

2019

Unacceptabel Actions Policy

Shian Housing Association Ltd

Giving BME people equality, dignity and hope.



Contents

Unacceptable Actions Policy



Approvals

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1.0 INTRODUCTION

- 1.1. This policy outlines the approach taken by Shian HA to complainants whose actions or behaviour or general conduct is considered unacceptable. The term 'complainant' includes all residents, and anyone acting on behalf of a complainant or who contacts us about a concern or a complaint.

2.0. POLICY STATEMENT

- 2.1. Shian HA aims to:

- Make it clear to all complainants, at initial contact and throughout their dealings with Shian HA, what can or cannot be achieved regarding any complaint or concern. In doing so, Shian HA aims to be both open and transparent and to set realistic expectations with complainants.
- Deal fairly, honestly, consistently, appropriately and proportionately with all complainants, including those whose actions or conduct Shian HA considers unacceptable.
- Provide a service that is accessible to all complainants including working with a complainant's support networks where it is required. However, Shian HA reserves the right, where it is considered a complainant's actions are unacceptable, to restrict or change access to Shian HA services.
- Make sure that other complainants, contractors and Shian HA staff do not suffer or are not caused any unnecessary disadvantage, alarm or distress from complainants who act in an unacceptable manner.

3.0. DEFINING UNACCEPTABLE ACTIONS BY COMPLAINANTS

- 3.1. Complainants may act out of character in times of trouble or distress. A complainant may have experienced upsetting or distressing circumstances before making a complaint. However, the actions of complainants who are verbally or physically abusive, angry, unreasonably demanding, or unreasonably persistent may put unreasonable demands on Shian HA or result in unacceptable behaviour towards staff. Shian HA will consider these actions as unacceptable and aims to manage them using this policy and through any other measures deemed appropriate such as taking Court or legal action.



4.0. TYPES OF UNACCEPTABLE BEHAVIOUR

4.1. Aggressive or Abusive Behaviour:-

4.1.1. Violence is not restricted to acts of aggression that may result in physical harm. Violence also includes behaviour or language (whether oral, written or electronic) that may cause Shian staff to feel afraid, threatened, abused or unreasonably alarmed or distressed.

4.1.2. Examples of aggressive or abusive behaviour include:-

- Threats or intimidation of any kind
- Physical violence
- Unwanted physical contact
- Use of foul language/swearing or derogatory words towards staff
- Making of abusive telephone calls
- Aggression of any kind, such as shouting or screaming
- Blocking or preventing staff or contractors leaving any premises
- Personal verbal abuse
- Threats to harm staff, other customers, or neighbours
- Unwanted approaches or the giving of unsolicited gifts to staff
- Rudeness or inflammatory statements
- Interfering with legitimate staff or contractor actions (e.g. preventing removal of personal/household items from communal areas for fire safety reasons or making threats to parking enforcement officers)
- Unsubstantiated or exaggerated allegations or events
- Threats to inflict self-harm and blaming Shian staff for this
- Visiting Shian HA offices intoxicated/under influence of drugs
- Making of any kind of racist, homophobic or other offensive hate comments
- Following or stalking staff or contractors in person, by phone/email or via Social Media

The above list is not exhaustive, and Shian HA retains the right to determine what constitutes unacceptable behaviour or conduct.

4.1.3. Shian HA has a duty of care towards its staff and contractors and expects all staff and contractors to be treated with courtesy and with respect. Violence or abuse towards staff is unacceptable. Anger that escalates into aggression directed towards Shian staff is also unacceptable.

4.1.4. Examples of unreasonable demands include: -

- Demanding a response within an unreasonable time scale
- Insisting on or seeing or speaking to a particular member of staff without good reason or where this is practicably not possible
- Continual phone calls, letters or emails



- Repeatedly changing the content of a complaint
- Repeatedly raising unrelated concerns
- Racist, homophobic or other offensive remarks
- Requests for services to be performed from only certain staff or contractors
- Contacting several or multiple members of staff on the same issue(s)
- Sending duplicated or significantly similar letters or emails etc to staff where this is unnecessary or unreasonable
- Insisting on services or making demands or requests which fall outside agreed or publicised service levels or service provision

The above list is not exhaustive, and Shian HA retains the right to determine what constitutes unreasonable demands.

Shian HA considers these demands as unacceptable and unreasonable if they start to substantially impact on its work, such as taking up an excessive amount of staff time to the disadvantage or detriment of other customers. Or where it interferes or disrupts Shian HA's day to day housing management functions and responsibilities; or where the behavior or conduct takes up a disproportionate amount of Shian HA's resources.

4.1.5. Unreasonable Persistence

Shian HA recognises that some complainants will not or cannot accept that Shian HA is unable to assist them or provide a level of service other than that provided already. Complainants may persist in disagreeing with the action or decision taken regarding their complaint or concern or persist in contacting us or other official bodies about the same issue.

Examples of unreasonable persistence include: -

- Persistent refusal to accept a decision or solution regarding a complaint or service request
- Persistent refusal to accept explanations about what Shian can or cannot do
- Continuing to pursue a complaint or concern without presenting any new information or raising issues that have already been explained
- Continuing to pursue a complaint or concern by changing or raising unrelated or new matters
- Making complaints or raising concerns to official bodies and providing false or misleading information about Shian HA's actions



5.0. MANAGING UNACCEPTABLE BEHAVIOUR BY COMPLAINANTS

5.1. The management of unacceptable actions or behaviour depends on their nature and extent. If the action adversely or disproportionately affects Shian HA's ability to carry out its work and provide a service to others, it will manage the unacceptable behaviour by restricting its contact with the complainant. Shian HA aims to do this in a way, where possible, that allows a complaint to progress to completion through the complaints process (except where the matter or issues have already been addressed).

5.1.2. Contact or services may be restricted in person, by telephone, letter or electronically or by any combination of these. The length of time of any restriction(s) will be decided on a case by case basis. Restrictions will usually be for a minimum of 6, 12 or 18 months (or more in serious cases) depending on the seriousness of behavior. Shian HA will try to maintain at least one form of contact.

5.1.3. The threat or use of physical violence verbal abuse or harassment towards Shian staff or contractors will result in the ending of all direct contact with the complainant. In these cases, therefore Shian HA may decide on '**no personal contact**' with a complainant.

This means that they must restrict contact with Shian HA to either written communication (with possible restrictions of frequency and length of any written communication and to a single point of contact) or only through a third party e.g.:

- A Support Worker or someone from a support agency, such as a Social Worker, Probation Worker or Health Professional
- A different household member or a friend who has written authority to act
- A Councillor or Member of Parliament
- A Legal representative or Solicitor or other Advocate
- An Official Body such as the ICO or Housing Ombudsman Service
- An Advice Agency such as the Citizens Advice Bureaux or a Law Centre.

OFFER OF MEDIATION

Shian HA may suggest or offer mediation to a complainant to help resolve any outstanding matter. Where this is refused by the Complainant, Shian HA may restrict or end contact in accordance with this policy.

5.1.4. REPORTING INCIDENTS TO THE POLICE

Shian HA may report incidents to the Police, and this will always happen if physical violence is used or threatened. A note will also be placed in **Pyramid** on the **Messages & Warnings**



system for a minimum period of 12 months (or longer on a case by case basis). Complainants will be informed of this in writing.

THREATS OF SELF-HARM

Where threats of self-harm are expressed (E.g. threats of suicide or engaging in criminality such as carrying or keeping knives/weapons as a threat or to intimidate staff).

Shian HA will report these to the Police as criminal matters and/or raise welfare or safeguarding requests with the Police or Health Professionals. Shian HA will not accept emotional harm or distress being caused by complainants towards staff where threats of self-harm are raised as a way to intimidate staff. All such threats will be reported to the Police and contact or services will be restricted.

5.1.5. DEALING WITH UNACCEPTABLE CORRESPONDENCE OR REQUESTS

Shian HA will not deal with or respond to correspondence (letters or emails) or verbal requests that is offensive or abusive to staff or contains allegations that lack substantive evidence. Where this happens, the complainant will be informed their language or correspondence is considered abusive, offensive, unnecessary or unhelpful. They will be asked to stop using such language and told their correspondence or request will not be dealt with or responded to if they do not stop or where they repeat any abusive or offensive behaviour.

5.1.6. ENDING UNACCEPTABLE PHONE CALLS

Shian HA staff or contractors will end phone calls if the caller is considered aggressive, unreasonable, abusive or offensive. The staff member taking the call has the right to make this decision. The Staff member will give the caller TWO verbal warnings and tell the caller their behaviour is unacceptable or unreasonable and end the call if the behaviour does not stop or where the complainant refuses to modify their behaviour.

Provide two verbal warnings to caller before ending call, e.g:

“Sir/Madam [or name e.g Mr. Smith] If you carry on using [describe abuse behavior e.g foul words or continue to shout or interrupt me] I am sorry, but I will need to terminate this call.”

Repeat warning once more if abusive behaviour continues.

Apologize and terminate call e.g:

“I am very sorry, but I am now terminating this call.”



5.1.7. REPEAT CONTACT

Where a complainant repeatedly phones, visits the office, sends letters or emails or sends irrelevant documents or raises the same issues, Shian HA will decide to:

- Only take phone calls from the complainant at set times on set days or arrange for a Single Point of Contact (SPOC) to deal with calls or correspondence from the complainant in the future.
- Limit the number of issues that Shian may be willing to consider in a given period or at all and ask the complainant to limit or focus their requests accordingly
- Require the complainant to make an appointment to see a named contact before visiting or alternatively inform the complainant to contact Shian in writing only
- Return or safely destroy any documents or correspondence sent by the complainant
- Refuse to accept any further documents brought or sent to the office or where attempted to be given to a staff member
- Take other action that is considered appropriate.

5.1.8. ENDING ALL CONTACT

Complainant action may be considered unreasonably persistent if any internal review mechanisms have been exhausted, and where a complainant continues to dispute a decision or where the complainant's unacceptable behaviour remains the same or escalates further. In these cases, the complainant will be told that no future phone calls, correspondence or visits will be accepted for a minimum period of 6,12,18 months - [case by case decision]. Any future correspondence will only be read or filed but will not be acknowledged or responded to, except where it is from an advocate or it is a genuine or a new issue not previously addressed.

5.1.9. VULNERABLE COMPLAINANTS

Where there is evidence that a complainant is vulnerable , they will be signposted to the appropriate agencies for support. Where a complainant refuses to engage with any support agencies or refuses to give consent for support to be explored, Shian HA will continue to apply the rest of this policy, including ending all direct contact in serious cases.

6.0. DECIDING TO RESTRICT COMPLAINANT CONTACT

Shian HA staff who directly experience unacceptable behaviour from a complainant have the authority to deal immediately with that behaviour in a manner they consider appropriate to the situation and/or in line with this policy.

7.0. APPEALING A DECISION UNDER THIS POLICY

A complainant may appeal a decision taken under this policy such as restricting contact or services by making a formal complaint under Shian HA's complaints policy.



7.1.1 ABUSE OF THE COMPLAINTS POLICY

Where the use of the complaints policy by a complainant is itself determined or judged by a Director to be an abuse of the complaints policy or designed to engage or allow the complainant to continue with further unacceptable behaviour towards staff, Shian HA will direct the complainant to other official bodies, such as the independent Housing Ombudsman Service, and refuse to deal directly with any further complaints or concerns from the complainant.

8.0. REVIEWING A DECISION

Any decision to restrict contact or services may be reconsidered where the complainant demonstrates a more acceptable approach or modifies their behaviour to acceptable standards over a reasonable period of 6 – 12 months.

9.0. EQUALITY AND DIVERSITY

Shian HA will fully observe the requirements of the Equality Act 2010 in the operation and implementation of this policy.

10.0. LEGAL ACTION

Shian HA reserves the right to take legal action that is proportionate and justified to protect or safeguard its staff, contractors or other residents. Shian HA will seek to always recover the costs of taking legal action from complainants via any Court or legal process.

11.0. POLICY REVIEW

This policy will be reviewed every 3 years or before where there are significant legal, regulatory or operational changes. This policy will remain in force during any period of review or between reviews.



APPENDIX 1 - OFFICE USE ONLY

CHECKLIST FOR STAFF

All cases under this policy should be assessed on a case by case basis, the following actions may not be sequential, professional judgement should be exercised in all cases.

	Possible Action	YES/ and Date	NO	Previously Tried (PT) or NA
1	Warn complainant (verbally or in writing) that their behaviour or conduct is unacceptable and that it must be modified – expectations and what is or isn't possible is made clear by staff			
2	Electronic marker added to Messages & Warnings system			
3	Home visits restricted /not offered (where staff safety concerns)			
4	Double/Two staff visits only to home address agreed			
5	Add Support Sentence to all correspondence e.g "If you require any support or referrals to be made by Shian Housing Association, please let us know, and we will be more than happy to assist." OR "If you have any medical or health issues, I would strongly advise that you make contact with your GP or health professionals to ensure you receive the appropriate care and support." * Add this to every letter sent*			
6	Support referrals/complainant signposted			
7	Case referred to ASB case panel;/Vulnerable Victims Panel			
8	Police Welfare checks raised where threats of self-harm made			
9	Police complaint/report made about complainant's behavior			
10	Statements obtained from any victims/staff/contractors			
11	Complainant interviewed (where allegations by staff or contractors or other residents) or invited in to discuss behaviour			
12	Complaint response Stage 1 sent explaining decision			
13	Complaint response Stage 2 sent explaining decision			
14	Phone call 1 ended where unacceptable behaviour/conduct/language			
15	Phone calls 2 ended where unacceptable behaviour/conduct/language			
16	Phone calls 3 ended where unacceptable behaviour/conduct/language			
17	Copy of this policy provided to complainant or policy referred to in correspondence			
18	Visits to office restricted			
19	Single Point of Contact (SPOC) for phone calls notified			



20	Email or letter correspondence restricted to once 1 week/ 1 every fortnight/once every month and length of correspondence restricted to 1 page/2 pages			
21	Calls from complainant restricted to set times/days/length			
22	'No Personal Contact' – Third Party Contact only			
23	Correspondence/emails received but not acknowledged or responded to due to unacceptable contact/conduct			
24	Warning – Breach of Tenancy Letter 1 issued			
25	Warning – Breach of Tenancy Letter 2 issued			
26	Mediation offered (where appropriate)			
27	Acceptable Behaviour Contract offered/agreed/signed/refused			
28	ASB Injunction applied for / Legal action commenced			
29	NOSP served / Legal action commenced			
30	Suspended Possession granted by Court			
31	Eviction/Outright Possession granted by Court			
32	Recovery of legal costs or enforcing terms of any Court order			



APPENDIX 2 - OFFICE USE ONLY

NOTIFICATION TO ALL STAFF
RESTRICTION OF SERVICES TO CUSTOMER

Purpose: All staff MUST be aware when services are restricted to customers.

DO NOT ENGAGE IN SERVICES WHERE THERE IS A RESTRICTON IN PLACE

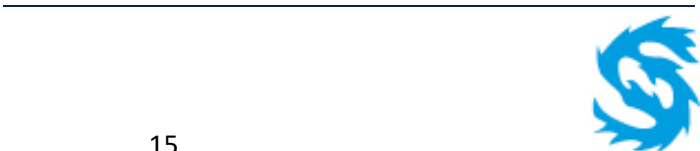
Name(s) of person restriction applies to	
Address:	
Date restriction put in place	
Date warning added	Add warning to Messages & Warning system on Pyramid Date:
Date warning to be removed	
Brief Reasons for Restriction	



Single Point of Contact (SPOC)	YES / NO SPOC NAME:
Details of Services Restricted	Phone contact Yes/ No Visits to Home Yes / No Visits to Office Yes/ No Emails/Letters Yes/ No Additional information: -
Services Unaffected	
Any other comments	
Further information available from	Name of officer:

Please ensure any further UNACCEPTABLE ACTIONS/ABUSE ARE RECORDED AND THE SPOC NOTIFIED

ALL STAFF: - Before signing below, please ensure you are confident what you should do if the customer is: -



- 1) Telephoning Shian HA
- 2) Visiting Shian HA
- 3) Letters or Emails to Shian HA
- 4) Makes a complaint about/to Shian HA either directly or through another official agency
- 5) Or requests any other services. (case by case assessment, refer to SPOC or manager)

Signed by staff

	Role	Signed	Date
1	Managing Director		
2	Operations Director		
3	Tenancy Services Officer		
4	Tenancy Services Officer		
5	Repairs / Tenancy Services Officer		
6	Project manager		
7	Office Administrator		



APPENDIX 3 - Letter 1/ Notification of unacceptable behaviour

Date:

Reference:

Address:

Dear Sir/Madam,

RE: Unacceptable Behaviour – Formal Warning

On [Insert date & time] you behaved in an unacceptable manner towards a member of Shian HA staff/our Contractors representative. staff. Shian Housing Association treats all acts of aggression/abuse seriously, as we have a duty to our staff/contractors/other residents to ensure a safe working/living environment.

The behaviour we observed included the following:

- [Describe unacceptable behaviour, with separate bullet for each.]

Breaches of Tenancy Agreement



As a result of the above, please consider this letter a formal warning. This behaviour constitutes a breach of your tenancy agreement with Shian Housing Association, specifically clauses: -

- [Set out clause in full, by copying from tenancy agreement **OR** provide copy of tenancy agreement with this letter.]

Should there be any further repeat of the above behaviour, or further breaches of your tenancy agreement, Shian HA will take further tenancy enforcement action or legal action. We hope this will not be necessary, so please remediate your behaviour.

Electronic Marker

As a result of the above behaviour, we have now added a caution alert against your electronic records. This will remain on your record for a period of **[6 months/12 months]** Should there be no further incidents or concerns during this time, the marker will be removed. If you disagree with this course of action, you have the right to appeal by writing to us under our complaints policy.

Support or Referrals

If you require any support or referrals to be made by Shian Housing Association, please let us know, and we will be happy to assist.”

AND/ OR

“If you have any medical or health issues, I would strongly advise that you make contact with your GP or health professionals to ensure you receive the appropriate care and support.”

If you wish to discuss the contents of this letter, please get in touch with us.



Yours Sincerely,

[Name of officer]

[Title of Officer]

ENC: [e.g Tenancy Agreement]

