



Unacceptable Actions Policy

Atrium Group

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Compliant with Scottish Housing Regulator's Regulatory Framework:	1.2, 1.3, 1.5, 2.1, 2.2, 5.1, 5.2, 5.3, 5.6
Compliant with Tenant Participation Strategy:	N/A
Compliant with Equal Opportunities:	Yes
Compliant with Business Plan:	N/A
Date Approved:	February 2021
Date Reviewed:	May 2025
Staff consulted on changes:	May 2025
Customers consulted on changes:	N/A
Date for Next Review:	May 2030 or earlier if required by changes in legislation or guidance, or if the Governing Body sees fit
Responsible Officer:	Chief Executive

The Unacceptable Actions Policy has a direct link to the following Atrium policies and procedures:

Individual Tenancy Agreements
Dignity at Work Policy
Terms & Conditions of Employment
Codes of Conduct for Staff and Governing Body Members
Whistleblowing Policy
Equality & Diversity Policy (HR)
Equality, Diversity and Inclusion Policy
Privacy Policy
Data Retention Policy

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The Atrium Group (Atrium) comprises *Atrium Homes* a successful, award winning Registered Social Landlord with charitable status, and *Atrium Initiatives* a wholly owned commercial subsidiary. Atrium Initiatives incorporates our branded frontline services of *Choice Places* and *Choice Lets*.

1. Introduction

At Atrium

- We work hard to deliver a first class service to all customers but we recognise that from time to time things will go wrong and a customer wishes to complain.
- We are committed to providing a fair and accessible service.
- We believe that everyone who contacts us has the right to be treated with respect and dignity.
- We also believe that our staff have the same rights, and we must provide a safe working environment for our staff.
- We must also ensure the efficient and effective operation of our service to all our customers.

Our Unacceptable Actions Policy explains how we address unacceptable actions towards our staff. This can be found below; we can also send you a copy of this policy on request.

This policy aims to give everyone the right to be heard, understood and respected. We work hard to be open and accessible. Sometimes the behaviours and actions of individuals using our services make 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 sets out the kinds of actions and behaviour that may have a negative effect and what we will do if this occurs.

We recognise that some people may have difficulties in expressing themselves or communicating clearly, especially when anxious or upset. We also understand that some people may find it difficult to identify what impact their behaviour might have on other people. We will always consider making reasonable adjustments if we are asked to do so - but we may still use the policy if actions or behaviours are having a negative effect on our staff or our work.

What actions does Atrium consider to be unacceptable?

People may act out of character in times of trouble or distress which may result in them acting in an unacceptable way. There may have been upsetting or distressing circumstances leading up to an interaction with us or a complaint coming to our office.

The reasons for complaining may contribute to the way in which an individual presents their complaint. We do not view behaviour as unacceptable just because a complainant is forceful

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or determined. In fact, we accept that being persistent may sometimes be a positive advantage when pursuing a complaint. If an individual has a history of challenging or inappropriate behaviour, or has difficulty expressing themselves, they may still have a legitimate grievance.

However, we do consider actions that result in unreasonable demands on our office or unreasonable behaviour towards Atrium staff to be unacceptable. It is these actions that we aim to manage under this Policy.

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

2. Defining Unacceptable Actions

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 aggression towards our employees, we 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 verbal or written) that may cause staff to feel offended, afraid, threatened, abused or harassed. This may include threats, personal abuse, derogatory remarks and rudeness.

We will judge each situation individually and appreciate that individuals who come to us may be upset.

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 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 might involve our solicitors, and appropriate legal action may follow.

We may decide that comments aimed not at us but at third parties are unacceptable because of the effect that listening to or reading them may have on our staff.

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.

Examples of actions grouped under this heading include:

- Repeatedly demanding responses within an unreasonable timescale.

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- Insisting on seeing or speaking to a particular member of staff when that is not possible or appropriate.
- Repeatedly changing the substance of a complaint or raising unrelated concerns.
- Makes the same complaint without any new evidence being presented.

An example of such impact would be that the demand takes up an excessive amount of staff time and in so doing disadvantages other service users and prevents their own complaint from being dealt with quickly.

Unreasonable levels of contact

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

We consider that the level of contact has become unacceptable when the amount of time spent talking to a complainant 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 refusal to co-operate

When we are looking at a complaint, we will need to ask the individual who has complained to work with us. This can include agreeing with us the complaint we will look at; providing us with further information, evidence or comments on request; or helping us by summarising their concerns or completing a form for us.

Sometimes, an individual repeatedly refuses to cooperate and this makes it difficult for us to proceed. We will always seek to assist someone if they have a specific, genuine difficulty complying with a request.

However, we consider it is unreasonable to bring a complaint to us and then not respond to reasonable requests.

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Unreasonable use of the complaints process

Individuals with complaints about Atrium have the right to pursue their concerns through a range of means. They also have the right to complain more than once about an organisation with which they have a continuing relationship, if subsequent incidents occur.

Complaints give us valuable information we can use to improve customer satisfaction. However this contact becomes unreasonable when the effect of the 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 – but we reserve the right to do so in such 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 two 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. Examples of how we manage aggressive or abusive behaviour

The threat or use of physical violence, verbal abuse or harassment towards Atrium staff is likely to result in us ending all direct contact with the complainant. We may report incidents to the police. This will always be the case if physical violence is used or threatened.

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

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

We will state that we will not respond to their correspondence if the action or behaviour continues.

In extreme situations, we will tell the complainant in writing that their name is on a 'no personal contact' list. This means that we will limit contact with them to either written communication or through a third party.

4. Examples of how we deal with other categories of unreasonable behaviour

We have to take action when unreasonable behaviour impairs the functioning of our office.

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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.

5. Actions we may take

Where an individual repeatedly phones us, visits the office, raises repeated issues, or sends large numbers 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 them 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 them to limit or focus their requests accordingly.

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

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

The process we follow to make decisions about unreasonable behaviour

Any member of Atrium staff who directly experiences offensive, aggressive, abusive or harassing behaviour from an individual has the authority to deal immediately with that behaviour in a manner they consider appropriate to the situation and in line with this Policy.

With the exception of such immediate decisions taken at the time of an incident, decisions to restrict contact with Atrium are only taken after careful consideration of the situation by a more senior member of staff. Wherever possible, we will give a complainant the opportunity to change their behaviour or action before a decision is taken.

How we let people know we have made this decision

When an Atrium employee makes an immediate decision in response to offensive, aggressive, abusive or harassing behaviour, the complainant is advised at the time of the incident. When a decision has been made by senior management, a complainant will always be given the reason in writing as to why a decision has been made to restrict future contact, the restricted contact arrangements and, if relevant, the length of time that these restrictions will be in place. This ensures that the complainant has a record of the decision.

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6. 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, computers or tablets with the ability to record. Please refer to Appendix 1 of this policy for detailed guidance.

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

7. The process for appealing a decision to restrict contact

It is important that a decision can be reconsidered. A complainant can appeal a decision to restrict contact where they feel that this is wrong or unjust. 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.

An appeal could include, for example, a complainant saying that:

- their actions were wrongly identified as unacceptable;
- the restrictions were disproportionate;
- or that they will adversely impact on the individual because of personal circumstances.

A senior member of staff who was not involved in the original decision will consider the appeal. They have discretion to quash or vary the restriction as they think best. They will make their decision based on the evidence available to them. They must advise the complainant in writing that either the restricted contact arrangements still apply or a different course of action has been agreed.

We may review the restriction periodically or on further request after a period of time has passed. Each case is different. We will explain in the letter setting out the restriction what review process will be in place for that restriction and in what circumstances they could request this be reconsidered.

If an individual continues to be dissatisfied with our decision they should contact the Scottish Public Services Ombudsman, with the exception of those receiving factoring services from us, who are able to refer their complaint to the First Tier Housing Tribunal.

8. How we record and review a decision to restrict contact

We record all incidents of unacceptable actions by individuals. Where it is decided to restrict contact, an entry noting this is made in the relevant records. A report on all restrictions will be presented to our Executive Management Team on a regular basis so that they can ensure the policy is being applied appropriately. A decision to restrict an individual's contact as described above may be reconsidered either on request or on review.

Use of Domestic CCTV Systems and Personal Recording Equipment

Where an individual chooses to install domestic CCTV systems in one of Atrium's 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: [\(https://ico.org.uk/your-data-matters/domestic-cctv-systems-guidance-for-people-using-cctv/\)](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.