



Title	Acceptable Behaviour Policy
Scope	This policy applies to: emh homes emh care & support
Author(s) Lead Department	Policy & Engagement Manager Quality & Standards (emh group)
Date Approved Approved By	Version 1 – to be approved by 2 EMT members under delegated authority during January 2021.
Review Date	November 2023
Key Values	Openness: This policy sets out our approach to those customers whose actions or behaviour becomes unacceptable. Accountability: The policy sets out the responsibilities of the teams across emh who are involved in administering our approach. Clarity: The policy defines what is deemed unacceptable behaviour and staff will respond it.
Business Plan Key Strategic Goals	Housing and Neighbourhood Services: Establish high performing and highly effective estate services and community development services. Ensure the highest standards of safe working practices, ensuring our homes and communities are safe places to live and work.
Building a stronger relationship with tenants, residents and service users	Consultation with residents via the online Policy Readers Group took place between 7 th and 18 th December 2020. Following feedback amendments to section 3.1 were made. Feedback from the Policy Readers Group confirmed that they agreed with the objectives of this policy.
Associated Policies/Documents	• Allocations Policy • Anti-Social Behaviour Policy & Procedure • Complaints Policy and Procedure • Lone Worker Policy and Procedure • Equality, Diversity & Inclusion Strategy • Equal Opportunity Policy • Health & Safety Policy • Visiting Safely Policy
Version Control	Version number: 2021/Q&S/1/ABP

1. Policy Statement

- 1.1 emh aims to provide a first-class service to all our residents and customers but we acknowledge that there may be occasions when people are dissatisfied and make complaints. Our Complaints Policy gives clear details of the process to be followed if a customer is unhappy with any aspect of the services we provide. *This policy* sets out our approach to those customers whose actions or behaviour becomes unacceptable.
- 1.2 emh has a duty to provide a safe and secure working environment. Violent and abusive behaviour will not be tolerated, and decisive action will be taken to protect our staff, those working on our behalf, our involved residents and other residents visiting or involved in other activities on our premises.
- 1.3 The aim of this policy is to detail behaviour which is unacceptable and the sanctions available in the face of such behaviour.

2. Our Aims in Dealing with Unacceptable Behaviour

- 2.1 To make it clear to customers we will deal with any complaint sympathetically and in line with our complaints policy, making every effort to resolve issues in the minimum of time. We will provide customers with clear and simple information on the course of action they can take if still dissatisfied with our service.
- 2.2 We will treat our customers with dignity and respect, and we will deal with all customers in a fair, honest, consistent and appropriate manner including those whose actions we consider are unacceptable.
- 2.3 We recognise that there are relatively few customers whose actions are considered unacceptable. How we deal with this unacceptable behaviour depends on its nature and extent and we will ensure our actions are proportionate.
- 2.4 To provide a service that is accessible to all customers. We retain the right, however, to restrict or change access to our services where we consider a customer's actions or behaviour to be unacceptable.
- 2.5 To ensure so far as reasonably practicable, the health, safety and welfare at work of all employees in conjunction with the Health & Safety at Work Act 1974 and the Management of Health & Safety at Work Regulations 1999.

- 2.6 To ensure that all reasonable care is taken to provide support to staff and to mitigate the risk of harassment towards them in the course of their duties and to ensure that they are treated with dignity and respect by our customers.
- 2.7 To ensure other customers and staff do not suffer any disadvantage from those who act in an unacceptable manner.

3. Defining Unacceptable Behaviour

- 3.1 We understand that people may act out of character in times of trouble or distress. There may have been upsetting circumstances leading up to making a complaint. We do not view behaviour as unacceptable just because someone is forceful or determined. However, we do when the actions of customers who become very angry, demanding, unreasonable or persistent may result in unacceptable behaviour towards our staff.
- 3.2 These actions can be grouped under the following four broad headings:
 - 3.2.1. **Aggressive or Abusive Behaviour** - Violence is not restricted to acts of aggression that may result in physical harm. It also includes threats, personal abuse, derogatory remarks, rudeness and behaviour or language (including oral, written or online through social media) that may cause staff to feel afraid, threatened or abused. In addition, inflammatory statements and unsubstantiated allegations can also be considered abusive behaviour. Staff should always be treated courteously and with respect. Customers may feel anger which involves the subject of their complaint, but it is not acceptable when anger escalates into aggression directed towards staff.
 - 3.2.2. **Unreasonable Demands** - What amounts to unreasonable demands will always depend on the circumstances surrounding the behaviour and/or the sensitivity of the issues raised by the customer. Examples of action include demanding responses within an unreasonable timescale, continuous phone calls, e-mails or letters, making demands which do not comply with our policies or legislation, repeatedly changing the substance of the complaint or raising unrelated concerns. Demands which place staff members under duress or stress, impact substantially on the work of the office staff and/or take up an excessive amount of staff time to the disadvantage of other customers, or functions are unreasonable and unacceptable.
 - 3.2.3. **Harassment** - We will take reasonable care to provide support to staff, protect them from harassment in the course of their duties and to ensure as far as reasonably practicable the health, safety, welfare and wellbeing for all employees. Examples of harassment include making defamatory allegations,

unwarranted criticism, issuing inappropriate information and insulting and abusing staff (oral, written and through social media).

- 3.2.4. ***Unreasonable Persistent or Vexatious Behaviour*** - Customers may persist in disagreeing with actions or decisions taken in relation to their complaint or may persistently contact the office about the same issue. Such actions can be unacceptable when they take up a disproportionate amount of time.
- 3.3. In all of the above categories emh supports the understanding that the best judge of the seriousness of an incident must be the victim and therefore each person covered by this policy is able to determine what is and what is not considered acceptable within the categories outlined above in the sections 3.2.1 to 3.2.4.
- 3.4. Because individuals are permitted to make up their own minds about what is and is not acceptable behaviour, they should be able to feel that their decisions will be fully supported by emh. Therefore, perpetrators only have the right to appeal against specific sanctions that could be taken against them outlined in the Managing Unacceptable Behaviour Procedure. As a rule, there are enough stages in the process for perpetrators to question their actions before the sanctions are applied.
- 3.5. Because emh will not tolerate the threat or use of physical violence, verbal abuse or harassment towards staff, extreme instances of this nature will always be reported to the police and may be subject to legal action. In addition, in accordance with the Allocations Policy, housing applications will be suspended in conjunction with the process outlined in Acceptable Behaviour Procedure if customers use threatening or violent behaviour towards staff.
- 3.6. If unacceptable behaviour adversely affects our ability to do our work and provide a service to others, we may need to restrict the customer's contact with our offices in order to manage the unacceptable action. We may restrict contact in person, by telephone, letter, electronically or by any combination of these. In extreme situations the customer may be restricted to contact the office only by either written communication or through a third party as covered in the Managing Unacceptable Behaviour Procedure.

4. Managing Unacceptable Behaviour

- 4.1 All staff should follow guidance set out in the Managing Unacceptable Behaviour Procedure. This includes setting our acceptable behaviour in a letter format, and if concerns persist a contact agreement will be put in place.

- 4.2 The steps that our staff will take to manage unacceptable behaviour will depend on the nature and extent of the behaviour.
- 4.3 A Contact Agreement will be established with the customer detailing the way in which emh and the customer will communicate, including restricting contact.
- 4.4 Restrictions will be tailored to deal with the individual circumstances of the complainant and may include for example only dealing with the complainant by telephone through a third party or other advocate or friend acting on their behalf

5. The Right to Appeal a Decision to Restrict Contact

- 5.1 Customers have the right to appeal a decision to restrict contact and will be informed how to do this as part of the contact agreement.
- 5.2 A senior member of staff who was not involved in the original decision will consider the appeal. He/she will advise the customer in writing that either the restricted contact arrangements still apply, or a different course of action has been agreed.

6. Monitoring

- 6.1 Responsibility for monitoring the application of this policy is divided into the following three areas;
 - 1. Where threats or harassment risk is high or actual and action is taken the responsibility sits with the Head of Housing.
 - 2. Where complainants are returning or vexatious contact is made, responsibility sits with the Head of Customer Services.
 - 3. Where near miss incidents occur including verbal abuse and threatened physical harm, responsibility sits with the line manager and Health & Safety Committees. (All near miss incidents should be recorded on Assessnet.)
- 6.2 This Policy will be reviewed every three years or earlier in line with legislative or business requirements with amendments being made, consultation as appropriate and communicated to staff and relevant stakeholders.

7. General Data Protection Regulations

- 7.1 emh Group will treat personal data in line with our obligations under the current data protection regulations and our own Data Protection Policy.

Information regarding how customer data will be used and the basis for processing customer data is provided in the Association's Privacy Notice.

Appendices

Example of acceptable behaviour letter

Name

Address

Date

To

Re: Acceptable behaviour

I am writing to you regarding acceptable behaviour and concerns that have recently been brought to my attention.

On date/ report by phone/ person etc.

Our calls are monitored and recorded for training purposes. I have reviewed the recording in full. I must remind you that we do not tolerate abusive or threatening behaviour towards employees. Employee safety is of paramount importance.

We would consider threatening/ unacceptable behaviour to be a breach of your tenancy which states;

'It is a breach of your tenancy agreement to act in a way that is likely to cause alarm to other people, including employees'

Moving forward it may assist us to agree a contact agreement, to set out a way for us to communicate more effectively.

Please can you consider this letter and we will update our records and review this matter further together.

Yours sincerely

Housing and Neighbourhood Manager

Example of acceptable behaviour contact agreement

Name

Address

Date

To

Re: Restricted contact with emh homes

You have recently experienced some issues in relation to repairs/ tenancy issues etc at your address and have been in contact with us to resolve those issues. We have had some difficulties in relation contact made. This has included frequent telephone calls, attendance at our offices up to and towards the end of the day and persistent contacts by e-mail.

On date/ time/ incident reported....We agreed that following this incident we would agree a contact agreement setting out clearly how we should make contact, when and by whom. This letter sets out ways in which you are permitted to make contact with us and how we will respond to you.

Restricted contact agreement

Commencing from (date) you agree to comply with the following conditions at all times;

1. You and/ or your representatives must not attend emh homes offices at XXX at any time unless asked to do so by a member of staff or in an emergency.
2. You and/ or your representatives are only permitted to contact emh homes by email by submitting an email per week or by writing. We will respond to your email in line with our service promise which is within 5 working days.
3. You and/ or your representatives are only permitted to contact us by telephone once a week. If an emergency arises, you should only contact us by calling our customer service centre on 0300 123 6000. We will call you back in line with our service promises.

4. If you have an ongoing repair or tenancy management issue we will provide you with a named contact and will arrange for weekly update with you in an agreed format.
5. We will treat others with respect and use non abusive language at all times.
6. We will continue to speak to both you and X and your preferred method of contact is X.

By taking the above steps we hope to afford our staff a reasonable opportunity to respond your concerns in a timely and informed manner.

The above measures do not affect your other statutory rights as a customer but will help our staff to effectively manage their time and respond to you and other customer queries.

You have disclosed further medical conditions which can impact on your health and wellbeing. We will try to make the right adjustments for you and make referrals to agencies who may be able to assist you.

We respectfully ask for you to comply with the requests set out in this letter. If you have any further questions or comments, please let us know.

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Housing Manager

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Tenant