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**Unacceptable Behaviour Policy**

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# **Summary and Policy Aim**

Housing 21 aims to build good positive relationships with our residents and their representatives by encouraging constructive feedback and being committed to handling expressions of dissatisfaction fairly and consistently.

We recognise that some individuals may have difficulty expressing themselves or communicating clearly, especially when anxious or upset and will take steps to make reasonable adjustments in those circumstances. Likewise, our employees and Housing 21 contractors have the right to carry out their duties without being subjected to offensive, abusive, or intimidating behaviour, regardless of the circumstances and will not tolerate unacceptable behaviour.

The aim of this policy is to minimise the impact of unacceptable behaviour whilst continuing to enable residents to access our services. It defines what is unreasonable and unacceptable behaviour and outlines how we will manage this consistently to maintain a safe, respectful, and inclusive environment. The policy applies to all individuals, including residents, advocates, family members, visitors, employees, and contractors.

# **Definition: What is unreasonable or unacceptable behaviour?**

Behaviour is considered to be unacceptable when it places unreasonable and unfair demands on Housing 21 that may result in:

* An impact to the standard and quality of service being offered to other residents as a result, and/or,
* Employees being, abused, threatened, or intimidated.
* Whereby the unacceptable behaviour is directed from a resident towards another resident it will be dealt with in line with the Anti-Social Behaviour (ASB) Policy.
* Whereby the unacceptable behaviour is directed between an employee and another employee, it will be dealt with in line with the Code of Conduct or Disciplinary Policy

**Types of Unreasonable and Unacceptable Behaviour include:**

**Aggression, Abuse and Harassment:** Aggression is not limited to acts causing physical harm. It also includes any behaviour that may cause employees and contractors to feel threatened, abused, or afraid. Examples of abusive or aggressive behaviour include (but are not limited to):

* Physical violence or harassment
* Intimidation or threatening behaviour towards employees by any means
* Deliberate physical damage
* Derogatory or discriminatory remarks about employees or the organisation
* Personal abuse
* Making inflammatory or unsubstantiated allegations
* Contacting employees using their personal details or social media presence
* Publishing personal, sensitive, or private information about employees
* Rudeness.

**Unreasonable Demands:** Unreasonable demands regarding the nature and scale of the service, and who they expect to respond to such demands are deemed unreasonable behaviour. Behaviour or demands disproportionate to the matter, which appears to be without sufficient ground or are made specifically to cause annoyance, misdirect, or waste Housing 21 resources, disadvantages other residents, will also be considered unreasonable. Examples of this behaviour include (but are not limited to):

* Demanding unreasonable timescales that are outside of our published standards
* Submitting high volumes of communication
* Both an excessive volume of information being requested from and sent to the organisation
* Insisting on only communicating with particular employees where this cannot be sustained.
* Emailing large numbers of recipients throughout the organisation
* Refusal to engage or provide further information or evidence to assist our investigation
* Refusal to allow a resolution to be carried out, e.g., not allowing access for a repair.
* Repeatedly changing the substance of a complaint or raising unrelated concerns.

**Unreasonable Persistence:** If despite reasonable attempts to resolve the matter, including any complaints dealt with by the Housing Ombudsman, the individual continues to make contact, and is unwilling to accept that Housing 21 cannot provide them with a level of service and/or information other than that which has already been provided; this persistent behaviour may be deemed as unreasonable. For the avoidance of doubt, even though how an individual approaches us may be reasonable, this persistent behaviour is not acceptable. Examples of persistent behaviour include (but are not limited to):

* Refusing to accept a decision made by Housing 21
* Refusing to accept explanations relating to what Housing 21 can and cannot do
* Pursuing a case without presenting any new significant information.
* Refusing to accept a decision where explanations for the decision have been provided.

**Managing Unacceptable Behaviour**

We will seek to address unacceptable behaviour issues at the earliest opportunity. Addressing these issues promptly is essential and training employees ensures they are equipped to handle these situations effectively. The steps that our employees might take depending on the nature and extent of the behaviour may include:

1. **Identifying Potential Barriers** that may be contributing to someone's actions

* Assess whether there are underlying barriers causing the behaviour, such as language difficulties, cultural differences, or personal issues.
* Consider potential disabilities or health conditions that may require accommodations

1. **Considering** [**reasonable adjustments**](#ra) following our Reasonable Adjustments and Alternative Formats Policy or consider measures that could be implemented that would ease tensions with the individual such as:
   * We may identify that it may be appropriate to make a support referral or take a multi-agency approach
   * We may seek available mediation options as a means of seeking a resolution.
2. **Warning the individual** about their behaviour that we consider unacceptable by:
   * Setting out the behaviour in writing that they have displayed and the reason it was unreasonable and asking them to modify their behaviour
   * Allowing them to adjust their behaviour through an informal agreement.
3. **Introducing restrictions** to manage the individual’s communication with us. These must not be set indefinitely, and a review period should be agreed upon.

\*There will be no contact restrictions on reporting emergencies where there is a clear and present risk of harm to persons and/or of serious damage to property\*

Details should be clearly confirmed in writing and must take an individual’s needs into account for example:

* Providing a single point of contact at Housing 21 for them to approach
* Asking if they would like to nominate a family member, friend, or support worker to advocate for them
* Limiting contact to a single form – in writing, by e-mail or by telephone
* Limiting contact to certain times or to a limited number of times per week or per month
* Preventing or limiting from attending community events where there has been abusive behaviour or threats have been made

1. **Taking Enforcement Action,** in extreme cases, where verbal abuse, threats, or violence is involved this will be managed under the Anti-Social Behaviour Policy and may include:

* Reporting criminal matters to the police
* Taking enforcement action under the terms and conditions of their agreement.

Where appropriate, a head of service or managing director has the discretion to deviate from this policy, provided that the process still remains, open, transparent and fair.

**Review of any Restrictions:**

Any action taken will be time-limited, subject to review and communicated in writing to the individual. At the time that restrictions are imposed, a review period will be set for 30, 60 or 90 days depending on the severity of the behaviour. If the individual’s behaviour has improved at the point of review, consideration will be given to lifting the measures. If it has not improved, we will provide an explanation as to why the restriction will remain in place for a further period pending the next agreed review date.

**Right Of Appeal**

If an individual wishes to appeal any decision to impose measures, they can do so within 20 working days from the date of the formal decision letter. A senior manager will carry out the review and will notify the individual in writing within 10 working days of the receipt of an appeal. In certain circumstances, we may also speak directly with the individual or their nominated advocate to explain the outcome of the appeal. If they remain dissatisfied with the decision, this can be dealt with in line with Housing 21s Complaint Policy & Procedure and subsequently the Housing Ombudsman.

**Counter Allegations**

If an individual has concerns that an employee's behaviour is unacceptable or unreasonable and has any counter-allegations, these are to be investigated in line with Housing 21 Complaint Policy & Procedure

**Reasonable Adjustments**

Any actions that are taken to restrict services should be appropriate to the resident's needs and will demonstrate regard for the provision of the Equality Act 2010 and because of the individual's medical condition and vulnerability, such as mental health issues, cognitive impairments and learning disabilities.

**Relevant Legislation**

This policy has been produced to comply with the Housing Ombudsman's Complaints Handling Code. Other associated legislation includes but is not limited to:

* The Anti-Social Behaviour, Crime and Policing Act 2014
* Housing Act 1996
* Civil Evidence Act 1995
* Crime and Disorder Act 1998
* Data Protection Act (GDPR) 2018
* Housing Act 1988
* Anti-Social Behaviour Act 2003
* Human Rights Act 1998
* Equality Act 2010

There are also internal policies that should be considered in conjunction with this document which refer to the relevant statute where not listed above, including but not limited to:

* Complaints Policy
* ASB Policy
* Respect and Inclusion Policy
* Lone Working Policy
* Hate Crime Policy
* Reasonable Adjustment and Alternative Formats Policy
* Safeguarding Policy

# **Equality, Diversity and Inclusion**

Housing 21 aspires to embed diversity and inclusion within all our organisational activities to enable these principles to become part of our everyday processes.