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| Lead Director | Director of Operations |
| Reference | POL 47 |
| EMT Approval | February 2022 |

1 Introduction & Aim

This Policy sets out Cobalt Housing's approach to deal with customers whose actions or behaviour we consider unacceptable or unreasonable and aims to provide guidelines to deal with such behaviour and ensure customers are clear in relation to expectations.

Cobalt Housing is committed to dealing with all tenants and customers fairly ensuring our services are accessible. Customers who act unreasonably can require a disproportionate amount of resources and in turn this could impact on the ability to deliver effective services.

To ensure our staff and partners feel safe to carry out their day to day duties and to underpin our health and safety arrangements. Unacceptable or unreasonable behaviour towards our staff and partners will be classified as anti-social behaviour and deemed a potential breach of tenancy terms.

2 Policy Statement

Providing a fair and equal service provision cannot be effectively delivered if someone dominates or diverts attention by displaying unacceptable or unreasonable behaviour.

It is important to recognise that it is only a small minority of customers that become unreasonable or unacceptable. People may act out of character in times of trouble or distress. There may have been upsetting, frustrating or distressing circumstances leading up to contacting Cobalt Housing.

This policy sets out clear definitions of what Cobalt Housing constitutes as unacceptable or unreasonable behaviour. The definitions help provide steps that may be taken to ensure Cobalt Housing deals fairly, openly and consistently with customers. *Appendix 1*

During the process perpetrators will be provided with clarity surrounding tenancy obligations and health and safety. Cobalt Housing will retain the right to restrict or change access to our service.

We recognise that under the Equality Act 2010 we have a commitment to identify where possible 'protected characteristics' that may impact on a customer's ability to communicate with us effectively.

3 Policy Principles

1. Where the behaviour is so extreme that it threatens the immediate safety and welfare of our staff we reserve the right to add an immediate alert, contact the police or consider taking legal action.
2. Persons displaying unacceptable or unreasonable behaviour will be known as perpetrators.
3. The Cobalt incident process must be completed when behaviour is deemed unacceptable or unreasonable.

4. Contractors and partners must comply with Cobalt Housing incident reporting process and ensure operatives record and provide required information to complete an investigation.
5. Behaviour's associated with an anti-social behaviour case will be excluded from this policy unless unacceptable behaviour is directed to our Staff or Contractors.
6. Perpetrators may be opted out of the formal complaint process and dealt with on an individual basis which may delay the complaint investigation.
7. If any sanctions are necessary, they will be clearly explained in writing to the perpetrator and Cobalt Housing will set out the required corrections of behaviour.
8. Alleged perpetrators will have the right to discuss the allegations, Cobalt will require a clear explanation or details to help consider our next steps.
9. Perpetrators will be given the option to discuss the case face to face if deemed safe to do so.
10. If behaviour's are not corrected or are deemed serious Cobalt Housing reserve the right to enforce the tenancy terms and conditions.
11. During an investigation a temporary alert will be placed on computer records and against the tenancy. The alert will be retained or removed depending on the outcome of the investigation.
12. If upheld an 'alert' will be placed on Cobalt Housing computer records and against the tenancy to set out any adjustment or sanction.
13. Contractors and partners will be informed and provided with data connected with any health and safety concern or adjustment of working practice where appropriate and necessary.
14. Cobalt reserve the right to retain the alert if the behaviour is deemed aggressive and where staff safety cannot be assured.
15. Cobalt reserve the right to not inform the perpetrator due to an actual or perceived safety risk.
16. Where appropriate a safeguarding referral will be made in line with the safeguarding procedures
17. A person's 'capacity' will be assumed however; perpetrators will be given the opportunity to disclose a reason for their behaviour for example a personal situation, medical condition or medication that may impact on their ability to communicate effectively
18. Where a mental health condition is disclosed Cobalt will conduct proactive support by requesting information about any support network or current medical / crisis plan.
19. Requests for reasonable adjustments will be considered and not deemed unacceptable for example those relating to religious beliefs.
20. Where we believe behaviours may be as a result of language difficulties or other cultural issues we will take reasonable steps to respond to and resolve these.
21. Cobalt will actively encourage perpetrators to provide third party representatives or alternative household members to facilitate future communication.
22. Tenants will be responsible for the behaviour of household members.
23. If the investigation shows unacceptable behaviour displayed by staff or contractors this will be dealt with via the appropriate internal procedure.
24. Where appropriate updates will be provided in relation to any counter allegation.
25. Reasonable adjustments will be applied where possible, however Cobalt Housing may not be in a position to remove contractor or staff members from their day to day activities and location.
26. When Cobalt experience behaviour or demands which are unacceptable or unreasonable as noted in this Policy, we may consider taking more formal action. The actions we will consider can include:
 - Warning the residents about their behaviour and requesting that the resident modifies their behaviour in future contact with us.

- Setting out a plan to improve the channels of communication
- Not responding to further emails or requests where the matter has been exhausted or investigated
- Appointing a specific point of contact
- Communicating only in writing or via a representative
- Deciding not to investigate a complaint on the basis that it has been pursued in a way that is unacceptable or unreasonable.
- Restricting or limiting contact
- Stopping all communication with a resident

Where it is decided that formal action must be taken to manage someone’s behaviour (for example, declining to investigate a complaint), we will inform them of this decision in writing, setting out the actions and the basis on which they have been applied. We will also inform them that the arrangements will be reviewed after three months to establish if there have been any modifications in behaviour, at which time restrictions will be removed or extended. A note will be placed on our records to this effect.

Residents have the right to appeal the restricted actions and will be asked to evidence why they believe the actions have been incorrectly applied. The appeal should be made within 10 working days.

4 Risk Management

The key risk associated with non-delivery of this Policy is:

| Risk Register Ref: | Risk: |
|--|---|
| ST04 Health and Safety ST13 Neighbourhood Sustainability | There is a risk that failure to identify and implement an effective Unacceptable Behaviours Policy will result in the following consequences. |
| Risk Consequences: | Management and Mitigation: |
| <ul style="list-style-type: none"> • Failure to identify and appropriately manage those displaying unacceptable behaviour could compromise the health and safety of other tenants, staff and contractors. • In circumstances of extreme behaviours this could impact on the broader neighbourhood leading to increased anti-social behaviour and reduced demand for housing in the area. • Reputational damage. | <ul style="list-style-type: none"> • This Policy which provides clarity to all who make reference to it what constitutes unacceptable behaviour. • Identified controls and processes to address unacceptable behaviour when it arises. • Trained staff who are able to identify, manage and escalate concerns as they arise. • Partnership working with Police and others, where necessary. |

5 Regulatory & Legislative Compliance

H&S at work act 1974

Managements of H&S and work regulations 1999

Corporate homicide and corporate manslaughter Act 2007 Act
 Equality Act 210
 The General Data Protection Regulation (GDPR) and Data Protection Act 2018
 Care Act 2014

6 Links to Other Key Documents

Incident policy
 Complaints and compensation policy

7 Governance of this Policy

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| Equality and Diversity | An EIA has been completed as part of this policy development and any recommendations applied to the policy. Specifically we have amended to allow for language or cultural differences. |
| Financial and Links to Vfm | This should detail the findings from an assessment of the financial impact of the policy changes, including any identified VFM impacts. |
| Privacy and Data Protection | Where the policy involves the collection/use of personal data from staff/customers or involves data processing, this section should state the findings of an appropriate privacy impact assessment. |
| Health and Safety | This should state whether the policy has any impact on staff / customers' health and safety. |
| Development and Consultation | Consultation has been completed and feedback considered and policy adjustment where required Staff consultation– Managers and operational staff Tenant consultation – Tenant Consultative panel 5 x members |
| Customer Profiles and Accessing Services Data | Complaint data and profile have been considered as part of the development of this policy. Particular consideration has been given to those tenants who may have a mental health disability that could impact on effective communication. |
| Monitoring and Review | This policy and it's outcomes will be reviewed annually in terms of the number of alerts raised and any further punitive action linked to unacceptable behavior. Each individual case set up with an alert is reviewed after 6 months as standard. |
| Roles & Responsibility | A statement should be made on who the responsible officer of this policy will be and what they will be responsible for. For example: Head of Governance – Overall implementation of the policy. Head of Operations: Operational delivery of the policy/associated procedures. |

8 Definitions

'tenant' – a tenant or leaseholder of Cobalt.

Appendix 1

Aggressive behaviour

Cobalt 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
- Raised voices and shouting
- Making a threat to commit physical or criminal damage
- 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
- Persistent refusal to allow access and hampering Cobalt Housing to complete investigations
- 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.

Cobalt will deem recording, uploading and inappropriate use of images or conversations as unacceptable if prior consent has not been given.

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.

Handling abusive contact via email

All Cobalt Housing staff are instructed to report emails that are deemed unreasonable or unacceptable and where deemed appropriate cease communication for example if the content is:

- Aggressive, abusive or offensive
- Continual emails about the same subject
- Excessive or demanding
- Sending emails to multiple Officers when requested not to do so
- Using discriminatory language or including sexual content or references

Officers will alert a Manager.

Actions may include:

- Assign a Manager to investigate ensuring the sender is clearly informed of any investigation and the unacceptable nature of content
- Instruct our ITC department to block the email address
- Follow safeguarding procedures where life at risk is implied
- Report the matter to the Police

Communicating via social media platform

Social media commonly refers to the use of electronic devices to create, share or exchange information, ideas, pictures and videos with others via virtual communities and network. The Association's social media sites will not be considered formal routes for complaint and all customers wishing to complain will be made aware of the Association's processes.

When a customer places information that is deemed unreasonable or unacceptable on a Cobalt Housing social platform Cobalt Housing Communications team will review the information and remove or delete the details as appropriate:

Unreasonable or unacceptable behaviour can include:

- Offensive language, including swearing or sectarian, sexist or racist comments or any discriminatory references or statements
- includes inflammatory or personal derogatory comments against any named person or the Organisation.
- Inappropriate Political comments or campaigns not in line with Cobalt values

If unfounded allegations or offensive comments about Cobalt Housing or its Officers are placed on other providers platforms, Cobalt Housing will:

- seek to remove comments
- report such offences to the platform administrator
- seek legal action or police intervention