



# RCH Group Policy: Unacceptable Behaviours Policy

|                |                                      |
|----------------|--------------------------------------|
| Policy Owner   | Head of Customer Experience          |
| Policy Manager | Customer Experience Manager          |
| Approval Body  | Social Landlord Operations Committee |
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This policy is available, on request, in different languages and in other formats such as large print, audio format and braille as required.

## 1. Scope

This is a Group policy and therefore applies to Staff, Board and Committee members of The River Clyde Homes Group (RCH Group) of companies. As of September 2019, The RCH Group consists of River Clyde Homes and its subsidiary, Home Fix Scotland Ltd.

## 2. Introduction

River Clyde Homes Group (RCH Group) is committed to dealing with all our customers fairly, honestly, and impartially and will always look to provide a high-quality service. We come into contact with many people in the course of the services we provide, and in the vast majority of cases these interactions are positive and productive for both staff and customers alike.

Occasionally, the behaviour of some customers can make it very difficult for RCH Group staff to deal with their enquiry or concern and this policy outlines our approach to handling customers whose actions or behaviour we consider to be unacceptable.

## 3. Definitions

‘Staff Member’ and ‘Staff’ –includes the RCH Group paid staff and any other persons fulfilling the role of a paid employee, such as those employed by an agency or on secondment from another organisation.

Customers –includes residents, tenants, factored owners, and users of other services provided by the RCH Group.

Contractors –includes those other than Board Members, Staff, and Involved Customers, who are directly Involved in delivering the RCH Group’s business activities. This includes contractors, sub-contractors, consultants, and agents.

Key documents and supporting policies.

Code of Conduct Policy  
Complaints Policy  
Health & Safety Policy  
Customer Care Policy  
Grievance & Dignity at Work Policy  
Equalities & Diversity Policy  
Tenancy Sustainment Policy  
Anti – Social Behaviour Policy  
RCH Group Service Standards  
CCTV Policy  
RCH Group Procedure: Alert Verification

## **4. Policy Statement and Responsibilities**

### **4.1 Defining Unacceptable Behaviour**

It is appreciated that people may act out of character at times of trouble or distress. This may be due to upsetting or disturbing circumstances prior to them contacting us. RCH Group will not view behaviour as unacceptable just because they act in a forceful or determined manner.

Indeed, it is recognised that there may be occasions when this is positive, such as when a customer is pursuing a complaint. However, there may still be occasions where customers make unreasonable demands on staff or pursue unreasonable behaviour towards staff. This Policy outlines how we will manage such situations.

### **4.2 Aggressive or Abusive Behaviour**

We expect our staff to be treated with courtesy and respect. We appreciate that there may be occasions where customers are upset and angry and feel passionate about issues, they discussed with us, and sometimes hurt or frustrated. If that anger escalates into aggression towards our staff, we consider that unacceptable. Any violence or abuse towards staff will never be tolerated.

Violence is not restricted to acts of aggression that may result in physical harm. It also includes behaviour or language (whether verbal or written) that may cause staff to feel offended, afraid, threatened or abused.

We will judge each situation individually and appreciate individuals who come to us may be upset. Language, which is designed to insult or degrade, is racist, sexist, or homophobic or which makes serious allegations that individuals have committed criminal, corrupt, or perverse conduct without any evidence is unacceptable. We may decide that comments aimed not at us but at third parties are unacceptable because of the effect that listening or reading them may have on our staff.

Examples of behaviours grouped under this heading include swearing, threats, physical violence, personal verbal abuse, derogatory, slanderous, or libellous remarks, either verbal or written, harassment, stalking and rudeness.

Postings made on the internet and other electronic social media sites will also be considered under the terms of this policy. We also consider that inflammatory statements and unsubstantiated allegations can constitute abusive behaviour.

Even statements made outside the work environment or directed towards friends or family of a staff member, may constitute unacceptable actions in the terms of this policy, on which RCH Group will act. It is the overall context of the behaviour that is important.

### **4.3 Unreasonable Demands**

A demand becomes unacceptable when it starts to (or when complying with the demand would) impact substantially on the work of the organisation.

Examples of actions grouped under this heading include:

- repeatedly demanding responses 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 a complaint or raising unrelated concerns.

These kinds of behaviour can detract from the service we can offer to others, placing a significant burden on the organisation. Dealing with such behaviour requires a disproportionate amount of time and diverts an unreasonable proportion of our financial and human resources away from our statutory functions. This can be difficult and stressful for staff to deal with when it is impossible to find common ground or a realistic approach to the issues being raised. What amounts to unreasonable demands will always depend on the circumstances surrounding the behaviour.

### **4.4 Unreasonable Levels of Contact**

Sometimes the volume and duration of contact made to our organisation by an individual causes problems. This can occur over a short period, for example, several calls in one day or one hour.

Their manner in these contacts may be quite reasonable in itself, but the persistence of their approach is not – they take up a disproportionate amount of time or resources in exchanges that are unproductive to us and ultimately to themselves.

Sometimes this persistence will take the form of serial complaining – lodging complaints about the handling of complaints, often across different departments sequentially. The defining characteristic is the persistence of approaches over time.

RCH Group has the right to assess whether that persistence has reached the point of disrupting our ability to undertake the work of the organisation or is amounting to harassment or unreasonable treatment of our staff.

We consider that the level of contact has become unacceptable when the amount of time spent talking to a complainant on the telephone, or responding to, reviewing, and filing emails or written correspondence impacts on our ability to deal with that complaint, or with other people's complaints.

### **4.5 Unreasonable Refusal to co-operate**

When we are looking at issues or concerns raised, we will need to ask the individual who has highlighted the issues or concerns to work with us. This can include agreeing with us the elements of the issue or concern we will look at;

providing us with further information, evidence, or comments on request; or helping us by summarising their issues or concerns or completing a form for us.

Sometimes, an individual repeatedly refuses to cooperate, and this makes it difficult for us to proceed. We will always seek to assist someone if they have a specific, genuine difficulty complying with a request. However, we consider it is unreasonable to bring a complaint to us and then not respond to reasonable requests.

## 5. Managing Unacceptable Behaviour

### 5.1 Managing Aggressive or Abusive Behaviour

The RCH Group will aim to ensure that a person is warned immediately if their actions are tending towards unacceptable, and what will follow if they persist. We will do so in a way calculated to defuse the situation, and the aim will be to bring the tone of communication back to a more reasonable level.

The threat or use of physical violence, verbal abuse, racial or other discriminatory remarks or harassment towards staff will not be tolerated. This includes abuse or harassment based on race, colour, ethnic origin, sexual orientation, physical ability, mental health, or other grounds. Any acts of this nature may result in us ending all direct contact with the customer. If appropriate we may report the matter to the Police or pursue other legal action against the customer concerned.

The threat or use of physical violence, verbal abuse, intimidation, or harassment towards any member of staff is likely to result in the termination of all direct contact with the customer who may also be banned from all River Clyde Homes premises. Any threats or use of physical violence will be reported to the police. This will always be the case if RCH Group officer believes that a criminal offence has taken place. Staff must report any behaviour of this kind on the River Clyde Homes Incident Reporting Form (**Appendix 1**).

These must be passed to the Manager of the employee concerned. Completed forms are then passed to our Health & Safety Officer and recorded on our Alert List. If appropriate, the incident will be reported to the Health & Safety Executive under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR). More detail about managing violent behaviour towards staff is contained within the RCH Group Health and Safety Policy.

Employee counselling and support will be available for staff who are the subject of violent, aggressive, or abusive behaviour from customers.

Our staff may terminate telephone calls if the customer acts in a manner which is deemed to be inappropriate.

### 5.2 Managing Unreasonable Demands or Levels of Contact

There may be occasions where action must be taken to manage unreasonable demands or levels of contact. We will try and ensure that any action we take is the minimum required to resolve the problem. Any decision or actions will take into consideration the personal circumstances of the customers.

In most cases unreasonable demands or contact will not result in the withdrawal of customer contact or the withdrawal of service. It is more likely to result in a restriction in contact or the limitation or alteration of a service. We will always tell the customer what action we are taking and why.

Where the correspondence relates to a complaint and we have told the customer that they may not have contact with us, we will continue to read any future correspondence. However, we will not log, acknowledge, or act on the correspondence unless it is submitting new evidence related to the complaint or making a normal request for a service outside of the complaints process.

If a customer presents themselves whilst under the influence of any substance such as alcohol or drugs which has a detrimental effect on their ability to undertake an interview with an officer, then the officer can refuse or terminate the interview until such time that the customer is coherent.

### **5.3 Restricting Contact**

River Clyde Homes may restrict contact with the customer in a number of ways. We may, for example, determine that it is not appropriate to interact with the customer in person, by telephone, letter, e-mail, or any combination of these. We will try and maintain at least one form of contact with customers.

Where appropriate, we may put in place particular arrangements to enable contact with customers to continue. Examples of these arrangements include, but are not limited to:

- Restrict contact to a nominated River Clyde Homes officer who will deal with future calls or correspondence.
- Refuse to deal with further correspondence and return any documents or advise the customer that further irrelevant documentation will be destroyed.
- Tell the customer that only a certain number of issues will be considered in a given period and ask them to limit or focus their requests accordingly.
- Requiring the customer to make contact by a specific medium (e.g., by letter only).
- Requiring the customer to make an appointment to see a named member of staff and possibly only with another officer in attendance.
- Requiring the customer to make contact at specific times.
- Requiring the customer to make contact at a specific location.
- By communicating through a third party.

The above are only examples of action we may take, and we reserve the right to take any other action that we consider appropriate in the circumstances.

## 5.4 Deciding to Restrict Customer Contact

RCH Group staff, or contractors working on our behalf, have the authority to immediately restrict or terminate customer contact with a customer if they deem their behaviour to be violent or aggressive. Any such decision must be reported to their line manager and appropriate documentation completed (see 5.1 above).

With the exception of the above, any decision to restrict customer contact will only be taken after careful consideration of the situation and a review of the history of contact with that specific customer. Any decision to restrict customer contact must be taken by a member of our Management Team.

Wherever possible, a customer should be afforded the opportunity to explain their actions or to modify their behaviour before any decision to restrict contact is taken.

## 5.5 Recording and Reviewing a decision to restrict contact

All decisions to restrict contact from a customer will be recorded on our Alert database. This will include a date for the reinstatement of services or contact or a date for review.

Any decision to restrict contact may be reconsidered if the customer demonstrates a more acceptable action or behaviour. Any restriction of service must be formally reviewed within a six-month period. Where appropriate, consideration should be given to any support mechanism in place to eliminate or reduce any physical or mental harm caused by the customer.

Customers must be advised of any decision to restrict contact. At the same time, they will be given advice about what action must be taken for contact to be reinstated. The customer will also be advised of their right to appeal this decision and given advice on how to make any such appeal. Please follow the Guidance form in **Appendix 1** and reference the RCH Group Procedure Alert Identification document for applying Alerts.

## 5.6 Appealing a Decision to Restrict Contact

Any appeal against a decision to restrict contact will be considered by a member of our Management Team or above who has not been involved in the original decision. They have the discretion to vary or quash the decision as they feel appropriate. They will make their decision based on all the evidence available to them.

The appeal will be considered within ten working days and the customer formally advised of the decision in writing. However, this can be supplemented by other forms of communication if written communication is not the most appropriate for the individual.

At the end of the appeal process, if the customer remains dissatisfied about our decision, then the customer has the right to contact the Scottish Public Services Ombudsman (SPSO). Customers will be advised of this right and be provided with contact details for the SPSO.



Residents of any of our sheltered housing complexes also have the right to contact the Social Care and Social Work Improvement Scotland (SCSWIS). Customers will be advised of this.

River Clyde Homes staff will co-operate fully with the SPSO and SCSWIS and will comply with any recommendations made by these bodies.

## **6. Equality Impact Assessment**

Completed

## **7. Review**

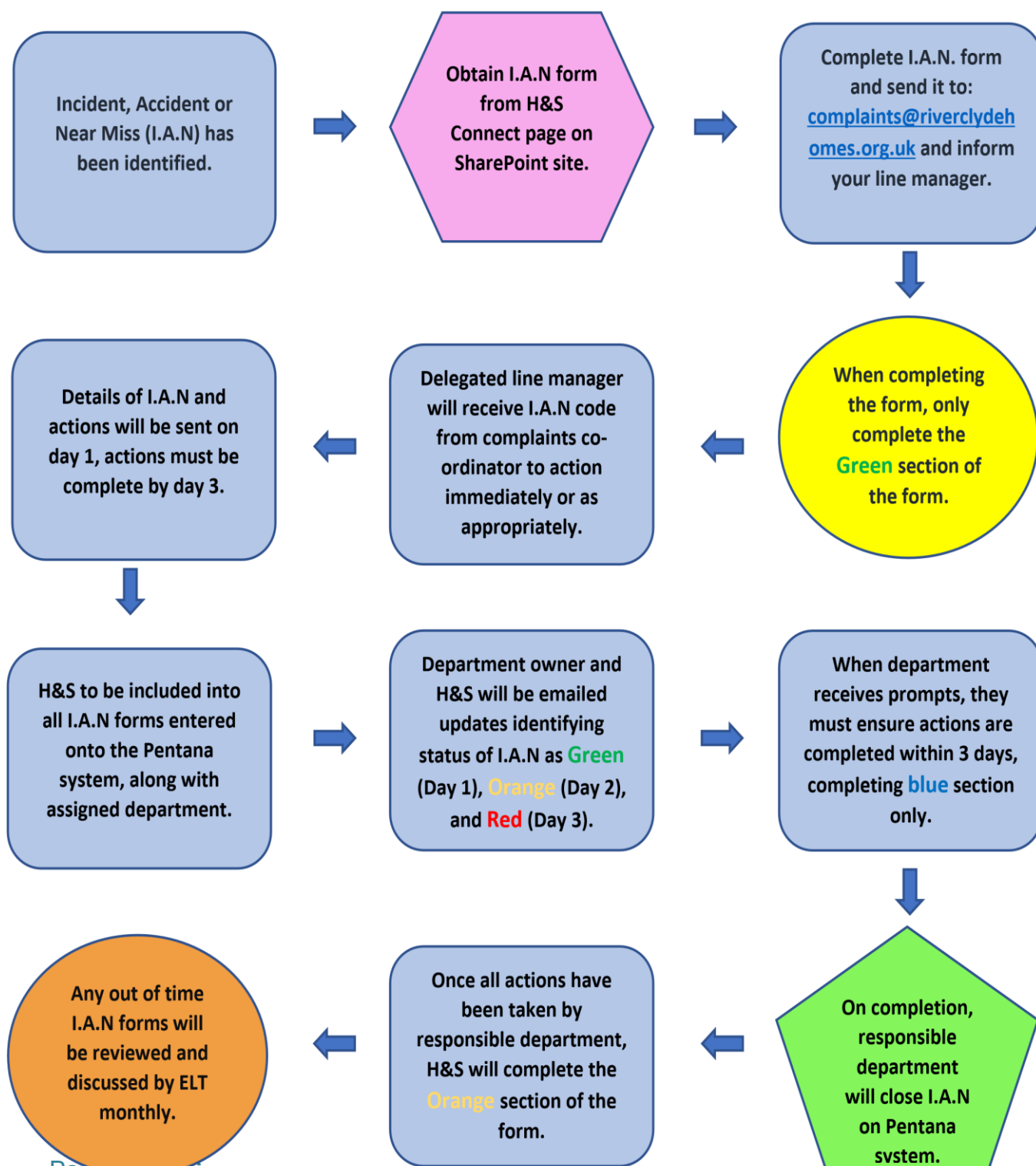
This policy will be reviewed every three years unless an earlier review is required as a result of legal, regulatory, or best practice requirements.

### **Appendix 1**

Accident/Incident Report Form Guidance



## Incident, Accident and Near Miss Guidance Form (I.A.N)



Please note the **I.A.N.** form will only be visible to the assigned department so if you require any other departments input to complete the form, please inform the complaints co-ordinator ([complaints@riverclydehomes.org.uk](mailto:complaints@riverclydehomes.org.uk)) as soon as possible to assign the other department on Pentana to make the **I.A.N.** visible to them, also update, add notes / progress / attachments / evidence to the Pentana system directly as you work through the **I.A.N.**

## Appendix 2

## Accident/Incident Report Form



## HEALTH AND SAFETY ACCIDENT / INCIDENT / NEAR MISS REPORT FORM

*Note: This Form is to be used for reporting all types of Accidents / Incidents / Near Misses*

Part A **Green** section only is completed by person raising the Form

Part B **Blue** section only is completed by the person the Incident / Accident / Near Miss has been reported to.

Part C **Orange** section is completed by Health & Safety only.

## 8. Part A – Green Section

Internal Report Reference Number

To be added by Complaints Co-ordinator

Please advise if it is an Incident / Accident / Near miss ... by clicking the appropriate box below

| Incident <input type="checkbox"/>                       | Accident <input type="checkbox"/> | Near Miss <input type="checkbox"/> |
|---|-----------------------------------|------------------------------------|
| Date of Incident / Accident / Near miss                 | Click or tap to enter a date.     |                                    |
| Time of Incident / Accident / Near Miss<br>00:00am / pm |                                   |                                    |

Personal Details of Injured Person Including address and contact details:

|                                 |  |
|---------------------------------|--|
| Full Name                       |  |
| Full Address including Postcode |  |

|                          |  |
|--------------------------|--|
| Contact Telephone number |  |
|--------------------------|--|

**Location/Area: – Including full address of where the Accident / Incident / Near Miss took place.**

|                                 |  |
|---------------------------------|--|
| Location of Incident            |  |
| Full Address including Postcode |  |

**Date Incident / Accident / Near Miss was reported**

Click or tap to enter a date.

**Accident / Incident reported by including Job Designation:**

|                 |  |
|-----------------|--|
| Full Name       |  |
| Job Designation |  |

**Report completed by including Job Designation:**

|                 |  |
|-----------------|--|
| Full Name       |  |
| Job Designation |  |

**Details of Accident/Incident/Near Miss: *please give as much detail as possible and include all relevant information.***

Please ensure you mention any third parties present, if it is an Incident, Accident or Near Miss. Detail if it was a slip, trip or fall etc. Was there any violence or aggression shown. Detail of any injury or works required to avoid any further issues. Environmental hazards etc.

## Part 2 – BLUE Section

Full name of person who is completing the form and Job Designation

Full Name

Job Designation

Actions taken to prevent a recurrence Including reviewing Risk Assessment, and Accident Investigation.

Alert placed on Active H as a result of incident

Yes

No

Alert Review Date

Person(s) informed that an alert has been placed on them

Tick ✓ as appropriate)

Tick ✓ as appropriate)

Tick ✓ as appropriate)

Add Date Below

Yes

No

Date Person(s) was informed

☐
☐
☐

Click or tap to enter a date.

☐
☐

Click or tap to enter a date.

Please confirm you have reviewed the Unacceptable Behaviour Policy before placing person(s) on Alert List

Yes ☐

No ☐

Accident/Incident/Near Miss Close off Date:

Click or tap to enter a date.

Accident/Incident/Near Miss Closed off by:

Click or tap to enter a date.

Job Designation:

Pentana Closed with all relevant Information added

Yes ☐

No ☐

### Part 3 – Orange Section

Health and Safety Team will report all RIDDOR Incidents to the Health and Safety Executive (HSE) and provide a copy to Line Managers of the RIDDOR Report.

Yes ☐

No ☐

**RIDDOR Report Reference Number:**

***Note: To be completed by The Health and Safety Team***

**Date of RIDDOR Report:**

***Note: To be completed by The Health and Safety Team***

Click or tap to enter a date.

## Appendix 3

### Expected behaviours.

1. The behaviours we expect from our staff always are set out within the RCH Group Customer Care Policy & Service Standards. We would also like to ensure we pay particular attention to the Expected Behaviours as part of this Unacceptable Behaviour Policy.
2. We expect all staff to behave in a professional manner and treat customers with courtesy, respect, and dignity. We also ask customers bringing a complaint to treat our staff with respect. We ask customers to engage actively with the complaint handling process by:
  - telling us their key issues of concern and organising any supporting information they want to give us (we understand that some people will require support to do this)
  - working with us to agree the key points of complaint when an investigation is required; and
  - responding to reasonable requests for information.
3. We have a policy in place for when these standards are not met which is our Unacceptable Behaviour Policy.
4. We recognise that people may act out of character in times of trouble or distress. Sometimes a health condition or a disability can affect how a person expresses themselves. The circumstances leading to a complaint may also result in the customer acting in an unacceptable way.
5. Customers who have a history of challenging or inappropriate actions, or have difficulty expressing themselves, may still have a legitimate grievance, and we will treat all complaints seriously. However, we also recognise that the actions of some customers may result in unreasonable demands on time and resources or unacceptable behaviour towards our staff. We will, therefore, apply our policies and procedures to protect staff from unacceptable actions such as unreasonable persistence, threats, or offensive behaviour from customers. Where we decide to restrict access to a customer under the terms of our policy, we have a procedure in place to communicate that decision, notify the customer of their right of appeal, and review any decision to restrict contact with us.
6. If we decide to restrict a customer's contact, we will be careful to follow the process set out in our policy and to minimise any restrictions on the customer's access to the complaints process. We will normally continue investigating a complaint even where contact restrictions are in place (for example, limiting communication to letter or to a named staff member). In some cases, it may be possible to continue investigating the complaint without contact from the customer.
7. Our policy allows us in limited circumstances to restrict access to the complaint process entirely. This would be as a last resort, should be as limited as possible (for a limited time, or about a limited set of subjects) and requires manager approval. Where access to the complaint process is restricted, we must signpost the customer to the SPSO.