



CUNNINGHAME
HOUSING ASSOCIATION

*Making Our Communities Better Places
More Than Just A Landlord*

**CHA Group Policy
Governance Policy No: CE0040
Unacceptable Actions Policy**

Policy Originally Approved by the Board of Management	Policy Reviewed	Review Cycle 3 Year Policy Review Date	Policy Linkages
28/06/2012	28/06/2012 06/08/2015 22/08/2019 30/06/2022	30/06/2025	Complaints Handling Policy

To achieve compliance with the Associations Rulebook and Regulatory Standards and Guidance Compliance for this document.

Standard 5	Scottish Housing Regulator’s Regulatory Standard - Standard 5 – The RSL conducts its affairs with honesty and integrity.
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Links in with CHA’s Strategic Objective Number 6

Strategic Objective 6	To seek continuous improvement in our operations by investing in and developing further all our people and our business processes.
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1 Introduction

- 1.1 This policy relates to the Cunninghame Group of Companies (CHA Group) Unacceptable Actions Policy and applies to all customers of the CHA Group.
- 1.2 We believe that complainants have a right to be heard, understood and respected. We always work hard to ensure that we are open, accountable and accessible.
- 1.3 Occasionally, the behaviour or actions of individuals using our service makes it very difficult for us to deal with their complaint. In a small number of cases the actions become unacceptable because they involve abuse of our staff or our process.
- 1.4 When this happens, we have to take action to protect our staff. We consider the impact of the behaviour on our ability to do our work and provide a service to others.
- 1.5 This Policy explains how we will approach these situations.

2. Policy Aims and Objectives

- 2.1 To outline what we consider to be unreasonable and unacceptable behaviour or actions on the part of service users.
- 2.2 To ensure we deal fairly, honestly, consistently and appropriately with people who contact us, including those whose actions we consider unacceptable.
- 2.2 To explain what actions we will take in such cases.
- 2.3 To ensure that unacceptable actions do not impact or disadvantage our employees and other people who contact us.

3. Policy Scope

- 3.1 This policy sets out the CHA Group approach to actions or behaviour we consider unacceptable. It applies to members of the public, organisations, elected representatives, or those acting on their behalf, who contact us.

4. What Actions Do the Cunninghame Group of Companies Consider to be Unacceptable?

- 4.1 People may act out of character in times of trouble or distress. There may have been upsetting or distressing circumstances leading up to a complaint coming to our offices. We do not view behaviour as unacceptable just because a complainant is forceful or determined. In fact, we accept that being persistent can be a positive advantage when pursuing a complaint.

4.2 However, we do consider actions that result in unreasonable demands on our office or unreasonable behaviour towards Cunninghame Housing Association Group (CHA Group) staff to be unacceptable. It is these actions that we aim to manage under this Policy.

4.3 Actions that the Cunninghame Housing Association Group considers to be unacceptable are grouped under the following broad headings:

Aggressive or Abusive Behaviour

4.4 We understand that complainants are angry about the issues they have raised in their complaint. If that anger escalates into aggression towards CHA Group staff, we consider that unacceptable. Any violence or abuse towards staff will not be accepted.

4.5 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 afraid, threatened or abused, and may include threats, personal verbal abuse, derogatory remarks and rudeness.

4.6 We also consider inflammatory statements and unsubstantiated allegations to be abusive behaviour.

Unreasonable Demands

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

4.8 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.

4.9 An example of such impact would be that the demand takes up an excessive amount of staff time and in so doing disadvantages other complainants.

Unreasonable Levels of Contact

4.10 Sometimes the volume and duration of contact made to our office by an individual causes problems.

4.11 This can occur over a short period, for example, a number of calls in one day or one hour. It may occur over the life-span of a complaint when a complainant 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 complaint.

4.12 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.

Unreasonable Use of The Complaints Process

- 4.13 Individuals with complaints have the right to pursue their concerns through a range of means. They also have the right to complain more than once about an organisation with which they have a continuing relationship, if subsequent incidents occur.
- 4.14 However, this contact becomes unreasonable when the effect of the repeated complaints is to harass, or to prevent an organisation from pursuing a legitimate aim or implementing a legitimate decision. We consider access to a complaints system 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 those exceptional cases.

5. How We Manage Aggressive or Abusive Behaviour

- 5.1 The threat or use of physical violence, verbal abuse or harassment towards CHA Group staff is likely to result in a termination of all direct contact with the complainant. Incidents may be reported to the police. This will always be the case if physical violence is used or threatened.
- 5.2 We will not accept any correspondence (letter, fax or electronic) that is abusive to CHA Group staff or contains allegations that lack substantive evidence. We will tell the complainant that we consider their language offensive, unnecessary and unhelpful and ask them to stop using such language. We will state that we will not respond to their correspondence if the action or behaviour continues.
- 5.3 CHA Group staff will end telephone calls if they consider the caller aggressive, abusive or offensive. CHA Group 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.
- 5.4 In extreme situations, we tell the complainant in writing that their name is on a 'no personal contact' list. This means that we will limit contact with them to either written communication or through a third party.

6. How We Deal with Other Categories of Unreasonable Behaviour

- 6.1 We have to take action when unreasonable behaviour impairs the functioning of our office.
- 6.2 We aim to do this in a way that allows a complaint 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 complaint and the needs of the individual.

6.3 Where a complainant 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 complainant at set times on set days.
- restrict contact to a nominated member of CHA Group staff who will deal with future calls or correspondence from the complainant.
- see the complainant by appointment only.
- restrict contact from the complainant to writing only.
- return any documents to the complainant or, in extreme cases, advise the complainant that further irrelevant documents will be destroyed.
- take any other action that we consider appropriate.

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

6.5 In exceptional cases, we reserve the right to refuse to consider a complaint or future complaints 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 complaint further.

6.6 We will always tell the complainant what action we are taking and why.

7. Making Decisions About Unreasonable Behaviour

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

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

8. How We Let People Know We Have Made This Decision

8.1 When a CHA Group employee makes an immediate decision in response to aggressive or abusive behaviour, the complainant is advised at the time of the incident. When a decision has been made by senior management, a complainant will always be told in writing 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 complainant has a record of the decision.

9. The Process for Appealing A Decision to Restrict Contact

- 9.1 It is important that a decision can be reconsidered. A complainant can appeal a decision to restrict contact. If they do this, we will only consider arguments that relate to the restriction and not to either the complaint made to us or to our decision to close a complaint.
- 9.2 An appeal could include, for example, a complainant 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.
- 9.3 A senior member of staff who was not involved in the original decision will consider the appeal. 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. They must advise the complainant in writing that either the restricted contact arrangements still apply, or a different course of action has been agreed.

10. How We Record and Review A Decision to Restrict Contact

- 10.1 We record all incidents of unacceptable actions by complainants. Where it is decided to restrict complainant contact, an entry noting this is made in the relevant file and on appropriate computer records. A decision to restrict complainant contact as described above, may be reconsidered if the complainant demonstrates a more acceptable approach. A member of the Executive Management Team reviews the status of all complainants with restricted contact arrangements on a regular basis.

11. Equality and Diversity

- 11.1 The Cunninghame Group of Companies will ensure that in implementing this Policy it will not unfairly discriminate against any individual, household or group on the grounds of sex or marital status, on race grounds, or on the grounds of disability, age, sexual orientation, language or social origin, other personal attributes, including beliefs or opinions such as religious beliefs or political opinions.
- 11.2 In accordance with our commitment to equality and diversity we will ensure information about our Unacceptable Actions Policy is easily and widely available. Leaflets and other relevant information will be displayed and freely available in our office reception areas.
- 11.3 We will publicise details of our Unacceptable Actions Policy. This will include providing clearly displayed links on our website.
- 11.4 We will treat all customers subject to our Unacceptable Actions Policy fairly, respectfully and as individuals and, as far as practically possible, accommodate any specific needs they may have. We will continue to support and assist any customer who has had contact restricted where the terms of the restriction make this possible. This will include, for example:

- Explaining our procedure and its application
- Providing our procedure in formats or languages other than written English
- Providing, as far as possible, any other practical assistance.

11.5 We will ensure that our monitoring of the policy has due regard to our equal opportunities policy.

12. Monitoring and Reporting

12.1 The Group Chief Executive is responsible for ensuring the implementation of this policy and supporting procedures by staff, and for the maintenance of all the necessary records on the Capita system to enable the compilation of regular reports.

12.2 The Board of Management will receive reports from the Group Chief Executive to allow effective monitoring of the policy and implications for other policies. These reports will include:

- Number of unacceptable action restricted contacts.
- Outcomes of all restricted contacts (including where standard contact has resumed).
- Equalities information will be included in all reports to identify any particular issues or impacts.

12.3 We will implement and develop a comprehensive performance management system, which is designed to meet Charter requirements. We will abide by regulatory expectations in relation to unacceptable actions and tenant communication. We will develop practices around trends and causes and will report on qualitative as well as quantitative information.

13. Legal Framework

13.1 In approving and implementing the Unacceptable Actions Policy and associated procedures the Cunninghame Group of Companies aims to comply with the following legislation:

- The Public Services Reform (Scotland) Act 2010
- Scottish Public Services Ombudsman Act 2002
- Housing (Scotland) Act 2001
- Housing (Scotland) Act 2014
- Data Protection Act 1998
- General Data Protection Regulation (GDPR) (EU) 2016/679
- Disability Discrimination Act 1995
- Race Relations Act 1976
- Race Relations (Amendment) Act 2000
- Human Rights Act 1998

14. Tenant Involvement in Reviews of Service

- 14.1 The Cunninghame Group of Companies recognises through its Tenant Participation and Engagement Strategy the importance of putting the views of tenants and residents at the heart of its policy making. We will consult with tenant/ residents and representative groups through a variety of methods including individual and group consultations, by newsletter and through our website when reviewing this policy.
- 14.2 In reviewing the Unacceptable Actions Policy and procedures, feedback will also be sought from those individuals who have been involved in Unacceptable Actions Policy restrictions (where possible) This feedback will be analysed to inform reviews of the service as will comments and suggestions from customers.

15. Training Development and Resources

- 15.1 We will provide sufficient staff and staff training resources to deal with unacceptable actions and will review resource requirements as particular needs are identified.
- 15.2 Staff responsible for implementing the Group's Unacceptable Actions Policy will have training appropriate to their needs and to the needs of the Group identified within their Personal Focus Plans to ensure the aims of the policy are met.

16 Compliance with Relevant Performance Standards

- 16.1 The Scottish Social Housing Charter came into effect in April 2012 and this sets the standards and outcomes that all social landlords should aim to achieve when performing their housing activities. Social landlords are responsible for meeting the standards and outcomes set out in the Charter. The Scottish Housing Regulator is responsible for monitoring, assessing and reporting on how well social landlords, individually and collectively, achieve the outcomes.
- 16.2 We will, through operation of this policy and supporting procedures, demonstrate compliance with the Scottish Social Housing Charter.
- 16.3 The Scottish Housing Regulator's approach to monitoring landlords' achievement of the outcomes and standards in the Charter will be based on the landlord's performance information and their own assessment of their performance. For each year ending on 31 March, landlords will be expected to:
- Measure and assess their performance in progressing towards or achieving the Charter outcomes and standards;
 - Provide the Regulator with key performance information on their achievement of the outcomes and standards; and

- Report their performance to their tenants and other service users who use their services.

16.4 The Cunninghame Group of Companies will review each element of the Charter with its tenants and agree locally based standards designed to demonstrate the achievement of outcomes.

16.5 The Scottish Social Housing Charter effectively supersedes the Regulators Performance Standards however the Cunninghame Group of Companies remains committed to achieving these standards as an indicator of good practice. The following areas are relevant to the complaints policy:

GS1.2 – Policies and Procedures – we have high quality written policies and procedures to guide our actions.

GS2.1 – Equal Opportunities – we embrace diversity, promote equal opportunities for all and eliminate unlawful discrimination in all areas of our work.

GS4.3 – We conduct our affairs with honesty and integrity and demonstrate the values of good governance through our behaviour. We promote clear values for the whole organisation.

16.6 In addition the Cunninghame Group of Companies must comply with the Scottish Housing Regulator’s Standards of Governance and Financial Management.

17. Risk Management

17.1 Unacceptable actions not properly managed or investigated by the Cunninghame Group of Companies represent risk in that:

- Unacceptable actions are not dealt with in accordance with procedures and we are deemed to be non-compliant with the SPSO’s Complaints Handling Procedure.
- A lack of remedial action or a failure to address unacceptable actions could put staff and other service users at risk.
- Unacceptable actions not addressed early will escalate causing further issues and impact on staff.
- The reputation of the Cunninghame Group of Companies may suffer affecting tenant and partner confidence and customer satisfaction.

17.2 Given the importance of these risks the effective management of this policy is vital. By having a written Unacceptable Actions Policy and procedure the Cunninghame Group of Companies is able to ensure that a uniform and professional approach is adopted, and the management of unacceptable actions is compliant with legislation and best practice.

18. Links with Other Policies

18.1 The Cunninghame Group of Companies recognises that the Unacceptable Actions Policy is linked to and dependent on policies and performance in a

variety of service areas, including:

- Complaints Policy and Complaints Handling Procedure
- Customer Care Policy
- All departmental service policies.

19 Public Accountability

19.1 This Policy will be made available to members of the public on request.

20 Date of Policy/Review

20.1 This policy was approved by the Board of Management on 30/06/2022. It will be reviewed no later than 30/06/2025.