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| Date Issued | December 2018 |
| Last Reviewed | May 2024 |
| Department | Corporate |
| Title | Unacceptable Customer Behaviour |
| Objective | To describe how we aim to support all our customers to engage with us positively, and to outline the types of engagement we consider unacceptable and how we will respond |
| Responsible | Director of Housing |
| Next Review Date | May 2029 |

1.0 Introduction

- 1.1 We are committed to providing the highest level of customer service and aim to support everyone engaging with us to do so in a way that reaches the best outcomes for everyone. In some circumstances, we need to take action to protect our staff, management committee, contractors or agents from types of engagement which impact their well-being or our ability to provide a service. This policy sets out how we will identify and respond to those types of engagement.
- 1.2 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 and anyone working on our behalf should not be subjected to unacceptable behaviour from anyone they deal with in the course of their work.
- 1.3 We consider that there are five main categories of behaviour that we may need to manage. These are:
- Unreasonable behaviour
 - Aggressive or abusive behaviour
 - Unreasonable demands
 - Unreasonable persistence
 - Vexatious behaviour

Appendix 1 sets out the definitions of these types of behaviours.

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2.0 Scope of Policy

2.1 This policy covers anyone who engages with the Association's staff, management committee, contractors and agents working on our behalf.

2.2 Engagement includes all forms of contact including verbal (over the phone, in person, etc.), written (letters, emails, online forms, etc.) as well as contact on our estates and online (social networking sites, our Live Help chat tool and other online communication). Online comments about the Association, individual staff members or committee members, which are shared publicly or in a forum or a way that means they are not private, count as engagement even when they are not shared directly with ELHA.

3.0 Supporting Positive Engagement

3.1 We support positive engagement. We will let people know how to engage positively with us by providing information about how to access our services and request adjustments, and by explaining clearly what we need from them so that we can provide the best possible service.

3.2 Supporting positive engagement includes supporting people to express concerns about how we deliver our services in a constructive manner and by ensuring we:

- Apply our Complaints Handling Procedure fairly and openly when individual concerns are raised
- Provide information to help ensure concerns can be made about our service publicly without putting our staff, committee members, contractors or agents at risk

4.0 Providing Additional Support

4.1 We understand that some people who come to us may have experience of trauma or have specific needs and requirements. We will ensure our staff have appropriate training to identify where additional support may be needed and are supported to treat our users with respect.

4.2 We will seek to diffuse and de-escalate situations. We regularly signpost to organisations who can provide independent advice and support. We have a Tenancy Sustainment Policy which provides guidance on our approach to vulnerability.

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5.0 Making Reasonable Adjustments to our Service

- 5.1 We are committed to ensuring that all people have an equal opportunity to access our services. We do this by considering accessibility when designing the way we provide our services. We try to anticipate our customer's requirements and encourage users to tell us if we need to adjust the way we deliver services for them. If we decide we need to manage engagement with an individual, we will consider whether they have accessibility needs that we should take into account when doing so.
- 5.2 Where an adjustment has been identified, we will record this so that all our customer staff have access to this information and can respond appropriately.

6.0 Links to Relevant Legislation, Policies and Procedures

- 6.1 Our Customer Relations Policy is framed within the context of and complies with relevant legislation, and internal policies and procedures which include:
- The Equality Act 2010
 - The Human Rights Act 1998
 - Anti-social Behaviour Policy and Procedure
 - Complaints Policy and Procedure
 - Communication Strategy
 - Customer Care Policy and Procedure
 - Dignity at Work Policy
 - Equality & Diversity Strategy & Policy
 - Health & Safety at Work Policy
 - Lone Working and Personal Safety Policy and Procedure
 - Stress Policy
 - Tenant Participation Strategy
 - Tenancy Sustainment Policy
- 6.2 We will also comply with the requirements of the Scottish Housing Regulator's Social Housing Charter, and in particular, the following outcomes:

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| Equalities | Social landlords perform all aspects of their housing services so that: They support the right to adequate housing, and Every tenant and other customer has their individual needs recognised, is treated fairly and with respect, and receives fair access to housing and housing services |
| Communication | 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 |

7.0 Our Approach to Managing Engagement

- 7.1 While we will work to support positive engagement, there are a few situations that we need to respond to or manage because of the negative impact on the wellbeing of our staff, committee members, contractors and agents, and our ability to provide services. How we manage this will depend on the type of engagement and the needs of both parties. We do not need to actively respond or manage any form of engagement simply because it is different or unusual.
- 7.2 We will, wherever possible, try to restore a relationship that has been negatively impacted to ensure that we can communicate as normal. However, we recognise that there may be a need to act if a situation becomes unacceptably challenging and results in unreasonable demands on our office or unreasonable behaviour towards our staff, committee members, contractors and agents.
- 7.3 If we do need to manage engagement, we will always ensure our responses are proportionate and necessary to the behaviour and the impact on the Association, our staff, committee members, contractors or agents, and we will use the least restrictive method available, taking full account of our obligations under the Equality Act 2010.
- 7.4 We will, wherever possible, clearly explain the reason for any specific decision to the person affected and/or keep a separate documented record if that is not possible or appropriate.
- 7.5 Where restorative approaches are not possible or appropriate, or have been tried and failed, we may take further action when a customer's behaviour is having a negative impact as follows:

7.5.1 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
- Require the customer to communicate in writing or through a third party
- Withdraw the offer of 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 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.

7.5.2 Limiting Further Communication on an Issue

We may advise the customer that we consider the issue(s) fully responded to and that continued 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 requires an 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.

7.5.3 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.

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

7.5.4 Threat or Use of Violence, Verbal Abuse or Harassment

There are some situations that we are not able to accept, and we will always act. We have **zero tolerance** of threats, violent and abusive behaviour towards our staff, committee members, contractors and agents working on our behalf. This is to ensure their own safety and wellbeing and also protects the office staff and others.

Staff, and anyone working on our behalf, who directly experiences 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 and anyone working on our behalf.

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

7.5.5 Written or Email Correspondence

If we receive violent or abusive correspondence, the sender will be informed this is unacceptable. We will not respond directly to the information within in it.

The decision that correspondence is unacceptable will be made by a manager to ensure consistency. Where this behaviour is repeated despite warnings, or an individual instance is regarded as extremely abusive, we may need to take steps to restrict methods of contact with the Association.

7.5.6 Online, Web and Social Media

This is a fast-moving and changing area; nevertheless, the principles outlined in this policy will still apply. We will follow best practice advice available at the time of any incident and will note and record the reasons for our decisions. Actions made include:

- Blocking accounts or using other technical options available in Facebook or other social media used by the Association to minimise exposure

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- Using the relevant social media platform's own reporting mechanisms to seek to have the content removed
- Limiting contact with the individual through other channels to reduce risk to staff – this could include ensuring the person is not provided with contact details
- Direct threats on social media should be dealt with like any physical threat (see 7.5.4 above)

8.0 Reporting and Recording

- 8.1 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.
- 8.2 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.
- 8.3 We may offer to meet the customer to discuss their behaviour 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.
- 8.4 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 our housing management system so that all staff are aware of the restriction (but not necessarily the reason).
- 8.5 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.
- 8.6 We will carry out an annual review of all cases to ensure that restrictions are removed after the appropriate length of time.

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9.0 Right to Appeal

9.1 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.

9.2 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 disagree with our decision to restrict contact.

10.0 Policy Review

10.1 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.

Categories of Behaviour

We consider that there are five main categories of behaviour that we may need to manage. These are:

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

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

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- 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. 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

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.

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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

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