

UNACCEPTABLE BEHAVIOUR POLICY -

LEASEHOLDERS

DATE (if required)

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| **THIS DOCUMENT IS TO BE READ IN CONJUNCTION WITH:** |
| 1. Single Point of Contact Protocol |
| 1. West Northamptonshire Council’s Unacceptable or Unreasonable Communications and Behaviour Policy |
| 1. Potentially Violent Persons Framework (WNC) |

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1. **Purpose and Context** 
   1. NPH aims to have positive relationships with our customers and other people that we come into contact within the course of our work. The nature of our work means that sometimes our staff are confronted by situations where people behave in ways that we find challenging. Our staff are experienced and are trained to cope with these types of incidents.
   2. However, there can be occasions where individuals act in ways that make dealing with them and providing a service particularly difficult or even dangerous.
   3. We recognise that such behaviour or actions can arise for a number of reasons and may be attributable to various factors such as underlying social or health related problems. In other instances, an individual may have a complaint about us that involves particularly emotive issues, or which causes them undue stress or frustration. Others may have difficulty expressing themselves as a result of disability or language issues.
   4. This policy aims to set out clearly where we consider behaviour to be unacceptable or unreasonable, as well as to show the types of actions we may take to manage this.
   5. This Policy aims to balance the need to respect the rights and expectations of individual service users and provide effective, consistent and responsive services, with the over-riding need to protect staff from all forms of abuse and harassment in the course of their duties.
   6. Contractors are required to share information about any incidents of unacceptable behaviour, and we will share relevant information with contractors in order to safeguard their staff.
2. **Policy Statement** 
   1. NPH aims to have good relationships with our customers based on mutual respect. Sometimes we find that a customer’s behaviour can make it difficult to work with them, or their demands may take an excessive amount of time which in turn can impact on the service we offer to others.
   2. Any actions that we take under this policy are intended to be temporary as we work through the issues in the hope of restoring normal ways of working and a positive relationship with the customer.
   3. For all cases of unacceptable behaviour the following principles will be applied:

* The we **follow our own policy**
* We have been **fair** and our response has been **proportionate**
* We can provide **evidence** of the behaviour and of or our decision making – notes of phone calls / visits etc.
* That we can demonstrate that we **have warned the customer** about what would happen if the behaviour continued
* Customers have been given the **chance to appeal** any decision at any stage
* Any changes to the way we deal with a customer **have been reviewed** in a set time period with an aim to reinstate normal working relations once we have evidence that the behaviour is no longer an issue
* We have **resolved the problem** (for example someone who has been waiting for their fence to be repaired for 18 months might behave badly – we can warn them about the behaviour, but we must also sort the repair)
* We have considered any **underlying issues** that might have contributed to the behaviour such as disability, mental health, learning difficulties or other vulnerabilities.
  1. The Policy must be read in conjunction with the NPH Specific Point of Contact Protocol (SPOC) and the Potential Violent Person Framework (PVP) and West Northamptonshire Council’s Unacceptable or Unreasonable Communications and Behaviour Policy.

1. **What counts as unacceptable behaviour?**

3.1 People may act out of character in times of trouble or distress. For example, they may have faced upsetting or distressing circumstances leading up to a complaint. We do not view behaviour as unacceptable just because an individual is assertive or determined in their approach to us. However, the actions of customers who are angry, demanding or exceptionally persistent may result in unreasonable demands being placed on our time and resources or unacceptable behaviour being directed towards staff. It is these actions that we consider unacceptable and aim to manage under this Policy. We group these actions under four broad headings.

## Aggressive or Abusive Behaviour or Harassment

We understand that customers may have genuine cause to be angry, if for example they feel we have failed to meet their expectations or caused them unnecessary difficulties. We consider it unacceptable however, if that anger escalates into aggression or harassment towards staff.

This type of behaviour includes, but is not limited to:

* physical acts of violence that may result in harm or injury
* physical violence against objects such as kicking, defacing or destroying property
* behaviour or language (whether verbal or written) that may cause staff to feel afraid, threatened, intimidated or abused such as threats, personal verbal abuse, derogatory remarks, shouting and swearing
* discriminatory comments or abuse whether in person or in writing
* using social networking sites to perpetrate or encourage aggression or abuse against NPH staff or contractors
* inflammatory statements and unsubstantiated allegations

**Unreasonable Behaviour**

This type of behaviour includes, but is not limited to:

* refusing to specify the details of a complaint despite offers of assistance
* changing the basis of a complaint / request as the matter proceeds
* denying or changing statements made at an earlier stage
* making unjustified complaints about staff who are trying to deal with an issue and requesting to have them replaced
* covertly recording meetings and conversations
* submitting falsified documents
* refusing to accept a decision; repeatedly arguing points with no new evidence
* persistently seeking an outcome which NPH has already explained is unrealistic for policy, legal or other valid reasons

**Unreasonable Demands**

Behaviour may become unacceptable if it is so demanding that it places an unreasonable burden on us and impacts the level of service that can be offered to others. The type of behaviour that would fall under this category would include:

* requesting large volumes of information
* demanding responses within an unreasonable timescale
* refusing to speak to an individual or
* insisting on speaking with another
* overload of letters, calls, emails or contact via social media – whether due to the frequency of contact or the frequency and / or length of telephone calls.

**Unreasonable Persistence**

Behaviour may become unacceptable if it is so persistent that it places an unreasonable burden on us and impacts the level of service that can be offered to others. The type of behaviour that would fall under this category would include:

* refusing to accept the answer that has been provided about a complaint or other issue
* continuing to raise the same subject matter without providing any new evidence
* continuously adding to or changing the subject matter of a complaint

1. **How will we deal with unacceptable behaviour?**

4.1 We will judge each case on its own merits and will depend on the nature, severity and frequency of the behaviour, but the following stages may be applied.

**Informal Stage**

* In all cases a team leader or other appropriate manager will contact the customer to try to agree an informal solution to the issue. This will involve setting out clearly the behaviour that we found to be unacceptable, how we expect the customer to change their behaviour in the future and the actions we will take if they do not.
* We will try to find out whether the root cause or issue was to do with an NPH service – something that has not been done, or that has been done badly. If this is the case the issue will be referred to the relevant service area to deal with as a matter of urgency.
* The expectation that the customer’s unacceptable behaviour must stop does not change in this scenario.
* We will tell the customer that if they would find it helpful, they can ask us to contact them via a third party, such as a family member or friend. If that person behaves in a way that we deem to be unacceptable according to this policy, we will stop that arrangement and deal directly with the customer. If the option of a third party is not available, we could offer formal mediation if we believe it will help to resolve matters and the relationship will be unlikely to be improved without it.
* The desired outcome of this informal stage is to resolve whatever the core issue is, and to prevent any further incidents of unacceptable behaviour.
* The outcome of any telephone conversation will be set out in writing in a letter to the customer.
* In the case of actual violence or threats of violence we will refer the matter to the police, and we may need to make immediate adjustments to in-person contact to protect our staff and contractors. In such cases it could result in entry to the Potentially Violent Person Register (PVP), which is managed through the PVP Framework.

**Warning Stage**

* If there are further incidents of aggression or abuse, or the persistent / unreasonable behaviour continues, a team leader or other appropriate manager will send out a Fair Treatment Letter to the customer.
* This will set out clearly what is expected of the customer in terms of acceptable behaviour and what they can expect to happen if their behaviour doesn’t change. We will also set out the timescale for review which will vary depending on the nature and severity of the behaviour.
* If no further incidents happen during that time, there will be no further action. If there are further incidents of unacceptable behaviour, we will introduce new actions to manage the contact and behaviour.
* In the case of actual violence or threats of violence we will refer the matter to the police, and we may need to make immediate adjustments to in-person contact to protect our staff and contractors. In such cases it could result in entry to the Potentially Violent Person Register (PVP), which is managed through the PVP Framework.

**Formal Stage**

The action we choose to take will depend on the nature of the behaviour. The types of action that we may take include the following:

* Providing a single point of contact and  
  + Limiting contact to a single form for example writing, email or telephone only   
      
    and / or
  + Limiting contact to certain times or to a limited number of times per week or month  
      
    and / or
  + Only considering a certain number of issues in a specific period
* Declining to give any further consideration to an issue unless any additional evidence or information is provided
* Any other actions we deem to be appropriate and proportionate to ensure that we can carry out our duties while keeping our staff and any contractors safe.
* In extreme cases such as physical violence, threats or harassment, actions could include referring the matter to the police and taking legal action. In such cases it could result in entry to the Potentially Violent Person Register (PVP), which is managed through the PVP Framework.

**4.2 At every stage we will**

* Keep accurate factual records of incidents including from trusted third parties. Hearsay or opinion will not be considered as part of the decision-making process
* Keep customers informed of our decisions and the basis for those throughout
* Offer customers the chance to appeal any decisions we make by contacting the responsible officer within 28 days of the decision. We will inform the customer of how to make an appeal in our communications with them.

* + - Appeals for action taken at the informal and warning stages, such as Fair Treatment Letters, will be considered by the Assistant Director of the relevant service area.
    - Appeals for SPOC will be considered by the Assistant Director for Corporate Service and ICT.
    - Appeals will be considered within 5 working days of the request being received.
* Review any changes to the way we work with customers after an agreed period (of between 3 and 12 months depending on the nature of the behaviour)
* Only share information with people who need it. For example, if we temporarily alter the way we work with a customer, relevant staff and contractors will need to know about any new arrangements, but they do not need to know the reasons for them.

1. **Stage management and monitoring**

The Informal and Warning Stages are to be managed within service areas by team leaders and managers.

At the Formal Stage, where a single point of contact (SPOC) is considered, Managers and Team Leaders will raise the request to review a SPOC arrangement with the Data Management Officer. Services must refer to and comply with the SPOC Protocol. Services areas must have a clear reason and evidence for a SPOC to considered. A SPOC Review meeting will be held with all relevant parties and the request discussed. Approved SPOC arrangements are logged in a centralised SPOC Register by the Data Management Officer. The SPOC terms and review dates are recorded and monitored.

In extreme cases such as physical violence, threats or harassment, actions service area team leaders and managers will follow the protocols already established for:

* referring matters to the police
* considering appropriate legal remedies to include Injunction Demotion of Tenancy and Possession Proceedings
* the removal of any entitlement to join the Housing Register
* making immediate adjustments to in-person contact to protect our staff and contractors
* entry on to the PVP Register

The PVP Register is managed through the Health and Safety, Well-being Officer and a register kept. A red flag is placed against the tenant on the OH system, which is managed by Housing Management.

1. **Data Protection**

Personal data rights extend to all individuals, including those whose behaviour is captured by this policy. An individual has the right to request copies of all personal data held by the NPH.

They also have the rights to request personal data are amended, updated or removed/deleted where it can be shown to be inaccurate or irrelevant.

Therefore, officers must ensure all recorded data;

* + - * is relevant – only include references to other issues if they are directly relevant;
      * is factual – does not include hearsay;
      * Can be substantiated – evidence based, first-hand; and/or
      * Does not include personal comments.

Requests for access to information (SARs) and amendments must be made to the Data Management Officer (email: HousingInformationRequests.NPH@nph.org.uk).

1. **Review Date**

7.1 This policy will be reviewed within 3 years of approval.

**Appendix A**

Fair Treatment Letter – informal stage – summary of telephone conversation

Dear Miss XXX,

I am writing to confirm the content of our discussions yesterday about the incident that took place on 10th January when you became verbally aggressive and abusive towards a member of my staff carrying out fire safety inspections.

As discussed, this behaviour is unacceptable, and we do not expect customers to treat our staff in this way. This incident has been logged as an ‘incident at work’ and your records with Northampton Partnership Homes will be noted accordingly.

We also talked about the reason for our policy regarding items left in communal areas. As I explained, Northampton Partnership Homes takes fire safety of its blocks of flats very seriously and items cannot obstruct access ways such as your table noted outside your door.

I hope that you now have a better understanding of why we have this policy, as well as our expectations about your behaviour toward our staff. I trust that this will be the last incident of this type.

If you have any questions, please do not hesitate to contact me. My contact details are at the top of this letter.

Yours sincerely

**Appendix B**

Fair Treatment Letter – warning stage

Dear Mr YYY

I am writing to you regarding an incident that took place on 27th March 2020 where it was reported to me that you became verbally aggressive, abusive and threatening to a staff member during a telephone call regarding an account query.

While we understand that you may be frustrated by the delay you have experienced in resolving your query, the manner in which you spoke to our member of staff is unacceptable and our staff should not have to put up with it.

Our Fair Treatment Statement sets out that:

*Northampton Partnership Homes believes everyone should be treated fairly.*

*We will not tolerate racist, sexist or other offensive comments, abuse or threatening behaviour.*

*If you are the victim of such comments or behaviour while at work you have the right to challenge it and ask the person(s) to stop.*

*If the behaviour persists you may withdraw the service you are providing. If it takes place on council premises you have the right to ask the person(s) responsible to leave.*

This is not the first time that you have spoken to staff members in this way, and we have been in touch with you to discuss a previous incident on 14th January 2020.

I am writing to warn you that should any other incidents of unacceptable behaviour occur, we will move to the formal stage of our policy which could include providing a Single Point of Contact, limiting your contact with us, or any other actions we deem to be appropriate and proportionate.

If you have any questions about the contents of this letter, please feel free to contact me.

**Appendix C**Community Impact Assessment