

Managing Unacceptable Behaviour Policy

Date written: October 2013

Date(s) reviewed: Oct 2016 / Apr 2018 / Oct 2019 / **December 2020**

Purpose: To set out our approach to the very few customers whose actions or behaviour we consider unacceptable. This includes anyone making a complaint under our complaints process.

Scope: This policy is relevant to unacceptable behaviour by any customer or any individual that comes into contact with the organisation or its contractors.

Definitions:

Unacceptable Behaviour, may involve actions, words or physical gestures that could reasonably be perceived to be the cause of another person's distress or discomfort.

Associated documents:

Complaints Procedure
Zero Tolerance Policy
Customer Care Policy
Equality and Diversity Policy

Date for review: March 2022

Responsibility: Head of Tenant Engagement

1. Introduction

1. We do not view behaviour as unacceptable just because someone is assertive or determined. There may have been upsetting or distressing circumstances that led to the customer behaving that way that may be out of character. However, the actions of some customers who are angry or persistent may result in unreasonable demands on services, or behaviour towards our staff and we will take appropriate action to manage such behaviour.
- 1.1 This policy will identify what we consider as unacceptable behaviour and how we will manage this.

2. Policy statements

- 2.1 We consider the actions of any customer to be unacceptable when they take up a disproportionate amount of Bernicia's time and resources to manage. If a customer (and/or anyone acting on their behalf) acts in an unreasonable manner their behaviour may be classed as unacceptable if they meet any of the following criteria:
 - Demanding a response in an unreasonable timescale
 - Making an excessive number of contacts with Bernicia which is placing an unreasonable demand on staff
 - Denying receiving an adequate response despite correspondence specifically answering their questions
 - Pursuing a complaint where the issue is not within the remit of Bernicia to investigate
 - Demanding a disproportionate amount of compensation
 - Changing the substance of the complaint or continually raising new issues, which are significantly different from the original complaint
 - Unwillingness to accept documented evidence or denying receipt of correspondence, particularly when it has been hand-delivered
 - Persistently refuses to accept explanations about what Bernicia can and cannot do
 - Continuing to pursue a matter when they have exhausted Bernicia's complaint process and have also exhausted other routes of appeal
 - Continually refusing to deal with specific members of staff without a valid reason or grounds for doing so.
- 2.2 Where a customer's behaviour has been identified as unacceptable in accordance with the above criteria, we will bring it to their attention explaining what it is that they are doing that is unacceptable.
- 2.3 Some complainants may have a mental health or learning disability which affects their understanding of issues or the way in which they respond. If we are aware of the disability we will ensure it is taken into consideration when dealing with the complainant. However, this will not necessarily prevent their behaviour being considered as unacceptable.

2.4 Where the customer continues to display unreasonable behaviour we may manage this by restricting their access with us in the following ways:

- Preventing the customer telephoning or visiting any of Bernicia's Offices without a prior appointment.
- Arranging contact with a named member of staff.
- If necessary only allowing the customer contact through a third party.
- Explaining any further correspondence relating to the issue or complaint will be added to the file but will not be responded to.

Restrictions will be made on a case by case basis dependent upon the nature and extent of the behaviour.

2.5 The Team Leader must agree any decision to restrict a customers' access to Bernicia with the relevant Head of Service or Manager. The Director must also be notified of this action.

2.6 When a decision is made to restrict contact with a customer, Bernicia will explain this in writing and fully explain the reasons for the restriction.

2.7 A decision to restrict contact can be reconsidered if the customer demonstrates a more acceptable approach.

3. Responsibility for implementation

3.1 The Director will be responsible for ensuring that this policy is successfully implemented, and all staff members are responsible for upholding the policy when dealing with unacceptable behaviour.

4. Actioning the policy

4.1 Heads of Services, Managers and Team Leaders will make a decision as to when this policy needs to be enforced.

5. Monitoring the policy

5.1 The relevant Heads of Service and Retirement Housing Manager will monitor this policy to ensure it is used correctly.

6. Resources

6.1 There will be no extra resources required to implement this policy as it will be able to be implemented using existing resources.

7. Equality and Diversity

7.1 An equality and diversity impact assessment has been undertaken on this policy.

7.2 In carrying out its services, we are committed to:

- Treating all customers and employees positively regardless of any personal characteristics including gender, age, ethnicity, disability, sexuality, gender reassignment or religion.
- Taking seriously all complaints and investigating and responding accordingly.
- Using plain language and providing information in other languages, large print, audio and Braille on request.

7.3 We understand that there may be reasons people act in certain ways and we will always aim to ensure that any action we take does not discriminate.

Uncontrolled if printed – This may not be the latest version of the policy.

All policies must be printed from Connect only – please make sure it is the latest version.

Policy Planning Document (PPD)

ALL sections must be completed with a review or any creation of a new, policy. For anything that doesn't apply, please state N/A. Anything left blank will be returned to you.

1. Policy Title*	Managing Unacceptable Behaviour Policy
2. Staff/Departments that must be tested*	NA
3. Staff/Departments for mandatory read*	NA
4. Supporting documents, procedures & process maps*	Complaints, Compliments and Comments Procedure
5. Associated Policies*	Complaints, Compliments and Comments Policy, Zero Tolerance Policy, Customer Care Policy, Equality and Diversity Policy
6. Completed E&D Submitted:*	Yes / No
7. Reason for review (scheduled/non-scheduled)*	Scheduled
8. Minor or Significant change?*	Minor
9. Details of Changes (if any)*	Change of language / wording from Vexatious to Unacceptable, as recommended by Housing Ombudsman.
10. What good practice and ext. learning sources have been used?*	Housing Ombudsman
11. Who has been consulted?*	No consultation required.
12. Does this Policy need to go to Board for approval?*	No
13. If any significant change, who has approved this?*	NA
14. Have all legal implications been considered in the policy?*	Yes
15. Does this policy meet regulatory requirements?*	Yes
16. How is the impact of this policy measured?*	Records will be kept when a customer's access is restricted along with the reasons and when due for review to ensure the policy is managed fairly.
17. How will training be offered to support these changes?*	NA
18. How will the distribution of knowledge be tested?*	Distribution will not be tested but will be monitored by policy reads in Connect.
19. Any other information	No
Please confirm details below	
Policy Holder	Head of Tenant Engagement
Next Review Date	March 2022

Policy Risk and Compliance Assessment

“Policies are documents devised to advise individuals as to a set of behaviours required on a specific topic. Within an organisation they provide a “voice” to the organisation and ensure consistency as well as providing a mechanism for performance management and monitoring.”

As part of reviewing or developing a new policy it is important you complete one of these Policy Risk & Compliance Assessments to tell us a little more about what you are planning so we can support you and your teams appropriately. Please answer the following questions as honestly and openly as you are able.

This assessment is not to prevent you doing anything, but to centrally offer you the best advice and support in developing and reviewing your policies whilst minimising risk from the outset. All policies will require this document prior to being hosted on Connect and the review being logged as complete.

Policy Risk & Compliance Assessment	
Name and Job Title	Head of Tenant Engagement
Department	Engagement
Title of new policy / policy to be reviewed	Managing Unacceptable Behaviour Policy
Brief description of the policy, its purpose, and the areas of the business it covers	To set out our approach to the very few customers whose actions or behaviour we consider unacceptable. This includes anyone making a complaint under our complaints process.

Policy Title: Managing Unacceptable Behaviour Policy		
Date: 15 December 2020	Name: Julie Carter	
	Yes	No
1. Equality and Diversity, Will the policy be likely to impact or involve...		
Any individual specifically because of one of their protected characteristics?		✓
The collection or processing of information relating to the protected characteristics?		✓
An event or initiative only open to certain people or groups of people?		✓
The processing of any information relating to a persons protected characteristics?		✓
The monitoring of a service take up, by protected characteristics?		✓
2. Data Protection, Does the policy relate to / involve...		
Collecting data (electronically, with a form or face to face)?		✓
Using, sharing or sending data?	✓	
Taking photos?		✓
Sending any information outside of Bernicia?		✓
Asking for any information about children?		✓
Any sensitive information (sexuality, ethnicity, race, religion etc.)?		✓
Technology that will automatically makes decisions or evaluates data?		✓
Any systematic monitoring – such as CCTV or tracking?		✓
The large scale processing of data? (there is no definition of large scale, so please use of your discretion in line with Bernicia's business)		✓
Using electronic communications (text, email)?	✓	
3. Money Laundering		
Will you be collecting any cash as part of the activity covered in the policy?		✓
4. Health and Safety, Will the policy involve...		
Any predominantly any offsite activity?		✓
Undertaking an activity with members of the public?		✓
Using any PPE?		✓
Vehicles (or their use) as a key component?		✓
Vulnerable adults, young people or children?		✓

Bernicia staff be working on their own or out of hours?		✓
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