



Loreburn Group

UNACCEPTABLE ACTIONS POLICY

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| Policy | Unacceptable Actions Policy | | | | | |
| Version reference | 2.0 | | | | | |
| Approved by | MC | | LET | | MT | |
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| Policy champion | Chief Executive | | | | | |

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Appendices

See Resource Pack



1 Purpose of this Policy

- 1.1 We expect our staff to always treat our tenants and customers fairly with respect and dignity, and we believe our staff should expect the same in return.
- 1.2 Loreburn's Unacceptable Actions Policy reflects our commitment to ensuring our employees work in a culture that is safe and enables them to be treated with dignity and respect, allowing them to thrive and provide the best possible services to our tenants.
- 1.3 We recognise that people may act out of character in times of trouble or distress. We also recognise that issues of health and disability may affect someone's behaviour. However, we do consider actions that result in unreasonable demands on our staff or unreasonable behaviour towards staff to be unacceptable. This policy explains how we will approach these types of situations.

2 Aims & Outcomes of this Policy

- 2.1 This Policy aims to:
 - Ensure staff have support to work in an environment where they feel safe, respected and supported.
 - Provide clear guidance on the types of actions and behaviours that will not be accepted and the steps that may be taken to ensure we can still provide access to our services.
 - Ensure staff can signpost customers to relevant support as required.
 - To ensure that other customers do not suffer any disadvantage from customers who act in an unacceptable manner.
 - To ensure all customers' complaints are dealt with fairly and equitably.

3 Scope of Policy

- 3.1 This policy includes unacceptable behaviour from tenants, applicants or any other person accessing Loreburn's services (herein referred to as customers).



4 Definition of Unacceptable Actions

4.1 The following actions are considered unacceptable:

- Aggressive or abusive behaviour (verbal or physical)
- Unreasonable demands
- Unreasonable persistence
- Vexatious behaviour
- Unacceptable use of social media

5 Violent, Aggressive or Abusive Behaviour

5.1 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 offended, afraid, threatened, or abused.

5.2 Language, which is designed to insult or degrade, which is racist, sexist or homophobic or which makes serious and unsubstantiated allegations of criminal, corrupt or perverse conduct is unacceptable.

5.3 It could include also include:

- Threats
- Personal verbal abuse
- Shouting and / or swearing
- Derogatory remarks
- Inflammatory statements
- Unsubstantiated allegations.
- Using audio or video recordings within the public domain for the purpose of harassment, victimisation, slander, and stalking.
- Vandalism or damage to personal or work property

6 Unreasonable Demands

6.1 A demand becomes unacceptable when it starts to (or when complying with the demand would) impact substantially on our work. Examples of actions grouped under this heading include where an individual:

- Repeatedly demands responses within an unreasonable timescale.
- Insists on seeing or speaking to a particular employee when that is not possible or appropriate.
- Repeatedly changes the substance of their complaint or raises unrelated



concerns.

- Makes the same complaint without any new evidence being presented.
- Causes us to spend an excessive amount of time on their demand and, in doing so, disadvantage others who access our services.
- Excessive levels of contact can be either in person, via letter, phone, email, or digital contacts.

7 Unreasonable Persistence

7.1 We recognise that we will not always get things right and that there will be times when our service does not meet expectations. We follow a complaint handling process in line with the Scottish Public Sector Ombudsman's guidance. This includes information on appeals processes that should be followed by those unsatisfied with our service. We encourage our tenants and customers to follow these processes.

7.2 We note that some of our customers will not or cannot accept that we are unable to assist them further or provide a level of service other than what has been provided already. Customers may persist in disagreeing with the action or decision taken in relation to a complaint or contact the organisation persistently about the same issue. Examples of actions grouped under the heading unreasonable persistence are detailed below:

- Unreasonable demands (e.g. requesting large volumes of information, asking for responses within a short space of time, refusing to speak to an individual or insisting on speaking with another).
- Unreasonable persistence (refusing to accept the answer that has been provided, continuing to raise the same subject matter without providing any new evidence, continuously adding to or changing the subject matter of the complaint).
- Overload of letters, calls, emails or contact via social media (this could include the frequency of contact as well as the volume of correspondence received as well as the frequency and length of telephone calls).

7.3 The way in which these customers may approach us may be entirely reasonable, but it is their persistence in continuing to do so that is not. We consider the actions of customers who persistently complain to be unacceptable when they take up what we regard as being a disproportionate amount of time and resources.

7.4 It should be noted that raising a complaint about the service received does not constitute unreasonably persistent and/or vexatious behaviour. It should also be



noted that complaints that follow all the way through the Model Complaints Handling Procedure would not constitute unreasonably persistent and/or vexatious behaviour either. All complaints should be handled in line with this procedure, which is detailed in the Complaints Policy. This ensures all complaints are dealt with fairly and equitably.

8 Vexatious Behaviour

8.1 Vexatious behaviour is defined as repeated hostile or unwanted conduct, verbal comments, actions or gestures that affect an individual's dignity or psychological and/or physical integrity. This type of behaviour often includes:

- Persistent refusal to accept a decision which has been made.
- Persistent refusal to accept explanations in relation to decisions and/or actions.
- Persistent refusal to follow procedures.

9 Managing Unacceptable Actions

9.1 Whilst, we have a duty of care for the safety and wellbeing of our staff and will take the steps we consider necessary to ensure that this is safeguarded, we also have a duty to ensure that our tenants and customers are treated fairly, that our actions are proportionate and that we respect people's different needs in line with our equality and diversity policy. The use of this policy must be carefully considered and used only in circumstances where sufficient information is available to support its application.

9.2 In order to implement this policy and procedure staff must be certain that the individual's circumstances have been considered and, for example, any protected characteristics are accounted for.

10 Informing Customers and Restricting Contact

10.1 Where violence or sexually motivated conduct is the cause for concern we expect our staff to prioritise their own safety above all else and remove themselves from the situation as quickly as possible and the necessary actions would then be dealt with by their line manager, this may include contacting the police and/or other public agencies and a Risk Flag being added to the account in line with the Risk Flag Policy.

10.2 Where behaviour is not modified, and after careful consideration, the relevant



Head of Service will advise the customer in writing what action we are taking and why, and will provide details of the restricted contact arrangements and the length of time that the restriction will be in place. The length of time the restrictions remain in place will last a minimum of 6 months and be reviewed at 3 monthly intervals thereafter. Discretion can be applied to the 6-month initial period, and this can be reduced in some situations where the Head of Service deems it appropriate.

- 10.3 Incidents of unacceptable actions and any decision taken to restrict customer contact will be recorded on the tenant's Homemaster record (or Choice Based Lettings for housing applicants) and the relevant Head of Service will ensure relevant employees are informed of any restrictions put in place. The information will remain in the customer file after the restriction is lifted as it may be relevant in considering any risks in the future. In all instances where such steps are taken, we will provide signposting to relevant agencies where we identify a need for further support for our tenants.
- 10.4 Whilst we may restrict contact, our priority is to ensure that tenants/applicants still have full access to our services and can continue to engage effectively with us. When we do restrict contact, we will make sure tenants/applicants know how to engage with us and will only employ mediators or third-party communications when all other options have been explored.
- 10.5 In managing unacceptable actions, these will be dealt with by staff on an individual basis. If the unacceptable action adversely affects the ability to do our job and provide a service to others, we may need to restrict the customer's contact with our services. We may restrict contact in person, by telephone, letter or electronically or by any combination of these.
- 10.6 We will try to maintain at least one form of contact. We aim to do this in a way that, wherever possible, allows the customer to have their concerns addressed and to progress a complaint to resolution through our complaints handling process.
- 10.7 The threat or use of physical violence, or harassment of staff is likely to result in us ending all direct contact with the customer. In such serious cases, incidents may be reported to the Police; this will always be the case if physical violence is used or threatened. In extreme situations such as the threat or use of physical violence, we will also advise the customer in writing that their name is on a 'no personal contact' list. This means they must restrict contact with written communication with a particular member of staff or only through a third party.
- 10.8 We will not deal with correspondence (letters, electronic mail or via social media) that is abusive or contains allegations that lack substantive evidence. When this happens, we will advise the customer that we consider their



language offensive, unnecessary, and unhelpful.

- 10.9 We will request the customer to stop using such language and state we will not respond to their correspondence if they do not stop. We may require future contact to be through a third party. We may also pursue legal action, where the circumstances merit this.
- 10.10 We will end telephone calls if the caller is considered aggressive, abusive, or offensive. The customer will be advised that all our calls are recorded for training and monitoring purposes and that, should their aggressive, abusive or offensive language not stop, the call will be terminated.
- 10.11 Where a customer repeatedly phones, sends irrelevant documents or raises the same issues, we may decide to:
- Only take telephone calls from the customer at set times on set days or put an arrangement in place for only one member of staff assigned to deal with calls or correspondence from the customer in the future
 - Require the customer to make an appointment to speak to a named member of staff or that the customer contacts us in writing only
 - Return the documents to the customer, or in extreme cases, advise the customer that further irrelevant documents will be destroyed
 - Block the customer from making contact via social media platforms
 - Take other action that we consider appropriate. We will, however, always tell the customer what action we are taking and why.
- 10.12 Where the customer's actions are considered to be unreasonably persistent when all internal review mechanisms have been exhausted and the customer continues to dispute the decision relating to their complaint the customer will be advised we will not accept future phone calls or interviews granted concerning their complaint. The customer will be advised that any future contact by them should be conducted in writing. Future correspondence will be read and filed but only acknowledged or responded to if the customer provides significant new information relating to the complaint.
- 10.13 It should be noted that the complaints process will still provide a fair and equitable response to all customers. Where there has been a history of persistent or vexatious behaviour, that tenant will still be able to highlight any potential service failures. Their communication with the organisation may be monitored and restricted in terms of the avenues of communication available.



11 Privacy and Data Protection

- 11.1 We aim to ensure that equality, fairness, dignity, and respect are central to the way we work and how we treat our customers. We support diversity and uphold equal opportunities in all areas of our work as an employer and service provider. We will not discriminate against tenants, staff, visitors, suppliers or others based on their age, sex, sexual orientation, race, disability, religion or belief, marital status, pregnancy and maternity or gender reassignment (collectively referred to as 'protected characteristics' in the Equality Act 2010)

12 Responsibilities Chart

- 12.1 The chart below illustrates the responsibilities of all staff pertaining to this Policy:

| Responsibilities | CEO/MC | LET | MT | Team Managers | All Staff |
|---|--------|-----|----|---------------|-----------|
| Ensuring the Policy is implemented and monitored and communicated to relevant staff | ✓ | ✓ | ✓ | ✓ | |
| Sufficient resources are made available to enable compliance with this policy | ✓ | ✓ | | | |
| Ensure adequate information, instruction, training and supervision is provided | | | ✓ | ✓ | |
| Implement and use the policy as intended and in the correct manner | | | | | ✓ |

13 Policy Review

- 13.1 The Policy Champion is the Chief Executive.
- 13.2 This Policy will be reviewed every three years or sooner as required due to legislative or substantive change.

14 Appendices

- 14.1 See Resource Pack

