

# Unacceptable Behaviour Policy

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## 1. Our purpose

We're proud to be able to support tens of thousands of people across England by providing affordable housing and care to help people live independently.

Everything starts at home, and we are privileged to be able to do work which makes a real difference to the lives of people in our communities. Everything we do is about people – whether that's providing a good quality, safe home or providing care which helps someone to live an independent life.

Our colleagues and board and committee members live and breathe this social purpose.

## 2. Overview

We believe our colleagues are entitled to carry out their duties free of fear, abuse, aggression, harassment and threat to themselves, their friends and families.

This policy sets out our approach in situations where behaviour may be considered unacceptable.

## 3. Aims and Objectives

- ◆ For our customers and communities to fully understand our approach to unacceptable behaviour
- ◆ For our colleagues to carry out their duties free from fear, abuse, aggression, harassment, or threat

## 4. Our Policy

### 4.1 Policy statement

- ◆ You have the right to be heard and understood, and to be dealt with fairly, honestly and consistently.
- ◆ Whilst we recognise some of the restrictions and conditions on our service provision, and messages colleagues need to give relating to these, may upset or disappoint you, this does not mean we will accept or tolerate unacceptable behaviour in response to them.
- ◆ Where colleagues are subject to unacceptable behaviour, we will take action to protect them. We will ensure the behaviour does not disrupt services to others and, where necessary, take robust and decisive action against the person responsible for the behaviour, which could include legal action.
- ◆ Our colleagues should be equipped to deal with difficult situations professionally and feel supported whenever they are affected by customer behaviour and action is necessary.
- ◆ If you wish to raise concerns regarding colleague behaviour you can and should do this through our complaints process.

### 4.2 Policy scope

#### 4.2.1 What is 'unacceptable'

- ◆ We expect our colleagues to be treated considerately and with respect, just as we expect colleagues to treat you in the same way. Violence or personally directed abuse towards our colleagues is unacceptable and will not be tolerated.
- ◆ We know the anger felt by some complainants, for example, involves the subject matter of their complaint and just because someone is assertive or determined we won't consider their behaviour to be unacceptable. However, it is not acceptable when anger escalates into aggression directed personally towards colleagues or when behaviour is so demanding or persistent it places unreasonable demands on them or our services.
- ◆ Unacceptable behaviour is not restricted to acts of violence or aggression that may result in physical harm. It also includes behaviour or language (whether oral or written) which may cause colleagues to feel afraid, threatened, offended, harassed, or abused.
- ◆ Colleagues may respond differently to the same abuse or event, dependent on their current mood, previous experience, or the specific situation for example. We believe it's crucial we accept the feelings of the person subject to the unacceptable behaviour. We should also be mindful that bystanders and third parties can also be impacted by such incidents.

- ◆ Examples of unacceptable behaviours are:
  - physical violence
  - threats of violence
  - personal verbal abuse
  - derogatory remarks
  - sexually inappropriate behaviour
  - offensive gestures
  - excessive swearing
  - rudeness
  - inflammatory statements
  - discriminatory language
  - excessive and unreasonable contact
  - unsubstantiated allegations
  - personal attacks via social media or any other digital channel
  - preventing a colleague from leaving premises
  - refusing to leave one of our offices or facilities
  - passive aggressive communication
  
- ◆ Unacceptable behaviour can also be cumulative. Remarks which in themselves barely merit attention, may, over time and when taken together, be considered as unacceptable or insulting or amounting to harassment. When any colleague feels this may be the case, they will record this behaviour to ensure patterns can be identified and evidenced.
  
- ◆ Demanding or persistent behaviour can impact the level of service we are able to offer to others. Examples of this can include:
  - unreasonable demands - requesting large volumes of information, asking for multiple responses within a short space of time or refusing to speak to one colleague or insisting on speaking with another
  - unreasonable persistence - refusing to accept the answer provided, continuing to raise the same subject matter without providing any new evidence or continuously adding to or changing the subject matter
  - overload of letters, calls, emails or contact on social media. This could include the frequency of contact as well as the volume of correspondence received and length of telephone calls
  - unreasonable or excessive levels of contact on the same issue to multiple colleagues and/or external agencies
  
- ◆ It is equally important we recognise all our customers have a right to be heard, understood, and respected. We will manage all interactions and requests from customers fairly, honestly, consistently, and appropriately, including those from customers whose actions are considered unacceptable.

- ◆ We may need or want to consider working with other individuals who can represent customers, or a multi-agency approach where necessary if customers are receiving support, for example.
- ◆ Where there are counter allegations against a colleague, they will be investigated fully using the appropriate people policy. Unacceptable behaviour by a colleague towards a colleague will also be managed in the same way.

#### 4.2.2 Managing unacceptable behaviour

We operate a policy of zero tolerance towards unacceptable behaviour. We will always try and manage what we consider to be unacceptable behaviour by reaching a voluntary and informal agreement before taking any formal action. There may be occasions where this is not possible and formal action is needed immediately.

We believe it is important to give the person displaying the behaviour time to consider what they have done and make changes. We are open to trying to improve the situation by using mediation or advocacy through third parties as well.

Usually, before taking any formal steps, we will issue a warning which explains what behaviour we consider to be unacceptable and the formal steps we may take if the behaviour continues. Examples of formal steps we may take include:

- ◆ providing a single point of contact
- ◆ limiting contact to a single method; writing, email or telephone only
- ◆ limiting contact to certain times or a limited number of times per week or month
- ◆ declining to give any further consideration to an issue unless additional evidence or information is provided
- ◆ only considering a certain number of issues in a specific period

In cases of extreme behaviour such as physical violence or harassment, it is likely we will involve the police, and possibly take legal action, tenancy enforcement actions and/or end direct contact with the perpetrator. This includes without notice injunctions to alleged perpetrators.

Any restrictions imposed will be agreed with the appropriate risk assessment panel and will be reviewed at a time agreed by the panel. If the behaviour improves during this time, we will consider lifting the restriction. If not, we will explain why the restriction is to stay in place and when the next review date will be. Any restriction imposed can be appealed to an Executive Director.

#### 4.3 Policy scope

This policy applies to all our colleagues including contractors employed on our behalf and extends to all customers and members of the public who our colleagues interact with during their duties.

## 5. Roles, Responsibilities and Duties

### Colleagues

All colleagues have a right and responsibility to report behaviour they feel is unacceptable. This is to:

- ◆ build a picture of potentially threatening individuals' behaviour
- ◆ enable the business to put safeguards in place
- ◆ protect others and
- ◆ create a culture of our colleagues feeling and being safe at work.

### Line managers

Line managers should discuss any reports of issues of such behaviour, offer support and listen to colleagues' concerns and worries, and signpost to additional support where appropriate. Allegations of unacceptable behaviour are fully investigated to ensure the wider context and situation are understood. Line Managers should, jointly with colleagues, consider a range of responses to unacceptable behaviour as detailed in our Unacceptable Behaviour Procedure, including referral to the appropriate procedure to ensure our response is fair and consistent.

### Health and Safety

The Health and Safety team will monitor the incident reports for patterns and provide quarterly reports to Board. They will review actions submitted, advising, and supporting our operational teams, ensuring managers provide adequate support and training as necessary to colleagues.

The Health and Safety team will advise and review any necessary changes contained in related policies or procedures.

### People team

Our learning and development function is responsible for the provision of appropriate training in response to requests from managers or the Health and Safety Committee.

## 6. Impact assessments and key considerations

### Equality Impact Assessment

An assessment has been completed and the outcome of the evaluation is that this policy has no significant negative impact on any group of customers who have a protected characteristic. The likelihood and any impact felt by all customers will continue to be assessed as part of the policy's scheduled reviews. We recognise that certain conditions, which may also be considered a protected characteristic, can make unacceptable behaviour more likely. While this does not make such behaviour any more acceptable, please contact us if you think we may be able to make a reasonable adjustment to accommodate you.

### Customer engagement

Our Customer Panel has had oversight and the opportunity to provide feedback on this policy during the latest review and will do for all future reviews.

## **Fairness**

Unacceptable behaviour can put pressure and unsustainable demands on our resources, and this can impact on how well we are able to respond to other customers. It is essential we have this policy in place to ensure we treat all our customers fairly.

## **7. Monitoring and reporting**

Key monitoring is to be done by the Health and Safety team. Our Health and Safety team review reports of Unacceptable Behaviour to monitor trends, ensure colleagues are supported and to raise requests for specific training. Where required, they will escalate issues to the appropriate Head of Service or Director.

Heads of Service are to ensure line managers are considering colleague safety and customer behaviour issues for their colleagues where there are risks or issues.

## **8. Diversity and inclusion**

Some unacceptable behaviour can be related to abuse focusing on a person's race, colour, gender, or other specific characteristic. Where colleagues or managers feel this is an issue in any incident of unacceptable behaviour, this should be particularly highlighted, as further action may be necessary.

People may behave differently because of vulnerabilities or medical conditions, and we will take this into account when deciding how to respond to unacceptable behaviour.

We will always treat everyone with dignity and respect, and this is expected of our customers, service users and their families, and of those in the communities in which we work.

## **9. Quality assurance**

We use the guidelines provided by the Housing Ombudsman to ensure our policy and the way we manage unacceptable behaviour is fair and reasonable.

## **10. Communication, training and implementation**

Training should be given to colleagues on these issues in line with our procedures. Colleagues should be aware and prepared for how people could react to them.

This policy is available to customers on our website, to ensure awareness of how we will manage instances of unacceptable behaviour

## 11. Legal and regulatory framework

The criminal and civil law of England applies. This includes:

- Health & Safety at Work Act 1974
- Employment Rights Act 1996
- Housing Act 2004
- Equality Act 2010
- ASB, Crime and Policing Act 2014

As members of the Institute of Customer Service, we support the Service with Respect campaign through which legislation exists to ensure legal protection for customer-facing workers. Full details of this can be found here: [Service with Respect: new legislation now in effect ★ Institute of Customer Service.](#)