



**KINGDOM**  
Group

MORE THAN A HOME

# Unacceptable Actions Policy



HAPPY TO TRANSLATE

Approved: September 2020  
Next Review: September 2025

## UNACCEPTABLE ACTIONS POLICY

### 1. Statement of Intent

This policy has been developed in accordance with the Scottish Public Services Ombudsman's (SPSO) model policy on unacceptable actions. This policy covers Kingdom Housing Association Limited and our subsidiary companies as part of the Kingdom Group.

This policy aims to give you the right to be heard, understood and respected. We work hard to be open and accessible. Occasionally, the behaviour and actions of some individuals using our services makes it very difficult for us to work effectively with them. In a small number of cases the actions become unacceptable because our employees or our processes are abused. When this happens we have to take action to protect our employees. We 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.

We recognise that individuals may act out of character in times of trouble or distress which may result in them acting in an unacceptable way. If an individual has a history of challenging or inappropriate behaviour, or has difficulty expressing themselves, they may still have a legitimate grievance.

The reasons for complaining may contribute to the way in which an individual presents their complaint. Regardless of this, we will treat all complaints seriously and properly assess them. We have a Complaints Handling Procedure which deals with this.

We also recognise that if individuals are angry, demanding or persistent, this may result in unreasonable demands on time and resources or unacceptable behaviour towards our employees or their agents. We will, therefore, apply this policy and the associated procedures to protect our staff from unacceptable behaviour such as unreasonable persistence, threats or offensive behaviour.

We will comply with discrimination legislation and ensure all individuals are treated fairly where they have a "protected characteristic" of age, disability, gender re-assignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership, pregnancy and maternity as defined by the Equality Act 2010.

We are committed to the principles of good corporate governance and sustainability and will endeavour to develop fair and consistent policies, procedures and practices.

In line with our commitment to equality and diversity, this policy can be made available in a variety of formats, including large print, translated into another language or other media. Reasonable adjustments will also be made to assist individuals who have a disability.



## **2. Defining Unacceptable Actions**

### **Aggressive or Abusive Behaviour**

We understand that an individual may be angry about the issues they have raised. If an individual's anger escalates into aggression towards our employees, we will consider that unacceptable. We will not accept or tolerate any violence or abuse towards our employees.

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 our employees to feel afraid, threatened or abused, and may include threats, personal verbal abuse, derogatory remarks and rudeness.

We will not tolerate any derogatory or abusive comments about our employees, agents acting on our behalf or others, including tenants, being posted on social media sites. We will regard any such actions as aggressive and abusive behaviour. If the request to remove these comments is refused, we will involve our solicitors and appropriate legal action may follow.

We also consider any inflammatory statements and unsubstantiated allegations made to be abusive behaviour.

### **Unreasonable Demands**

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.

### **Unreasonable Levels of Contact**

Sometimes the volume and duration of the contact an individual makes to us causes us problems. This can occur over a short period, for example, the number of calls made to us in one day or one hour. It may occur when an individual repeatedly makes long telephone calls to us or inundates us with copies of information that has already been sent or we deem to be irrelevant.



We will consider that the level of contact has become unacceptable when the amount of time we spend talking to an individual on the telephone, or responding to, reviewing and filing emails or written correspondence, impacts on our ability to give that individual or others an appropriate level of service.

If an individual will not accept that we are unable to assist further and continues to contact us persistently about the same issue, we will regard their behaviour as unreasonable.

Where an individual continues to contact us on a wide range of issues and this action is considered excessive, we will consider restricting their contact to only a certain number of issues in a given period and will ask them to limit the focus of their requests accordingly.

Where all internal review mechanisms have been exhausted and an individual continues to dispute our decision relating to the issue they have raised, we may impose some sanctions.

### **Unreasonable Use of Our Complaints Process**

Whilst complaints give us valuable information we can use to improve customer satisfaction, we will regard an individual's contact unreasonable when the effect of their repeated complaints is to harass, or to prevent us 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 an individual's repeated use as unacceptable. We reserve the right to do so in exceptional cases.

### **Management of Unacceptable Actions**

We do not take any decision about unacceptable actions lightly. There may be extreme situations where we may tell an individual in writing that there will be no personal contact. This means that their contact with us must only be in writing or through a third party. We will continue to offer a service in the case of emergency or essential repairs, however 2 employees will attend and the service given may be restricted.

We will make reasonable consideration of mitigating circumstances, including where the protected characteristics of an individual as defined by the Equalities Act 2010 may be a factor in the behaviour displayed, when deciding on the appropriate course of action to manage unacceptable behaviour.

## **3. Aggressive or Abusive Behaviour**

The threat or use of physical violence, verbal abuse or harassment towards us is likely to result in us ending all direct contact. We may report incidents to the police. This will always be the case if an individual uses or threatens physical violence.



We will not accept any correspondence (letter, fax or electronic) that is abusive to our employees or contains allegations that lack substantive evidence. We will tell the individual that we consider their language offensive, unnecessary and unhelpful and will ask them to stop using such language. We will state that we will not respond to their correspondence if the action or behaviour continues.

We will end telephone calls if we consider an individual to be aggressive, abusive or offensive. Our employees have the right to make this decision, to tell an individual that their behaviour is unacceptable and end the call if the behaviour persists. In extreme situations, we will tell the individual in writing that their name is on a 'no personal contact' list. This means that we will limit contact to either written communication or through a third party.

### **Unreasonable Behaviour**

Where an individual repeatedly phones us, visits our premises, raises repeated issues, or sends us a large number of documents where their relevance isn't clear, we may decide to:

- Limit their contact to telephone calls at set times on set days.
- Restrict their contact to a nominated employee who will deal with future calls or correspondence.
- Meet them by appointment only.
- Restrict contact to writing only.
- Return any documents or, in extreme cases, advise that further irrelevant documents will be destroyed.
- Take any other action that we consider appropriate.

Where we consider an individual's continued correspondence on a wide range of issues to be excessive, we may tell them that only a certain number of issues will be considered in a given period and will ask that they limit or focus their requests accordingly.

In exceptional cases, we reserve the right to refuse to consider contact or future contact. We will take into account the impact on the individual and also whether there would be a broader public interest in considering further contact.

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

### **4. Appeals**

An individual has the right to appeal against any restriction we impose where they feel that this is wrong or unjust.

We will deal with any appeal impartially and, wherever possible, we will arrange for someone independent, normally a Departmental Director or a Designated Officer, to consider the appeal. There is no further right of appeal.



If an individual continues to be dissatisfied with our decision they should contact the Scottish Public Services Ombudsman with the exception of:

- Kingdom Initiatives Limited Tenants, Sharing Owners and Home Owners including those receiving factoring services from us are able to refer their complaint to the First Tier Housing Tribunal.

## **5. Use of Domestic CCTV Systems and Personal Recording Equipment**

A domestic CCTV system refers to the use of any video surveillance equipment mounted or fixed on your home. It can also include cameras fitted to doorbells as part of a smart entry system.

Personal Recording Equipment refers to items such as video cameras, phones, tablets with the ability to record.

Where an individual chooses to install domestic CCTV systems in one of our Kingdom Group properties or Personal Recording Equipment during the course of their tenancy, the individual should be aware of the following:

- You will be responsible for all costs associated with your domestic CCTV system, including the costs of installing and maintaining the domestic CCTV system at your home. You may also be required by us to arrange and pay for the removal of your CCTV system at the end of your tenancy. We are not in any way responsible for any costs associated with your domestic CCTV system.
- The domestic CCTV system or your Personal Recording Equipment being used inside of your home may capture images of people other than you and your family, for example people visiting your home such as our employees or contractors, or other tenants. You should ensure that there is clear signage at your home referring to the use of CCTV, or otherwise you should make other people aware of the fact that they are being recorded. Some individuals may prefer not to have their image captured or recorded and we would request that you respect this position and the privacy of others where possible.
- If you record or capture images of individuals within the boundaries of your home (which means the inside of your home including up to the boundary line of your garden), you should ensure that you comply with best practice guidance from the UK's Information Commissioner's Office (ICO) available here; (<https://ico.org.uk/your-data-matters/domestic-cctv-systems-guidance-for-people-using-cctv/>). This guidance may change from time to time so please ensure you familiarise yourself with any future guidance in respect of domestic CCTV systems.
- If you record or capture images and footage of individuals outside the boundaries of your home, including public or shared spaces, then you may be subject to data protection and other surveillance laws in terms of how you use such images and footage. This means you may be subject to regulatory enforcement and legal claims if you do not use such recordings in accordance with your legal obligations under these laws. We recommend that you seek independent legal



advice before recording images and footage outside the boundaries of your home, and any decision to do so is at your own risk of enforcement and / or legal claims.

- You should remember that publicly uploading or streaming footage of individuals may not be classed as justifiable under data protection laws. In most cases sharing these images and recordings would not be classed as justifiable under these laws. As above, any decision to do this would put you at risk of regulatory enforcement and / or legal claims.

Any complaints we receive regarding the use of domestic CCTV systems will be handled in accordance with this and associated tenant policies.

## **6. Role of Departments**

The Departmental Manager or their Designated Officer will:

- Support staff in applying this policy and the associated procedure.
- Ensure relevant staff are advised of the sanction(s) that have been imposed.
- Make appropriate decisions relating to this policy and its associated policies.
- Be responsible for ensuring appropriate incident forms are completed where necessary.
- Record any restricted contact on the Restricted Contacts Register, paper files and, where relevant, the Orchard System.
- Ensure the Visitor Alert Procedure is implemented, where necessary.
- Review the status of all restricted contact arrangements within their department on a regular basis.
- Re-consider the restricted contact if the individual modifies their action or behaviour.
- Review risk assessments to protect the health and safety of our employees.

## **7. Monitoring and Review**

Actions taken under this policy will be reviewed by departmental directors, and summary updates provided to the Board through the departmental reporting cycle.

This policy will be reviewed 5 years from the date of implementation or latest review, which will be the date the policy is approved by the Board of Management, or earlier if deemed appropriate. In the event that this policy is not reviewed within the above timescale, the latest approved policy will continue to apply.



**KINGDOM HOUSING GROUP**  
**UNACCEPTABLE ACTIONS POLICY**

Policy drawn up with reference to:

Scottish Public Services Ombudsman Unacceptable Actions Policy

Housing (Scotland) Act 2001

Housing (Scotland) Act 2014

Private Housing (Tenancies)(Scotland) Act 2016

Data Protection Act 2018 (GDPR)

Equality Act 2010

Reviewed by tenant focus group 23 July 2020

Prepared by Matthew Busher

Reviewed by Policy Sub committee 04 August 2020

Approved by Board of Management 17 August 2020

Addition of Section 5 (CCTV) approved October 2021

Next review date: No later than August 2025

