

**Policy Name: Unacceptable Actions**

**Policy Number: G23**

<b>Policy Owner</b>	Senior Governance & Compliance Officer		
<b>Responsible Executive</b>	Customer Service Director		
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## **1. Introduction**

1.1 All our customers have the right to be heard, understood and respected. Our staff have the same right to be heard, understood and respected, and also protected against any form of unacceptable behaviour. For the purpose of this policy, we consider customer of Clyde Valley Group (CVG);

- Clyde Valley Housing Association
- Clyde Valley Lets
- Clyde Valley Factoring

1.2 We have a zero-tolerance approach towards unacceptable actions against our staff. Aggressive, abusive, or unacceptable behaviour of any kind will not be tolerated from customers and serious consequences will apply should this behaviour be displayed and/or persist. Our ambition is to create a safe environment for our staff to conduct the full range of their duties and are committed to tackling any behaviours that compromise this in a robust and timely manner.

## **2. Scope of the Policy**

2.1 "The scope of the policy is to provide clarity to all customers of CVG on how as an organisation we will respond to any incidents of unacceptable actions or behaviour.

## **3. Policy Aims and Objectives**

3.1 We believe that all customers of CVG have the right to be heard, understood and respected. We also believe that our staff have the same rights.

3.2 We aim in all our dealings to:

- Make it clear to everyone we deal with, both on initial contact and throughout our engagement, what we can and cannot do to meet their concerns and expectations;
- Be open and not raise expectations that we cannot meet;
- Deal fairly, honestly, consistently and appropriately with all customers even those whose behaviour or actions we consider unacceptable;
- Ensure that our staff and other people who interact with us do not suffer disadvantage as a result of the unacceptable behaviour of others;
- Provide an accessible service for our customers with an understanding of their unique personal circumstances, including any vulnerabilities, whilst retaining the right to restrict or change access to our service if we consider their actions to be unacceptable;
- Make sure our staff do not suffer any disadvantage from customers who act in an unacceptable manner;
- Ensure that any staff member reporting unacceptable behaviour or who has witnessed an incident of unacceptable behaviour, are fully supported and have access to support from their line manager and our range of employee wellbeing services;
- Provide the staff member(s) concerned, with regular updates on any outcome and actions taken against the perpetrator

## **4. Definition of unacceptable action**

4.1 There may be times where a customer feels as though our levels of service have not met their expectations. Whilst we expect our staff members to be empathetic and strive towards achieving an agreeable resolution for our customers, this does

not justify unacceptable actions or behaviour being exhibited.

4.2 Unacceptable actions and behaviour can be perceived, and tolerated, differently by our staff members. We consider the following types of behaviour to be unacceptable:

- Aggressive or abusive behaviour (verbal or physical);
- Unreasonable demands;
- Unreasonable persistence;
- Vexatious behaviour;
- and Inappropriate use of social media.

Please note that this list is not exhaustive and that we will always treat certain behaviours as unacceptable when they have made staff feel unsafe, threatened, afraid or abused. In such cases we may also have cause to contact Police Scotland to further address and report the behaviour and provide support to our staff.

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

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

4.5 Examples of such behaviour include;

- Language (spoken, written or electronic communication) that may cause staff to feel upset, afraid, threatened or abused;
- Aggression that may result in physical harm;
- Any form of discrimination;
- Threats;
- Sexual harassment;
- Physical violence;
- Personal verbal abuse including Shouting, Swearing;
- Derogatory remarks;
- Inflammatory statements;
- Unsubstantiated allegations;
- Using or threatening to use an animal to inflict physical or psychological harm;
- Using audio or video recordings within the public domain for the purpose of harassment, victimisation, slander or stalking; and
- Vandalism or damage to personal or work property.

Statements do not need to be made directly to a member of staff or expressly address or name them to be abusive or threatening. Statements made outside the work environment or directed towards friends or family of a staff member, may constitute unacceptable actions in the terms of this policy, on which we will act. It is the overall context of the behaviour that is important.

4.6 Unreasonable Demands

What amounts to unreasonable demands depends on the issues presented by the customer and the manner and behaviours they exhibit in doing so.

Examples are:

- The amount of information sought;
- The nature and scale of service expected;

and

- Examples of this type of behaviour include, but are not limited to the following:
- Demanding responses within an unreasonable timescale;
- Insisting on seeing or speaking to a particular member of staff;
- Excessive contact, including phone calls, letters, digital messages or emails; and Repeatedly changing the substance of a complaint or raising unrelated concerns.

What amounts to unreasonable demands will always depend on the circumstances surrounding the behaviour.

#### 4.7 Unreasonable persistence

Sometimes an individual will contact us 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 to 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. Customers will be advised to follow the complaint process and appeals procedure.

#### 4.8 Vexatious Behaviour

Vexatious behaviour usually applies when a final decision has been delivered on a matter at the end of the process or when a customer does not pursue the matter through the relevant procedure and continues to raise it.

- Examples of vexatious behaviour include, but are not limited to:
- Failure to accept that we are unable to assist the customer further or provide a level of service other than that provided already;
- Persistence in disagreeing with action or decision taken; and
- Contacting staff persistently about the same issue.

Examples of this type of behaviour include, but are not limited to:

- Persistent refusal to accept a decision made;
- Persistent refusal to accept explanations in relation to our decisions or actions; - Persistent refusal to follow relevant procedures; and
- Continuing to pursue an issue that CVG consider resolved or closed, without presenting any new information.

Excessive and unreasonable demands and persistence are considered unreasonable if they have a substantial impact on the work of our staff members and take up a disproportionate amount of staff time/ and or resources. Inappropriate use of social media.

It is unacceptable to use social media to abuse, insult or harass our staff members on social media sites

## **5. Managing unacceptable actions**

- 5.1 We will aim to ensure that a person is warned immediately if their actions are tending towards unacceptable, and what will follow if they persist. We will do so in a way calculated to defuse the situation, and the aim will be to bring the tone of communication back to a more reasonable level.
- 5.2 We will not tolerate any threat or use of physical violence against, or verbal abuse or harassment of, our staff. Such actions may be reported to the police and will always be reported if physical violence is used or threatened.
- 5.3 Where we receive correspondence or a communication that is abusive towards staff, gratuitously offensive, or which makes clearly unreasonable demands, we will not deal with that communication, and will inform the correspondent of that fact. We will also warn the correspondent that if she or he continues to use such language that we will consider terminating all contact.
- 5.4 If someone ignores the warning they have been given, or if they use or threaten physical violence, we will take action aimed as far as possible towards:
  - reducing the risk of harm to our staff
  - preventing the individual from inflicting further harm on him/herself or others
  - ensuring that our business is carried out as efficiently and effectively as possible and to the extent required by law
- 5.5 This action is likely to involve terminating or limiting contact with the individual.

## **6. Terminating or limiting contact**

- 6.1 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.
- 6.2 Generally, the recommendation to terminate contact will be made by the Director in the area involved or our Chief Executive. We will carefully consider the form of such a termination in order to balance the rights of the individual against our duty to protect our staff and to 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)
  - requiring the individual to communicate only through a third party
  - refusing to accept communication on a specified subject only

## **7. Limitations on termination of contact**

- 7.1 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 Freedom of Information (Scotland) Act 2002

(FOISA), the Environmental Information (Scotland) Regulations 2004 (EIR) or the Data Protection Act 2018 as appropriate. Any such requests received will be considered under the normal terms of those access regimes – although of course such a request, if couched in terms that are harassing or unreasonable, may be deemed vexatious under FOISA or manifestly unreasonable under EIR(S).

- 7.2 We will also consider if the individual's or anyone else's rights under European Convention on Human Rights are engaged in this decision, especially Article 10 relating to freedom of expression (this will be of particular relevance if the individual is or could be seen to be a journalist, or if our decision could be seen to have a chilling effect on the free reporting on matters of public interest).

## **8. Informing the individual**

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

## **9. Measures to prevent contact and services**

- 9.1 We will restrict contact in a way that allows the customer to continue receiving a service from us and continue to progress through any processes they are currently involved in. For example, a current complaint, a housing application or an ongoing repair
- 9.2 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.
- 9.3 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.

### **Possible actions include:**

- Ending telephone calls if the caller is considered aggressive, abusive or offensive. Employees have the right to make this decision, tell the caller that the behaviour or language is unacceptable and end the call if the behaviour does not stop;
- Advising the customer that we consider the issue(s) fully responded to and that continuing correspondence on the issue(s) would serve no useful purpose. In these circumstances future correspondence relating to the issue will be noted and filed but will not be acknowledged or responded to unless it contains new significant information which we consider requiring action or response;
- Advising the customer that we can only consider a certain number of issues within a given time period and ask them to limit or focus their request accordingly;
- Restricting customer contact with specific staff members;
- Restricting contact to a named individual for all matters; and
- Restricting our service provided to customers by only responding to emergency

- 9.4 In some exceptional circumstances, where we consider the situation with an individual or individuals to be challenging, we may require all contact to be through a third party, such as an advocacy service, solicitor, mediator or independent representative.
- 9.5 This decision will be made in conjunction with our Customer Services Director.
- 9.6 When we receive correspondence that is abusive to staff or contains unsubstantiated allegations, we will advise the customer in writing what we consider unacceptable and why. We will ask the tenant or customer to stop communicating in this way and advise that we will not respond to future correspondence if it continues. If this behaviour continues, we may require future contact to be through a third party and will advise the customer accordingly of the decision.
- 9.7 The threat or use of physical violence, verbal abuse or harassment towards staff will result in restricting or ending all direct contact with the customer and the matter being reported to Police Scotland. This includes abuse or harassment on the basis of race, sex, colour, ethnic origin, sexual orientation, physical ability, religion, mental health or other grounds.

## **10. Adding Flags to Customers Records**

- 10.1 We aim to always provide an excellent service. Some of our customers can be experiencing personal, health and mental health challenges. This can make service provision challenging, but the way we provide our services must always ensure that staff are protected and supported to do the best job they can, while feeling safe and supported.
- 10.2 In line with our Risk Marker Guidance there are four risk markers that will be noted on our CRM system;
- Restricted Contact
  - Two persons visit
  - Colleague Support
  - Police Attendance Required
- 10.3 This procedure is focused on implementing a Risk Management approach to ensuring site and office visits are safely managed.
- 10.4 There may be limited circumstances in which it may not be appropriate to notify a customer a marker has been applied to their record (e.g. significant risk of harm, prejudice to ongoing investigations ETC.). In such circumstances CVG shall not notify the customer. This extends out to decisions concerning reviews of markers. Said circumstances should be exceptional and not routine. This should be agreed with the Customer Services Director.

## **11. Supporting our Staff**

- 11.1 Where we have taken action or consider action necessary against unacceptable behaviour, the relevant manager will inform the staff member involved of the actions they have taken against the perpetrator to reduce the likelihood of the reoccurrence of unacceptable behaviour and to provide the necessary support

mechanisms and assurance to staff.

11.2 We ask all our staff to record any incidents of unacceptable behaviour we ask our staff to complete an incident report form to ensure that all incidents are reported.

## **12. Right of appeal or to make representations**

12.1 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 we will draw their attention to their right to complain about us to the Scottish Public Services Ombudsman.

12.2 Where we decide to place restrictions on how an individual may contact us or on what subject etc. we will consider whether to offer a route for the individual to make representations to a senior member of staff. This will not be a formal right of appeal but an opportunity for us to consider if the restrictions we have decided to apply are unfair in some way to the individual affected.

## **13. Recording a decision to restrict contact**

13.1 We will record incidents involving unacceptable actions and behaviours as they occur but will retain those records only for a limited period unless further action is decided on in that time. This period should be no longer than 20 days in general, but in some cases (e.g. where contact with an individual takes place on a quarterly cycle) should be longer, as appropriate.

13.2 Where it is decided to terminate or restrict contact with an individual, we will record that decision and the reasons for it on our Customer Relationship Management System (CRM). This record will be shared with any colleagues that either have been contacted by the individual or where it is judged possible or likely that the individual may contact a team.

## **14. Additional guidance and training**

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

## **15. Roles and Responsibilities**

15.1 This section defines who is responsible for implementation and oversight to ensure accountability.

- Customer Services Director
- Customer Services Manager
- Corporate Services Team

## **16. Legal and Regulatory Framework**

16.1 This section will explain where any compliance (regulator) and legal requirements are to be met as part of the policy (for example: health and safety legislation, Scottish Social Housing Charter)

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.

16.2 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.'*

## **17. Communication and Awareness**

17.1 This section will explain how the policy will be distributed and how stakeholders will be notified of the policy.

*"This policy is posted on the Clyde Valley internal website and is accessible to all. The key stakeholders outlined within the policy will receive awareness training around roles and responsibilities and key areas of the policy and related procedures.*

At each review of the policy there will be no formal awareness unless significant changes have been made, in this case a general notification of the revisions will be posted through the briefing process."

## **18. Risk Management**

18.1 Clyde Valley Group will manage any identified risks through its Risk Management Policy ensuring that risks are identified, assessed, managed and mitigated.

## **19. Improvement, Monitoring and Review**

19.1 Policy Review

*"The policy will be reviewed every 3 years by the policy owner. Reviews will incorporate tenant and stakeholder feedback, any learning and regulatory updates. Any amendments to the policy will be communicated to staff and stakeholders within 30 days of approval.*

19.2 Internal Assurance

*"A formal system of monitoring the Unacceptable Action Procedure which works in line with this policy will be completed annually with properly defined reporting, escalation, and action procedures.*

## 20. Training and Competency

20.1 Training will be provided for all staff who deal directly with our tenants, this involves one to one training and regular SharePoint updates. Staff will also be provided with training on the guidance procedure which complements this policy.

## 21. Key References and Supporting Documents

This section of the policy should cover the range of internal and external documents that provide further clarification, such as procedures, guidance and legislation.

- Complaints Policy
- Health and Safety Policy
- Antisocial Behaviour Policy
- Social Media Policy
- Equality, Diversity and Inclusion Policy
- Data Protection Policy

Risk Marker Guidance Procedures

### Key References

*“Key references include applicable legislation, regulatory requirements and standards.”*

## 22. General Data Protection Regulations

22.1 CVG will treat your personal data in line with our obligations under the current data protection regulations and our own Privacy Policy. Information regarding how your data will be used and the basis for processing your data is provided in CVG's Employee Privacy Notice.

## 23. Equality, Diversity and Inclusion

23.1 At Clyde Valley we value people and their diversity and strive to be inclusive. We respect others, regardless of personal differences and we listen to people to understand their needs and tailor our service accordingly. We will strive to promote equal access to our service for all members of the community and provide fair and equal treatment, promoting human rights in line with our Equality, Diversity and Inclusion Strategy and Policy.

## 24. Approval and Review History

This section should include any version control, what changes were made to the document and when these were approved and by whom.

Version	Author of Change	Changes	Approved by	Date Approved
1.0	L Hughes	Expected Behaviours Polich renamed Unacceptable Actions Policy	Board	17/03/26