



Unacceptable Actions Policy

AS WITH ALL OF THE ASSOCIATION'S POLICIES & PROCEDURES, THIS DOCUMENT, IN FULL AND IN PART, IS AVAILABLE IN SUMMARY, ON TAPE, IN BRAILLE, AND IN TRANSLATION INTO MOST OTHER LANGUAGES.

PLEASE ASK A MEMBER OF STAFF IF YOU WOULD LIKE
A VERSION IN A DIFFERENT FORMAT

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Next Review Date: March 2027

Introduction

We believe that all service users 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 using our service makes it very difficult for us to deal with their enquiry or complaint. In a small number of cases, the actions of individuals become unacceptable because they involve abuse of our staff. When this happens, we have to take action to protect our employees. We also consider the impact of the behaviour on our ability to do our work and provide a service to others.

This Policy explains how we will approach these situations.

What actions do we consider to be unacceptable?

People may act out of character in times of trouble or distress. There may have been upsetting or distressing circumstances leading up to an enquiry or a complaint coming into our office.

We do not view behaviour as unacceptable just because a service user is forceful or determined. However, we do consider actions that result in unreasonable demands on our office or unreasonable behaviour towards our staff to be unacceptable. It is these actions that we aim to manage under this Policy.

Aggressive or abusive behaviour

We understand that service users may be angry about the issues they are facing. If that anger escalates into aggression towards our staff, we consider that unacceptable. Any violence or abuse towards staff 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. We will judge each situation individually and appreciate individuals who come to us may be upset.

We will consider the use of language that 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 as 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.

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 an enquiry or complaint 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 other service users and prevents their own matter from being dealt with quickly.

Unreasonable levels of contact

Sometimes the volume and duration of contact made to our office by an individual causes problems. 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 all dealings with a service user. This usually occurs when a service user repeatedly makes long telephone calls to us or inundates us with copies of information that has been sent already or that is irrelevant.

We consider that the level of contact has become unacceptable when the amount of time spent talking to a service user on the telephone,

or responding to, reviewing and filing emails or written correspondence impacts on our ability to deal with the matter raised, or with other people's enquiries.

Unreasonable refusal to co-operate

When we are looking at an issue raised by a service user, we will need to ask the individual to co-operate with us. This can include agreeing with us the nature of the matter in hand and providing us with further information, evidence or comments on request or helping us by summarising their issue 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 matter to our attention and then not respond to reasonable requests for further information.

Unreasonable use of the complaints process

Individuals with complaints about our service have the right to pursue their concerns through a range of means. They also have the right to complain more than once about the organisation if subsequent incidents occur. 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 such cases.

Examples of how we manage unacceptable behaviour

The threat or use of physical violence, verbal abuse or harassment towards staff is likely to result in a termination of all direct contact with the service user. We may report incidents to the police. This will

always be the case if physical violence is used or threatened. Staff will end telephone calls if they consider the caller aggressive, abusive or offensive. 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.

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 complainant 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.

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 will try to ensure that any action we take assists the service user to resolve their issue or problem, taking into account relevant personal circumstances including the seriousness of the issue and the needs of the individual.

Other actions we may take include;

- limiting contact of telephone calls to set times on set days.
- restrict contact to a nominated member of staff who will deal with future calls or correspondence from the service user.
- see the service user by appointment only.
- restrict contact from the service user to correspondence only.
- return any documents to the service user or, in extreme cases, advise the service user that further irrelevant documents will be destroyed.

- 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 service user 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.

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. We will always tell the service user what action we are taking and why.

Any member of staff who directly experiences aggressive or abusive behaviour from a service user has the authority to deal immediately 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 staff are only taken after careful consideration of the situation by the Director or Depute Director. Wherever possible, we will give the service user an opportunity to change their behaviour or action before a decision is taken.

How we let people know we have made this decision

When an employee makes an immediate decision in response to offensive, aggressive or abusive behaviour, the service user is advised at the time of the incident. When a decision has been made by the Director or Depute Director, the service user 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 service user has a record of the decision.

The process for appealing a decision to restrict contact

It is important that a decision can be reconsidered. A service user 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 our decision to close a complaint.

An appeal could include, for example, a service user 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.

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 service user of this decision in writing that 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.

How we record and review a decision to restrict contact

We record all incidents of unacceptable actions by service users. Where it is decided to restrict contact, an entry noting this is made in the associations register. Each quarter a report on all restrictions will be presented to our Senior Management Team so that they can ensure the policy is being applied appropriately. A decision to restrict contact as described above may be reconsidered either on request or on review.

This policy will be reviewed every 3 years or as appropriate
