

Policy

Unacceptable behaviour

Date authorised	6 December 2019
Review date	2022

1. Introduction

1.1 Rosebery is committed to putting residents at the heart of service delivery. However, there are occasions when residents can act in a way considered unacceptable. Rosebery expects its staff to be treated in a respectful manner and, while it is understood that people sometimes get frustrated, we will not tolerate behaviour which is deemed unacceptable, threatening, abusive, aggressive or unreasonably demanding, vexatious or persistent.

2. Scope

- 2.1 This Policy applies to all residents of Rosebery including current, former and potential future residents. It also includes anyone acting on behalf of a resident or anyone who contacts us in connection with a complaint.
- 2.2 The Policy includes behaviour directed towards or experienced by any member of staff, contractor or agent acting for or on behalf of Rosebery.

3. Aims

3.1 Through this policy we aim to protect our staff and those acting on our behalf and to be as clear as possible about what behaviour we find unacceptable and the consequences of such behaviour.

4. Definitions

- 4.1 Rosebery defines unacceptable behaviour as 'that which shows characteristics of discrimination, harassment, bullying, threatening, aggressive, unreasonableness or vexation or a combination of these'.
- Discrimination – a failure to afford equal respect to an individual on the basis of one of the protected characteristics as set out in the Equality Act 2010;
 - Harassment – behaviour which is unwanted and offensive and affects the dignity of the individual or group of individuals. Harassment is also defined as an action by a customer which, because of the frequency or nature of such action, hinders Rosebery's interaction with the resident;
 - Bullying – a type of harassment which consists of actions, criticism or personal abuse (in public, online or in private) which humiliate, intimidate, frighten or demean the individual;

- Unreasonable behaviour – residents who continually request complex information without apparent or good reason may be regarded as acting in an unreasonable manner;
- Vexatious behaviour – acting in a manner so as to cause annoyance or irritation without the intention of resolving their query.

5. Managing unacceptable behaviour

5.1 Where unacceptable behaviour has been identified we will manage this in a manner appropriate to the circumstances and the nature and extent of the behaviour. The resident's individual circumstances will be taken into consideration.

5.2 In managing unacceptable behaviour we may:

- Restrict a resident's contact with Rosebery while still maintaining a means of communication. This could potentially include:
 - Restricting contact by telephone to a specified day or time of the week;
 - Restricting social media contact by warning and blocking a user from interacting with Rosebery's social media channels (primarily Facebook and Twitter);
 - Restricting contact to a named officer;
 - Requiring a resident to only visit the office by prior appointment;
 - Limiting the number and ranges of contacts we will accept and respond to;
 - Refusing to respond to language that is offensive and unacceptable;
 - Communicating through a third party;
 - Refusing to communicate on a subject that has been investigated and concluded through Rosebery's Complaints process unless there is new information to be considered.
- Apply conditions to service delivery such as
 - Visits in pairs
- Take legal action. This could potentially include:
 - Reporting an incident to the police;
 - Applying to court for an injunction against a perpetrator;
 - Application for possession of a property or demotion of tenancy.

5.3 Staff who experience unacceptable behaviour, as defined within this policy, have the authority to deal with that behaviour immediately in a manner that they feel appropriate to the situation. This could include terminating a telephone conversation or interview. Any threats of violence or harassment will be reported to the police.

5.4 Decisions to restrict contact or apply sanction will be taken after careful consideration of the situation by a Head of service or Director. Where possible we will give a customer the opportunity to modify their behaviour or action before this decision is made by warning them that their continued unacceptable behaviour will lead to restrictions in their contact with Rosebery, (where modification does not occur). Residents will be notified in writing of the decision to restrict contact, the terms of the restriction, who this will be shared with and the length of time the restriction will remain in place.

5.5 A resident may choose to appeal the decision to restrict contact or other sanction. A Manager not involved in the original decision will consider the appeal. The resident will be notified in writing of the outcome of this appeal. An appeal will be considered as a stage one complaint.

6. Warning markers

6.1 Where unacceptable behaviour has been identified, a warning marker will be displayed on the resident's tenancy file and on the housing management system detailing this behaviour and any restrictions or conditions for dealing with that resident. The decision to apply a warning marker must be taken by a Head of service or a Director and will serve to alert staff and contractors to the behaviour.

6.2 When applying a marker to a record, we will inform the individual of:

- The nature of the threat or incident that led to the marker;
- That their records will show the marker;
- Who we may pass this information to, such as contractors or agents working on our behalf who need to be aware;
- When the marker will be removed or a when a review of the decision to add the marker will take place;
- Who they should contact if they have comments on the issue of the marker or if they wish to appeal against it.

6.3 We recognise that there may be extreme cases where we believe that informing the individual that a warning marker has been applied would, in itself, risk a violent or extreme reaction from the resident. This may be because of the nature of the incident or the risk to another individual. In such cases it may not be sensible to inform the individual, as indicated above. Instead, we will record our decision and the reasons for it. We will make all such decisions on a case-by-case basis and will keep records.

6.4 In addition to the above, a warning marker will be placed where a healthcare professional, social worker or mental health worker has documented its need in accordance with the Data Protection Act.

6.5 We will take all reasonable steps to ensure that the data recorded is accurate prior to recording the marker.

6.6 When a warning marker has been placed, a review date of not more than a year will be set, at which time the appropriateness of the warning marker will be considered.

6.7 If, at the time of the review, it is considered that there is no longer a threat, then the marker will be removed from the file and the system.

6.8 An individual will have the right to appeal the placement of a warning marker. Such an appeal will be considered by a Manager who was not involved in the original decision to place the marker.

7. Responsibility

7.1 The corporate responsibility for ensuring that this policy and the unacceptable behaviour procedure are correctly implemented rests with the Head of Housing and Customer Experience.

8. Associated documents

- 8.1 Unacceptable Behaviour Procedure
- Anti-social Behaviour Policy
- Tenancy Handbook
- Leaseholder Handbook
- Complaints Policy
- Data Protection Policy