviour unacceptable. We will ask them to stop behaving 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 below:

- 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
- Refuse to offer home visits
- Only allow staff to visit in pairs
- Take other action that we consider appropriate

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.

##### **Limiting Further Communication on an Issue**

We may advise the customer 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 future correspondence relating to the issue(s) will be noted and filed but will not be acknowledged or responded to unless it contains new, significant information which we consider requires action or a response. We may advise the customer that we can only consider a certain number of issues within a given time period and ask them to limit or focus their request accordingly.

**Aggressive or Abusive Phone calls**

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 and end the call if the behaviour does not stop.

If a staff member has terminated a phone call they will write to the customer concerned immediately explaining why they took the action they did and further action that may be taken if the behaviour is repeated.

We may record telephone calls from customers with a history of aggression or abuse.

We may block the number of customers who are repeatedly aggressive or abusive to staff and restrict customer contact as noted above.

**Threat or Use of Violence, Verbal Abuse or Harassment**

Staff who directly experience aggressive or abusive behaviour from a customer have the authority to deal with that behaviour immediately in a manner they consider appropriate to the situation and in line with this policy.

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.

The threat or use of physical violence, verbal abuse or harassment towards staff is likely to also result in restricted contact as noted above and may lead to action to end the tenancy.

**5.0 Reporting and Recording Unacceptable Behaviour**

- 5.1 All staff are encouraged to report any incidents of unacceptable behaviour to their Manager. A written record of exactly what happened together with a recommendation of the action to be taken should be passed by the Manager to the Housing Manager for discussion and agreement of the appropriate course of action. This report will be filed in the tenancy file.
- 5.2 A Manager may telephone the customer to explain what actions we consider unacceptable and why, ask them to amend their behaviour, and explain what actions we will take if they do not. Where we have to take action we will tell the customer in writing what action we are taking and why.

- 5.3 We may offer to meet the customer 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.
- 5.4 Details of any restrictions placed on our contact with the customer will be recorded in a register and, where appropriate, the tenant file and flagged on SDM so that all staff are aware of the restriction (but not necessarily the reason).
- 5.5 Unless we believe that it may exacerbate the situation, 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.
- 5.6 The Register will be reviewed regularly to ensure that restrictions are removed after the appropriate length of time.

## **6.0 Right to Appeal**

- 6.1 A customer has the right to appeal against a decision to restrict contact. The customer will be advised in writing about this right and the contact details of the Chief Executive to whom their appeal should be addressed within 14 days of being informed of our decision to restrict contact. The Chief Executive will advise the customer in writing that either the restricted contact arrangements will remain in force or a different course of action has been agreed.
- 6.2 At this stage we will advise the customer of their right to contact the Scottish Public Services Ombudsman (SPSO) or other relevant independent organisation if they believe our decision to restrict contact is unjust.

## **7.0 Policy Review**

- 7.1 The Director of Housing will ensure that this policy is reviewed at least every five years and that any amendments required are submitted to the Management Committee for approval.