

## Organisational Policy

# Unacceptable actions by complainants

### ***Our commitment***

Argyll Community Housing Association is committed to provide equal opportunities across all services and to avoid discrimination. This policy is intended to assist ACHA to put this commitment into practice. Compliance with this policy should also ensure that employees do not commit unlawful acts of discrimination.

***This policy can be made available in other formats, for example in large print, audio-format or Braille: the document may also be available in other languages, in full or summary form, as appropriate.***

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### **Section 1 Context**

- 1.1 This Policy sets out our approach to the relatively few complainants whose actions or behaviour we consider unacceptable. The term complainant includes anyone acting on behalf of a complainant or who contacts us in connection with a complaint.

### **Section 2 The law and good practice**

- 2.1 Our policy is in-line with the Scottish Public Services Ombudsman`s policy document “Unacceptable Actions” revised in January 2011.

### **Section 3 Our policy objectives**

- 3.1 To make it clear initial contact and throughout our dealings, what we can and cannot do in relation to their complaint. In doing so, we aim to be open and not raise hopes or expectations that we cannot meet.
- 3.2 To deal fairly, honestly, consistently and appropriately with all complainants, including those whose actions we consider unacceptable. We believe that all complainants have the right to be heard, understood and respected. We consider that our staff have the same rights.
- 3.3 To provide a service that is accessible to all complainants. However, we retain the right, where we consider the complainant`s actions to be unacceptable, to restrict or change access to our service.
- 3.4 To ensure that other complainants and our staff do not suffer any disadvantage from complainants who act in an unacceptable manner.

### **Section 4 Implementing our policy objectives**

- 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. 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. However, the actions of complainants who are angry, demanding or persistent may result in unreasonable demands on our staff or unacceptable behaviour towards them. It is these actions that we consider unacceptable and aim to manage under this policy. We have grouped these actions under three broad headings:

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### 4.2 Aggressive or Abusive Behaviour

4.2.1 Violence is not restricted to acts of aggression that may result in physical harm. It also includes behaviour or language (whether oral or written) that may cause staff to feel afraid, threatened or abused.

4.2.2 Examples of behaviours grouped under this heading include threats, physical violence, personal verbal abuse, derogatory remarks and rudeness. We also consider that inflammatory statements and unsubstantiated allegations can be abusive behaviour.

4.2.3 We expect our staff to be treated courteously and with respect. Violence or abuse towards staff is unacceptable. Staff understand the difference between aggression and anger. The anger felt by many complainants involves the subject matter of their complaint. However, it is not acceptable when anger escalates into aggression directed towards staff.

### 4.3 Unreasonable Demands

4.3.1 Complainants may make what we consider unreasonable demands on staff resources through the amount of information they seek, the nature and scale of service they expect or the number of approaches they make. What amounts to unreasonable demands will always depend on the circumstances surrounding the behaviour and the seriousness of the issue raised by the complainant.

4.3.2 Examples of actions grouped under this heading include demanding responses within an unreasonable time-scale, insisting on seeking or speaking to a particular member of staff, continual phone calls or letters, repeatedly changing the substance of the complaint or raising unrelated concerns.

4.3.3 We consider these demands as unacceptable and unreasonable if they start to impact substantially on our work, such as taking up an excessive amount of staff time to the disadvantage of others or functions.

### 4.4 Unreasonable Persistence

4.4.1 We recognise that some complainants will not or cannot accept that we are unable to assist them further or provide a level of service other than that provided already. Complainants may persist in disagreeing with an action or decision taken or contact us persistently about the same issue.

4.4.2 Examples of actions grouped under this heading include persistent refusal to

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accept a decision made in relation to a complaint, persistent refusal to accept explanations relating to what we can or cannot do and continuing to pursue a complaint without presenting any new information.

The way in which these complainants approach our staff may be entirely reasonable, but it is the persistent behaviour in continuing to do so that is not.

4.4.3 We consider the actions of persistent complainants to be unacceptable when they take up what we regard as being a disproportionate amount of time and resources.

#### 4.5 Managing Unacceptable Actions by Complainants

4.5.1 There are relatively few complainants 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 job and provide a service to others, we may need to restrict complainant contact with our office in order to manage the unacceptable action. We may restrict contact in person, by telephone, fax, letter or electronically or by any combination of these. We will try to maintain at least one form of contact. In extreme situations, we tell the complainant in writing that their name is on a 'no personal contact' list. This means that they must restrict contact with our office to either written communication to a particular person or only through a third party.

4.5.2 The threat or use of physical violence, verbal abuse or harassment towards staff is likely to result in the ending 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.

4.5.3 We will not deal with correspondence (letter, fax or electronic) that is abusive to staff or contains allegations that lack substantive evidence. When this happens we will tell the complainant that we consider their language offensive, unnecessary and unhelpful. We will ask them to stop using such language and state that we will not respond to their correspondence if they do not stop. We may require future contact to be through a third party.

4.5.4 We will end telephone calls if the caller is considered aggressive, abusive or offensive. The staff member taking the call has the right to make this decision, tell the caller that the behaviour is unacceptable and end the call if the behaviour does not stop.

4.5.5 Where a complainant repeatedly phones, visits the office, sends irrelevant

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documents or raises the same issues, we may decide to:

4.5.5.1 Only take telephone calls from the complainant at set times on set days or put an arrangement in place for only one member of staff to deal with calls or correspondence from the complainant in the future.

4.5.5.2 Require the complainant to make an appointment to see a named member of staff before visiting the office or that the complainant contacts the office in writing only.

4.5.5.3 Return the documents to the complainant or, in extreme cases, advise the complainant that further irrelevant documents will be destroyed.

4.5.5.4 Take other action that we consider appropriate. We will however, always tell the complainant what action we are taking and why.

4.6 Where a complainant continues to correspond on a wide range of issues and this action is considered excessive, the complainant will be told that only a certain number of issues will be considered in a given period and asked to limit or focus their requests accordingly. We recognise that some complainants may have a significant number of complaints. We reserve the right to prioritise these, within our timescales, which they will be advised of.

4.7 Complainant action may be considered unreasonably persistent if all internal review mechanisms have been exhausted and the complainant continues to dispute the decision relating to their complaint. The complainant will be told that no future phone calls will be accepted or interviews granted concerning this complaint. Any future contact by the complainant on this issue must be in writing.

Future correspondence will be read and filed but only acknowledged or responded to if the complainant provides significant new information relating to the complaint.

#### 4.8 Recording and Reviewing a Decision to Restrict Contact

4.8.1 Where it is decided to restrict complainant contact, an entry noting this will be made in the relevant file(s) and on appropriate computer records.

4.8.2 A decision to restrict complainant contact may be reconsidered if the complainant subsequently demonstrates a more acceptable approach. The relevant Director will review in those circumstances.

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## Section 5 Our positive action initiatives

### 5.1 Deciding to Restrict Complainant Contact

5.1.1 Our staff that directly experience aggressive or abusive behaviour from a complainant have the authority to deal immediately with that behaviour in a manner they consider appropriate to the situation and in line with this policy.

5.1.2 With the exception of such immediate decisions taken at the time of an incident, decisions to restrict contact with us will only be taken after careful consideration of the situation by a more senior member of staff.

5.1.3 Wherever possible, we will give a complainant the opportunity to modify their behaviour or action before a decision is taken.

5.1.4 Complainants will 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.

## Section 6 Dealing with complaints

### 6.1 Appealing a Decision to Restrict Contact

6.1.1 A complainant can appeal a decision to restrict contact if that decision was made at a level below Director. The relevant Director will consider the appeal.

6.1.2 The Director will advise the complainant in writing that either the restricted contact arrangements will still apply or a different course of action has been agreed.

## Section 7 Review procedures

7.1 This procedure will be reviewed every 4 years in line with our Complaint Handling Policy and procedure or sooner if deemed necessary.

## Section 8 Confidentiality and data protection

8.1 With regards to other confidentiality guidance; please refer to our Confidentiality Guidance Note.

8.2 With regards to data protection; please refer to our Data Protection Policy.