
Unacceptable Behaviour Policy

Department: Corporate

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Experience

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Version Control

Item	Reason for Change	Officer/Manager	Version	Date
1	First Draft	Jessica Palmer	0.1	23/01/2018
2	GDPR update	Amy Womack	0.2	29/08/2018
3	Policy Update	Cherish Hill	0.3	27/01/2023
4	Policy Update	Hayley Grout Dave O'Toole	0.4	23/05/2023

Related Documents

- Unacceptable Behaviour procedure
- Tenancy and Lease Agreement's
- Equality and diversity strategy
- Complaints policy and procedure
- ASB Policy
- Care & Support Significant Incident Procedure and
- Safeguarding Adults and Children Policy and remove the Vulnerability policy

Legislative and Regulatory Framework

- Equalities Act 2010
- Regulator of Social Housing - Consumer Standards
- Housing Ombudsman Service's guidance on Unacceptable Behaviour
- Data Protection Act 2018
- Human Rights Act 1998

1. Policy Statement

We believe our residents and customers have a right to be heard, understood, and respected. We will not view behaviour as unacceptable just because someone is assertive or determined.

We understand residents and customers may act out of character in times of distress or worry; this doesn't mean their behaviour should automatically be considered unacceptable.

Sometimes the actions of a resident or customer may result in unreasonable demands on, or behaviour towards our staff or someone acting on our behalf. We'll take appropriate action to manage such behaviour and ensure the safety and wellbeing of our staff. We treat all residents and customers with respect and expect our staff members, contractors, and any other person working on our behalf to be afforded the same respect in return. We have a right to do our jobs without fear of being abused or harassed. We won't tolerate any violence or abuse towards staff or those acting on our behalf.

We'll treat all residents and customers fairly, honestly, consistently, and appropriately including those whose actions we consider unacceptable.

We'll fully investigate any counter-allegations residents or customers make against staff.

2. Scope of the Policy

This policy applies to residents of all tenures, their household members and their visitors. It also applies to non-residents, for example an applicant, a service user or anyone affected directly or indirectly by our service.

The policy applies to all staff working for Origin Housing, contractors, consultants or third parties acting on our behalf.

The policy gives clear guidelines on how we define and deal with unacceptable and/or abusive behaviour. We manage incidents of unacceptable behaviour between residents or their visitors through our anti-social behaviour process.

3. What is unacceptable behaviour

We consider unacceptable behaviour to be any behaviour directed towards our staff or those acting on our behalf which is:

- Unreasonably demanding
- Unreasonably persistent
- Abusive, aggressive, or violent
- An overload of letters, calls, emails or contact via social media
- The improper use of staff photos or personal information including taking photos /videos of staff without their permission
- Taking pictures or videos of staff without their permission

We will take action to address any unacceptable behaviour perpetrated towards our staff or those acting on our behalf to prevent it happening again.

Aggressive or abusive behaviour

We understand a resident or customer may feel angry about the circumstances that resulted in them contacting us. However, it's not acceptable when anger escalates into aggression towards our colleagues.

Aggression is not limited to acts that may result in physical harm. It also includes behaviour or language that may cause colleagues to feel afraid, threatened, or abused. Our colleagues understand the difference between anger and aggression.

Examples of aggressive behaviour include but are not limited to:

- Threats
- Shouting
- Physical violence
- Personal abuse
- Derogatory or discriminatory remarks including but not limited to racist, sexist, homophobic, or transphobic comments
- Rudeness
- Inflammatory statements and unsubstantiated allegations against colleagues.

Unreasonable demands or persistence

We consider **unreasonable demands** to be those that impact substantially on our work. This may be because of the amount of information a resident or customer requests or provides, or the nature and scale of the service they expect.

Unreasonable persistent behaviour is where despite our reasonable attempts to resolve a matter, the resident or customer:

- Continues to make repeated contact about the same issue and/or
- Persistently refuses to accept the outcome of a decision or is seeking an outcome which we're unable to give for policy, legal or other valid reasons.

The way in which these customers approach us may be entirely reasonable, but their persistent behaviour in continuing to do so is not.

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

- Demanding to only deal with, or unreasonably refusing to deal with, a particular colleague
- Asking for responses within an unreasonable time period
- Making unfounded complaints or requests for repairs
- Persistently refusing to accept some issues are not within our power to investigate
- Continual phone calls, letters, or emails to colleagues (or any other type of communication)
- Persistently approaching us through different routes, and to different colleagues, about the same issue.

4. What happens if a resident or customer behaves unacceptably?

How we respond to a resident or customer behaving unacceptably will depend on the nature and extent of the incident(s).

In the first instance we will explain to the resident or customer why we find their behaviour unacceptable and allow them the chance to change the behaviour. In some circumstances we may bypass this step and move straight to formal or legal action.

If a resident or customer's behaviour becomes unacceptable or abusive during a telephone call, we'll warn them we may terminate the call. We'll terminate the call if they continue to behave unacceptably.

We recognise a resident or customer's actions may be affected by a vulnerability, including mental health issues, substance misuse, or other factors. Before we take any formal action, we'll carry out an Equality Impact Assessment to:

- Identify any protected characteristics
- Understand how best to manage the resident or customer's particular needs
- Decide if these needs could be met in any other way.

We will make sure the appropriate support is provided to the resident or customer including sign posting to the relevant organisations, such as mental health services, the local authority safeguarding team or our internal Support Hub .

Where we have permission to do so, we'll consider corresponding with a representative of the resident or customer, including a family member, friend, or support worker.

We will take a multi-agency approach where the resident or customer is receiving support from external agencies such as social services.

Where possible, we'll try to come to a voluntary agreement with the resident or customer. If the unacceptable behaviour continues we'll send them a written warning including specific examples of the behaviour and what formal steps we may take if it continues.

Formal action we may take includes, but is not limited to:

- Restricting the way and/or how often a resident or customer contacts us, for a specified period of time
- Colleagues, contractors, and those acting on our behalf visiting in pairs
- Restricting contact to be with a specific colleague for a specified period of time
- Declining to give any further consideration to an issue unless the resident or customer provides any additional evidence or information
- Only considering a certain number of issues in a specific period of time
- Referrals to other agencies.

In the most serious cases we may take legal action including, but not limited to:

- Contacting the police.
- Applying for an injunction
- Taking action to end the tenancy

Some of the behaviours covered by this Policy could constitute a criminal offence. This may include physical assault, harassment, threats and incidents of hate crime. We will support our colleagues who choose to make a formal complaint to the police.

Where we've applied any type of restriction to manage a resident or customer's unacceptable behaviour, we'll inform them in writing.

Any type of restriction will be appropriate to the resident or customer's individual needs identified during the Equality Impact Assessment.

We'll keep detailed records of any incident(s) of behaviour we deem to be unacceptable.

5. Appeals against a decision to restrict contact

A resident or customer has the right to appeal any formal restriction of contact we've put in place or any other action we've taken under this Policy. We may refer them for support from an external agency to put forward the basis of their appeal.

The appeal must set out in writing why the resident or customer feels the decision is not justified in accordance with this Policy. It must be within 20 working days of receiving notification of the restriction. A manager not involved in the original decision will review the appeal and respond within 10 working days

6. How we'll review our decision to restrict contact

We won't set restrictions indefinitely. We'll regularly review any type of restriction put in place to manage a resident or customer's unacceptable behaviour. We'll write to the resident or customer advising how often we'll review the restriction. The review will always be conducted within a 12-month period.

If the resident or customer's behaviour has improved at the point of review, we may consider lifting the restriction. If it has not improved, we'll provide an explanation explaining why the restriction will remain in place for a further period pending the next agreed review date.

We will always inform those involved of any actions we propose to take or have taken in the most appropriate form of communication.

7. Equality and Diversity

We believe that all residents should be enabled to access our services. We consider impacts this Policy may have on people with protected characteristics under the Equality Act 2010 when we make decisions under this policy.

8. Data Protection

We will comply with collection, storage, access to, provision and disclosure of data in accordance with the Data Protection Act 2018.

9. Communication of Policy

This policy can be translated or provided in alternative formats such as Braille, large print, audio, or Easy Read upon request. Guidance on how quickly the alternative format will be provided will be given at the time of request..

This policy will be promoted to residents and customers through:

- Information on our website.

10. Review

The Head of Customer Experience has overall responsibility for monitoring and reviewing this policy to ensure that it remains up to date with current regulatory and legislative requirements. This policy will be reviewed every two years as part of our on-going policy management process. The policy may be reviewed or updated more frequently if there are changes to legislation or regulation, or in response to best practice or operational issues.