Unacceptable & Unreasonable Behaviour

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<tr>
<th>Last Update:</th>
<th>Name:</th>
<th>Debbie Sereloglou</th>
<th>Date:</th>
<th>5 November 2014</th>
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<tr>
<td>Version</td>
<td>CORPORATE 1</td>
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Policy name: Unacceptable & Unreasonable Behaviour

SMT Date: 23/10/2014

Policy Owner: D Serefoglou

Is this a new policy? *Yes / No * Board approval required

Next Target Review date: 5th Nov 2017

Reason for Review:
Up for 3 yr review [ ] Changes to legislation [ ]

E.I.A. recommendation [ ] Other ✓ - New Policy

Date of E.I.A: 6th October 2014

**Consultation Activity**

<table>
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<th>Consultation dates</th>
<th>Method of consultation</th>
<th>Who was consultation aimed at?</th>
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<tr>
<td>July – August 2014</td>
<td>Face to face and email</td>
<td>All Cobalt Managers</td>
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<tr>
<td>September 2014</td>
<td>Face to face</td>
<td>ASB Team</td>
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<tr>
<td>September 2014</td>
<td>Readers panel and email</td>
<td>Tenants via the resident involvement team</td>
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<tr>
<td>September 2014</td>
<td>Face to face</td>
<td>Symphony solicitor</td>
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Board approval required [ ] Yes [ ] No [ ]
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Background

This Policy sets out Cobalt Housing’s approach to dealing with customers whose actions or behaviour we consider unacceptable or unreasonable. The term “customer” includes tenants and household members, anyone acting on behalf of a tenant, or persons dealing with Cobalt Housing to access services, for example housing applicants.

There are a number of requirements associated with behaviour and breaches set out within the Cobalt Tenancy Agreements, Customer Care Standards, Complaints Policy and specific Code of Conduct for Involved Residents. Unreasonable behaviour can impact on the organisation; customers who act unreasonably can require a disproportionate amount of resources and in turn the organisation’s ability to deliver equal services to all customers.

Cobalt has a duty of care to ensure staff and partners we work with recognise their options to deal with such behaviour and that customers are clear in relation to our expectations.

Cobalt Housing will record incidents of unacceptable and unreasonable behaviour by using a variety of methods such as reporting incidents to the police and creating an incident report. In addition a warning alert is placed on the tenant’s record. Where there is cause for concern about a person’s welfare we will proactively work with appropriate third parties and support services.

Cobalt Housing will make the use of CCTV footage and call monitoring as evidence, in accordance with the current legislation.

Aims

1.1. To make it clear to all customers, both at initial contact and throughout their dealings with us, what Cobalt Housing constitutes as unacceptable or unreasonable behaviour.

1.2. To set out the actions we may take to ensure that Cobalt deals fairly, honestly and consistently with customers who behave in an unacceptable or unreasonable manner.

1.3. To ensure our staff feel safe and to underpin our commitment of ‘zero tolerance’ and not to tolerate behaviour by customers which is deemed unacceptable, unreasonable or aggressive.

1.4. To clarify the steps to be undertaken in line with health and safety, data protection and data access procedures.

1.5. To ensure we provide a service that is accessible to all customers, retaining the right to restrict or change access to our service, in particular when there is disproportionate service provision.
1.6. To recognise that under the Equality Act 2010 we have a commitment to identify where possible any ‘protected characteristics’ that may impact on a customer’s ability to communicate with us effectively.

**Defining unreasonable behaviour**

People may act out of character in times of trouble or distress. There may have been upsetting or distressing circumstances leading up to contacting Cobalt Housing.

It is important to recognise that a small minority of customers can sometimes become unreasonable, irrational, abusive or aggressive in the manner in which they deal with Cobalt Housing and its staff.

We do not view behaviour as unacceptable just because someone is assertive or determined. However the actions of some customers who are angry or persistent may result in unreasonable demands on, or behaviour towards our staff and we will take appropriate action to manage such behaviour. Cobalt Housing also reserves the right not to deal with a customer if it is believed they are intoxicated and will ask them to leave the building.

**Aggressive behaviour**

Our staff understand the difference between anger and aggression. For example some customers feel angry about the events that resulted in them contacting us. However, it is not acceptable when anger escalates into aggression towards our staff. Aggression is not restricted to acts that may result in physical harm. It also includes behaviour or language that may cause staff to feel afraid, threatened, or abused.

Examples of aggressive behaviour can include:

- threats
- physical violence
- personal abuse
- derogatory or discriminatory remarks
- rudeness or belittling remarks
- inflammatory statements
- unsubstantiated allegations
Unacceptable and Unreasonable Behaviour Policy

Uncontrolled if printed

- raised voices and shouting
- Unreasonably restricting access to allow Cobalt Housing to carry out their housing management or repair duties

(Note: this is not an exhaustive list)

Unreasonable demands

Customers can have a significant and disproportionate impact on our ability to deliver services. This can be through the amount of information they seek or provide, the nature and scale of service they expect, or the regularity or number of approaches they make.

Examples of this behaviour include:

- asking for responses within an unreasonable timescale
- Insisting on communicating with a particular member of staff
- Continual phone calls, emails, or letters.
- Repeatedly changing the substance of the complaint or raising unrelated concerns
- Entering our offices insisting to see an Officer when a matter has been concluded and explained
- Deliberately seeking to hamper or delay a successful resolution
- Persistent refusal to accept explanations relating to what Cobalt Housing can or cannot do
- Exaggerating or compounding issues with the intent to seek monetary advantage

(Note: this is not an exhaustive list)

Handling abusive telephone calls

All Cobalt Housing staff are instructed to end telephone calls if the caller is being aggressive, abusive or offensive. The staff member taking the call has the right to make this decision, tell the caller that the behaviour is unacceptable and end the call if the behaviour does not stop.

Where a customer repeatedly phones, or persistently raises the same issues which have been addressed or explained, we may decide to:
Only take telephone calls from the customer at set times, on set days or put an arrangement in place for only one member of staff to deal with calls or contacts from the customer in the future.

- Require the customer to make an appointment to see a named member of staff before visiting the office or that the customer contacts the office in writing only.
- Provide a third party contact who will act on their behalf, details of which will be recorded on our systems

How we manage unacceptable behaviour

Dealing with unacceptable behaviour will depend on the nature and extent of it. Steps we may take include, separately or in combination:

1. Restricting contact in person, by telephone, letter or electronically or by any combination of these
2. Restricting the frequency of contact
3. Consider action such as a breach of tenancy, or enforcement action by way of injunction proceedings
4. Reporting incidents to the police and recorded within our incident reporting process with a warning alert being placed on the tenant’s record
5. Refusal to provide a non-statutory service
6. Seek professional advice from a third party for example social services

Our Neighbourhood Services Team will assist in an advisory capacity and support Officers in the event of legal action such as tenancy enforcement or legal injunction.

Restricting Contact

There are relatively few customers whose actions we consider unacceptable or unreasonable. How we aim to manage these actions depends on their nature and extent. We may:

- Restrict contact with our office to either written communication or through a third party
- Restrict all direct contact with the customer and refusal to provide a service for example exclusion from our application process.
- Provide one point of contact or restrict times to communicate
- Officers may refuse to deal with customers until restrictions have been put in place
Inform contractors and third party agencies working on our behalf - will be asked to consider their operatives health and safety when attending the property. In some cases this will result in the exclusion of routine repairs or the requirement of two operatives in attendance to the home.

**Authority to restrict contact**

Cobalt Officers who directly experience aggressive or abusive behaviour from a customer have the authority to deal immediately with that behaviour in a manner they consider appropriate to the situation and in line with this Policy. With the exception of such immediate decisions taken at the time of an incident, decisions to restrict contact are only taken after careful consideration of the situation by a more senior member of staff.

Wherever possible, we give a customer the opportunity to modify their behaviour or action before a decision is taken.

Customers are told in writing why a decision has been made to restrict future contact, the restricted contact arrangements and, if relevant, the length of time that these restrictions will be in place.

**Achieving Equality and Diversity**

The application of this policy shall be in accordance with the Symphony Group Equality and Diversity Policy, Cobalt will strive to provide a fair and equal service and consider a tailored approach to eliminate any discrimination either directly or indirectly.

Specifically staff will:

- Take into account disabled individuals in particular with mental health conditions and make any referrals to the appropriate medical profession and or social services
- Take into account those individuals who indicate they had been taking medication which may affect their behaviour
- Make provisions for communication to be in alternative formats where required

**Appealing against a decision to restrict contact**

A customer can appeal a decision to restrict contact. A senior manager who was not involved in the original decision considers the appeal subject to any pending or over-riding legal action. They advise the customer in writing that
either the restricted contact arrangements still apply or a different course of action has been agreed.

**Recording and reviewing a decision to restrict contact**

We record all incidents of unacceptable and unreasonable actions by customers. Where it is decided to restrict customer contact, an entry noting this is made in the relevant house file, incident report and on appropriate computer records. A decision to restrict customers contact may be reconsidered if the complainant demonstrates a more acceptable approach or further evidence in connection with a person’s health or personal circumstances have been presented.

**Cross-references / links to other policies**

Cobalt Complaints Policy  
ASB Policy  
Symphony Group Equality and Diversity Policy  
Symphony Health & Safety Policy  
Cobalt’s Personal Safety and Recording of Incidents procedure

**Benchmark partners**

- Contour Housing Group  
- Liverpool Housing Group  
- One Housing Group

**Review Mechanisms**

Cobalt will review this Policy in accordance with its cycle of Policy Reviews to ensure that it takes account of legislative changes and the development of Best Practice initiatives.