



Ark[®]
People
Housing
Care

Unacceptable Actions Policy

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2

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Summary of Changes

Section	Change
Whole document	Updated to current template/format
Whole document	ARK to Ark

Unacceptable Actions Policy

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1.0 ARK Values

Arks values are true to the core purpose of the organisation and the services we deliver. They determine our behaviours towards one another and what we should expect in our relationships with one another. Working within the following values will guide and help us deliver our vision and mission of Ark being an organisation where everyone is equal:

Trust

We have confidence in our people to deliver excellent services and trust in them to do so. We will develop trusting and honest relationships and our customers will feel assured that they can rely on us to deliver.

Respect

We treat everyone fairly and we listen. We are respectful of each person with whom we come into contact and expect our people to respond professionally and treat others as they would wish to be treated.

Understanding

We will operate with empathy and compassion and approach each situation with an open mind. We will question and challenge to ensure we achieve the right outcomes for customers and our people.

Equality

We believe everyone is equal and expect our people to create positive experiences where everyone feels valued and included.

Integrity

We will do the right thing and take responsibility for our actions. We will work together to uphold the highest standards of behaviour and practice.

2.0 Purpose

The purpose of this policy is as follows:

- To ensure our staff, board members, contractors, volunteers and anyone working on our behalf (hereafter referred to as being our people) are able to carry out their duties safely without disadvantage, fear of discrimination or any form of distress caused by unacceptable action or behaviour.
- To define the types of actions and behaviour which are considered to be unacceptable.

- To give a commitment to our people that any unacceptable action or behaviour directed towards them in the course of their duties will not be tolerated and that appropriate action will be taken.
- To ensure that our customers are aware that Ark will take will action, and implement the necessary organisational processes to deal with unacceptable actions efficiently and robustly.
- To provide guidance for those circumstances when the presenting unacceptable actions or behaviour would mean that we would consider a decision to restrict or change access to our services.
- To provide guidance for decision making, recording and appeals.

3.0 Policy Statement

Ark believes that all persons affected by our services have a right to be heard, understood and respected, and in doing so we work hard to be open and accessible to everyone. Very occasionally the behaviour or actions of individuals makes it very difficult for us to provide a service either to them, or to others, and in a small number of cases the actions or behaviour of individuals become unacceptable because their engagement with the organisation involves the abuse of our people and/or our processes. When this happens we have to take action to protect our people, and consider the impact of the presenting behaviour on our ability to do our work and provide a service to others.

4.0 Scope

This policy applies to all of our people as defined in Section 2, and to all persons who communicate with Ark.

5.0 Legal/Regulatory Framework

This policy takes account of the Scottish Public Sector Ombudsman's Unacceptable Actions Policy and the Scottish Information Commissioner's briefing on vexatious requests.

6.0 Responsibilities

6.1 Board of Management

Ark's Board of Management is responsible for consideration and approval of this policy.

6.2 Executive Team

Ark's Executive Team is responsible for ensuring that this policy is reviewed in accordance with Ark's schedule for review of policies, or sooner if required, and for overseeing appropriate actions emanating from this or any related policy or procedures.

6.3 Operational Management Team

Ark's Operational Management Team is responsible for review of the policy, and for ensuring that relevant measures are put in place in order to implement its requirements.

6.4 Managers

Ark Managers will be responsible for the effective implementation of this policy, and that all relevant personnel are both aware of the policy and participate in relevant training. Managers will also ensure that any decisions taken in relation to this policy, or the decisions undertaken by our people, are taken in accordance with relevant legislation, regulatory expectations and guidance.

6.5 All Staff

Ark employees are required to familiarise themselves with this policy, and any related policies and procedures. Staff are also required to participate in relevant training.

7.0 Unacceptable Actions

Ark recognises that people may act out of character in times of trouble or distress, and that there can be distressing or upsetting circumstances prior to contacting the organisation. In addition, Ark does not view behaviour as unacceptable just because an individual is forceful or determined, and we accept that persistence may on occasion be a positive advantage when pursuing an issue or a service. We do however consider that any action or behaviour which results in unreasonable demands on our people is unacceptable, and it is these circumstances which we aim to manage under this or any related policies or procedures.

The following actions and behaviour are deemed to be unacceptable:

7.1 Aggressive or Abusive Behaviours

Ark understands that at the point of contact with our organisation individuals may be angry, however, any language which is designed to insult or degrade, is racist, sexist or homophobic

or which makes serious allegations that individuals have committed criminal, corrupt or perverse conduct without any evidence is unacceptable. We may also decide that comments aimed at third parties are unacceptable because of the effect that listening or reading them may have on our staff. Actions or behaviours which challenges our ability to provide a service can be an expression of a support need, and in such circumstances, we will respond in accordance with our policy CS17 Behaviour of Concern. Where actions or behaviours do not relate to a support need, we reserve the right to apply our definition of aggressive or abusive behaviour as set out in our policy Managing Aggression at Work (HS11) and take the appropriate action against the person or persons concerned.

7.2 Unreasonable Demands

A demand becomes unreasonable when it impacts substantially on our work, and that the demand takes up an excessive amount of staff time and in so doing disadvantages other customers and prevents us from providing them with an effective service. Examples of unreasonable demands include:

- Repeatedly demanding delivery of actions or responses within an unreasonable timescale
- Insisting on seeing or speaking to a particular member of staff when that is not possible
- Repeatedly changing the substance of a complaint or raising unrelated concerns

7.3 Unreasonable Levels of Contact

On occasion the volume and duration of contact with Ark by an individual can cause problems. Examples of this include:

- The number of calls received from an individual within one hour or a single day.
- An individual repeatedly making lengthy telephone calls.
- Repeated demands for face to face contact.
- Someone inundating us with copies of information which have either already been sent or is irrelevant to the service.

7.4 Unreasonable Refusal to Co-operate

When we are providing a service we usually need to ask an individual to engage and co-operate with us in order to provide that service effectively and efficiently. This can include agreeing to receive support at certain times, or to abide by the terms of a tenancy agreement. Where an individual has a specific and genuine difficulty engaging with the organisation or complying with a request we will always seek to provide an appropriate level of help and assistance. However, if sometimes an individual repeatedly refuses to engage or respond to reasonable requests, we may consider restricting or ceasing contact with the individual.

7.5 Unreasonable Use of the Complaints Process

Customers, as defined with Ark's complaints procedure (G12), have the right to pursue their concerns through our complaints process and submit a complaint more than once if subsequent incidents occur. Contact will however be considered unreasonable when the effect of repeated complaints is to harass, or to prevent us from pursuing a legitimate aim or implementing a legitimate decision. Ark considers access to our complaints system to be extremely important, and it is only in exceptional circumstances that we consider repeated use as being unacceptable.

8.0 Managing Unacceptable Actions

8.1 Aggressive or Abusive Behaviours

Our people will end telephone calls if they consider the caller to be aggressive, abusive or offensive, and will not respond to correspondence (in any format) that contains statements that are abusive to staff or contains allegations that lack substantive evidence. Where possible, we will return correspondence with an explanation as to why we consider the language used to be offensive, unnecessary and unhelpful and request the sender to cease using such language. We will also clearly state that we will not respond to any future correspondence if the action or behaviour continues.

Any person defined as one of 'our people' who directly experiences aggressive or abusive behaviour from an individual, has the authority to deal immediately with that behaviour in a manner they consider appropriate to the situation. When one of our people makes an immediate decision in response to offensive, aggressive or abusive behaviour, the perpetrator of the behaviour will be advised of the action to be taken in a clear statement at the time of the incident. All incidents should be brought to the attention of a senior officer or line manager as a matter of course, and any further actions including a decision to restrict contact with Ark should be taken following an assessment of the incident. Decisions may be made by the following members of staff as appropriate:

- The Chief Executive
- A Member of the Operational Management Team
- A Member of the Executive Team
- A Regional Manager (Care and Support)

The threat or use of physical violence, verbal abuse or harassment towards Ark staff (which does not relate to a support need) is likely to result in a termination of all direct contact with the individual. Ark may report incidents to the police, guidance and additional information on how to manage these events can be found in HS11 Managing Aggression at Work Procedure.

8.2 Unacceptable Demands and Levels of Contact

Ark considers that the level of contact has become unacceptable when the amount of time spent dealing with an individual impacts on our ability to provide them with a service, or to provide a service to other people. Where an individual repeatedly phones, visits one of our offices, raises repeated issues, or sends large numbers of documents where their relevance is not clear, we may decide to:

- Limit contact to meetings or telephone calls at set times on set days.
- Restrict contact to a nominated member or members of Ark staff.
- Meet with the individual by appointment only.

Where we consider continued correspondence on a wide range of issues to be excessive, we may tell the individual that a limited number of issues will be considered within a given period, and we will request that they limit or focus their requests accordingly. In exceptional cases, and subject to relevant statutory and regulatory guidance, we reserve the right to refuse to provide a service to an individual. We will take into account the impact on the individual, and will always tell the individual what action we propose along with the reasons why. Depending on circumstances, we may take other actions as set out in this policy in order to deal with unacceptable actions, and in extreme situations, we will inform the individual in writing that their name is on a 'no personal contact' list and Ark will limit contact with the organisation via a third party or cease contact altogether.

Wherever possible Ark will offer the individual the opportunity to change their behaviour or action before any decision is taken. Where a decision has been taken the reason or reasons along with any actions will be provided in writing. Where contact is to be restricted, there should be a clear statement as to how long any restrictions will be in place. All incidents of unacceptable actions by individuals will be recorded, and where a decision to restrict contact is applied an entry must be made in the relevant file. Any restrictions will be reported to the Operational Management Team, and reviewed on a quarterly basis. Where an unacceptable actions incident has taken place, Ark managers will engage with the affected member or members of staff to assess, and where necessary, implement the relevant internal processes for employee welfare or support needs.

9.0 Right to Appeal Restricted Contact

It is important that any decision to restrict contact can be reconsidered. Individuals can appeal a decision to restrict contact, however we will only consider arguments that relate to the restriction and not to any other issue that can more appropriately be dealt with through another process (e.g. Complaints Procedure). Appeals might be received on the basis that an individual believes that:

- Their actions were wrongly identified as unacceptable;

- The restrictions were disproportionate; or
- Restrictions will have an adverse impact on the individual due to personal circumstances.

When an appeal is received, a senior member of staff who was not involved in the original decision will consider the matter. They have discretion to remove or vary the restriction, and will make a decision based on the evidence available to them. Thereafter they must advise the individual in writing that the restricted contact arrangements still apply, or a different course of action has been agreed.

10.0 Referrals to the Scottish Public Services Ombudsman

If restrictions have been applied in relation to a formal complaint, following the appeals process set out in Section 9 of this policy, and where an individual remains unhappy with a decision to continue with restricted contact, they can refer the decision for review to the Scottish Public Services Ombudsman (SPSO).

11.0 Related Policies & Procedures

This policy should be read in accordance with:

HS11 Managing Aggression at Work

CS17 Behaviour of Concern

G12 Complaints Policy

12.0 Equality Impact Assessment (EIA)

No potential equalities issues have been identified in relation to the development of this policy, and consequently an EIA has not been completed.

13.0 Data Protection Impact Assessment (DPIA)

No potential high risk data protection implications have been identified in relation to the development of this policy and consequently a DPIA has not been completed.

14.0 Stakeholder Consultation

This is a policy update in line with Ark's renewal schedule. No stakeholder consultation has been required.

15.0 Monitoring and Review

15.1 Monitoring

Ark's Executive and Operational Management Teams will monitor implementation of this policy on an ongoing basis.

15.2 Review

This policy will be reviewed within 3 years from the date of approval by our Board of Management in accordance with Ark's policy review framework or earlier if legislative or other changes necessitate this.