



**MUIRHOUSE HOUSING
ASSOCIATION**



MUIRHOUSE HOMES

Title of Policy:	Unacceptable Actions
Date of Adoption or Last Review:	14 December 2015
Lead Officer:	Ainan Groat
Date of Next Review:	April 2018
Scottish Social Housing Charter Outcomes & Standards:	Outcome 2 – Communication <i>“Social landlords manage their businesses to 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.”</i>
Regulatory Standards of Governance and Financial Management	Standard 2-2.1, 2.2 <i>“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.”</i>

Unacceptable actions policy

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Unacceptable actions policy

1. Introduction

- 1.1 Muirhouse Housing Association aims to provide an excellent level of service to our tenants and those seeking a service from us.
- 1.2 We aim to be open and accessible, and will listen to and respect those who wish to complain about our service. However, on rare occasions the behaviour or actions of complainants may make it difficult for us to respond to their issues. When this happens we will consider the impact of the behaviour on our ability to do our work and provide a service to others. We believe that our employees have the right to be treated respectfully and where necessary we will take action to protect our staff.

2. Aim of policy

- 2.1 This policy explains how we will approach these types of situation. Procedures will be put in place to accompany this policy, providing a clear and effective mechanism for staff in handling unacceptable actions.

3. Identifying unacceptable actions

- 3.1 We recognise that people may act out of character in times of trouble or distress. We also recognise that issues of health and disability may affect someone's behaviour. However, we do consider actions that result in unreasonable demands on our staff or unreasonable behaviour towards staff to be unacceptable. It is these actions that we aim to manage under this policy.
- 3.2 We consider the following behaviour and actions described below to be unacceptable:

3.3 Violent, Aggressive or abusive behaviour

Violence is not restricted to acts of aggression that may result in physical harm. It also includes behaviour or language that may cause staff to feel offended, afraid, threatened or abused. Language which is designed to insult or degrade, which is racist, sexist or homophobic or which makes serious and unsubstantiated allegations of criminal, corrupt or perverse conduct is unacceptable.

3.4 Vexatious and persistent complaints or demands

Anyone accessing or complaining about our service has the right to pursue their concerns, and the right to complain if subsequent issues occur. Only in exceptional circumstances will we consider repeated complaining and persistent demands as unacceptable. This may include:

- Repeatedly demanding a response to a query or complaint 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 the original complaint or raising unrelated concerns
- Insisting that an adequate response has not been provided in spite of a full response having been given.

4. Dealing with unacceptable actions

4.1 We will not accept violence or abuse towards our staff. If physical violence is used or threatened we will report the incident to the Police.

4.2 If physical violence is used or threatened we may also consider restricting future contact to written communication only, personal contact by appointment only, or in extreme cases having future contact through a named third party only.

4.4 Where considered appropriate, we may make use of Acceptable Behaviour Contracts giving details of the behaviour expected and the consequences if the agreement is not adhered to

4.5 We will end telephone calls if the caller is aggressive, abusive or offensive. The staff member taking the call will have the right to make this decision, and will tell the caller that their behaviour is unacceptable and end the call if the behaviour persists.

- 4.6 In cases where complaints or demands are vexatious and persistent, we will aim to take action which allows us to continue communicating with the person. In such cases we will aim to take the minimum action required in order to solve the problem, taking into account relevant personal circumstances including the seriousness of any complaint being made and any health issues or individual needs. Wherever possible, we will offer someone support or give someone the opportunity to change their behaviour before taking action. We will take such action as we consider appropriate and proportionate, such as:
- limiting contact to telephone calls at set times on set days
 - restricting contact to a named member of staff who will deal with future calls or correspondence
 - seeing the individual by appointment only.
- 4.7 Where we receive persistent, demanding letters, we will write to the individual to confirm that we will not answer future correspondence if there are no new issues of substance being reported.
- 4.6 The decision that someone's actions have been unacceptable under the terms of this policy will be taken by the Chief Executive. The person will be informed of the decision and reasons in writing (and in any other form of communication as appropriate). They will be advised of the length of time for which any restrictions will be put in place, and the arrangements for reviewing any restrictions. We will also make clear to them that they can still request normal services from us (e.g. request a repair) while any restrictions are in place, and if necessary how they should go about doing that.

5. Appeals

- 5.1 Anyone can appeal a decision taken under the terms of this policy. They may do so on the grounds that their actions were wrongly identified as unacceptable, the action taken was disproportionate, or that the action taken will adversely impact on them because of personal circumstances.
- 5.2 An appeal will be considered by the Chief Executive. Based on the evidence available, they may decide to uphold the decision, quash the decision or vary the action to be taken.
- 5.3 The person will be advised of the outcome in writing (or in the most appropriate form of communication for them).

6. Review of decisions

- 6.1 Restrictions put in place under the terms of this policy will be reviewed periodically or on request after a period of time has passed.

7. Reporting

- 7.1 A report will be provided to the Board where restrictions have been placed on contact with an individual under the terms of this policy.

8. Complaints

- 8.1 We recognise that in the delivery of our services to customers there may be occasions when a customer is not satisfied with the way a particular issue was dealt with. Tenants, their representatives or others who use our service can make a complaint to any member of staff who will try to resolve the matter straightaway. If this is not possible, we will make sure the matter is fully investigated in line with our complaints policy and procedure. Copies of these are available from our office or on our website. Feedback from complaints will be used to help improve our service.

9. Equality, diversity and inclusion

- 9.1 We aim to promote equality and diversity and operate equal opportunities policies which inform all aspects of our business. We will ensure that it adheres to the Equality Act 2010 by being committed to equal and fair treatment for all and opposed to any form of unlawful discrimination.

- 9.2 In taking decisions about unacceptable actions, 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;

- 9.3 Upon request, we will make information about our Unacceptable Actions Policy and procedures available in alternative formats, such as large print, audio, Braille, and community languages.

10. Confidentiality, data protection & rights of access

- 10.1 All information provided to us by individuals will be treated in strict confidence and will only be discussed with other parties with the individual's (or their appointed representative's) prior consent.
- 10.2 We will comply with the Data Protection Act 1998 when holding personal information of any kind on our computer systems.
- 10.3 We will adhere to The Access to Personal Files Act 1987 which gives individuals the right of access to personal information about themselves held on file.

11. Anti-bribery

- 11.1 We are committed to the highest standards of ethical conduct and integrity in all our activities. In order to ensure compliance with the Bribery Act 2010, we have introduced a Bribery and Fraud policy and procedures. These must be adhered to by all employees, Board Members and associated persons or organisations acting for us or on our behalf when undertaking any actions referred to in this policy.

12. Policy review

- 12.1 This policy will be reviewed every 3 years unless key changes are required earlier to comply with legislation, guidance or new learning.
- 12.2 As part of this review, consultation will take place with staff and customers to ensure that operational issues and the opinions of customers are taken into account.
- 12.3 The effectiveness of accompanying procedures and guidance will be monitored on a regular basis and, where applicable, amended as required operationally; or to reflect legislative changes.
- 12.4 Where references are made to specific job titles, roles, groups or committees, such references shall be deemed to include any changes or amendments to these job titles, roles, groups or committees resulting from any restructuring or organisational changes made between policy reviews.