

<b>Title</b>	<b>Unacceptable Behaviour Policy</b>
<b>Purpose</b>	To protect and support staff to deal with the conduct of tenants who make it difficult for us to deal with them effectively.
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<b>Author</b>	Cheryl Whittle

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## **1. Introduction**

Barnsbury Housing Association (BHA) expects all staff and contractors to be polite, respectful, and helpful when dealing with our tenants. Equally, they are entitled to expect the same in return.

Most tenant contact passes without issue or incident. However, on rare occasions, a tenant will behave in a way that is unreasonable and/or unacceptable and this is the focus of this policy. This also includes placing unreasonable demands on the service.

This policy sets out our approach to managing tenants who present unacceptable behaviours. This policy is to provide staff with necessary support and guidance for managing these behaviours.

## **2. Scope**

BHA does not view behaviour as unacceptable simply because someone is assertive or determined in pursuing a complaint or raising a service request. We expect employees to be sympathetic, understanding and be able to handle a tenant who has experienced an upsetting incident or have a vulnerability which may cause them to act out of character without malice.

Behaviour may become unacceptable if it is so demanding or persistent that it places unreasonable demands on the service and impacts the level of service that we can offer to others. It is also unacceptable for staff or contractors to tolerate any form of verbal or physical aggression or abuse.

## **3. Roles and Responsibilities**

The Housing and Communities Director is the lead on this policy. Any decisions regarding proposed sanctions are discussed with the Chief Executive and relevant members of the staff team.

## **4. Legal framework**

Equality Act 2010  
General Data Protection Regulations [GDPR]  
Safeguarding

## **5. Aims and objectives**

- All tenants will be dealt with fairly, honestly, consistently, and appropriately including those whose actions are considered unacceptable.
- Where the actions of tenants meet our definition of unacceptable behaviour, we will seek to take appropriate action to protect BHA staff and services from such behaviour.

## **6. What tenants and other stakeholders can expect from BHA and its staff**

BHA is committed to delivering a good service and believe the essentials to delivering this are:

- politeness & respect
- ensuring that they are heard, understood and respected
- keeping tenants updated, with regular updates when things change
- responding to legitimate queries or concerns about the way in which a complaint or any other procedure has been progressed

Staff should feel safe and secure in their work environment, and this includes when they visit a resident in their home or are carrying out a site inspection.

## **7. What BHA and its staff can expect from tenants**

In turn BHA asks tenants to:

- treat our staff and contractors with courtesy and respect - not to use abusive language, threatening or violent behaviour or behave in a way that might be considered offensive. The tenancy agreement makes it clear the standard of behaviour that we expect from residents and their visitors. If a resident is dissatisfied with a service, they are expected to use the appropriate routes for making us aware of this, such as raising a complaint. It is never acceptable for a resident to direct their frustration at staff when something goes wrong.
- let BHA or our contractors know as soon as possible beforehand if they cannot keep the appointment with BHA or our contractors
- allow BHA's staff and contractors access to their home so that they can carry out their work

## **8. Equality and Diversity, and Reasonable Adjustments**

This policy reflects the requirements of the Equality Act 2010 and shows due regard for an individual's medical condition and vulnerability such as mental health issues and learning disabilities and recognises the nine protected characteristics of the Equality Act. Any restrictions imposed on a tenant's contact will recognise this and be appropriate there are individual circumstances.

It is important to consider if there are other individuals that may be able to represent the tenant for example a family member, friend, or support worker.

## **9. Defining unreasonable and unacceptable behaviour**

BHA understand that tenants can get frustrated at times and therefore may act out of character. A tenant may feel justifiably angry about an issue. However, it is not acceptable when anger escalates into aggression towards staff.

Sometimes a tenant may behave in an acceptable manner, but their persistence and unrealistic demands may mean that their behaviour becomes unreasonable. Because of the frequency or nature of their contacts with BHA, this may hinder our consideration of theirs or other people's concerns and/or intentionally seeks to damage our reputation or credibility maliciously or without justification. This can adversely affect the well-being of BHA's staff as well as their ability to do their job.

### **A) Abusive and aggressive behaviour**

This is any behaviour that causes BHA's staff or contractors to feel unsafe, fearful, or abused. Examples include (but are not restricted to):

- threats and intimidation
- verbal abuse, or foul offensive language through any channel of communication
- derogatory remarks
- threats of violence and/or actual violence
- excessive shouting and rudeness
- unsubstantiated allegations

## **B) Unreasonable demands**

A tenant's demands become unreasonable when they take up a disproportionate amount of staff time and begin to impact the service available to other tenants.

Examples include (but are not restricted to):

- continually demanding the attention of senior managers or individuals and refusing to deal with appropriate staff who have the authority to address issues they have raised and in line with procedure
- insistence that the policies and procedures should not relate to them and that an exception should be made
- asking for excessive amounts of information and information that could potentially breach data protection
- sending an excessive number of emails, an overload of letters, calls or contact via social media (including the frequency of contact as well as the length of telephone calls).
- not giving staff time to respond fully to calls, emails and messages, as per our service standards
- making repeated telephone calls and not allowing staff time to respond
- expecting immediate responses to complaints and not accepting the prescribed timescales
- continually referring to old issues that have been dealt with and closed
- repeatedly adding new issues to complaints that are ongoing
- repeatedly requesting services that are contrary to BHA policy or would place a disproportionate burden upon the organisation
- making unsubstantiated complaints or allegations
- trolling or acting inappropriately online in such a way that their actions may damage our reputation, credibility, or trust within the community
- recording meetings and conversations or taking photographs without the prior knowledge and consent of the other person involved
- adopting an excessively 'scattergun' approach, for instance, pursuing a complaint or complaints not only with BHA, but at the same time with a local councillor, the public through social media, the media, the police, solicitors, or contacting several members of staff about the same issue

If a new issue is raised during a complaint, BHA may choose to include a response to this in the first complaint response if it is practical to do so. BHA may also wish to treat this new issue as a new complaint if it is unrelated to and/or will slow down the first complaint response. The decision will be communicated to the tenant/customer within that first complaint response or, if treated as a new complaint, by the acknowledgement of the new complaint. Please refer to the Complaints Procedure

## **C) Excessive persistence**

A tenant may approach BHA in a reasonable manner, but the excessive persistence of their approaches makes their behaviour unacceptable. Tenants may continue to pursue a concern, issue, or complaint because they refused to accept that BHA is unable to assist them further or are unhappy with our final decision [or provide a level of service other than the service already provided].

Examples include (but are not restricted to):

- refusing to accept that BHA is unable or not prepared to do any more than has been done already and, continuing to make the same request to several different staff or via external organisations (such as the Council)

- refusing to accept a decision, and repeatedly arguing the point, complaining about the outcome, and/or denying that an adequate response has been given and repeatedly contacting BHA to challenge the decision
- continuing to pursue a complaint after it has been through and been resolved in the complaints procedure
- continuing to make repeated complaints about the same or related issues without presenting any new information
- refusing to specify the grounds of a complaint or concern, despite offers of assistance to do so or to engage in process is designed to assist them in resolving the issue
- refusing to accept that issues are not within the power of BHA to investigate, change or influence

## **10. Outcomes and sanctions**

The decision to impose a sanction on a tenant whose behaviour has been deemed as unreasonable and/or unacceptable, will be the responsibility of the Housing & Communities Director in consultation with the Chief Executive and with BHA Staff.

In the first instance, BHA staff will raise concerns with the tenant and when necessary, challenge any behaviour or actions deemed to be unacceptable in a constructive manner. Staff will also use their best endeavours to deescalate the situation such action may include, but not limited to:

- informing the tenant that their behaviour is unacceptable, and asking them to cease acting in such a way
- giving advance notice that the communication will be terminated if the behaviour continues immediately removing themselves from the situation, where the contact is considered aggressive, abusive, or offensive.

Mediation or advocacy through third parties can be considered to try and improve the situation. If an informal approach fails, BHA will issue a warning to the tenant before taking any formal steps.

Any outcome or sanction applied to a tenant will be dependent on the level of severity of the unacceptable behaviour and may include:

- an initial written communication to the tenant to advise that the behaviour has been considered unacceptable, in accordance with this policy, and warning that should there be any repeat, sanctions will be applied to the level, and/or methods, of contact with BHA. A copy will be placed on file
- a written communication to advise the tenant that a sanction has been applied and the reasons why. The communication will also detail what the sanction is and for how long it will apply. A copy will be placed on file
- restricting contact by telephone, letter, personal visit or email in any combination (always maintaining one form of contact)
- if appropriate, informing the tenant that no more can be said or done regarding a particular issue and that the matter is considered closed. Any further communication on the same subject will be read, acknowledged, and placed on file but no further response of substance will be made.
- declining to give any further consideration to an issue unless any additional evidence or information is provided

- if appropriate, appointing one point of contact for any or all communication. Contact may be restricted either to a particular day or time in the week or to a maximum number of contacts over a given period.
- requiring the tenant to make an appointment with the named member of staff before visiting the office otherwise they will not be seen.
- restricting all access with the tenant and communicating with a third party such as a joint tenant or an advocate
- seeking advice from our solicitors and considering legal action.
- threats or the use of physical violence, harassment or verbal abuse towards staff is likely to result in the end of all direct contact.
- where physical violence is threatened or used, all incidents will be reported to the police. We may take legal action and end direct contact with the tenant.

Sanctions will be reviewed every 12 months. If the tenant's behaviour has improved at the point of review, consideration can be given to lifting the restriction. If it has not improved, an explanation will be provided as to why the restriction will remain in force for a further period pending the next agreed review date.

The Housing and Communities Director will convene a case management meeting on the anniversary of the original sanction. This will take place with the relevant staff members. At his meeting they will look at any further breaches since the original sanction, the severity, and any other relevant information.

The decisions made at this meeting will be given to the relevant tenant in writing within 10 working days of the anniversary the original sanction.

## **1. Unacceptable behaviour register**

We will inform our tenants who were placed on the unacceptable behaviour register that we have made the decision to place them on the register, the reasons why, and when we will review this.

We will advise tenants placed on the register that if appropriate, we will share the information with our contractors when attending the property.

Every 12 months this register will be reviewed by the Housing and Communities Director and a case management meeting will take place with the relevant staff members. At his meeting they will look at any breaches since the original sanction, the severity and any other relevant information.

## **11. Right to Appeal**

Where formal action has been taken for unreasonable behaviour, tenants will have the right to appeal that decision. An appeal must be made within 10 working days of the original decision and will be heard by a senior member of staff. We will aim to provide a response to the appeal within 10 working days, however, if we are unable to do so we will keep the tenant updated on the timescales.

## **12. Confidentiality**

It is important tenants know how information about themselves, particularly about medical information, will be treated and how it will comply with collection, storage, access to, provision, privacy, right to be forgotten and disclosure of data in accordance with GDPR regulations.

