Expected Behaviours Policy

If you have difficulty with reading this policy, including any difficulties with sight or hearing, or if you require this document translated into another language, please contact us and we will be happy to provide this information in a format that suits your needs.

Our Vision, Our Values, Our Strategic Objectives

Our Vision

A vibrant neighbourhood where everyone can prosper.

Our Values

Caring, Reliable, Fair, Open and Adaptable

Our Strategic Objectives



Equality and Diversity Statement

Elderpark Housing are committed to ensuring people or communities do not face discrimination or social exclusion due to any of the following protected characteristics: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief; sex or sexual orientation.

This document complies with our Equality and Diversity Policy.

We will regularly review this Policy and consider any equalities implications taking the necessary action to address any inequalities (either directly or indirectly) that result from the implementation of this Policy.

Executive Summary

Policy Author

This Policy has been developed by the Governance and Compliance Manager (GCM) in line with Scottish Public Service Ombudsman (SPSO) guidance on Expected Behaviours. The Policy sits within the Governance Policy Suite and responsibility for implementation is with the Chief Executive and all Directors. Policy review responsibility sits with the GCM.

Purpose of the Policy

This policy explains what we consider to be expected behaviours from tenants and service users who seek a service from the association and how we will approach, manage and record incidents where behaviour of tenants or service users falls below what we expect in relation to engaging with our employees.

Aims and Objectives of the Policy

The aims and objectives of this Policy are to set out Elderpark Housing's approach to the relatively few tenants or other customers whose actions or behaviour we consider to be less than expected when engaging with us. The Policy will make clear what behaviours are expected and set out the potential consequences when behaviours fall short of these expectations.

Legislative and Regulatory Compliance

This policy has been written in compliance with the following legislation:

- The Equality Act 2010
- The Housing Act (Scotland) 2010
- The Public Services Reform (Scotland) Act 2010
- Health and Safety at Work etc Act 1974
- The Management of Health and Safety at Work Regulations 2006
- Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR)
- Human Rights Act 1998
- Data Protection Act 1998
- Freedom of Information Act 2000

As a Registered Social Landlord (RSL) the Association must also comply with the Scottish Housing Regulator's (SHR) Regulatory Framework, including the seven Standards of Governance and Financial Management and the Scottish Social Housing Charter.

Relevant to this policy from the Framework and Standard of Governance and financial Management are:

Listening and responding to tenants and service users

Regulatory Standard 2 (RS2) – '*The RSL is open about and accountable for what it does. It understands and takes account of the needs and priorities of its tenants, service users and stakeholders. And its primary focus is the sustainable achievement of these priorities.'*

Relevant to this policy from the Scottish Social Housing Charter:

- **Outcome 1: Equality**
- **Outcome 2: Communication**
- **Standard 13: Value for Money**

Equalities

This policy has been written taking consideration of the Equality Act 2010 and an Equality Impact Assessment has been carried out which finds no direct or indirect discrimination to any of the protected characteristic groups.

Privacy

This policy will be administered in terms of GDPR and FOISA, ensuring data is handled in line with legislation and information requests are deal with regardless of any restriction which may be imposed as a result of this policy. A GDPR Impact Assessment has been carried out to ensure compliance.

Related Policies

Policy Title	Location
Equality and Diversity Policy	V:\Elderpark Policy Suite\Governance Policies\G13 Equality and Diversity Policy.pdf
Complaints Handling Policy and Procedure	V:\Elderpark Policy Suite\Governance Policies\G9 Complaints Handling Policy and Procedure.pdf
Data Protection Policy	V:\Elderpark Policy Suite\Governance Policies\G33 Data Protection Policy.pdf

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1 Introduction

1.1 Elderpark Housing aims to provide an excellent service to our tenants and those seeking a service from us. We aim to be open and accessible, and will listen to and respect those who wish to complain about our services. Ensuring we listen to feedback and use this to inform service improvements across the organisation though learning. Reporting this learning in the form of 'you said, we did' which will be communicated through our publications.

1.2 However, on rare occasions the behaviour or actions of complainants may make it difficult for us to respond to their complaints. When this occurs we will consider the impact of the behaviour on our ability to do our work and provide a service to others. We believe that our employees (and those directly representing Elderpark Housing) have the right to be treated respectfully and where necessary we will take action to protect our employees.

1.3 It is recognised that frequently Elderpark Housing will contract with external organisations and individuals to carry out work on our behalf. This would include contractors, consultants, partner agencies and occasionally volunteers. For the purposes of this Policy those who are carrying out work on behalf of the organisation are expected to receive the same level of behaviour from tenants and other customers as our employees. While throughout the document the Policy will make reference to employees this is expected to include all those identified above.

2 Purpose of Policy

2.1 We recognise that people may act out of character in times of trouble or distress and also understand that issues of health and disability may affect someone's behaviour. However, we do consider actions that result in unreasonable demands on our employees or unreasonable behaviour towards employees to be unacceptable. This policy explains how we will approach, manage and record these types of situation.

3 Aims and Objectives

3.1 The aims and objectives of this Policy are to set out Elderpark Housing's approach to the relatively few tenants or other customers whose actions or behaviour we consider to be less than expected when engaging with us. The Policy will make clear what behaviours are expected and set out the potential consequences when behaviours fall short of these expectations.

4 Legal and Regulatory Framework

4.1 This Policy complies with legislation set out in the Equality Act 2010 as set out in our Equality and Diversity statement at the start of this policy, the Housing (Scotland) Act 2010 and the Public Services Reform (Scotland) Act 2010.

4.2 Elderpark Housing is regulated by The Scottish Housing Regulator (SHR), established on 1 April 2011 under the Housing (Scotland) Act 2010. Their Regulatory Framework 2019, sets out key requirements and seven Standards of Governance and Financial Management. Relevant to this Policy are:

- **Listening and responding to tenants and service users**
  - *'Provide tenants, residents and service users with easy and effective ways to provide feedback and raise concerns, and ensure that it considers such information and provides a quick and effective response.*
  - *Make information on raising serious concerns with us, including our leaflet, available to its tenants.*
  - *Provide tenants and other service users with the information they need to exercise their right to complain and seek redress, and respond to tenants within the timescales outlined in its service standards, in accordance with guidance from the (SPSO).*
  - *Ensure it has effective arrangements to learn from complaints and from other tenant and service user feedback, in accordance with SPSO guidance.'*

- **Regulatory Standard 2** – '*The RSL is open about and accountable for what it does. It understands and takes account of the needs and priorities of its tenants, service users and stakeholders. And its primary focus is the sustainable achievement of these priorities.'*

4.3 The Scottish Governments Social Housing Charter came into force in April 2012. The Scottish Social Housing Charter states what tenants can expect from social landlords, in terms of the quality and value for money of the services they receive, the standard of their homes, and opportunities for communication and participation in the decisions that affect them. This policy aims to ensure we meet the Charter standards and outcomes, in particular:

- **Outcome 1: Equality** – '*Social landlords perform all aspects of their housing services so that every tenant and other customer has their individual needs recognised, is treated fairly and with respect, and receives fair access to housing and housing services.'*

- **Outcome 2: Communication** – '*Social landlords manage their businesses so that tenants and other customers find it easy to communicate with their landlord and get the information they need about their landlord, how and why it makes decisions and the services it provides.'*

- **Standard 13: Value for Money** – '*Tenants, owners and other customers receive services that provide continually improving value for the rent and other charges they pay.'*

4.4 We have adopted the Model Complaints Handling Procedure (MCHP) for Registered Social Landlords produced by the Scottish Public Services Ombudsman (SPSO) in line with the Public Services Reform (Scotland) Act 2010. As part of this commitment, we use the policies and adopt the good practice available from the SPSO. This policy should be read in conjunction with out Complaint Handling Policy and Procedure.

4.5 Other relevant legislation linked to this policy is:

- Health and Safety at Work etc Act 1974
- The Management of Health and Safety at Work Regulations 2006
- Human Rights Act 1998
- Data Protection Act 1998
- Freedom of Information Act 2000

5 Defining Expected Behaviours

5.1 We understand that people may act out of character in times of trouble or distress. There may have been upsetting or distressing circumstances leading up to a tenant or other customer coming to us. We do not view behaviour to fall short of expectations just because someone is demanding or unduly persistent. However, we do consider actions that result in unreasonable demands on our business or unreasonable behaviour towards our people, to be less than expected. It is these behaviours that we aim to manage under this policy. We have grouped behaviours we deem to fall short of expectations under the following broad headings:

5.2 **Aggressive or abusive behaviour** - We understand that many complainants are angry about the issues they have raised in their complaint. If that anger escalates into violence, aggression or abuse towards Elderpark Housing employees, this will not be accepted. Violence is not restricted to acts of aggression that may result in physical harm. It also includes behaviour or language that may cause employees to feel afraid, threatened or abused. We will judge each situation individually and appreciate individuals who come to us may be upset, our employees understand the difference between aggression and anger due to upset. We may decide that comments aimed not at us but at third parties are unreasonable because of the effect that listening or reading them may have on our employees. Examples of behaviors grouped under this heading include:

- *Physical violence and threats*
- *Personal abuse or derogatory remarks*
- *Language which is designed to insult or degrade, is racist, sexist or homophobic*
- *Serious allegations that individuals have committed criminal, corrupt or perverse conduct without any evidence*.

5.3 **Unreasonable demands** - A demand becomes unreasonable when it starts to (or when complying with the demand would) impact substantially on the work of the office, taking up excessive amounts of time and in so doing disadvantaging other complainers from having their complaint dealt with fastidiously. Examples of actions grouped under this heading include:

- *Repeatedly demanding responses within an unreasonable timescale*
- *Insisting on seeing or speaking to a particular member of employees when that is not possible*
- *Repeatedly changing the substance of a complaint or raising unrelated concerns*
- *Insisting that an adequate response has not been provided despite a full response having been given*
- *Not following the proper appeals/complaints procedure when not satisfied with a response from Elderpark Housing*

6 Managing Expected Behaviours

6.1 The threat or use of physical violence, verbal abuse or harassment towards Elderpark Housing employees is likely to result in the immediate termination of contact with the complainant. We may report incidents to the police and it should be clear that this will always be the case if physical violence is used or threatened. Where there has been an incident of threatening behaviour of physical violence we may limit future contact to written communication only or in extreme cases through a named third party only.

6.2 Elderpark Housing employees will end telephone calls or interviews if they consider the behaviour is aggressive, abusive or offensive. Elderpark Housing employees have the right to make this decision, to tell the caller that their behaviour is unacceptable and end the call if the behaviour persists.

6.3 The same principle applies to people who visit our offices and at home visits. Employees have the right to terminate interviews and request the person to leave the office, and to terminate a home visit and leave immediately. Should the person fail to leave of their own volition then employees may contact the Police for assistance.

6.4 We will not respond to correspondence (in any format) that contains statements that are abusive to employees or contains allegations that lack substantive evidence. Where we can, we will return the correspondence and we will explain why we consider the language used to be offensive, unnecessary and unhelpful and request the sender to cease using such language.

6.5 We have to take action when unreasonable behaviour impairs the functioning of our office. We aim to do this in a way that allows a complaint to progress through our process. We will try to ensure that any action we take is the minimum required to solve the problem, taking into account relevant personal circumstances including the seriousness of the complaint and the needs of the individual. Such actions may include limiting contact to telephone calls at set times on set days, seeing the individual by appointment only or restricting contact to a named employees member only.

6.6 Where we receive persistent, demanding letters, calls or visits, we will write to the individual to confirm that we will not answer future correspondence if there are no new issues of substance being reported.

7 Implementation of the Policy

7.1 All employees will be responsible for reporting any behaviour that causes them concern to the Director or Manager of their department. The decision that someone's actions have fallen short of expectations under the terms of this policy will be taken by the Director or Manager in conjunction with another member of senior employees.

The person will be informed of the decision and reasons in writing (and in any other form of communication as appropriate). Wherever possible, we will give the person the opportunity to recognise and demonstrate remorse for their behaviour or action before such a decision is taken. They will be advised in writing of the length of time for which any restrictions will be put in place, and the arrangements for reviewing any restrictions. We will also make clear to them that they can still request normal services from us (e.g. request a repair) while any restrictions are in place, and if necessary, how they should go about doing that. They will also be informed that they can appeal the decision.

7.2 Any restrictions imposed by us will not affect a tenant's or other customer's statutory rights such as any right to request information under the Freedom of Information (Scotland) Act 2002 (FOISA), the Environmental Information (Scotland) Regulations 2004 (EIR) or the Data Protection Act 2018 or to matters where there is a statutory right to consultation. Any information requests under FOISA or EIR will be considered under the normal terms of the associated access arrangements. However, if any such requests are made in a harassing or unreasonable manner, they may be deemed vexatious under FOISA or manifestly unreasonable under EIR.

7.3 A record will be held of any restrictions imposed and all employees will be made aware of the restrictions to ensure these restrictions are upheld and employees are in no way put at any risk.

8 Monitoring of the Policy

8.1 If we make restrictions as to how or when someone can contact us under the terms of this policy, we will review these periodically or on request. We will ensure that any restrictions are for set time periods only and that the person to which they apply is informed of the timescale and the date of review.

8.2 All Directors are responsible for ensuring employees comply with this policy, appropriate actions are taken as required and employees who experience any of the behaviours outlined in this policy are adequately supported. Directors and Managers are responsible for ensuring records are maintained.

8.3 The Chief Executive will be responsible for ensuring reporting to the Management Committee and will delegate this to an appropriate member of the Senior Management Team or Management Team this will form part of the Health and Safety Report.

8.4 The GCM will be responsible for ensuring the policy is circulated and made available to employees, tenants and other customers.

9 Complaints and Appeals

9.1 A customer 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 original complaint made, issue raised or our decision to close a complaint.

9.2 An appeal could include, for example, a customer saying that their actions were wrongly defined as falling short of expected behaviours; the restrictions were disproportionate; or that they will adversely impact on the individual because of personal circumstances.

9.3 A Director not involved in the original decision or the Chief Executive will consider the appeal and will have discretion to end or vary the restriction based on the evidence available to them. They will advise the customer of the outcome of the appeal.

10 Review

10.1 This policy will be reviewed every 5 years unless key changes are required earlier to comply with legislation, guidance or new learning.

Appendix 1

Equality Impact Assessment

Name of Policy to be assessed	Expected Behaviours Policy	**New policy or revision of existing?**	Revision
Person(s) responsible for assessment		Kerry Clayton	
1. Briefly describe the aims, objectives and purpose of the policy.	The Policy sets out our approach to dealing with tenants and customers when behaviour is considered to fall short of what we expect when engaging with us.		
2. Who is intended to benefit from the policy? (e.g applicants, tenants, employees, contractors)	The Policy will benefit employees in protecting them at their place of work to ensure they can work free from violence, threats or abusive behaviour.		
3. What outcomes are wanted from this policy? (e.g the measurable changes or benefits to members/ tenants / employees)	The Policy outcomes are to ensure our employees feel safe and supported in carrying out they duties and to set out to our tenants and customers what behaviours we expect when engaging with the association.		
4. Which groups could be affected by the policy? (note all that apply)			
Age		**Disability**	
Gender reassignment		**Marriage and Civil Partnership**	
Pregnancy and Maternity		**Race**	
Religion or Belief		**Sex**	
Sexual Orientation			
5. If the policy is not relevant to any of the equality groups listed above, state why and end the process here.			
The policy is written taking account of the Equality Act 2010 and will be applied fairly and equality to everyone therefore none of the protected characteristic groups would be directly or indirectly impacted by the policy or its implementation.			
6. Have those affected by the policy / decision been involved?			
7. Describe the likely positive or negative impact(s) that the policy could have on the groups identified above.		**Positive Impact(s)**	**Negative Impact(s)**
8. What actions are required to address the impacts arising from this assessment? (This might include: additional data, putting monitoring in place, making adjustments, taking specific action to mitigate any potentially negative impacts)			
Signed:		Kerry Clayton	
Dated:		20/04/2024	

Appendix 2

GDPR Impact Assessment

Name of Policy to be assessed	Expected Behaviours Policy	**New policy or revision of existing?**	Revision
Person(s) responsible for assessment		Kerry Clayton	
Briefly describe the aims, objectives and purpose of the policy.	The Policy sets out our approach to dealing with tenants and customers when behaviour is considered to fall short of what we expect when engaging with us.		
Which type of data will be used by implementation of this policy? (e.g. personal, sensitive or special category)	In implementing this policy tenants and customers personal data will be recorded in line with our Privacy Policy. Tenants and customers records will be held on our systems ensuring protection of that data. Data in relation to any restriction imposed will only be used for the purposes of ensuring employees are aware of these restrictions and removed when the restriction is lifted. Data on contractors will be held where the complaint is about a service delivered by a contractor on our behalf.		
What outcomes are wanted from this policy? (e.g. necessary to meet legal obligations)	This policy is written in line with our privacy policy and GDPR legislation to ensure compliance with holding personal information. Only information relevant to any actions taken under this policy would be stored in relation to the implementation of this policy.		
Which groups could be affected by the policy? (note all that apply)			
Tenants	✓	**Committee**	✓
Employees	✓	**Contractors**	✓
If the policy is not relevant to any of the data groups listed above, state why and end the process here.			
Have those affected by the policy / decision been involved?			
No consultation on the policy was carried out by Elderpark as the policy has been adopted from the Scottish Public Services Ombudsman (SPSO)			
Describe the likely positive or negative impact(s) that the policy could have on the groups identified above.		**Positive Impact(s)**	**Negative Impact(s)**
		Employees will be protected and tenants /customers data will be protected.	
What actions are required to address the impacts arising from this assessment? (This might include: additional data, putting monitoring in place, making adjustments, taking specific action to mitigate any potentially negative impacts)		A procedure for recording any restrictions will need to be written and a record maintained of any restrictions any such records will be in accordance with our Privacy Policy.	
Signed:		Kerry Clayton	
Dated:		20/04/2024	