

# Unacceptable Customer Behaviour Policy



<b>Reference:</b>	HS_POL_HOU_UAB_4.0	<b>Author:</b>	Housing Services Manager
<b>Scope:</b>	Housing Solutions	<b>Approved by:</b>	Executive Team
<b>Legislation:</b>	The Equality Act 2010 The Human Rights Act 1998 Social Housing (Regulation) Act 2023 Data Protection Act 2018	<b>Date of approval:</b>	June 2024
<b>Regulatory/ Governance:</b>	The Housing Ombudsman Service	<b>Date of next review:</b>	June 2027
<b>Related Policies:</b>	Complaints & Compliments policy Equality & Diversity Policy Customer Risk Identification & risk management process ASB Policy H&S Policy Lone Working Policy Stress Management Policy Domestic Abuse Policy		

## 1. Policy Statement

- 1.1 As a landlord and employer, Housing Solutions is committed to responding with a high standard of customer service to service requests by customers, but not at the cost of abuse of services provided or the mistreatment of staff. This includes service requests by any third party or advocate who has permission to act on the customer's behalf.
- 1.2 There can be occasions where unfortunately, individuals display behaviour or actions that make supporting them, and providing or continuing to provide a service particularly more problematic.
- 1.3 Housing Solutions recognises that such behaviour or actions can arise for a number of reasons Housing Solutions recognise the importance of a trauma informed approach, which focuses on supporting people to feel safe enough in their interactions with us to build trust, and to help residents overcome any barriers to help us communicate.
- 1.4 Trauma results from an event, series of events, or set of circumstances that is experienced by an individual as harmful or life threatening. While unique to the individual, generally the experience of trauma can cause lasting adverse effects,

which can be triggered by certain situations – for example an eviction or allegation of anti-social behaviour. Being aware of this approach can help us to understand why people can behave in a certain way.

1.5 Notwithstanding this, Housing Services will identify where behaviour is unacceptable or unreasonable and that we have appropriate arrangements in place for responding to such situations.

1.6 This policy applies to all forms of tenure with Housing Solutions and aims to:

- Clearly define our approach to managing unacceptable behaviour.
- To enable customer to understand what Housing Solutions considers to be unacceptable behaviour.
- To clearly communicate to customers what behaviour is deemed unacceptable by Housing Solutions.
- To make every effort to ensure that our staff, contractors and agents working on behalf of the Housing Solutions are able to carry out their duties safely without disadvantage, fear of discrimination or distress caused by unacceptable behaviour
- To give a commitment to our staff and make it clear to customers that unacceptable behaviour will be dealt with appropriately .
- To ensure that the management of such behaviour is undertaken in a fair, honest, transparent and proportionate way.
- To make it clear to the customer from the offset of unacceptable behaviour instances, what the consequences of continuing such behaviour may be, and physical violence, verbal abuse or harassment towards staff may result in legal action against the tenancy and Police intervention.
- Details of the types of restriction that Housing Solutions can put in place should the behaviour continue or worsen.
- To manage unacceptable customer behaviour through appropriate warnings, alerts, assessment and where necessary the use of restricting contact (and tenancy action)
- To ensure that regular reviews of any restrictions imposed are carried out and residents affected are kept informed as to how their tenancy is being managed.
- Support our corporate strategy of residents being safe and satisfied with our services including sustainable homes.
- Comply with all relevant legislation.
- To understand if any vulnerabilities are present with the person (s) alleged of the unacceptable behaviour and facilitate support. I.e. specialist roles being aware such as social services, support worker, and mental health professional. We would seek permission from the person (s) if any 3rd party was involved.
- We may consider the use of mediation services or 3rd party specialist intervention if the customer is considered vulnerable (with the appropriate permission).
- If needed, to restrict contact for a limited period of time, resolve issues in

a timely manner and resume normal methods of communication.

## 2. Roles and Responsibilities

2.1 The roles and responsibilities relevant to this policy are:

Board	Supports the organisation in the fair and consistent application of this policy.
Executive Team	Responsible for approving this policy and any amendments from time to time.
Assistant Directors & Heads of service	Responsible for recommending the strategic direction of the policy that feeds into the operational delivery for residents.  To consider any appeals against the decision to place a customer on a communications protocol.
Line Managers	Responsible for overseeing the operational delivery and taking appropriate action when receiving reports from officers of potentially unacceptable behaviour. Reviewing restrictions that are applied at set intervals and case management audits. Keeping the operational case escalation database up to date and reviewed
Community Safety team	Responsible for Anti-Social Behaviour and community safety case management and enforcement action.
All Staff	All staff are responsible for applying this policy where required, and reporting incidents of unacceptable behaviour.  Our approach to residents who engage in unacceptable behaviour will be on a case by case basis. This can result in legal action against the tenancy and Police intervention. Our responsibility is to keep our employees safe and protected from harm and distress at all times

## 5. Definitions

- 5.1 Housing Solutions recognises that customers may act out of character in times of concern or stress. We may not view behaviour as unacceptable if an individual is forceful or determined in their approach to us. However, the actions of customers who are angry, threatening 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 aim to manage under this Policy.
- 5.2 Aggressive or abusive behaviour: Housing Solutions will not tolerate any form of violence or abuse towards staff and expect all customers to be respectful
- 5.3 Aggressive behaviour includes behaviour which is deemed unsafe and may result in physical harm. It also includes behaviour or language (written oral, signed) that

threatens aggressive acts.

- 5.4 Unacceptable behaviour can take place in any form of communication with Housing Solutions including by phone, in person, in the office, in a visit in a residents home, or other forms of written communication such as text, email and social media post.
- 5.5 Abusive behaviour includes but is not restricted to:
- 5.6 Physical – This includes physical violence and harassment as well as threatening physical gestures.
- 5.7 Verbal – This includes rudeness, derogatory remarks about staff or the organisation, inflammatory statements and unsubstantiated allegations. This also includes personal attacks on a staff member’s protected characteristics as defined by the Equalities Act, their ability or character and subjective conjecture about conduct.
- 5.8 Intimidation / Threatening Behaviour – This is behaviour that causes staff to feel afraid and threatened. This includes persistent invasion of personal space and threatening language (written or oral). This also includes inappropriate behaviour where customers appear to be crossing professional boundaries.
- 5.9 Unreasonable demands: eg requesting large volumes of information, asking for responses within a short space of time, refusing to speak to an individual or insisting on speaking with another
- 5.10 Unreasonable persistence: refusing to accept the answer that has been provided, continuing to raise the same subject matter without providing any new evidence, continuously adding to or changing the subject matter of the communication or complaint. An unspecific or disproportionate data subject access request may fall into this category.
- 5.11 We consider these demands as unacceptable and unreasonable should they start to impact substantially on the work of staff, including taking up an excessive amount of time to the disadvantage of other service users.
- 5.12 Vexatious behaviour: We consider vexatious behaviour to be when customers complain for reasons other than in seeking to resolve a genuine issue. This could be to cause aggravation or unnecessary inconvenience Their complaint may be based on fictitious events or extreme exaggerations of very minor service issues as an example.
- 5.13 We consider the use of social networking sites and/or abuse including any of the above types of behaviour towards our staff to be unacceptable behaviour. Housing Solutions will consider any messages posted via social media or other internet based media, including email, in the same light as any written or spoken communication.

## 6. Our Approach

- 6.1 Our response to incidents will be appropriate to the specific behaviour involved on a case by case basis, having regard to the nature, extent and impact of the behaviour
- 6.2 In all cases the following general principles will be used to provide guidance regarding the appropriate way of handling the situation.

- 6.3 We will ensure support is offered to employees dealing with incidents of unacceptable behaviour through line management support and signposting if needed
- 6.4 Our approach to residents who engage in unacceptable behaviour will be on a case by case basis. Ultimately this can result in legal action against the tenancy and Police intervention. Our responsibility is to keep our employees safe and protected from harm and distress at all times.

#### Aggressive or Abusive Behaviour

- 6.5 The threat or use of physical violence, verbal abuse or harassment towards staff is likely to result in the ending of all direct contact with the customer. Such incidents will normally be reported to the Police. This will always be the case if physical violence is used or threatened.
- 6.6 We will make appropriate considerations where a resident is identified as being particularly vulnerable or has personal support requirements, and will seek to accommodate these. This may involve directing future contact via a third party. Where we are the support provider, appropriate action will be taken in accordance with the terms of the individual's support service agreement and tenancy or occupancy arrangements.
- 6.7 We will not deal with correspondence (letter, or electronic) that is abusive to staff or contains allegations that lack substantive evidence. When this happens we will advise the resident that we consider their language offensive, unnecessary and unhelpful.
- 6.8 We will request that they stop using such language and state that we will not respond to their correspondence if they do not stop. We may require future contact to be through a third party.
- 6.9 Staff 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.
- 6.10 In all cases where aggressive or abusive behaviour is experienced we will record relevant details on our contact management system. This will include an appropriate level of factual information about spoken words and physical actions. As far as possible the outcome of the contact should also be recorded. For customers with a starter/assured or fixed term tenancy, the extent to which the conditions of the tenancy have been breached will be considered and appropriate enforcement action taken that could involve serving a Notice Seeking Possession/Notice Requiring Possession and/or injunctive action. This can result in the loss of their home and intervention from the Police.

If acts of unacceptable behaviour take place in the office or in the areas surrounding the building, the above principles will be followed and residents may be asked to leave the building, and could look at restrictions of access. As stated in point 6.5 we will call the Police if behaviour is threatening or abusive.

- 6.11 As stated in 6.4 if acts of unacceptable behaviour take place involving Housing Solutions staff (including contractors or 3<sup>rd</sup> parties) we can pursue legal action against the tenancy which can result in eviction, injunctions and criminal charges,

## Unreasonable Persistence or Demands and vexatious behaviour

- 6.12 Where the behaviour or actions adversely affect Housing Solutions' ability to maintain normal business and provide a service to others, we will consider restricting contact in order to manage the situation. We will aim to do this in a way, wherever possible, that allows a customer to retain fair, reasonable and equal access to our services when required. We will be sympathetic in instances where an individual is identified as being particularly vulnerable or has personal support requirements. This may involve directing future contact via a third party, which could include support worker, mental health professional or mediation service .
- 6.13 We may restrict contact to particular methods, including in person, by telephone, fax, letter or electronically or to any combination of these. In addition, we may:
- 6.13.1 only take telephone calls at set times on set days or put an arrangement in place for only one member of staff to deal with calls or correspondence in the future.
  - 6.13.2 require the individual to make an appointment to see a named member of staff before visiting the office or that contact with the office is in writing only.
  - 6.13.3 return any documents we consider irrelevant or excessive to the individual or, in extreme cases, advise that further irrelevant documents will be destroyed.
  - 6.13.4 take other action that we consider appropriate.
- 6.14 Where a customer continues to correspond on a wide range of issues, and this action is considered excessive, then the individual may be told that only a certain number of issues will be considered in a given period and asked to limit or focus their requests accordingly.
- 6.15 In extreme circumstances, Housing Solutions may advise the customer that only health and safety issues will be dealt with for a specific period of time to manage the unreasonable persistence or demands. The aim of this policy is to impose restrictions for a limited period of time, to resolve issues in a timely manner and resume normal contact.
- 6.16 In all cases, we will try to maintain at least one form of contact. Housing Solutions may advise the customer or complainant in writing that they will not be permitted any personal contact with members of staff. This means that they must restrict contact with our office to either written communication or through a third party.
- 6.17 We will ensure that communication preferences are met which could be the translation of information, accessible formats (audio/braille) and providing additional support if necessary so that information is understood.

## Warning of Behaviour

- 6.18 Housing Solutions will provide warnings to the customer when unacceptable behaviour occurs but reserves the right to take immediate action.

6.19 Officers may inform a customer in person or in writing if their behaviour is considered unacceptable in line with this policy.

6.20 Where officers have informed a customer that their behaviour is unacceptable, in writing, by phone or in person this will be considered an initial warning.

#### Unacceptable behaviour assessment

6.21 Following receipt of a warning, if a customer continues to display unacceptable behaviour the manager will:

- Consider the number of instances of unacceptable behaviour
- Review the levels of communication received (length and frequency)
- Assess the language of communication 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 in to account the customer's needs and circumstances

#### Communication protocol

6.22 If the behaviour being defined as unacceptable, a Head of Service / Assistant Director will authorise the initiation of a Communication Protocol. This will be used as a means to most appropriately liaise with the customer in question. The protocol will vary from case to case but will include:

- The type of communication method that will be used
- The frequency that communication and updated 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 customer 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 continues

6.23 When a communication protocol is drafted officers will:

- Take in to account the customer 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 customer in question in an open and transparent way
- Ensure this is flagged on their housing CRM record and a 'flag added where

appropriate.

## 7. Communications protocol review

- 7.1 Any communication protocol will be reviewed by the complaints manager and housing services manager on a monthly basis for audit purposes. Then after six months and the customer will be notified in writing of the decision whether to continue or end the protocol taking into account the customer's conduct during this period.
- 7.2 Case reviews by housing managers/team leaders will be held on a monthly basis to audit the status of the case and actions are being progressed,

## 8. Communications protocol appeal

- 8.1 If a customer wishes to appeal the decision to place them under a communication protocol, they may request one further assessment by a Director, Assistant Director, or Head of Service. This process will be concluded within ten working days. The decision will be final.
- 8.2 This appeal process does not interfere with the individual's right to make a complaint to the Housing Ombudsman.

## 9. Legislation

- 9.1 Housing Solutions will ensure that we comply with the legislation and guidance set out on page 1 of this policy. We will also remain up to date with any changes in legislation, guidance, and best practice.

## 10. Consumer Standards

- 10.1 By publishing and adhering to this policy, Housing Solutions is upholding the requirements set out in the Consumer Standards published by the Regulator of Social Housing.
  - o **Safety and Quality Standard** – which requires landlords to provide safe and good quality homes and landlord services to tenants
  - o **Transparency, Influence and Accountability Standard** – which requires landlords to be open with tenants and treat them with fairness and respect
  - o **Neighbourhood and Community Standard** – which requires landlords to engage with other relevant parties so that tenants can live in safe and well-maintained neighbourhoods and feel safe in their homes.
  - o **Tenancy Standard** – which sets requirements for the fair allocation and letting of homes and for how those tenancies are managed and ended by landlords.



## **11. Equality and Diversity**

11.1 Housing Solutions recognises the needs of a diverse population and always acts within the scope of its own Equality, Diversity & Inclusion Strategy and Policy, the Human Rights Act 1998, and the Equality Act 2010 to ensure that all tenants and prospective tenants are treated fairly and equally in making decisions under this policy. Housing Solutions works closely with its partners to ensure it clearly understands its resident community with clear regularly updated service user profiles. Housing Solutions will record, analyse, and monitor information on ethnicity, vulnerability, and disability to support the fair application of this policy.

## **12. Confidentiality**

12.1 Under the Data Protection Act 2018 and UK General Data Protection Regulation (UKGDPR), all personal and sensitive 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. The fair processing of information requires any restrictions to be applied in accordance with this Policy. This includes ongoing review of restrictions at regular/set intervals to ensure ongoing fair processing. We will update customers when restrictions are changed/removed, explaining any changes that have been made and the rationale.
- 

12.2 Housing Solutions' employees will only involve other agencies and share information allowed either by statute or by an agreed Information Sharing Protocol relevant to this Policy.

## **13. Review**

13.1 This policy will usually be reviewed on a three-yearly basis or more frequently in response to changes in legislation, regulatory guidance, good practice (including Housing Ombudsman recommendations) or changes in other relevant Housing Solutions' policy.

13.2 We will monitor our performance in relation to the delivery of the services and activities set out in this policy on an ongoing basis through our established reporting mechanisms to our Executive Team, Board, and associated committees.