

Unacceptable Actions Policy

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|------------------------|--|
| Prepared by | |
| Policy created | |
| Date of last review | |
| Date of current review | |
| Date of next review | |
| Reviewed by | |

| | | |
|---------------|--------------------------|---|
| Corporate Fit | Internal Management Plan | ✓ |
| | Risk Register | ✓ |
| | Business Plan | ✓ |
| | Equalities Strategy | ✓ |
| | Legislation | ✓ |

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Registered Scottish Charity No.SC040876 | Registered with the Scottish Housing Regulator No.197 | Registered Property Factor No.PF000261 | Registered Society under Co-operative and Community Benefit Societies Act 2014 No.1798RS

Alternative formats available



Happy to translate
Możemy przetłumaczyć
Раді перекладати
Ni Fahari kutafsiri
نحن سعداء لتقديم الترجمة
ਅਨੁਵਾਦ ਕਰਕੇ ਖੁਸ਼ੀ ਹੁੰਦੀ
ਅਨੁਵਾਦ ਕਰਨ ਵਿੱਚ ਖੁਸ਼ੀ
乐意翻译

Our policies provide a framework to underpin our vision and values, to help us achieve our strategic objectives.

Our Vision

Local people, local control.

By providing quality homes and services, we will create stronger communities and a better quality of life for our customers.

Our Values

- Focused on the needs of our customers and communities.
- Supportive of our staff and Committee members.
- Responsible, efficient, and innovative.
- Open and accountable.
- Inclusive and respectful.
- Fair and trustworthy.

Strategic Direction

Consolidation and improvement: Applicable to our core business as a landlord & property manager.

Growth: Through the new build opportunities, we are taking forward.

Partnerships: Where this can help to address shared goals and increase capacity and value.

Resilience: A key priority across all parts of our business.

Strategic Objectives

Services: Deliver quality, value for money services that meet customers' needs

Homes & neighbourhoods: Provide quality homes and neighbourhoods.

Assets: Manage our assets well, by spending wisely.

Communities: Work with local partners to provide or enable services and activities that benefit local people and our communities as a whole

Our people: Offer a great workplace environment that produces a positive staff culture and highly engaged staff.

Leadership & Financial: Maintain good governance and a strong financial business plan, to ensure we have the capacity to achieve our goals.

Our Equalities and Human Rights Commitment

We understand that people perform better when they can be themselves and we are committed to making the Association an environment where employees, customers, and stakeholders can be open and supported. We promote equality, diversity, and inclusion in all our policies and procedures to ensure that everyone is treated equally and that they are treated fairly on in relation to the protected characteristics as outlined in the Equality Act 2010.

Privacy Statement

As data controller we will collect and process personal data relating to you. We will only collect personal information when we need this. The type of information we need from you will vary depending on our relationship with you. When we ask you for information, we will make it clear why we need it. We will also make it clear when you do not have to provide us with information and any consequences of not providing this. We are committed to being transparent about how we collect and use your data, and to meeting our data protection obligations with you. Further information about this commitment can be found within our full Privacy Statements.

Policy Scope & Review

For the purpose of this policy the term Association will include all members of the Tollcross Housing Association Limited. Therefore, all employees, governing body members, volunteers, customers and other relevant stakeholders will be expected to adhere to this policy and/or procedure. All policies and procedures are reviewed every 3 years in line with best practice and current legislation. The Association reserves the right to make additions or alterations to this policy and procedure from time to time. Any timescales set out in this policy may be extended where required.

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1. Introduction

- 1.1. ~~The vast majority of customers who Tollcross Housing Association comes into contact with treat our staff with respect. This Policy sets out the Association's approach to the relatively few customers whose actions or behaviour we consider unacceptable.~~
We engage with a range customers and stakeholders regularly through the work that we do. We aim to create a supportive and inclusive environment to ensure that this engagement is positive and productive for all parties.
- 1.2. We understand that people who come to us may have experience of trauma, or have specific needs and requirements, when engaging with us. We will work with these customers to help remove barriers for engagement and we will treat all our customers with kindness and compassion. We will seek to defuse and de-escalate situations. We regularly signpost to organisations who can provide independent advice and support.
- 1.3. We aim to support everyone engaging with us to do so positively to help us provide them with the best possible level of service. In some circumstances, we may need to take action to protect our employees or service from types of engagement which negatively impacts our ability to provide a service or the wellbeing of our employees.
- 1.4. This policy sets out how we identify and respond to types of engagement which makes it impossible for us to continue any constructive way.

2. Purpose & scope

- 2.1. We believe that all our customers have the right to be respected. We also believe that our employees have this same right. Through this policy, we aim to:
- Deal fairly, honestly, consistently and appropriately with all customer contacts, believing that all have the right to be heard, understood and respected.
 - Be open and transparent in our dealings with all customers, including those whose actions we may consider unacceptable.
 - Avoid raising expectations beyond what we can reasonably be expected to deliver.
 - Define unacceptable actions and outline the process to be followed when dealing with customers who behave in an unacceptable manner.
 - Provide an accessible service whilst retaining the right to restrict or change access to our service where we consider a customer's actions to be unacceptable.
 - Ensure that other customers and employees do not suffer any disadvantage from service users who act in an unacceptable manner.
- 2.2. ~~The term staff includes direct employees of Association, its Management Committee members, contractors, consultants and agents.~~ Engagement includes all forms of contact including verbal (over the phone, in person, etc.), written (letters, emails, online forms, etc.) as well as contact at events, etc. It also extends to anything published on social media.
- 2.3. ~~This policy should be read in conjunction with the Association's Complaints Handling Procedures and Customer Services Standards Policy.~~ This policy covers anyone who engages with the Association (customer, employee, contractor, Governing Body Members, or any other stakeholders).

3. Zero Tolerance Statement

- 3.1. We believe that our customers have a right to be heard, understood and respected.
We work hard to be open and accessible to everyone and to provide a good service to all our customers.
We also believe that our employees deserve to be treated fairly and with respect, free from intimidation, harassment or threats of violence.
Aggressive, violent or abusive behaviour will not be tolerated and may result in your services being restricted. In extreme cases, we may contact Police Scotland.
- 3.2. ~~We have a zero-tolerance policy towards physical and verbal abuse of our staff. This policy sets out the approach of the Association to the customers whose action or behaviour we consider unacceptable.~~
We understand that customer may be frustrated or angry about a situation raised with the Association. If that anger escalates into aggression towards our employees, where they feel threatened or unsafe, we consider that unacceptable.
- 3.3. Any violence or abuse towards employees will not be accepted. 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 or abused. We will judge each situation individually and appreciate individuals who come to us may be upset.
- 3.4. Language which is designed to insult or degrade, is derogatory, racist, sexist, transphobic, or homophobic, or which makes serious allegations that individuals have committed criminal, corrupt, perverse or unprofessional conduct of any kind, without any evidence, is unacceptable.
- 3.5. We may decide that comments aimed not at us, but at third parties, are unacceptable because of the effect that listening or reading them may have on our employees.
- 3.6. When you attend the Association for an appointment, we expect you to be sober. If you appear to be under the influence of alcohol or any other substance, you will not be seen for your appointment and will be asked to re-arrange.

4. Equality, Diversity and Inclusion

- 4.1. We understand that an individual's behaviour may be impacted by a physical / mental impairment, or other health and wellbeing related issues. We also recognise that behaviours can be influenced by anger and anxieties caused by underlying issues.
~~An Equality Impact Assessment (EIA) has been carried out when reviewing this policy. In line with good practice the completed EIA will be published alongside the Unacceptable Actions Policy.~~
- 4.2. We will use the information we have about our customers to identify and consider individual needs and circumstances of customers in deciding how best to manage an unacceptable action / behaviour. We will make reasonable adjustments to ensure that the customer is treated fairly.
~~Where there is a need for follow-up action, the tasks and timeframe for achieving them shall be noted in the Equality and Human Rights Action Plan to ensure they are addressed.~~

- 4.3. ~~We do not see this policy as having any direct impact upon the protected characteristics contained within the Equality Act 2010.~~

5. Defining unacceptable actions

- 5.1. We understand that people may act out of character in times of trouble or distress, with short-term anger or frustration. There may have been upsetting or distressing circumstances leading up to a service request or complaint ~~coming to the Association~~.
- 5.2. We do not view behaviour as unacceptable just because a person is forceful or determined. In fact, we accept that being persistent can be a positive advantage when pursuing a request or complaint.
- 5.3. However, we do consider actions that result in unreasonable demands on our office or unreasonable behaviour to our staff to be unacceptable. It is these actions that we consider unacceptable and aim to manage under this policy. These are categorised under the following headings: ~~Tollcross Housing Association has categorised these actions under three broad headings:~~
- 5.4. Threats, violence, aggressive or abusive behaviour
- 5.4.1. Violence is not restricted to acts of aggression that may result in physical harm. It also includes behaviour or language (whether oral or written) that may cause ~~staff~~ employees to feel afraid, threatened or abused.
- 5.4.2. Examples of behaviours grouped under this heading include threats, physical violence, intimidating or threatening body language, personal verbal abuse, derogatory remarks, unacceptable language and rudeness. We also consider that inflammatory statements and unsubstantiated allegations can be abusive behaviour.
- 5.4.3. The anger felt by many customers is directed towards the subject matter of their complaint. However, it is not acceptable when anger escalates into aggression directed towards ~~Association staff~~ employees.
- 5.4.4. ~~The~~ We will not tolerate threats or use of physical violence, verbal abuse or harassment towards ~~Association staff~~ employees. We will not respond to correspondence (in any format) that are abusive towards our employees or contains allegations that lack substantive evidence.
- 5.4.5. Our employees' safety is essential and if they are faced with behaviour of this nature, they have the right to keep themselves safe and have the autonomy to make suitable decisions/actions in the moment. This may include ending calls, leaving meetings or refusing service. We will also use personal safety devices to help monitor our employees' safety (such as call recording and CCTV). ~~We will end telephone calls if the caller is considered aggressive, abusive or offensive. The staff member taking the call has the right to make this decision—tell the caller that the behaviour is unacceptable and end the call if the behaviour does not stop.~~
- 5.4.6. In extreme situations, we may report incidents to the Police. Incidents may be reported to the Police. This will always be the case if physical violence is used or threatened, and where the verbal abuse could be considered a hate crime. Where appropriate we may explore our legal options which may result in breach of tenancy action. ~~The staff member should log on the Association's computer system that the call was terminated and the reasons for this in a diary entry under the unacceptable behaviour~~

~~code and notify their manager. The Association retains the right to record telephone calls for training and management purposes.~~

5.5. Unreasonable / vexatious behaviour

- 5.5.1. We require a level of engagement with our customers to ensure we can carry out required work and duties (including our legal requirements, i.e. gas servicing). Unreasonable behaviour is where a customer is purposely not engaging with us, unreasonably refusing to co-operate, withholding required information or being combative/hostile in nature.
- 5.5.2. Examples of unreasonable behaviour includes, refusing to specify the details of a complaint or provide us with further information, evidence or statements when reasonably requested, refusing to co-operate, despite offers of assistance, with a reasonable request which makes it difficult for us proceed with our investigations or work activities, denying or substantially changing statements made at an earlier stage, or making unjustified complaints about employees who are trying to deal with the matter and/or requesting to have them replaced without due cause.
- 5.5.3. Vexatious behaviours are when a customer is acting to cause unnecessary aggravation, distress or disruption without any proper or justified cause, rather than to resolve a dispute. The behaviour includes, openly and publicly spreading false allegations about the Association, our activities or our employees.

5.6. Unreasonable Demands

- 5.6.1. Customers may make what we consider unreasonable demands on our office through the amount of information they seek, the nature and scale of service they expect or the number of approaches they make. What amounts to unreasonable demands will always depend on the circumstances surrounding the behaviour and the seriousness of the issues raised by the customer.
- 5.6.2. Examples of actions grouped under this heading include, demanding responses within an unreasonable timescale, unreasonable scale or nature of the request, insisting on seeing or speaking to a particular ~~member of staff~~ employee, continual phone calls or letters, repeatedly changing the substance of the enquiry or raising unrelated concerns.
- 5.6.3. We consider these demands as unacceptable and unreasonable if they start to negatively ~~substantially~~ impact on the work of the office and our ability to provide a service, such as taking up an excessive amount of ~~staff~~ employee time and/or resources to the disadvantage of other customers.

5.7. Unreasonable Persistence

- 5.7.1. We recognise that customers have the right to complain more than once as they have a continuing relationship with the Association and subsequent incidents may occur.
- 5.7.2. We also recognise that some customers will not or cannot accept that the Association is unable to assist them further or provide a level of service other than that provided already. Customers may persist in disagreeing with the action or decision taken in relation to their enquiry or contact the office persistently about the same issue.
- 5.7.3. Examples of actions grouped under this heading include persistent refusal to accept a decision made in relation to an enquiry or complaint, persistent refusal to accept

explanations relating to what this office can or cannot do and continuing to pursue an enquiry or complaint without presenting any new information, or persistent refusal to follow relevant procedures. The way in which these customers approach our office may be entirely reasonable, but it is their persistent behaviour in continuing to do so that is not.

- 5.7.4. We consider the actions of persistent customers to be unacceptable when they take up what the Association regards as being a disproportionate amount of time and resources or the effect of the repeated contact is to harass or to prevent implementation of a legitimate decision.

5.8. Unacceptable use of social media

- 5.8.1. Contact, comments, tagging, etc. received via social media platforms that is threatening, intimidating or abusive towards employees, or which contains inflammatory statements or unsubstantiated allegations designed to damage the reputation of the Association or our employees is unacceptable and will be removed and or reported where appropriate.
- 5.8.2. Content on social media sites that has not been sent directly to us, or we have not been tagged in, that is threatening, intimidating or abusive towards employees, or which contains unsubstantiated allegations designed to damage the reputation of the Association or our employees, is unacceptable and will be reported to the relevant moderator.
- 5.8.3. Customers behaving in an unacceptable manner over social media towards the Association or our employees may be contacted and advised why the behaviour is not acceptable. We may also seek legal advice and, where appropriate, correspondence received via social media which may contravene the Malicious Communications Act 1988 (Section 1) or Communications Act 2003 (Section 127) will be reported to Police Scotland.

6. **Managing unacceptable actions / behaviours ~~aggressive or abusive behaviour~~**

- 6.1. We do not take decisions about unacceptable actions lightly and we will consider all circumstances surrounding the incident/s before we decide about the most suitable way to manage unacceptable action or behaviours.
- 6.2. Whatever action we take, we will continue to provide the minimum expected service in line with our legal and regulatory responsibilities. However, these services may be restricted in nature depending on the circumstances (e.g. 2-person visits / 3rd party correspondence).
- 6.3. Notification
- 6.3.1. In the first instance of unacceptable action/behaviour, we aim to inform the customer (at the point of contact) that it is unacceptable and continuing to act in this way will impact on how we provide service to them.
- 6.3.2. Where action/behaviour continues to be unacceptable, or serious enough to merit an immediate escalation, the customer will be notified in writing of (1) what action/behaviour is considered unacceptable, (2) what controls are being put in place, (3) the duration of these controls and review period, and (4) how they can appeal this decision.

6.4. Controls

- 6.4.1. Except for incidents where immediate action is required, decisions to put in place controls are only taken after careful consideration. Wherever possible we will give the customer the opportunity to modify their behaviour or action before a decision is taken.
- 6.4.2. A range of controls (appendix 2) is available when faced with unacceptable action / behaviour. All circumstances will be considered before putting controls in place. It may be necessary to put in multiple controls, depending on the nature of the action / behaviour.
- 6.4.3. In deciding to 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), the Data Protection Act 2018 or General Data Protection Regulations 2018, as appropriate. Any such requests received will be considered under the normal terms of those access regimes.

6.5. Monitor and Review

- 6.5.1. If during the timeframe of controls being in place further unacceptable incidents occur, we will log these and monitor the impact. We may need to review the controls in place and identify new controls (where incidents continue).
- 6.5.2. We will review controls in place at the end of the timeframe. Where no further incidents occur, the controls will be removed. Where further incidents have occurred in the timeframe, an extension may be considered. Where an extension is decided, the revised timeframe will be confirmed to the customer in writing.

6.6. Appeal

- 6.6.1. A customer can appeal a decision for controls being put in place to manage communication and contact. They can appeal the type of controls in place and the duration of the controls. As part of the appeal process, the customer can ask for the decision process to be reviewed. However, we will not consider matters that may have resulted in the unacceptable action or behaviour (e.g. we will not consider the initial complaint or decision).

~~It is important that a decision can be reconsidered. 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 complaint made or to our decision to close a complaint.~~

- 6.6.2. An appeal must be submitted within 10-working days of confirmation being sent to the customer. The appeal must be submitted in line with the controls in place.
- 6.6.3. An appeal could include, for example, a customer saying that: their actions were wrongly defined as unacceptable; the restrictions were disproportionate; or that they will adversely impact on the individual because of personal circumstances.
- 6.6.4. A senior ~~member of staff~~ manager not involved in the original decision will consider the appeal. They have discretion to ~~quash/withdraw~~ quash/withdraw or vary the restrictions, ~~based on the appeal and evidence available. as they think best. They will make their decision based~~ based on the appeal and evidence available.

~~on the evidence available to them.~~ They must advise the customer in writing that either the ~~restricted contact~~control arrangements still apply, or a different course of action has been agreed. We will provide a written response to customers of the appeal within 10-working days.

6.6.5. An appeal will not be considered where there is an ongoing Police Scotland investigation.

6.6.6. Where a customer remains dissatisfied at the end of the appeal process, they may submit a complaint to the SPSO, Scottish Public Services Ombudsman, (or First Tier Tribunal for Scotland for factored owners).

6.7.

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

~~Managing unreasonable behaviour~~

~~Where a customer repeatedly phones, visits the office, raises repeated issues, or sends large numbers of documents where their relevance isn't clear, we may decide to:-~~

~~a) — Limit contact to telephone calls from the customer at set times on set days.~~

~~b) — Restrict contact to a nominated member of staff who will deal with future calls or correspondence from the customer.~~

~~c) — See the customer by appointment only.~~

~~d) — Restrict contact from the customer to writing only~~

~~e) — Return any documents to the customer or in extreme cases, advise the customer that further irrelevant documents will be destroyed.~~

~~Where we consider continued correspondence on a wide range of issues to be excessive, we may tell the customer that only a certain number of issues will be considered in a given period and we 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 any on-going service due to them in making this decision.~~

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

~~The process we will follow to make decisions about unreasonable behaviour~~

~~6.1 — Tollcross Housing Association Staff who directly experience aggressive or abusive behaviour from a customer have the authority to deal immediately with that behaviour in a manner they consider appropriate to the situation and in line with this Policy.~~

~~6.2 — With the exception of such immediate decisions taken at the time of an incident, decisions to restrict contact are only taken after careful consideration of the situation by the Senior Management Team. Wherever possible, we will give the customer the opportunity to modify their behaviour or action before a decision is taken.~~

~~6.3 — When a staff member makes an immediate decision in response to aggressive or abusive behaviour, the customer is advised at the time of the incident. When a decision has been made by the Senior Management Team, a customer will always be advised in writing 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 the customer has a record of the decision.~~

~~Recording and Reviewing a Decision to Restrict Contact~~

~~A decision to restrict customer contact may be reconsidered if the customer demonstrates a more acceptable approach. The Senior Management Team will review the status of all customers with restricted contact arrangements on a regular basis.~~

~~8.2 — We will record all incidents of unacceptable actions by customers on the SDM system and contained within the notes on Cirrus where appropriate. Where it is decided to restrict~~

~~customer contact; an entry noting this will be made in the relevant file and on appropriate computer records.~~

~~Policy review~~

~~This policy shall be reviewed at least every 4 years or earlier, if required by changes in legislation or deemed necessary by Management Committee~~

Appendix 1 – Equality & Human Rights Impact Assessment

| | | | |
|--|-------------------------------------|---|---|
| Policy | | | |
| EIA Completed by | | EIA Date | |
| 1. Aims, objectives, and purpose of the policy / proposal | | | |
| | | | |
| 2. Who is intended to benefit from the policy / proposal? | | | |
| | | | |
| 3. What outcomes are wanted from this policy / proposal? | | | |
| | | | |
| 4. Which protected characteristics could be affected by proposal? | <input type="checkbox"/> Age | <input type="checkbox"/> Gender reassignment | <input type="checkbox"/> Religion or belief |
| | <input type="checkbox"/> Disability | <input type="checkbox"/> Marriage & civil partnership | <input type="checkbox"/> Sex |
| | <input type="checkbox"/> Race | <input type="checkbox"/> Pregnancy and maternity | <input type="checkbox"/> Sexual orientation |
| 5. If the policy / proposal is not relevant to any of the protected characteristics listed in part 4, state why and end the process here. | | | |
| | | | |
| 6. Describe the likely impact(s) the policy / proposal could have on the groups identified in part 4 | | | |
| | | | |
| 7. What actions are required to address the impacts arising from this assessment? (This might include; collecting data, putting monitoring in place, specific actions to mitigate negative impacts). | | | |
| | | | |
| 8. Consider the impact and actions to be considered for the following Human Right articles: | | | |
| Article 6: Right to a fair trial | | | |
| Everyone should be given the opportunity to participate effectively in any hearing of their case and present their side. | | | |
| Impact: | Actions: | | |
| Article 8: Right to respect for private life, family life & the home | | | |
| Everyone has the right to access and live in their home without intrusion or interference. | | | |
| Impact: | Actions: | | |
| Article 14: Prohibition of discrimination | | | |
| Everyone has equal access to the other rights contained in the Human Rights Act. | | | |
| Impact: | Actions: | | |

Appendix 2 – Controls for managing unacceptable actions or behaviours

| <u>Control</u> | <u>Description</u> |
|--------------------------------------|--|
| <u>Restrict contact type</u> | <u>How we communicate with customer, e.g. telephone, email, text, letter.</u> <u>We may (1) restrict to one type of contact only, or (2) withdraw one particular type of contact.</u> |
| <u>Restrict contact time</u> | <u>Limit contact to set times and/or days, or by appointment only.</u> |
| <u>Named contract</u> | <u>Restrict contact to a nominated employee who will deal with communication with the customer or communicating through a third party.</u> |
| <u>Set location</u> | <u>Limit meetings / appointments to one location only.</u> |
| <u>No lone visits / appointments</u> | <u>This may include (1) more than one employee attending visits or appointments, or (2) requirement for a third-party to attend (e.g. support agency / advocate).</u> |
| <u>Restrict contact volume</u> | <u>For excessive contact: return any documents/correspondence to the customer or in extreme cases, advise the customer that further irrelevant documents will be destroyed.</u> |
| <u>Restrict contact issues</u> | <u>For excessive demands: limit number of issues that will be considered in a set period and we will ask them to focus their requests accordingly.</u> |
| <u>Restrict complaints</u> | <u>We reserve the right to refuse to consider a complaint or future complaints from a customer.</u> |
| <u>Limit service</u> | <u>Limit service to the minimum expected service in line with our legal and regulatory responsibilities (e.g. emergency repairs).</u> |

Appendix 2 – Internal procedure for managing unacceptable action / behaviour

1. Employee logs