

Unacceptable Actions Policy

Policy for handling unacceptable actions and behaviour during contact with Greenbelt

Introduction

Greenbelt come into contact with many people in the course of our work. In the vast majority of cases these interactions are positive and productive for all parties. Occasionally, the behaviour or actions of individuals with whom we have dealings make it impossible for us to continue constructive engagement. In this small number of cases we have to consider steps to protect staff and contractors or to ensure our ability to work effectively is not undermined. This Policy explains how we approach these situations.

Aims and objectives

We believe all correspondents and complainants have the right to be heard, understood and respected. We also believe our staff and contractors have the same rights.

We aim in all our dealings to:

- Make it clear on initial contact and throughout our engagement what we can and cannot do
- Be open and not raise expectations we cannot meet
- Deal fairly, honestly, consistently and appropriately with all correspondents
- Provide a service that is accessible to all
- Ensure other people who use Greenbelt's services and our staff and contractors do not suffer disadvantage as a result of the unacceptable behaviour of others

Defining unacceptable actions

We understand people may act out of character in times of trouble or distress. Often they have experienced upsetting or distressing circumstances leading to a complaint or concern being raised with us. We do not view behaviour as unacceptable simply because a correspondent or complainant is forceful or determined.

However, we consider actions that result in unreasonable demands on our business or unreasonable behaviour towards our staff and contractors as unacceptable. We have grouped these actions under the following three broad headings.

Aggressive or abusive behaviour

We understand people can feel passionate about issues they discuss with us and sometimes feel hurt, frustrated or angry. If these feelings escalate into aggression towards Greenbelt staff or contractors, we consider this unacceptable. Violence towards or abuse of our staff or contractors will never be tolerated.

Violence and aggression are not restricted to acts that cause or threaten physical harm. They also include behaviour or language (whether oral or written) that may cause staff or contractors to feel afraid, threatened or abused.

Examples of such behaviour include swearing, threats, personal verbal abuse, derogatory remarks and rudeness. Inflammatory statements and unsubstantiated allegations can also be abusive behaviour. Statements do not need to be made directly to a member of staff or contractor or expressly address or name them to be abusive or threatening. Even statements made outside the work environment, or directed towards friends or family of a staff or contractor member, may constitute unacceptable actions in the terms of this policy, on which Greenbelt will act. It is the overall context of the behaviour that is important.

Unreasonable demands

People can make unreasonable demands on our resources by the nature and scale of the service they expect. Examples of such behaviour include repeatedly demanding responses within an unreasonable time-scale, placing unreasonable conditions on staff or

contractors, insisting on seeing or speaking to a particular member of staff or contractor even when it isn't possible, refusing to accept Greenbelt cannot provide a particular service or action a particular issue, or repeatedly changing the exact nature of the complaint or issue they are raising or raising unrelated concerns.

These kinds of behaviour can detract from the service we can offer to others, placing a significant burden on the organisation. Dealing with such behaviour requires a disproportionate amount of time and diverts an unreasonable proportion of our financial and human resources away from our statutory functions. This can be difficult and stressful for staff and contractors to deal with when it's impossible to find common ground or a realistic approach to the issues being raised. What amounts to unreasonable demands will always depend on the circumstances surrounding the behaviour.

Unreasonable persistence

Sometimes an individual will contact Greenbelt repeatedly about the same issue or closely related issues. Their manner in these contacts may be quite reasonable in itself, but the persistence of their approach is not – they take up a disproportionate amount of time or resources in exchanges that are unproductive to us and ultimately themselves. Sometimes this persistence will take the form of serial complaining – lodging complaints about the handling of complaints, often across different organisations or parts of the same organisation.

The defining characteristic is the persistence of approaches over time. Greenbelt have the right to assess whether such persistence has reached the point of disrupting our ability to undertake our work, or is amounting to harassment or unreasonable treatment of our staff or contractors.

Managing unacceptable actions

We will aim to ensure a person is warned immediately if their actions are moving towards being unacceptable, and what will follow if they persist. We will do so in a way calculated to defuse the situation – the aim will be to bring the tone of communication back to a more reasonable level. We will not tolerate any threat or use of physical violence against, or verbal abuse or harassment of, our staff or contractors. Such actions may be reported to the police and will always be reported if physical violence is used or threatened.

Where we receive correspondence or a communication that is abusive towards staff or contractors, gratuitously offensive, or makes clearly unreasonable demands, we will not deal with that communication, and will inform the correspondent of this. We will also warn the correspondent, if they continues to use such language, we will consider terminating all contact.

If someone ignores a warning, or if they use or threaten physical violence, we will take action aimed as far as possible at:

- Reducing the risk of harm to Greenbelt staff or contractors
- Preventing the individual from inflicting further harm on themselves or others
- Ensuring Greenbelt's business is carried out as efficiently and effectively as possible and to the extent required by law. This is likely to involve terminating or limiting contact with the individual.

Terminating or limiting contact

Greenbelt staff or contractors who directly experience aggressive or abusive behaviour from an individual have the authority to deal immediately with that behaviour in a manner they consider appropriate to the situation and in line with this policy. Such cases must be immediately reported to a manager, senior member of staff or head of team.

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

The process of terminating contact will be carefully managed. There are a number of issues to consider and the decision to terminate will not be taken lightly or without sufficient evidenced grounds. Generally, the recommendation to terminate contact will be made by Greenbelt's Managing Director.

We will carefully consider the form of such a termination in order to balance the rights of the individual against Greenbelt's duty to protect our staff and contractors and avoid disruption of our business. We will consider a range of options, such as: terminating all contact (subject to necessary limitations referred to below); terminating communication by specified channels only (e.g. refusing to take telephone calls from an individual); refusing to accept communication on a specified subject only; or requiring the individual to communicate only through a third party.



Limitations on termination of contact

Any consideration of limiting or terminating contact needs to start by considering the nature of the contact we have had. In deciding to terminate or restrict contact, we will not attempt to restrict the rights of an individual to raise requests under information legislation, such as the right to request information under the Data Protection Act 2018 as may be amended from time to time (“DPA”). Any such requests received will be considered under the normal terms of those access regimes – although, of course, such a request may be deemed under the DPA and the Information Commissioners Office to have been made at an unreasonable interval.

Informing the individual

When a decision to restrict or terminate communication is made, we will inform them of the decision and its terms. This communication will also make it clear what, if any, recourse the individual has to make representations regarding that decision (see below).

Measures to prevent contact

We will consider using technical measures to block an individual’s attempts to contact us if that individual’s communications have been judged to be abusive, threatening, or to constitute harassment of our staff. We will consider measures such as seeking to block an individual’s telephone number or email address, and we will consider in more extreme cases whether to seek to interdict the individual or take other legal measures in order to protect our staff. Where we decide to implement technical blocking measures, e.g. of an email address, we will not necessarily make that known to the individual concerned. Whether to inform the individual of the use of technical measures will be a matter of judgement for the manager taking the decision to terminate or restrict contact.

Right of appeal or to make representations

An individual 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 to our decision to close a complaint. A senior member of staff who was not involved in the original decision should consider the appeal. They should advise the individual in writing that either the restricted contact arrangements still apply or a difference course of action has been agreed.

Where we decide to terminate all contact with an individual, we will offer no right of appeal and entertain no representations from them. We will make this clear in our final communication and draw their attention to their right to complain about Greenbelt’s services to the First Tier Tribunal For Scotland (Housing & Property Chamber) – if they consider we have failed to carry out our “property factor” duties in terms of the Property Factors (Scotland) Act 2011 (“the Act”) or if they consider we have failed to comply with the Code of Conduct (set out in the Act). The Chamber can be accessed at <https://www.housingandpropertychamber.scot/apply-tribunal>

To make a complaint to the Tribunal an individual must first notify us in writing of the reasons they consider we have failed to comply with our duties or failed to comply with the Code and we must also have refused to resolve their concerns or have unreasonably delayed in attempting to resolve them.

Where we have terminated contact and a significant amount of time has elapsed (at least two years), a senior member of Greenbelt staff will consider representations from an individual that something significant has occurred which will give us assurance that their behaviour has moderated sufficiently for us to lift the termination, applying any ongoing contact restrictions considered appropriate by the senior member of Greenbelt staff.

Recording a decision to restrict contact

We will record incidents involving unacceptable actions and behaviours as they occur and will retain those records (in either electronic or paper form) for three years. Where it is decided to terminate or restrict contact with an individual, we will record that decision and the reasons for it. This record will be shared with all business units that have general public contact (Customer Care, Finance, Greenspace Billing, Operations and Contractors), and also with any that either has been contacted by the individual or where it is judged possible or likely the individual may contact a team. A decision to restrict contact may be reconsidered if the individual demonstrates a more acceptable approach. A senior member of Greenbelt staff reviews the status of all individuals with restricted contact arrangements on an annual basis.

Additional guidance and training

This policy takes account of the [Scottish Public Sector Ombudsman’s Unacceptable Actions Policy](#). We will issue guidance on processes required to implement this policy in particular cases, including some simple boilerplate text for use in communications relating to unacceptable actions and guidance on recording information about unacceptable behaviour.

We will also provide training resources for staff and contractors in handling situations involving unacceptable behaviours and actions.

