



NORTHAMPTON  
PARTNERSHIP HOMES

# UNACCEPTABLE BEHAVIOUR POLICY

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<b>DOCUMENT MANAGEMENT</b>	
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<b>THIS DOCUMENT IS TO BE READ IN CONJUNCTION WITH:</b>
1. Single Point of Contact Protocol
2. West Northamptonshire Council's Unacceptable or Unreasonable Communications and Behaviour Policy
3. Potentially Violent Persons Framework (WNC)

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## **1. Purpose and Context**

- 1.1 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.
- 1.2 However, there can be occasions where individuals act in ways that make dealing with them and providing a service particularly difficult or even dangerous.
- 1.3 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.
- 1.4 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 and the types of restriction that NPH can put in place should the informal arrangements not succeed in a change of behaviour.
- 1.5 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.
- 1.6 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**

- 2.1 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.
- 2.2 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.
  - 2.2.1 Restriction of contact may take several forms and is not restricted to:
    - Restricting the customer from making contact by telephone except through a third party e.g. solicitor, Councillor, friend or advocate acting on their behalf;
    - Restricting the customer from sending emails to individuals and/or officers and insisting they only correspond by letter;

- Requiring contact to take place with one named member of staff only (a **single point of contact** (SPOC));
- Restricting telephone calls to specified days, times, and/or duration;
- Requiring any personal contact to take place in the presence of an appropriate witness;
- Letting the customer know that we will not reply to or acknowledge any further contact from them on that specific topic (in this case, the single point of contact will read future correspondence);
- In extreme cases legal mechanisms may be used to restrict a customer's contact with NPH and/or attendance at our places of work;
- Banning a customer from some or all of our places of work;
- Involving the police in cases where we believe the customer has committed a criminal offence (for example, harassment, hate crime, assault on staff or criminal damage), where assault is threatened, or where the customer refuses repeated requests to leave premises used by NPH; and/or
- If more than one service area or Partnering agency i.e. West Northamptonshire Council services or contract services are being contacted and the contact is deemed as unreasonable persistent and/or vexatious. NPH will consider a strategy meeting to agree a cross-service approach; and, where appropriate, designate one officer to coordinate future NPH responses to the customer or agree separate contacts depending on the nature of the enquiry.

2.3 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 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.

2.4 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.

### 3. 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 including racist, sexist, homophobic or transphobic comments using social networking sites to perpetrate or encourage aggression or abuse against NPH staff or contractors
- publishing personal, sensitive or private information about staff online such as through YouTube, Vimeo or Twitter or other public domains such as noticeboards or newsletters
- inflammatory statements and unsubstantiated allegations that individuals have committed criminal, corrupt or perverse conduct without any evidence

We may decide that comments aimed not at us but at third parties are unacceptable because of the effect that listening or reading them may have on our staff. Examples include rudeness, offensive comments, derogatory remarks, making inflammatory statements, or raising unsubstantiated allegations made towards these third parties.

Threats against staff will be taken very seriously and if staff feel scared or threatened at any point during a conversation with a customer, the interaction may be ended at any time.

### **Unreasonable Behaviour**

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

- refusing to specify the details of an issue or 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 without agreement of those involved, including publishing the information online such as through YouTube, Vimeo or Twitter
- submitting falsified documents
- refusing to accept a decision where explanations for the decision have been provided; 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
- refusal to engage in efforts to reach a resolution

### **Unreasonable Demands**

Behaviour may become unacceptable if it is so demanding that it places an unreasonable burden on us and impacts and disadvantages the level of service that can be offered to other customers. 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 member of staff when that is not possible
- repeatedly changing the substance of a request, enquiry or complaint or raising unrelated concerns unreasonable levels of contact, including 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. This can include when a customer repeatedly makes long telephone calls to us or inundates us with copies of

information that has been sent already or that is irrelevant to the enquiry, request, or complaint

- making repeated and unnecessary contact during the course of us dealing with an enquiry, request or complaint or carrying out an investigation

We consider that the level of contact has become unacceptable when the amount of time spent talking to a customer on the telephone, or responding to, reviewing and filing emails or written correspondence impacts on our ability to deal with that enquiry, request or complaint, or with other customers' enquiries, request and complaints.

### **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 request, complaint or other issue
- continuing to raise the same subject matter without providing any evidence to substantiate a claim or the provision of new evidence
- continuously adding to or changing the subject matter of a request or complaint

## **4. 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.
- We will also try to find out whether the customer has other issues that are contributing to their behaviour such as poor mental health, learning difficulties or drug or alcohol dependency. We will offer to refer them to an appropriate agency if they agree.



- The expectation that the customer's unacceptable behaviour must stop does not change in either of these scenarios.
- 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
- Deciding not to investigate an issue or complaint on the basis that it has been pursued in a way that is unacceptable
- 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 considering appropriate legal remedies to include Injunction Demotion of Tenancy and Possession Proceedings and the removal of any entitlement to join the Housing Register. 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 responding to the officer with whom they are in contact with 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 either the Assistant Director for Corporate Service and ICT, Assistant Director for HR and Organisational Development and the Assistant Director for Finance
  - Formal stage actions will be considered and agreed by a Senior Manager or Assistant Director as relevant to the service area supporting the resolution.
  - 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.

## 5. Failure to respond to requests to changes in behaviour

- 5.1 Where a customer continues to behave in a way which is unacceptable during an enquiry, investigation or the complaints process or overrides the restrictions imposed under this policy, the Complaints Manager in consultation with NPH's legal services, may decide to refuse all contact with the customer and stop any investigation into their enquiry, request or complaint.
- 5.2 If this is the case, the customer will receive a “**cease and desist**” letter. At this point, NPH may choose to refer the customer to the relevant Ombudsman as the possibility of resolving an issue or complaint will no longer be available.
- 5.3 NPH will notify the customer in writing confirming that it has responded to the points raised and has tried to resolve the issues, however there is nothing more to add and continuing contact on the matter will serve no useful purpose. This notification will state that correspondence is at an end and that further communications will be acknowledged but not answered.

## 6 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 be 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.

## **7 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](mailto:HousingInformationRequests.NPH@nph.org.uk)).

## **8 Policy 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 Mxx XXX,

I am writing to confirm the content of our discussions yesterday about the incident that took place on 10<sup>th</sup> 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 27<sup>th</sup> 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 outstanding repair.

While we understand that you may be frustrated by the delay you have experienced in organising the repair, 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 14<sup>th</sup> 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**

Fair Treatment Letter – serious incident of violence / aggression (straight to Potentially Violent Person register and possible demotion of tenancy)

Dear Mr ZZZ,

I write further to an incident that occurred on Thursday 21<sup>st</sup> January 2021 whereby I am advised that Mr ZZZ physically assaulted AAA, who is an employee of Northampton Partnership Homes. This was in the form of pushing her forcibly in the back and then he proceeded to grab her coat and push her out of the property. I am advised that during the incident and throughout her visit Mr ZZZ was rude, verbally abusive and swore often.

I am advised that the above was witnessed by an employee of a contractor that was in your home to undertake maintenance works.

I must advise that not only is the above wholly unacceptable but also represents a breach of your tenancy agreement, specifically Clause 12.1 which states:

“You, other Members of your household, Guests or Visitors to your Property, must not commit any acts of violence or threaten violence towards anybody residing, visiting or working in the neighbourhood. This includes towards any of our employees, agents or contractors.”

As a result, this incident and your details have been formally recorded on our internal risk management IT system.

I would like to take this opportunity to remind you that such behaviour is unacceptable and does not conform to our Fair Treatment statement.

The Fair Treatment statement states:

*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.*

I must insist that you do not engage in such behaviour in future. A record of this incident has been logged in our database and we will take steps to safeguard our staff and any contractors working for us should they need to attend your property.

Because of the seriousness of the incident, I am also seeking legal advice with a view to starting legal proceedings against you which could lead to the demotion of your tenancy. If this was

granted it would lead to the loss of some of your rights, and any breach of a Demotion Order would lead to the award of a mandatory Possession Order.

If you wish to discuss the content of this letter further, then please do not hesitate to contact me on the above telephone number.



**Appendix D**

Community Impact Assessment