

## Unacceptable behaviour policy



<b>Reference:</b>	Version 1	<b>Author:</b>	Sue Needham
<b>Scope:</b>	Loddon Home Berry Brook Homes	<b>Approved by:</b>	Respective Boards of Loddon Homes and Berry Brook Homes
<b>Legislation:</b>	The Equalities Act 2010 The Human Rights Act 1998 The Data Protection Act 2018	<b>Date of approval:</b>	September 2020
<b>Regulatory/ Governance:</b>	The Regulator of Social Housing Tenancy standard	<b>Date of next review:</b>	September 2023
<b>Related Policies:</b>	Anti-social behaviour, hate crime and harassment policy Complaints policy		

### 1. Policy Statement

- 1.1 This policy applies to Loddon Homes and Berry Brook Homes which collectively will be referred to as the Local Housing Companies (the LHC).
- 1.2 The LHC has delegated responsibility to Wokingham Borough Council Housing Services for ensuring that this policy is implemented and delivered.
- 1.3 The LHC recognises the importance of meeting residents' expectations of a high standard of service delivery but not at the cost of the abuse of its services or the mistreatment of its staff. Proper handling of the very few instances of unacceptable behaviour from customers is therefore a high importance.
- 1.4 The LHC believes that every resident who requests a service that the LHC delivers, has the right to be listened to, respected and understood. LHC does recognise that people may act out of character when in distress, or difficulty, or feeling anxious or frustrated, so being upset or determined is understandable. However, it is when residents' behaviour becomes unacceptably rude, aggressive or unreasonable that the LHC will take action.
- 1.5 Although unacceptable resident behaviour is a breach of the tenancy agreement, the LHC recognises that the resident may have valid concerns that require addressing. In an effort to ensure this balance is respected, this policy outlines what residents can expect in such situations and how the LHC staff can protect themselves and their services.

1.6 The LHC is committed to raising awareness of what behaviours by residents are unacceptable. This will be undertaken by:

- A copy of this policy being included as part of the information provided to new tenants, licensees and shared owners.
- Emphasis at sign up that unacceptable behaviour will not be tolerated.
- The website and newsletters being utilised accordingly
- Appropriate signage advising residents that abusive behaviour will not be tolerated should be placed in locations where they can be clearly seen by residents.

1.7 Aims and objectives

- To manage residents' expectations of what behaviour is deemed unacceptable by the LHC and what the consequences of acting in this manner will be
- To ensure that LHC staff do not suffer any disadvantage from residents who act in an unacceptable manner and are supported when such incidents occur
- To ensure that the management of such behaviour is done in a fair, honest, transparent and balanced manner

## **2. Scope**

No member of the LHC's staff, contractors, consultants and other agents when representing and working with or on behalf of the Associations should be subjected to the unacceptable behaviour of residents at any time.

## **3. Roles and Responsibilities**

- 3.1 Any staff member who believes that they have experienced unacceptable behaviour from a resident must take responsibility for raising a concern.
- 3.2 Managers should support the staff member appropriately and take any necessary action as detailed at Section 6.

## **4. Definitions**

4.1 For the purposes of this policy:

Resident: this includes current and former tenants of the LHC; housing applicants; friends, relatives, and carers of any LHC tenant, private tenants, owner occupiers or local landlords and any contractors or subcontractors of the tenant.

Staff: This includes staff directly employed by the LHC, staff employed as agents of the LHC e.g. WBC Housing Services, any staff employed by contractors and suppliers to the LHC.

4.2 For the purposes of this policy the LHC considers that there are five categories of unacceptable behaviour:

### 4.2.1 Aggressive or abusive behaviour

This includes physical, verbal or written behaviours which may cause staff to suffer harm, feel afraid, intimidated, threatened or abused.

Examples of this type of behaviour include but is not limited to:

- Threats of or actual violence against a member of staff including threats to spread

- virus, sickness or disease through airborne or physical means
- Actual violence against items such as kicking, defacing or destroying property
- Verbal abuse
- Derogatory or insulting remarks
- Persistent shouting
- Persistent swearing
- Intimidating language and gestures
- Unsubstantiated allegations
- Sexist, racist, homophobic and any other discriminatory comments or abuse.

4.2.2.1 The LHC considers the use of social networking sites and the internet to perpetrate or encourage aggression and/or abuse towards our staff to be unacceptable behaviour. The LHC will consider any messages posted via social media or other internet based media, including email, in the same way as any written or spoken communication.

#### 4.2.2 Unreasonable behaviour

This is where residents make what is considered to be unreasonable demands on the LHC through the amount of information they request or send to the organisation, including what the LHC deems to be to an unacceptable number of recipients. It includes unreasonable demands regarding the nature and scale of the service they expect, and who they expect to respond to demands.

Examples of this type of behaviour include:

- Refusing to specify the details of the complaint, despite offers of assistance
- Changing the basis of a complaint or service request as the matter proceeds
- Denying or changing statements made at an earlier stage
- Making unjustified complaints regarding members of staff who are attempting to resolve the issue and requesting that they are replaced
- Covertly recording conversations at meetings or on the telephone
- Submitting falsified documents from themselves or others
- Refusing to accept a decision and repeatedly arguing points with no new evidence.

#### 4.2.3 Unreasonable demands

Residents may make what can be considered as unreasonable demands on staff through the amount of information they seek, the scale of the service they expect or the number of approaches or complaints that they make regarding the same or differing issues.

The LHC will consider demands to be unreasonable when they impact substantially on the work of staff, for example by taking up an excessive amount of time which is disproportionate to the issue. This is likely to disadvantage other customers as it can impact on the service that can be provided to them.

Examples of this type of behaviour include:

- Demanding responses within an unreasonable timescale.
- Insisting on meeting with or speaking only to a particular member of staff.

- Making persistent phone calls or persistently contacting the LHC by other means for example by email.
- Repeatedly changing the substance of a complaint or raising unrelated issues.
- Persistently seeking an outcome which the LHC has already explained is unrealistic or not possible for policy, legal or other valid reasons.

#### 4.2.4 Unreasonable persistence

The LHC recognise that some residents will not or cannot accept that we are unable to assist them further or provide a level of service other than that provided already. Residents may persist in disagreeing with the action or decision taken in relation to their concern or contact our office persistently about the same issue.

We consider the actions of persistent residents to be unacceptable when they take up a disproportionate amount of time and resources. Residents who feel frustrated when they believe that they are not receiving appropriate responses and outcomes from the LHC, can pursue a complaint, ultimately to the Housing Ombudsman.

Examples of this type of behaviour include:

- persistent refusal to accept a decision made in relation to a complaint.
- refusal to accept explanations relating to what can and what cannot be done.
- continuing to pursue a complaint without presenting any new information, although this does not preclude residents from pursuing a complaint through the LHC's complaints process.
- Unwillingness to accept the terms of a tenancy or lease agreement or title conditions where these terms are clear and unambiguous.

#### 4.2.5 Vexatious behaviour

The LHC consider vexatious behaviour to be when residents complain to cause unnecessary aggravation, frustration or inconvenience rather than to resolve a genuine issue. Their complaint may be based on fictitious events or extreme exaggerations of very minor service issues.

Examples of this type of behaviour include:

- Where the resident states the request is actually meant to cause significant inconvenience, disruption or annoyance.
- Requests for information the resident has already seen or demonstrates a clear intention to reopen issues that have already been considered.
- Residents who have developed an opportunity to complain by their own actions, or lack of actions, creating or making a situation worse, and then complaining about it.

## **5. Legislation**

5.1 The LHC must have due regard to the following legislation in applying this policy:

- The Equalities Act 2010
- The Human Rights Act 1998
- The Data Protection Act 2018

5.2 The Housing Ombudsman guide “Principles of Dispute Resolution” has been used as a bench mark for best practice in this policy.

## **6. Procedure**

### **6.1 Adequate warnings of behaviour**

6.1.1 Staff will always give adequate warnings to any resident when unacceptable behaviour occurs.

6.1.2 If a resident demonstrates aggressive or abusive behaviour, this is in breach of their conditions of tenancy and the matter will be dealt with under the LHC’s Anti-social behaviour, Hate Crime and Harassment policy. Depending upon the seriousness of the incident(s), an injunction may be applied for and/or assistance requested from the police immediately.

6.1.3 In these circumstances the Housing Manager should consider adding the resident to a “no personal contact” list to minimise future risk to staff.

6.1.3 Where the deliberate physical damage to the LHC’s owned homes or office premises, is caused by a resident and is witnessed by a staff member, the LHC reserves the right to recharge the resident. In some cases this will be deemed a breach of tenancy and legal proceedings may be initiated. If the damage is deemed criminal then the LHC may refer the matter to the police.

#### 6.1.4 Warning

6.1.4.1 The LHC staff will end telephone calls if the caller is considered aggressive, abusive or offensive. The member of staff taking the call reserves the right to make this decision.

6.1.4.2 They will advise the caller that their behaviour is unacceptable and if it continues during the call they may terminate the call. They will then end the call if the behaviour continues.

6.1.4.3 LHC staff may also inform a resident in person, or in writing using the initial warning letter if their behaviour is considered unacceptable in line with this policy.

6.1.4.4 Where LHC staff have informed a resident that their behaviour is unacceptable, in writing, by phone, or in person, this will be considered an initial warning. This warning may be incorporated within wider correspondence e.g. Stage 1 or 2 complaint.

#### 6.1.2 Final Warning

6.1.2.1 Where a resident exhibits unacceptable behaviour of any type, and it has persisted even after an initial warning, staff must then issue a formal final written warning to advise that if this behaviour continues the LHC will reassess the way they will manage communications with the residents in line with this policy.

### **6.2 Unacceptable behaviour assessment**

6.2. 1 Following receipt of a formal warning, if a resident continues to display unacceptable

behaviour, staff must carry out an Unacceptable Behaviour Assessment. This form is to be completed by the staff member with support from a manager. This is an internal process and it does not need to be undertaken in the presence of the resident.

6.2.2 It is important to note that one instance of an unacceptable type of behaviour does not automatically warrant an assessment.

When assessing unacceptable customer behaviour staff will:

- Consider the number of instances of unacceptable behaviour
- Review the levels of communications received (length and frequency)
- Assess the language of communications received
- Take each case on its own merit, independent of any previous cases of unacceptable behaviour that have been reviewed and closed for at least 12 months
- Take into account the resident's needs and circumstances.

### **6.2.3 Communication protocol**

6.2.3.1 If an assessment results in the behaviour being defined as unacceptable, a manager will authorise the initiation of a Communication Protocol. This is essentially a method that will be used to most appropriately interact with the resident in question. The protocol will vary from case to case but will include resident contact restrictions:

- The type of communication method that will be used
- The frequency that communication and updates will take place, including times of day where appropriate
- The main point of staff contact through which all communication will be managed
- Whether only certain issues or topics will be discussed via this protocol
- Whether the resident must visit the office by appointment only
- It may also reiterate the kinds of behaviour that are deemed unacceptable and any serious consequences that may result if such behaviour continue e.g. legal action or review of tenancy if it has been found to be breached.

6.2.3.2 When devising a Communication Protocol staff will:

- Take into account the resident and their circumstances and needs
- Look at what other support mechanisms, mediation or advocacy could reasonable be used appropriately
- Ensure that the Communication Protocol is provided in written format to the resident in question in an open and transparent way.

At this stage the LHC may choose to close any open formal complaints or anti-social behaviour cases if the behaviour being displayed appears to be abusing these processes.

### **6.2.3.3 Appeal**

If a resident wishes to appeal the decision to place them under a communication protocol, they may request one further assessment by another manager. The outcome of the appeal letter will be used by this manager after this has been heard.

### **6.2.3.4 Re-assessment of Communication Management Protocol**

6.2.3.4.1 Six months after a protocol has been put in place, a manager should authorise the reassessment of the case:

- If the case shows that the resident's subsequent behaviour is no longer 'unacceptable' then the resident should be written to and informed of this decision. If the resident has not made any contact with the LHC in the six months' period after a protocol has been put in place, this can be deemed as acceptable behaviour and the protocol discontinued
- If the decision shows that the resident is still displaying unacceptable behaviours then this will continue and reviewed again in six months.  
The resident should be notified of this outcome of the review in writing confirming that the Communication Protocol is still in place and enclosing a copy of the terms.

6.2.3.4.2 If the resident has not adhered to their Communication Protocol, and their behaviour is considered to be of a violent or abusive nature, residents will be notified that this is a breach of their tenancy. This includes where violence is threatened, or where abusive or insulting words are used. A warning letter should be issued, and a Notice of Seeking Possession served if there is continued failure to adhere to the protocol.

## **7. Equality & Diversity**

7.1 The LHC recognises the needs of a diverse population and always acts within the scope of its own Equality and Diversity Policy, the Human Rights Act 1998, and Equalities Act 2010. The LHC works closely with its partners to ensure it has a clear understanding of its resident community with clear regularly updated service user profiles. The LHC will record, analyse and monitor information on ethnicity, vulnerability and disability.

## **8. Confidentiality**

8.1 Under the Data Protection Act 2018, and the Human Rights Act 1998, all personal and sensitive organisational information, however received, is treated as confidential. This includes:

- anything of a personal nature that is not a matter of public record about a resident, client, applicant, staff or board member
- Sensitive organisational information.

8.2 The LHC employees will ensure that they only involve other agencies and share information where there is a legal basis for processing the information.

## **9. Review**

9.1 This policy will be reviewed on a three yearly basis or more frequently in response to changes in legislation, regulatory guidance, good practice or changes in other relevant LHC policies.

## **10. Performance**

10.1 Our performance in relation to the delivery of the services and activities set out in this

policy will be monitored on an ongoing basis through our established reporting mechanisms to our associated boards.

## **11. Appendices**

**None**