

COMPANY NAME:

Hillcrest Group of Companies

PROCEDURE NUMBER:

G15A

PROCEDURE TITLE:

Unacceptable Actions

This document can be produced in different formats, for example, in larger print or audio-format, and in other languages, as appropriate. We promote equality through seeking to eliminate unlawful and unfair forms of discrimination, as appropriate.

## 1. Introduction

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The aim of this procedure is to provide staff with guidance on dealing with unacceptable behaviour from tenants, service users and other customers. Hillcrest has to take action to protect its staff and to consider the impact unacceptable behaviour has on its staff and the ability to do their job. In a small number of cases the actions of individuals can become unacceptable if they involve violence or abuse of our staff or processes.

This procedure should be read in conjunction with the following:

- G15 - Unacceptable Actions Policy
- ??? - Customer Markers Procedure
- G10A - Data Protection Procedure
- G08 - Equality & Diversity Policy
- G27 - Health & Safety Policy
- G09 - Complaints Handling Procedure

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## 2. Aggressive or Abusive Behaviour

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- 2.1 Any violence or abuse towards staff will not be accepted. Violence is not restricted to acts of aggression that may involve physical harm. It includes behaviour or language that may cause staff to feel offended, afraid, threatened or abused. This can be face to face, over the phone or in any written or electronic correspondence including letters, email, social media or text.
- 2.2 The use of aggression or aggressive behaviour directed toward our staff is unacceptable. If a staff member feels threatened or uncomfortable with how any tenant, service user or other customer is behaving they MUST inform their line manager. The Line Manager, with advice from the Health and Safety Team must then make a decision about how the situation is managed and what incident reporting process is to be followed.
- 2.3 Aggressive verbal behaviour against staff, which is upsetting, designed to insult or degrade, is racist, sexist or homophobic or makes serious allegations that individuals have committed criminal, corrupt or perverse conduct are unacceptable. These instances must be recorded and reported according to the Group's Health and Safety Policy.
- 2.4 All forms of physical or threatened physical behaviour must be recorded and reported as per section 7 'How to manage unacceptable behaviour'
- 2.5 There will be instances, however where the needs of the individual or their circumstances might lead them to behave in certain ways, such could be the experience of Gowrie Care staff with service users. On these occasions the staff of the service, Manager and the Health and Safety Advisor should make decisions that are appropriate about the management and recording of such behaviour.
- 2.6 Any risk assessment of individual's who behave in such a manner can lead to the application of a 'warning' or 'alert' marker being placed on the individual's record as per the Customer Marker Procedure.

## 3. Unreasonable Demands or Levels of Contact

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- 3.1 A demand or levels of contact become unacceptable when it starts to (or when complying with the demand or contact would) impact substantially on an individual employee, service area or department. The impact of such would be that the demands or contact take up an excessive amount of staff time and resources and can impact on the rest of their workload.
- 3.2 This can include repeatedly demanding responses within an unreasonable timescale or insisting on seeing or speaking to a particular member of staff when it is not possible.
- 3.3 Sometimes the volume and duration of contact made by an individual causes problems. This can happen over a short period of time e.g. a number of calls in one day or one hour or it may occur over a longer period of time.
- 3.4 Staff should inform their line manager when they feel that the levels of demand or contact are being to become unreasonable. Efforts should be made to address this directly with the individual.
- 3.5 Should the levels of demand or contact not reduce then it is appropriate to put measures in place as per section 7 'How to manage unacceptable behaviour' to manage behaviours. Advice must be sought from the Director of Corporate Services or Corporate Services Manager about communicating this decision with the individual.

## 5. Unreasonable Refusal to Co-Operate

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- 5.1 When we are dealing with an enquiry or complaint from a tenant, service user or other customer, we will need to ask the individual to co-operate with us to enable us to deal with their request effectively.
- 5.2 This can include agreeing with the individual what we are looking into for them; providing us with further information, evidence or comments on request; or helping us by summarising their request/complaint/enquiry
- 5.3 Sometimes, an individual repeatedly refuses to co-operate and this makes it difficult for us to deal with their enquiry. We will always seek to assist someone if they have a specific, genuine difficulty complying with a request. However, we consider it unreasonable to bring an enquiry to us and then not to respond to reasonable requests.

## 6. Unreasonable Use of Complaints Process

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- 6.1 Individuals with complaints about the Hillcrest Group have the right to pursue their concerns in line with our Complaints Handling Procedure.
- 6.2 The 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.
- 6.3 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 unacceptable – but we reserve the right to do so.

## 7. How to Manage Unacceptable Behaviour

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- 7.1 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 individual. We may report incidents to the police. This will always be the case if physical violence is threatened or used.
- 7.2 We will end telephone calls if we consider the caller aggressive, abusive or offensive. Staff have the right to make this decision. Staff should tell the caller their behaviour is unacceptable and end the call if the behaviour persists. Staff should then report this to their line manager as soon as possible and record the details in QL. Appendix 1 provides tips on dealing with difficult conversations with customers.
- 7.3 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 and invite them to re-write the correspondence and submit it again without abusive content. We will state that we will not respond to their correspondence if the action or behaviour continues.
- 7.4 Where a customer repeatedly phones/visits the office/sends irrelevant documentation and/or repeatedly raises the same issues, the following action may be taken:

- Only take phone calls from the customer at set times on set days or arrange for only one staff member to be the nominated contact for calls or correspondence from them in future
- Require the customer to make an appointment to see a nominated member of staff before visiting the office
- Limit access and require the customer to contact the office in writing only
- Return any documents to the customer, or in extreme cases, advise the customer that further irrelevant documents will be destroyed
- Advise the customer the complaint has already been dealt with and we will not respond to any further correspondence relating to that matter.

7.5 We will write to the customers, with advice from the Director of Corporate Services, and explain to them what measures we are putting in place and the reason for this and advise that this will be reviewed within an appropriate timescale.

## 8. Customer Warning/Marker

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- 8.1 If a member of staff has been subjected to unacceptable behaviour, they should complete an Incident Report Form found [here](#)
- 8.2 The completed Incident Report Form should be forwarded to the staff member's line manager and the Health & Safety Adviser informing them of the full details of the incident and their recommended actions. The manager should consider all the details presented to them so they can determine if a customer marking is required
- 8.3 When making a decision to place a marker on a customer's records the line manager should take into account:
- The nature of the threat or incident
  - The degree of violence used or threatened
  - Whether or not the incident indicates a credible risk of violence to staff
  - Whether the level of contact has been excessive
  - Whether their demands are constant and unreasonable
- 8.4 Once a manager has considered all of the above and agrees to place a marker on the customer's QL record, all relevant details including any restrictions that are to be imposed as per 7.4 above should be input on QL. Please refer to QL Guide.
- 8.5 The manager should save the completed Incident Form and Risk Assessment form to Document Management System (DMS).

8.6 In any event of the use customer makers consideration needs to be given about advising the customer of the action we have taken.

There will be cases where by informing the individual that they have a warning marker on their record we are increasing the risk of a violent or aggressive reaction. There may also be cases where this information may be supportive of the situation and help the customer to understand what is acceptable and why we have taken the action required.

When a marker has been placed on the customer a decision should be made by the relevant service manager and health and safety advisor about the appropriateness to disclose.

If a decision is made to disclose this then the customer must be advised for the following

- The nature of the threat or incident that lead to the marker
- That our records will show the marker
- Who we may pass this information to; and
- When we will remove the marker or review the decision to add the marker

If a decision is made not to disclose then a record of the reasons why should be made and retained for future reference.

## 9. Review of Customer Warning/Marker

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9.1 Personal information including customer warning markers should not be held for longer than necessary. You must ensure that markers are removed when there is no longer a risk or threat to our staff. The retention period of the marker on their record should be based on the following:

- The original level of threat or violence;
- How long ago this was;
- The previous and subsequent behaviour of the individual;
- Whether or not the incident was likely to be a “one-off”.

9.2 Managers should review the unacceptable action cases every 6 months to establish whether the marker should remain on the account records.

## Procedure Document Governance and Management

Author/ Lead:	Robyn Re
Version number:	1
Document Retention Period:	<b>3 years</b>
Current version referred for approval on::	Click here to enter a date.
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