



Unacceptable behaviour policy

Date approved by Management Committee:
Latest review date:

September 2022
September 2026

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1. Introduction

- 1.1 Cernach Housing Association is a registered social landlord which prides itself in delivering quality services and putting our customers at heart of everything we do. Our mission statement encompasses everything we stand for “supporting a vibrant community by offering affordable, good quality homes and services with people at the heart of everything we do”.
- 1.2 We are committed to providing the highest level of customer service and we believe that all our customers have the right to be heard, understood and respected; in return, we expect customers to behave appropriately towards our staff and that staff will not be subjected to unacceptable behaviour in the course of their work.
- 1.3 The Unacceptable Behaviour Policy is necessary for the efficient management and administration of Cernach Housing Association now and in the future and has been designed to define behaviours which the Association deems to be unacceptable and to put safeguards in place should staff encounter such behaviour.

2. Policy aims and objectives

- 2.1 A key aim of the Association is to provide quality, affordable homes within safe and attractive environments. This policy aims to set out the framework within which we will manage unacceptable behaviour whilst we deliver our services, for example:
 - (i) To provide guidance for staff and customers on what behaviour from residents and other customers we consider to be unacceptable and to ensure that we have measures in place to respond appropriately to these unacceptable actions
 - (ii) To make every effort to ensure that our staff, contractors and agents working on behalf of the Association are able to carry out their duties safely without fear of discrimination or distress caused by unacceptable behaviour
 - (iii) To understand that the difference is recognised between challenging behaviour which we may be expected to encounter in our roles and behaviour which goes beyond what may reasonably be expected to deal with
 - (iv) To give a commitment to our staff and make it clear to tenants, residents and other service users that unacceptable behaviour, by them will not be tolerated and will be dealt with robustly

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- (v) To ensure that our zero tolerance approach to violence or threats towards our staff is communicated to customers, and that staff feel empowered to identify and deal with behaviours which may be unacceptable and allow us to consider a decision to restrict or change access to our services

2.2 Please note that the above list is not exhaustive.

3. Legal and regulatory framework

3.1 The Unacceptable Behaviour Policy extends beyond our staff to Committee members, contractors, consultants and other agents working on behalf of the Association. Our view is very clear in that no one should be subjected to unacceptable behaviour when representing or working with or for the Association.

3.2 It has been developed with regard to other key documents to help ensure compliance with legal, regulatory and good practice requirements; it should be considered in conjunction with the Association's overall policy framework including, but not limited to, the following¹

- a) Neighbour complaints and anti-social behaviour policy and procedure
- b) Complaints policy and procedure
- c) Dignity at work policy
- d) Equality and human rights policy
- e) Health and safety at work policy
- f) Lone working policy and procedure
- g) Stress management

4. Risk management

4.1 The Association believes that non-adherence to this policy could impact the welfare and mental well-being of our staff, contractors, Committee members and anyone acting on our behalf.

4.2 Failure to exhibit appropriate behaviours could lead to stress, anxiety and higher sickness levels within the staff team, and this could have a knock-on effect in delivering our services to our tenants and residents. Contractors could also

¹ Please note that some policies will be provided by EVH as opposed to the Association having a standalone document.

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withdraw their services and refuse to attend homes of service users who continue to display unacceptable behaviours. We could also lose Committee members if they are subjected to abuse whilst representing the Association.

5. Equality and human rights

- 5.1 The Association's equality and human rights policy, which was approved by the Committee in April 2021, outlines the Association's commitment to promote a zero tolerance to unfair treatment or discrimination to any person or group of persons, particularly on the basis of any of the protected characteristics². This includes ensuring that everyone has equal access to information and services, and, to this end, the Association can make available a copy of this document in a range of alternative formats including large print, translated into another language or by data transferred to voice.
- 5.2 We are also aware of the potential for policies to inadvertently discriminate against an individual or group of individuals. To help tackle this and ensure that it does not occur, best practice suggests that organisations carry out Equality Impact Assessments to help identify any part of a policy that may be discriminatory so that this can be addressed (please see section 6 of the Equality and Human Rights policy for more information).
- 5.3 In line with section 6 of the equality and human rights policy, the Association carried out an Equality Impact Assessment on this policy and no remedial action was identified as necessary. The full assessment is appended at the end of this policy.

6. Definitions

- 6.1 For the purposes of this policy, the term **customer** is defined in a very broad sense and includes:

- Current or former tenants of the Association
 - Private tenants and owner occupiers who live locally or other local landlords
 - Housing applicants
 - Visitors to any property owned by the Association, including people's homes and our office or other premises
 - Friends, relatives, carers, advocates or a person or group acting on behalf of a customer or group of customers
 - Elected members
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- Suppliers and contractors
- Members of the general public

6.2 For the purposes of this policy, the term **staff** refers to:

- Staff directly employed by the Association
- The Association's Committee members
- Staff employed by contractors or suppliers when they are acting on our behalf
- Any person working with the Association on a voluntary basis

6.3 For the purposes of this policy, there are five main categories of **unacceptable behaviour**. These are:

- Unreasonable behavior
- Aggressive or abusive behavior
- Unreasonable demands
- Unreasonable persistence
- Vexatious behaviour

Please refer to Appendix 1 for more information on the definition of unacceptable behaviour.

6.4 We will not deem behaviour to be unacceptable just because a customer is determined or forceful when making reasonable requests or complaints. We also appreciate that there may be circumstances where a customer is angry or upset and this will be taken into account when considering whether or not their actions are unacceptable.

6.5 Recognising communication difficulties

6.5.1 There may be instances where the way in which someone communicates is impacted such as because of a medical condition, an impairment (visual, hearing or speech), neurodivergence, a learning disability, short-term illness, or their first language not being English.

6.5.2 The Association will take all reasonable steps to recognise this and to make appropriate allowances. Whilst we will not tolerate our staff being subject to unacceptable behaviour we will, at the same time, not tolerate someone being unfairly treated under the terms of this policy.

6.5.3 In order to raise awareness within the staff team, we will seek to cover this in future training.

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7. Raising awareness of unacceptable behaviour

- 7.1 A copy of the Association's unacceptable behaviour policy will be part of the information provided to new tenants, new owners and will be referred to in any future Written Statement of Services for owners.
- 7.2 Housing management staff should emphasise that unacceptable behaviour will not be tolerated during the sign-up of new tenancies.
- 7.3 Team meetings will be used to openly discuss cases of unacceptable behaviour and actions taken in all departments.
- 7.4 Our website, office literature and tenant newsletters will be used to raise awareness of the unacceptable behaviour policy.
- 7.5 Appropriate signage, which advise customers that abusive behaviour will not be tolerated, should be placed in locations where they can clearly be seen by customers.

8. Managing unacceptable behaviour

- 8.1 There are very few customers whose actions we consider unacceptable. How we aim to manage these actions depends on their nature and extent. If it adversely affects our ability to do our work and provide a service to others, we may need to restrict a customer's contact with our office in order to manage the unacceptable behaviour.
- 8.2 In all cases, a senior member of staff will contact 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 the unacceptable actions 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 We may advise the customer that we consider the issue(s) fully responded to and that continuing 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 we consider require action or we may

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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.

- 8.5 We may restrict customer contact with our office. For example, we may:
- 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, which is immediate and easily abused
 - Require the customer to communicate in writing or through a third party and add them to a 'no personal contact' list
 - Take other action that we consider appropriate
- 8.6 Customers will be notified in writing with details of any restrictions being imposed and the duration that these will apply, outlining the date that the arrangements are to be reviewed.
- 8.7 The threat or use of physical violence, verbal abuse or harassment towards staff is likely to result in a customer being added to a 'no personal contact' list. 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.
- 8.8 We will politely but swiftly 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.
- 8.9 With the exception of incidents where immediate action is required, decisions to restrict contact are only taken after careful consideration of the situation by a relevant Manager. Wherever possible we will give a customer the opportunity to modify their behaviour or action before a decision is taken.
- 8.10 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 will 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 and add the customer to a 'no personal contact' list.
- 8.11 Staff who directly experience aggressive or abusive behaviour from a customer

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have the authority to deal with that behaviour immediately in a manner they consider appropriate to the situation and in line with this policy.

9. Recording and reporting on this policy

- 9.1 Any restrictions being taken under this policy will be discussed/reported at a monthly management team meeting. Individual managers will then ensure that their teams are aware of the arrangement. We will also feed back at full staff meetings as appropriate.
- 9.2 The management team will periodically review the status of all customers with restricted contact arrangements. A decision may be reconsidered, and restrictions may be lifted or eased if a customer demonstrates a more acceptable approach.
- 9.3 We will report at least annually to the Management Committee on the number of times we have invoked this policy and will also include periodic statements in newsletters or in the Annual Report.

10. Complaints

- 10.1 The Association has a published complaints policy and procedure and this can be used where there is dissatisfaction with the way in which we are implementing the unacceptable behaviour policy. Anyone who is dissatisfied by their treatment under this policy can ask for a copy of the Association's complaints policy, which is available at the Association's office and on the website.
- 10.2 As with all our service policies, the complaints policy can be made available in large print, translated or on tape. Customers may also have the right to complain to the Scottish Public Services Ombudsman once they have exhausted the Association's complaints handling procedure
- 10.3 As with all our service policies, the complaints policy can be made available in large print, translated or on tape.

11. Staff training

- 11.1 Cernach recognises that it is extremely important that the resourcing and training of staff is adequate to meet all the needs of its customers and other stakeholders. We are committed to making training relating to effective management of unacceptable behaviour is available to staff. Training should be updated as

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appropriate and staff will be encouraged to network with other RSLs in order to share best practice in dealing.

12. Policy review

- 12.1 This policy will be reviewed every three years, or earlier in response to legal, regulatory or good practice requirements. The next review will take place in or before September 2025.

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Appendix 1

Definitions of unacceptable behaviour

Individuals (or groups) can, in some instances, pursue requests for information or make complaints that are unreasonable. This is something that can be faced by any organisation providing any kind of service.

Defining what is unreasonable is subjective and, therefore, there is scope for views to differ on whether or not unacceptable behaviour is being exhibited or whether, in fact, the individual (or group) is being reasonable.

This appendix helps define the types of behaviour that the Association considers unacceptable in order to provide some clarity. The list is not exhaustive.

Examples of **unreasonable behaviour** include:

- a) Refusing to specify the details of a complaint, despite offers of assistance
- b) Changing the basis of a complaint/request as the matter proceeds
- c) Denying or changing statements made at an earlier stage
- d) Making unjustified complaints about staff who are trying to deal with an issue and requesting to have them replaced
- e) Covertly recording meetings and conversations
- f) Submitting falsified documents
- g) Refusing to accept a decision; repeatedly arguing points with no new evidence
- h) Persistently seeking an outcome which the Association has already explained is unrealistic for policy, legal or other valid reasons.

Aggressive or abusive behaviour can be physical, verbal or written where the staff members may suffer harm, feel afraid, intimidated, threatened or abused. Examples of this type of behaviour include:

- a) Physical violence (or attempted physical violence) against a staff member
- b) Physical violence against objects such as kicking, defacing or destroying property
- c) Threats
- d) Personal verbal abuse

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- e) Derogatory or insulting remarks
- f) Persistent shouting
- g) Persistent swearing
- h) Unwelcome or rude gestures
- i) Statements intended to or likely to cause offence
- j) Unsubstantiated allegations.
- k) Sexist, racist, homophobic or any other discriminatory comments/abuse

We consider the use of social networking sites and the internet to perpetrate or encourage aggression and/or abuse including any of the above types of behaviour towards our staff to be unacceptable behaviour. (The Association will consider any messages posted via social media or other internet-based media, including email, in the same light as any written or spoken communication.)

Individuals (or groups) 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:

- a) Demanding responses within an unreasonable timescale
- b) Insisting on meeting with or speaking only to a particular member of staff
- c) Making persistent phone calls or persistently contacting the Association by other means

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, and this can lead to **unreasonable persistence**. 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. We consider the actions of persistent customers to be unacceptable when they take up a

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disproportionate amount of time and resources. Customers who feel frustrated when they believe that they are not receiving appropriate satisfaction from the Association can pursue a complaint, ultimately to the Scottish Public Services Ombudsman or other relevant independent organisation.

Examples of this type of behaviour include:

- a) Persistent refusal to accept a decision made in relation to a complaint
- b) Refusal to accept explanations relating to what can and what cannot be done
- c) Continuing to pursue a complaint without presenting any new information, although this does not preclude customers from pursuing a complaint through the Cernach complaints process
- d) Unwillingness to accept the terms of a tenancy agreement or title conditions where these terms are clear and unambiguous.

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 exaggerations of very minor service issues.

Examples of this type of behaviour include:

- a) Where the requester states the request is actually meant to cause significant inconvenience, disruption or annoyance
 - b) 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.

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Equality Impact Assessment Tool



Name of the policy / proposal to be assessed	Acceptable Behaviour Policy	Is this a new policy / proposal or a revision?	Revision
Person(s) responsible for the assessment	Anne E Smith		
1. Briefly describe the aims, objectives and purpose of the policy / proposal	To give assurance to staff, contractor, Management Committee and stakeholders, what is acceptable behaviour whilst in the work place and measures that can be put in place to mitigate this.		
2. Who is intended to benefit from the policy / proposal? <i>(e.g. applicants, tenants, staff, contractors)</i>	Staff, Contractors, Management Committee Members, stakeholders,		

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3. What **outcomes** are **wanted** from this policy / proposal ? (e.g. *the benefits to customers*)

To provide service users with a policy that gives them boundaries of what type of behaviour is acceptable within our workplace and steps that will be taken if they are not abided by. It sets a standard for staff, knowing that procedures are in place to offer a safe and protected environment to work in.

4. Which **protected characteristics** could be **affected** by the proposal? (*tick all that apply*)

- Age Disability Marriage & Civil Partnership Pregnancy/Maternity Race
 Religion or Belief Gender Gender Reassignment Sexual Orientation

5. If the policy / proposal is not relevant to any of the **protected characteristics** listed in part 4, state why and end the process here.

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<p>6. Describe the likely positive or negative impact(s) the policy / proposal could have on the groups identified in part 4</p>	<p>Positive impact(s)</p>	<p>Negative impact(s)</p>
<p>7. What actions are required to address the impacts arising from this assessment? (This might include; collecting additional data, putting monitoring in place, specific actions to mitigate negative impacts).</p>	<p>Additional data collection and staff training to raise awareness.</p>	
		<p>Someone with a medical condition that impacts communication could be misunderstood and, unfairly, be subject to communication restrictions.</p>

Signed:  (Job title): Corporate Services Officer

Date the Equality Impact Assessment was completed: 2/9/22

Please attach the completed document as an appendix to your policy / proposal report