

Unacceptable Behaviour Policy



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| Title: | Unacceptable Behaviour Policy |
| Person Responsible: | Director of Business Improvement |
| EIA required | |
| EIA Completed (date): | |
| Approved by: | LVRHA Board |
| Approval Date: | |
| Links to other Policies: | Home Standard, Local Lettings Plan, Complaints Policy. |
| Review Date: | Three years, unless required sooner |

| Document management | | |
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| Version | Date amended | Amendments |
| 1 | 20/05/2024 | New policy |
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1. Purpose and Scope

- 1.1 Lune Valley Rural Housing (LVRHA) is a registered provider (housing association) and was formed in 1989. We own and manage approx. 106 homes across a wide geography in the Lune Valley area. LVRHA is committed to providing excellent services, creating safe and sustainable communities and promoting pride in its neighbourhoods.
- 1.2 LVRHA believe that our customers have a right to be heard, listened to, understood and treated with respect. We work hard to be open and accessible to everyone. Occasionally, the behaviour or actions of individuals using our services make it very difficult for us to provide a service or deal with their request for service or complaint. In a small number of cases, the actions of individuals become unacceptable because they involve abuse of our colleagues, our process or other customers.

1.3 When this happens, we have to take action to protect the health, safety and wellbeing of the managing agent colleagues who have a right to do their jobs without fear of being abused or harassed. We also consider the impact of the behaviour on our ability to do our work and provide a service to other customers and stakeholders.

1.4 This policy explains how we will approach these situations. The policy applies to all areas of our work and to all methods of contact including telephone, face-to-face, letters, e-mails, social media and other digital channels.

2.0 Regulatory and Legislative Requirements

2.1 This policy complies with the Regulator of Social Housing's Standards, particularly the Tenant Involvement and Empowerment Standard and the best practice suggested by the Housing Ombudsman Service.

2.2 Other relevant legislation and reference points include, but are not limited to:

- RSH Consumer Standards
- Housing Ombudsman Service – Complaint Handling Code and Managing unacceptable behaviour policy – Guidance for landlords
- Health and Safety at Work Act 1974 and the Management of Health and Safety at Work Regulations 1999
- Equality Act 2010
- Data Protection Act 2018

3.0 Definitions

3.1 Customers – includes tenants and wider residents where applicable and their representatives or advocates.

3.2 Unacceptable behaviour – aggressive and abusive behaviour, harassment or actions that result in unacceptable or excessive demands on our service or refusal to co-operate with reasonable requests in that it prevents colleagues from carrying out their duties effectively.

4.0 Our Approach

4.1 Actions LVRHA considers as unacceptable

LVRHA recognises that people may act out of character in times of trouble or distress and there may have been upsetting or distressing circumstances leading up to a customer contacting the managing agent. However, the managing agent will not tolerate unacceptable behaviour or actions that result in unreasonable or excessive demands on our service in that it prevents staff from carrying out their duties effectively.

It is these behaviours and actions described below that we aim to manage under this Policy.

4.2 Aggressive or abusive behaviour

We understand that some customers may on occasion be upset and angry about issues they raise or when the managing agent has not provided the service LVRHA and our customers should expect, for example when raising a complaint. If that anger escalates into aggression towards the managing agent colleagues, we consider that unacceptable. Any violence, intimidation, or abuse towards the managing agent colleagues will not be tolerated.

Violence is not restricted to acts of aggression that may result in physical harm. It also includes behaviour or language (whether verbal or written) that may cause the managing agents colleagues to feel offended, afraid, threatened or abused.

We will judge each situation individually and appreciate that individuals who come to us may be upset. While we accept that those who contact us may, on occasion, feel angry, it is not acceptable to shout or swear at the managing agents colleagues.

Unacceptable language is that which:

- is offensive, derogatory or patronising,
- is discriminatory in any way, including racist, sexist, homophobic or transphobic comments; or
- makes serious allegations that individuals have committed criminal, corrupt or perverse conduct without any evidence.

We may decide that comments aimed not at us but at third parties are unacceptable because of the effect that listening or reading them may have on our colleagues. Examples include rudeness, offensive comments, derogatory remarks, making inflammatory statements, or raising unsubstantiated allegations made towards these third parties.

Threats against the managing agents colleagues will be taken very seriously and if colleagues feel scared or threatened at any point during a conversation with a customer, the interaction may be ended at any time.

4.3 Unreasonable Demands

A demand becomes unacceptable when it starts to (or when complying with the demand would) impact substantially on the work of the managing agent.

Examples of this behaviour include:

- repeatedly demanding response within an unreasonable timescale,
- insisting on seeing or speaking to a particular colleagues of the managing agent, when that is not possible,
- repeatedly changing the substance of a service request or complaint or raising unrelated concerns.

An example of such impact would be that the demand takes up an excessive amount of colleague time and in doing so disadvantages other customers and prevents the prompt delivery of service to other customers.

4.4 Unreasonable levels of contact

A demand becomes unacceptable when it starts to (or when complying with the demand would) impact substantially on the work of this Service.

Examples of this behaviour include:

- repeatedly demanding response within an unreasonable timescale,
- insisting on seeing or speaking to a particular member of staff, when that is not possible,
- repeatedly changing the substance of a complaint or raising unrelated concerns.

An example of such impact would be that the demand takes up an excessive amount of staff time and in doing so disadvantages other customers and prevents their own service request or complaint from being dealt with quickly.

4.5 Harassment

The managing agent colleagues have the right to carry out their duties free from harassment or threats of harassment. We ask all customers to respect that colleagues are delivering services and communicating decisions on behalf of LVRHA and therefore this may not reflect their own views or preferences.

Examples of behaviours we consider to be harassment against the managing agents colleagues include:

- recording telephone discussions and publishing the information online such as through YouTube, Vimeo or Twitter;
- contacting colleagues using their personal details or social media presence such as Facebook, Twitter or LinkedIn;
- publishing personal, sensitive or private information about colleagues online or other public domains such as noticeboards or newsletters.

4.6 Unacceptable or excessive demands

A demand becomes unacceptable when it starts to (or when complying with the demand would) impact substantially on the work of the managing agent.

Examples of this behaviour include:

- repeatedly demanding a response within a timescale outside of service level agreements,
- insisting on, or refusing to, speak to a particular colleague of the managing agent, when that is not possible,

- repeatedly changing the substance of a service request or complaint or raising unrelated concerns,
- Making repeated and unnecessary contact during the course of us dealing with a complaint or carrying out an investigation,
- Refusing to accept a decision where explanations for the decision have been provided.

An example of such impact would be that the demand takes up an excessive amount of the managing agents colleague time and in doing so disadvantages other customers and prevents their own service request or complaint from being dealt with quickly.

4.7 Unacceptable and persistent levels of contact

Sometimes the volume and duration of contact made to the managing agent by an individual causes problems. This can occur over a short period or over the lifespan of an application, service request, complaint and or tenancy.

We consider that the level of contact has become unacceptable when the amount of time spent talking to a customer on the telephone, or responding to, reviewing and filing emails or written correspondence impacts on our ability to deal with that customer, or with other customers' service provision.

Unacceptable or persistent levels of contact include:

- Continuous contact while we are in the process of considering a matter,
- Repeated telephone calls over a short period, for example, a high number of calls in a short period of time.
- Lengthy telephone calls repeating the same points of discussion,
- High volumes of information provided by email or post referencing the same issues,
- Unnecessarily or excessively copying us into emails to other parties.

4.8 Refusal to co-operate

When we are looking at a service request or complaint, we may need to ask the individual customer to work with us. This can include agreeing with us:

- To attend mutually convenient appointments and to provide access to the property, for example in order for the managing agent to inspect the property, carry out a survey, repair or building safety checks and servicing,
- To meet with us to discuss their service request, rehousing application, tenancy matters or complaints,
- To provide us with further information, evidence or comments on request, or
- Help us by summarising their concerns.

Sometimes, an individual repeatedly refuses to co-operate and this makes it difficult for us to proceed. We will always seek to assist someone if they have a specific, genuine difficulty complying with a request.

However, we consider it is unacceptable for a customer to request a service or report an issue or bring a complaint to us and then not respond to clear and appropriate requests by colleagues trying to help with the reported concern.

5.0 Reasonable Adjustments

We understand that some customers may find it difficult for them to express themselves or communicate clearly, especially when they are anxious or upset. In order to do this, we ask that customers explain what adjustments they are looking for and how this will ensure they can access LVRHA services.

We will always consider making reasonable adjustments for a customer if we are asked to do so. Examples of adjustments we can consider are:

- we could consider using different methods of communication;
- providing written communication in large print, coloured text, or in translation;
- giving clear warnings if conversations become unproductive and allowing customers the opportunity to modify their behaviour before ending a call.

However, we do not expect the managing agents colleagues to accept being subjected to aggressive, offensive, threatening or abusive actions, language or behaviour.

We may still use the policy if there are actions or behaviours which are having a negative effect on the managing agents colleagues or our work even where a reasonable adjustment has been made.

6.0 Actions we may take

When we experience behaviour or demands which are unacceptable, we may consider taking more formal action. The actions will be proportionate and have due regard to the Equality Act 2010. The actions we will consider include the following:

- Warning the customer about their behaviour and requesting that the customer modifies their behaviour in any future contact with us,
- Mediation
- Appointing a specific point of contact for the customer,
- Communicating only in writing or via a representative, such as a family member, friend or support worker,
- Deciding not to provide a service or investigate a complaint on the basis that it has been pursued in a way that is unacceptable,
- Limit all communication with a customer,
- Restricting or limiting contact with the managing agent, for example only meeting the customer in the office, only visiting or carrying out repairs in pairs
- Providing only emergency and health and safety related repairs and building safety checks,
- Undertaking a risk assessment and consideration of placing an electronic safety alert on the customer management system and adding customers to a Potentially Violent Persons Register

- If the behaviour impacts other customers we will consider opening an anti-social behaviour case,
- In exceptional circumstances, notify relevant public authorities, such as the Police or Local Authority and consider taking legal action.

Where it is decided that formal action must be taken to manage someone's behaviour (for example, declining to investigate a complaint), we will inform them of the decision in writing. A note will be placed on our records to this effect. We will not impose restrictions indefinitely and will agree to a review period. If the individual's behaviour has improved at the point of review, consideration can be given to lifting the restriction. If it has not improved, an explanation should be provided as to why the restriction will remain in force for a further period pending the next agreed review date.

Customers have the right to appeal the decision and they will be informed how to do this in a formal letter.

7.0 Safety Alerts

There may be exceptional circumstances when we reserve the right not to notify a customer of the decision we have made and, based on our duty of care for the managing agent's colleagues, may add a safety alert to our records, for example advising colleagues not to visit the property at all, to only visit in pairs or with another agency or to only interview in person in the office. This will be captured within a Potentially Violent Persons Register and Privacy Notice as appropriate. Each individual will be assessed on the register on a case-by-case basis with periodic reviews to ensure accuracy. The lawful basis will continue to be valid until the data subject no longer poses a risk. The data subject does not need to be aware that they are on the register.

8.0 Equality, Diversity and Inclusion

LVRHA is aware of its responsibilities under the Equality Act 2010 and is committed to equality, diversity and inclusion. LVRHA will endeavour to provide a service that seeks to meet the needs of a particular individual or household and ensure no one is disadvantaged in accessing our services. LVRHA recognises that some of its customers may have permanent or transitory vulnerabilities and where customers require additional support, the association will endeavour to make reasonable adjustments. LVRHA will also take vulnerability into account when carrying out case risk assessments.

9.0 Training

Training will be provided for the managing agent's colleagues on the policy as well as good customer service, handling difficult conversations, health and safety and risk assessments.

10.0 Monitoring & Review

A Manager will review and approve any decision to put contact restrictions or safety alerts in place.

A group will meet regularly to review any contact restrictions and safety alerts in place and decide whether to keep them in place for a further period or not and, in most instances, communicate the outcome with customers where appropriate.

This policy will be reviewed every three years, or where there have been significant changes to regulation, legislation, operations or best practice to warrant a further policy review.

If you have any questions about this policy, please contact the managing agent via email, customerservices@southlakeshousing.co.uk