

Unacceptable Behaviour Policy

Linked strategies	Live Happy
Version	1
Date approved by (State by whom and when)	EMT – March 2024
Policy level	2
Agreed by Union (If applicable)	Not applicable
Date effective	1 April 2024
Date of next review	3 years from above date
Policy Owner	Head of Customer Excellence

1 Policy Statement

- 1.1 Greatwell Homes aim to provide great services to our customers and for our staff to have positive relationships with our customers based on mutual respect, fairness, and honesty.
- 1.2 Sometimes we find that a customer's behaviour can make it difficult to work with them where individuals act in ways that make dealing with and providing a service to them particularly difficult, or that their demands take up an excessive amount of time which in turn can impact on the service we offer to other customers.
- 1.3 We recognise that such behaviour or actions can arise for several reasons and may be attributable to various factors such as health related problems. In other instances, an individual may have a complaint about us that involves particularly emotive issues, or which causes them undue stress or frustration. Others may have difficulty expressing themselves because of a disability or language issues.
- 1.4 This policy aims to set out clearly where we consider behaviour to be unacceptable or unreasonable, as well as to outline the types of actions we may take to manage this and the types of contact restrictions that Greatwell Homes may put in place.
- 1.5 It aims to balance the need to respect the rights and expectations of customers and provide effective, consistent, and responsive services, whilst protecting staff, sub-contractors, consultants, and other agents working on behalf of Greatwell Homes from abuse and harassment in the course of their duties.

2 Scope

- 2.1 This policy applies to all customers and their household members, guests, and visitors to their home.
 - 2.1.1 It also includes third parties who have been given consent by a customer to act on their behalf.

3 Definition

- 3.1 **Customer** - A tenant (or former tenant), prospective tenant i.e. nominee from Local Authority, leaseholder, shared owner of Greatwell Homes or an individual receiving a service from us.
- 3.2 **Unacceptable & Unreasonable Behaviour** – we will not deem behaviour to be unacceptable or unreasonable just because a customer is determined or assertive when making service requests or a complaint. We appreciate there may be circumstances where a customer is angry or upset and this will be taken into account when considering whether or not their actions are unacceptable or unreasonable.

The actions, however, of customers who are angry, demanding or exceptionally

persistent may result in unreasonable demands being placed on our time and resources or unacceptable behaviour being directed towards staff. It is these actions that we consider unacceptable and unreasonable and aim to manage under this policy.

We group these actions under four broad headings:

- Unreasonable behaviour
- Unreasonable demands
- Persistent and unreasonable behaviour
- Aggressive, Intimidating or Abusive Behaviour or Harassment

3.2.1 **Unreasonable Behaviour**

This type of behaviour includes, but is not limited to:

- refusing to specify the details of an issue or complaint.
- denying or changing statements made at an earlier stage.
- making unjustified complaints about staff who are trying to deal with an issue and requesting to have them replaced with another staff member.
- covertly recording meetings and conversations without agreement of those involved, including publishing the information online via social media.
- submitting falsified documents.
- refusing to accept a decision where explanations for the decision have been provided; repeatedly arguing points with no new evidence provided.
- persistently seeking an outcome which Greatwell Homes has already explained is unrealistic for policy, legal or other valid reasons.
- refusal to engage in efforts to reach a resolution to issues or a complaint.
- persistent failure to co-operate when asked to do so, such as provide written documentation which is required to deal with a service request or complaint effectively.

3.2.2 **Unreasonable Demands**

Behaviour may become unacceptable if it is so demanding that it places an unreasonable burden on us and impacts and disadvantages the level of service that can be offered to other customers.

The type of behaviour that would fall under this category would include:

- demanding responses within an unreasonable timescale.

- refusing to speak to an individual or insisting on speaking only to a particular member of staff.
- repeatedly changing the substance of a request, enquiry or complaint or raising unrelated concerns, unreasonable levels of contact, including overload of letters, calls, emails or contact via social media; whether due to the frequency of contact and/or length of telephone calls such as repeatedly making long telephone calls to us or inundating us with copies of information that has been sent already or that is irrelevant to the enquiry, request, or complaint.
- making repeated and unnecessary contact whilst we are dealing with an enquiry, request or complaint from them.

3.2.3 Persistent and Unreasonable Behaviour

We recognise that some customers will not or cannot accept that we are unable to assist them further or provide a level of service other than what is already provided.

Behaviour may become unacceptable if it is so persistent that it places an unreasonable burden on us and impacts the level of service that can be offered to other customers.

The type of behaviour that would fall under this category would include:

- refusing to accept the answer that has been provided about a request complaint, or other issue.
- continuing to raise the same subject matter without providing any evidence to substantiate a claim or the provision of new evidence.
- continuously changing the subject matter of a request or complaint.
- sending several emails daily or in a short period of time about the same issue.
- behaviour whereby a customer 'complains' 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 which may include:
 - *requests for information the customer have already seen or demonstrates a clear intention to re-open issues that have already been considered and responded to.*
 - *customers 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.*
 - *where the customer states the request is actually meant to cause significant inconvenience, disruption or annoyance.*

3.2.4 Aggressive, Intimidating or Abusive Behaviour or Harassment

We understand that customers may have genuine cause to be angry, if for example they feel we have failed to meet their expectations or caused them unnecessary difficulties. We consider it unacceptable however, if behaviour includes physical, verbal, or written behaviour which may cause staff or third parties acting on our behalf to suffer harm, feel intimidated, threatened, or abused.

This type of behaviour includes, but is not limited to:

- physical acts of violence that may result in harm or injury.
- physical violence against objects such as kicking, defacing or destroying property.
- behaviour or language (whether verbal or written) that may cause staff to feel afraid, threatened, intimidated, or abused such as threats, personal verbal abuse, derogatory remarks, shouting and swearing.
- discriminatory comments or abuse whether in person or in writing including racist, sexist, homophobic or transphobic comments using social networking sites to perpetrate or encourage aggression or abuse against Greatwell Homes staff or third parties acting on our behalf.
- publishing personal, sensitive, or private information about staff online via social media channels or other public domains such as noticeboards or newsletters
- inflammatory statements and unsubstantiated allegations without any evidence
- using a dog to intimidate, maim or injure

4 Policy Principles

4.1 Through the implementation of this policy Greatwell Homes will ensure:

- Our approach to managing unacceptable behaviour is clear and accessible to our customers who receive a service from us and that it will be applied fairly, consistently, and appropriately recognising all customers have the right to be heard, understood, and respected.
- It is in line with the Housing Ombudsman's guidance on managing unacceptable behaviour.
- We are compliant with Regulatory Standards and relevant legislation including data protection and the Equality Act 2010.

5 How we will manage unacceptable behaviour

5.1 We will judge each case on its own merits, and action taken will depend on the nature, severity, and frequency of the behaviour.

5.2 **Initial contact to agree a voluntary informal solution:** A Senior Officer, Team Leader or Manager within the relevant service area to which the matter relates will contact the customer to try and agree a voluntary (informal) solution to the issue(s) with the aim of allowing the customer time to consider and adjust their behaviour.

5.2.1 As part of our initial contact, we will aim to find out the root cause of the issue(s), and if this relates to a Greatwell Homes service that has not been undertaken correctly a formal complaint will be logged.

5.2.2 We will also aim to find out and understand whether the customer has any support needs that are contributing to their behaviour such as poor mental health, learning difficulties or drug or alcohol dependency. We will refer them to an appropriate agency for support if they agree.

5.2.3 We will advise the customer that if they would find it helpful in managing contacts with us that they can be made via a third party such as a family member or friend.

5.2.4 In some cases, it may be appropriate to offer mediation to assist in resolving the situation.

5.2.5 **Note:** In extreme cases such as physical violence, or harassment towards an employee, this informal stage will not apply, and actions will be taken in line with our Anti-Social Behaviour policy which may include involving the police, taking legal action to obtain an injunction or proceedings to end the tenancy, and ending direct contact with the customer.

5.2.5.1 In such cases an 'alert marker' known as a UDC will be placed on the customer's file on our housing management system (Orchard) in line with our Alerts Procedure whilst we endeavour to work with the customer or a third-party to better understand any support needs and potential reason(s) for the behaviour.

5.3 **Warning** - in cases where either the voluntary (informal) solution has not been adhered to, and/or the customer either fails to recognise or adjust their behaviour accordingly, then a warning will be issued in writing, clearly outlining the issue and proposed solution to the behaviour. Should the unacceptable behaviour continue, then formal action will be taken.

5.4 **Formal Action**

5.4.1 The action we may take to manage contact will depend on the nature of the behaviour. The types of action that we may take include the following:

- 5.3.1.1
- Provide a single point of contact.
 - Limit contact to a single form i.e. email, writing or telephone only.
 - Limit contact to certain times, or a limited number of times per week/month.
 - Only consider a certain number of issues in a specific period.

- In extreme cases undertake possession proceedings

5.3.1.2 Any restrictions put in place are not designed to stop a customer receiving a service from us and will only be put in place after careful consideration and will not remain in place indefinitely.

5.3.2 Any restrictions will be outlined in writing, clearly setting out the behaviour that we have found unacceptable and why, how we expect the customer to change their behaviour, and what actions we may take if they do not, along with a timeframe outlined for the restriction to be reviewed,

5.3.2.1 We will ensure relevant staff are informed of any restrictions put in place with an alert marker (UDC) being added to the customer's account via our Housing Management system (Orchard).

5.4 **Right to Appeal**

5.4.1 A customer has the right to appeal against a decision to restrict contact within 28 days of the restriction being put in place.

5.4.2 The customer will be advised in writing about this right and the contact details of the Head of Service (HOS) to whom their appeal should be addressed (this will be the HOS who has over-all responsibility for the area that the unacceptable behaviour is deemed to have occurred).

5.4.3 The HOS will undertake an appeal review of the restriction and will advise the customer in writing of the outcome of their appeal i.e. that the restricted contact arrangements will remain in force, or a different course of action has been agreed and the timescale this will remain in force. There will be no further right to review regarding the specified restriction. The customer will be advised of their right to contact the Housing Ombudsman Service for free impartial advice and support if they disagree with the outcome of their appeal.

6 **Confidentiality & Data Protection**

6.1 We will work in compliance with the Data Protection Act (1998) and the Guide to General Data Protection Regulation (2018)

6.2 We will do this by:

- Ensuring information is stored effectively.
- Restricting access to sensitive information such as medical information that may have been obtained during the course of managing the unacceptable behaviour of the customer.

7 Implications for Customers

7.1 The Equality Act of 2010 makes it unlawful to discriminate against anyone on grounds of Age, Disability, Gender Reassignment, Race, Religion or Belief, Sex, Sexual Orientation, Marriage & Civil Partnership, Pregnancy & Maternity. Greatwell Homes supports its principles, and it is our aim to make this policy easy to use and accessible to all of our customers. A Privacy Impact Assessment and Equality Impact Assessment have been completed on this policy.

7.2 Support for Vulnerable Customers

7.2.1 We recognise that some customers may be vulnerable and have specific support needs.

7.2.2 Where customers have support needs that contribute to or result in unacceptable behaviour we will seek to identify and address the support needs before undertaking formal action

7.2.3 In cases where a customer's behaviour presents a high risk of harm to our staff such as physical violence, or harassment, we may take formal action first in order to protect them before assessing a customer's support needs.

7.2.4 Where a vulnerable customer refuses to engage, stops engaging or accepts support but the unacceptable behaviour continues, we will then consider taking formal action to resolve the matter.

8 Responsibility and Decision Making

The table below illustrates the structure for responsibility and decision making in relation to this policy.

Person Responsible	Scope
Head of Customer Excellence	<ul style="list-style-type: none">Overall responsibility for ensuring that all activities are undertaken.
Customer Experience Manager	<ul style="list-style-type: none">Responsible for the overall day-to-day application and adherence to this policy and procedure.
Managers, Team Leaders & Senior Officers	<ul style="list-style-type: none">Responsible for the overall day-to-day application and adherence to this policy and procedure.
Complaints Officers	<ul style="list-style-type: none">Responsible for reading and understanding of the policy and procedure

All Staff	<ul style="list-style-type: none"> All staff are responsible for reading and understanding of the policy and procedure
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9 Review

9.1 This Policy will be reviewed every three years or in line with changes in legislation, whichever is the sooner, updates or recommendations for changes will be presented to EMT.

Associated Policies	Associated Procedures
Customer Concerns & Complaints Policy	Customer Concerns & Complaints Procedure
Anti-Social Behaviour Policy	Unacceptable Behaviour procedure
Data Protection and Retention Policy	Alerts Procedure
Equality Diversity and Inclusion Policy	
Health & Safety Policy	