



Title	Unacceptable Actions Policy
Purpose	<p>We come into contact with many people in the course of our work, and in the vast majority of cases these interactions are positive and productive for all parties. We want to provide an excellent service to everyone and will always try to resolve issues for dis-satisfied customers. However, occasionally, the behaviour or actions of individuals we have dealings with make it impossible for us to continue any constructive engagement. In this small number of cases we have to consider taking steps to protect our staff or to ensure that our ability to work effectively is not undermined. This policy explains how we will approach these situations.</p> <p>We believe that all correspondents and complainants have the right to be heard, supported, understood and respected. We also believe that our staff have the same rights.</p> <p>We aim in all our dealings to:</p> <ul style="list-style-type: none"> • make it clear to everyone, both on initial contact and throughout our engagement, what we can and cannot do to meet their concerns and expectations; • be open and not raise expectations that we cannot meet; • deal fairly, honestly, consistently and appropriately with all correspondents and complainants, even those whose behaviour or actions we consider unacceptable; • operate in a way that is accessible to all; • ensure that our staff and other people who use us do not suffer disadvantage as a result of the unacceptable behaviour of others. <p>We will interact with everyone in line with our values:</p> <ul style="list-style-type: none"> - Think customer first - Celebrate diversity - Deliver on our promises - Keep improving
Scope	<p>This policy applies to all Board and Committee members, members of staff whether employees of MHA, freelance, casual or temporary agency staff, irrespective of grade, position or length of service. All are responsible for the management and or monitoring of unacceptable actions.</p> <p>This policy does not form part of any employee's contract of employment and we may amend it at any time.</p> <p>This policy should be read in conjunction with the Unacceptable Actions Procedure.</p>

<p>Definitions</p>	<p>Unacceptable actions We understand that people may act out of character in times of trouble or distress. Often they have experienced upsetting or distressing circumstances leading up to a complaint or concern being raised with us. We do not view behaviour as unacceptable simply because a correspondent or complainant is forceful or determined.</p> <p>However, we consider actions that result in unreasonable demands on our business or unreasonable behaviour towards our staff as unacceptable.</p> <p>MHA is fully committed to providing a working environment that ensures all staff and customers are treated with dignity and respect, regardless of race, colour, nationality, ethnic or national origin, sex, gender reassignment, marital or civil partner status, pregnancy or maternity, disability, sexual orientation, religion or belief, age, HIV status or other grounds. We consider any behaviours that undermine this, are unacceptable.</p> <p>We consider comments made on social media, that could be viewed as personally or professionally disparaging to staff or the organisation, as unacceptable.</p> <p>SPSO – Scottish Public Services Ombudsman and is the final stage for complaints about public service organisations in Scotland.</p> <p>ASB Policy – Anti-social Behaviour Policy that sets out the principles and standards that Maryhill Housing aim to follow in our management of anti-social behaviour and covers a wide range of actions and behaviours as defined in the Antisocial Behaviour etc. (Scotland) Act 2004.</p> <p>Senior Management – Directors and Heads of Service</p>
<p>Policy Statement</p>	<p>Support This policy explains how we will deal with situations involving those we come into contact with in the course of our work; always aiming to respond in a way that aligns to our values. Therefore, in our interactions, if we are aware that someone has existing involvement with an external agency, we may contact them directly to advise of what action we are considering. In other cases we may signpost someone to a support service where we feel this may benefit the person and positively impact on the outcome.</p> <p>This policy will apply to actions or behaviours that fall under the following three broad headings:</p> <p>Aggressive or abusive behaviour Violence towards or abuse of our staff will never be tolerated. We understand that people feel passionate about the issues they discuss but if those feelings escalate into aggression, we consider that unacceptable. This will not always mean causing or threatening to cause physical harm; behaviour or language (whether oral or written, including via social media) that may cause staff to feel afraid, threatened or abused is unacceptable. This may not always be made directly to a member of staff; even statements made outside the workplace, or directed towards friends or family of a staff member, may be unacceptable in terms of this policy.</p>

Unreasonable demands

People can make unreasonable demands on our resources by the nature and scale of the service they expect. What amounts to unreasonable demands will always depend on the circumstances surrounding the actions or behaviour. These can place a significant burden on the organisation and require a disproportionate amount of time; diverting 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.

Unreasonable persistence

Sometimes an individual will contact us repeatedly about the same issue or closely related issues. Their manner in these contacts may be quite reasonable in itself, but the persistence of their approach is not. We have the right to assess whether that persistence has reached the point of disrupting our ability to undertake our work, or is amounting to harassment or unreasonable treatment of our staff.

Managing unacceptable actions

Where a customer has used social media to correspond with Maryhill Housing or our followers in an unacceptable way, we will delete their comments and may block them from making future comments on our posts. If blocking them, we will inform the customer that we have taken this action through a private message or email/letter as appropriate.

We 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.

We will not tolerate any threat or use of physical violence against, or verbal abuse or harassment of, our staff. Such actions may be reported to the police, and will always be reported if physical violence is used or threatened.

Where we receive correspondence or a communication that is abusive towards staff, gratuitously offensive, or which makes clearly unreasonable demands, we will not deal with that communication, and will inform the correspondent of that fact. We will also warn the correspondent that if she or he continues to use such language that we will consider terminating all contact.

If someone ignores the warning they have been given, or if they use or threaten physical violence, we will take action aimed as far as possible towards:

- reducing the risk of harm to our staff
- preventing the individual from inflicting further harm on him/herself or others
- ensuring that our business is carried out as efficiently and effectively as possible and to the extent required by law

This action is likely to involve terminating or limiting contact with the individual.

This policy links to the Association's Anti-Social Behaviour (ASB) Policy that

sets out the principles and standards that we aim to follow in the management of our tenancies; recognising the different types of ASB and neighbour nuisance. It can be accessed [here](#).

Terminating, suspending or limiting contact

The process of terminating contact will be carefully managed. There are a number of issues to consider, and the decision to terminate will not be taken lightly or without sufficient evidenced grounds.

Generally, the recommendation to terminate contact will be made by senior management. We will carefully consider the form of such a termination in order to balance the rights of the individual against our duty to protect our staff and to avoid disruption of our business. We will consider a range of options, such as:

- terminating all contact (subject to necessary limitations referred to below);
- terminating communication by specified channels only (e.g. refusing to take telephone calls from an individual);
- requiring the individual to communicate only through a third party;
- refusing to accept communication on a specified subject only.

Limitations on contact

In deciding to terminate, suspend or restrict contact, we will not attempt to restrict the rights of an individual to raise requests under information legislation, such as the right to request information under the Freedom of Information (Scotland) Act 2002 (FOISA), the Environmental Information (Scotland) Regulations 2004 (EIR) or the Data Protection Act 2018 as appropriate. Any such requests received will be considered under the normal terms of those access regimes – although of course such a request, if couched in terms that are harassing or unreasonable, may be deemed vexatious under FOISA or manifestly unreasonable under EIR(S).

We will also consider if the individual's or anyone else's rights under European Convention on Human Rights are engaged in this decision, especially Article 10 relating to freedom of expression (this will be of particular relevance if the individual is or could be seen to be a journalist, or if our decision could be seen to have a chilling effect on the free reporting of matters on public interest).

Informing the individual

When a decision to restrict, suspend or terminate communication with an individual is made, we will inform that individual of the decision and its terms. When a decision has been made by senior management, an individual will always be given the reason in writing as to why a decision has been made to restrict, suspend or terminate future contact, the restricted contact arrangements and, if relevant, the length of time that these restrictions will be in place. This ensures that the individual has a record of the decision and they are made aware of their right to appeal to Maryhill Housing. The individual should also be made aware of their right to complain about us to the Scottish Public Services Ombudsman.

Appealing the Decision to Restrict, Suspend or Terminate Contact

	<p>It is important that a decision can be reconsidered. An individual can appeal a decision to restrict, suspend or terminate contact. If they do this, Maryhill Housing will only consider arguments that relate to the restriction. An appeal could include, for example, an individual saying that:</p> <ul style="list-style-type: none"> • Their actions were wrongly identified as unacceptable; • The restrictions were disproportionate • Or, that they will adversely impact on the individual because of personal circumstance. <p>A member of senior management, who was not involved in the original decision, will consider the appeal. They will have the discretion to quash or vary the restriction as they think best. They will make their decision based on the evidence available to them. The individual must be advised of the decision in writing that either the restricted contact arrangements still apply or a different course of action has been agreed.</p> <p>Measures to prevent contact We will consider using technical measures to block an individual's attempts to contact us if that individual's communications have been judged to be abusive, threatening, or to constitute harassment of our staff. We will consider measures such as seeking to block an individual's telephone number or email address, and we will consider in more extreme cases whether to seek to interdict the individual or take other legal measures in order to protect our staff. Where we decide to implement technical blocking measures, e.g. of an email address, we will not necessarily make that known to the individual concerned. Whether to inform the individual of the use of technical measures will be a matter of judgement for senior management taking the decision to terminate or restrict contact.</p> <p>Recording a decision to restrict contact We will record incidents involving unacceptable actions and behaviours as they occur, but will retain those records only for a limited period unless further action is decided on in that time. This period should be no longer than 20 days in general, but in some cases (e.g. where contact with an individual takes place on a quarterly cycle) should be longer, as appropriate.</p> <p>Where it is decided to terminate or restrict contact with an individual, we will record that decision and the reasons for it. This record will be shared with any colleagues that have either been contacted by the individual or where it is judged possible or likely that the individual may contact a team.</p> <p>Information on restrictions will be reported as a strategic KPI and presented to Board on a quarterly basis.</p> <p>Additional guidance and training This policy takes account of the Scottish Public Sector Ombudsman's Unacceptable Actions Policy and the Scottish Information Commissioner's briefing on vexatious requests.</p> <p>This policy takes account of the Dignity at Work Policy</p>
Approval	June 2020
Policy	HR Manager

Owner	
Review	June 2023 or updated in line with changes in legislation.