

WEST GRANTON HOUSING CO-OPERATIVE LIMITED

POLICY DOCUMENT

UNACCEPTABLE ACTIONS POLICY

This policy was approved by the Committee of Management on 10th February 2016.

It should be reviewed again no later than 2020.

WGHC aims to comply with all relevant best practice. The following have been considered in relation to this policy:

SPSO Unacceptable Actions Policy

SPSO Complaints Handling Practice Guide – Dealing with problem behaviour

WGHC has a suite of policies and procedures covering all aspects of our operations. Those most closely linked with this policy are:

WGHC Complaints Handling Policy

WGHC Staff Policy

All policies and procedures are on the WGHC internal web site.

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1. Introduction

We believe that our tenants and other people with whom we have contact have a right to be heard, understood and respected. We work hard to be open and accessible to everyone.

Occasionally, the behaviour or actions of individuals makes it very difficult for us to deal with them. In a small number of cases the actions of individuals become unacceptable because they involve abuse of our staff or our processes.

When this happens we have to take action to protect our people. We also consider the impact of the behaviour on our ability to do our work and provide services to others.

This Policy explains how we will approach these situations.

People may act out of character in times of trouble or distress. There may have been upsetting or distressing circumstances leading up to a concern coming to our office. We do not view behaviour as unacceptable just because a person is forceful or determined.

However, we do consider actions that result in unreasonable demands on our office or unreasonable behaviour towards WGHC staff, committee members, agents or contractors to be unacceptable. It is these actions that we aim to manage under this Policy.

2. What actions do we consider to be unacceptable?

a) Aggressive or abusive behaviour

We understand that people can sometimes be angry or upset about the issues they have raised. If that anger escalates into aggression towards WGHC staff, committee members, consultants or contractors we consider that unacceptable. Any violence or abuse towards them will not be accepted.

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. Inflammatory statements and unsubstantiated allegations can also be abusive behaviour.

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.

b) Unreasonable demands

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

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 concern or raising unrelated concerns.

An example of such impact would be that the demand takes up an excessive amount of staff time and in so doing disadvantages our tenants and other people with whom we have contact.

c) Unreasonable levels or methods of contact

Sometimes the volume and duration of contact made to our office by an individual causes problems as may the methods used.

This can occur over a short period, for example, a number of calls in one day or one hour. It may occur over a longer period when a person repeatedly makes long telephone calls to us or inundates us with copies of information that has been sent already or that is irrelevant to the issue.

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

The use of voicemails when the office is closed is intended to allow a short message to be left about which the caller can be contacted later. The repeated use of voicemails to make or repeat complaints or other comments is not considered reasonable. In particular it is unacceptable for an individual to record a number of voicemails about the same or similar issues; or to record voicemails which are aggressive or abusive.

WGHC's committee members are responsible for strategic decision making. They are not involved in day to day operational matters or complaints handling. It would be unreasonable to approach a committee matter about a complaint or personal concern.

Letters should be sent to the WGHC office. It is not reasonable to send or deliver letters or other communications to staff or committee members at their home addresses.

d) Unreasonable refusal to co-operate

When we are looking at a complaint, request or issue we will need to ask the individual to work with us. This can include agreeing with us the concern we will look at; providing us with further information, evidence or comments on request; or helping us by summarising their 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 an issue to us and then not respond to reasonable requests.

e) Unreasonable use of procedures

Individuals with a concern about WGHC have the right to pursue their concerns through a range of means. They may make a request for a service. If they are unhappy about the way WGHC have acted they may make a complaint or submit an appeal against a decision.

Sometimes an individual may repeatedly raise the same issue or variations on an issue on which they have already had a response. This may include persistent refusal to accept a decision made, persistent refusal to accept explanations relating to what we can or cannot do or accept the reasonableness of our published timescales, and continuing to pursue a complaint or other matter without presenting any new information. The way in which these customers approach us may be entirely reasonable, but their persistent behaviour in continuing to do so is not.

This contact becomes unreasonable when the effect of the repeated contacts is to harass, or to prevent us from pursuing a legitimate aim or implementing a legitimate decision.

We consider access to us to be important and it will only be in exceptional circumstances that we would consider such repeated use is unacceptable – but we reserve the right to do so in such cases.

3. Examples of how we manage aggressive or abusive behaviour

The threat or use of physical violence, verbal abuse or harassment towards WGHC staff is likely to result in a termination of all direct contact with the person. We may report incidents to the police. This will always be the case if physical violence is used or threatened.

WGHC staff will end telephone calls if they consider the caller aggressive, abusive or offensive. WGHC staff have the right to make this decision, to tell the caller that their behaviour is unacceptable and end the call if the behaviour persists.

WGHC staff may refuse to respond to voicemails or to listen to the end of voicemails or to listen to a series of voicemails from the same caller. They may do this if they consider any part of the messages aggressive, abusive or offensive. WGHC staff have the right to make this decision. The caller will be informed of the decision.

We will not respond to correspondence (in any format) that contains statements that are abusive to staff or contains allegations that lack substantive evidence. Where we can, we will return the correspondence. We will explain why and say that we consider the language used to be offensive, unnecessary and unhelpful and ask the sender to stop using such language. We will state that we will not respond to their correspondence if the action or behaviour continues.

In extreme situations, we will tell the person in writing that their name is on a 'no personal contact' list. This means that we will limit contact with them to through a third party.

4. Examples of how we deal with other categories of unreasonable behaviour

We have to take action when unreasonable behaviour impairs the functioning of our office. We aim to do this in a way that allows a concern to progress through our process.

We will try to ensure that any action we take is the minimum required to solve the problem, taking into account relevant personal circumstances including the seriousness of the concern and the needs of the individual.

5. Actions we may take

Where a person repeatedly phones, visits the office, raises repeated issues, or sends large numbers of documents where their relevance isn't clear, we may decide to:

- limit contact to telephone calls from the person at set times on set days.
- restrict contact to a nominated member of WGHC staff who will deal with future calls or correspondence from the person.
- see the person by appointment only.
- restrict contact from the person to writing only.
- return any documents to the person or, in extreme cases, advise the person that further irrelevant documents will be destroyed.
- in the case of tenants, take action to seek to recover the tenancy.
- take legal action to restrict contact.
- report the matter to the police.
- take any other action that we consider appropriate.

Where we consider continued correspondence on a wide range of issues to be excessive, we may tell the person that only a certain number of issues will be considered in a given period and ask them to limit or focus their requests accordingly.

In exceptional cases, we reserve the right to refuse to consider a complaint, appeal or request from an individual. We will take into account the impact on the individual and also whether there would be a broader public interest in considering the concern further.

In all cases, we will try to maintain at least one form of contact. In extreme situations, we may tell the customer or complainant in writing that they will not be permitted any personal contact with members of staff. This means that they must restrict contact with our office to either written communication or through a third party.

We will always endeavour to tell the person what action we are taking and why.

6. The process we follow to make decisions about unreasonable behaviour

Any member of WGHC staff who directly experiences aggressive or abusive behaviour from a person has the authority to deal immediately with that behaviour in a manner they consider appropriate to the situation and in line with this Policy.

With the exception of such immediate decisions taken at the time of an incident, decisions to restrict contact with the WGHC are only taken after careful consideration of the situation by a more senior member of staff. Wherever possible, we will give a person the opportunity to change their behaviour or action before a decision is taken.

7. How we let people know we have made this decision

When an WGHC employee makes an immediate decision in response to offensive, aggressive or abusive behaviour, the person is advised at the time of the incident. When a decision has been made by senior management, a person will always be given the reason in writing as to why a decision has been made to restrict future contact, the restricted contact arrangements and, if relevant, the length of time that these restrictions will be in place. This ensures that the person has a record of the decision.

8. The process for appealing a decision to restrict contact

It is important that a decision can be reconsidered. A person can appeal a decision to restrict contact. The appeal must be in writing. If they do this, we will only consider arguments that relate to the restriction and not to any complaint or other issue which led to the restriction of contact. An appeal could include, for example, a person saying that:

- their actions were wrongly identified as unacceptable;
- the restrictions were disproportionate;
- or that they will adversely impact on the individual because of personal circumstances.

The appellant will not have the right to appear in person before the committee. The decision will stand while the appeal waits to be heard.

The Committee of Management will consider the appeal in accordance with WGHC's appeals procedure. They have discretion to quash or vary the restriction as they think best. They will make their decision based on the evidence available to them. The appellant will be advised in writing that either the restricted contact arrangements still apply or a different course of action has been agreed.

We may review the restriction periodically or on further request after a period of time has passed. Each case is different. We will explain in the letter setting out the restriction what review process will be in place for that restriction and in what circumstances they could request this be reconsidered.

9. How we record and review a decision to restrict contact

We record all incidents of unacceptable actions. Where it is decided to restrict contact, an entry noting this is made in the relevant file and on appropriate computer records. Each quarter all restrictions will be reviewed by our Senior Management Team so that they can ensure the policy is being applied appropriately. A decision to restrict person contact as described above may be reconsidered either on request or on review.