

# Unacceptable Behaviour Policy

**Policy ref:**

**Policy author /holder** Head of Neighbourhoods

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**Approved by:** Operations Group Meeting

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**Review date:** May 2024

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## **1 Purpose and anticipated outcomes**

- 1.1 LiveWest aims to provide first class landlord services to our customers. We believe that customers of our services have a right to be heard, understood, and respected. We work hard to be open and accessible to everyone.
- 1.2 Occasionally, the behaviour or actions of individuals using our services makes it very difficult for us to deal with their complaint or issue. In a small number of cases the actions of individuals become unacceptable because they involve abuse of our colleagues or our process.
- 1.3 When this happens, we have to take action to protect the health and wellbeing of our colleagues who have a right to do their jobs without fear of being abused or harassed. We also consider the impact of the behaviour on our ability to do our work and provide services to others.

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## **2 Scope and definitions**

- 2.1 This policy applies to anyone who has contact with our colleagues and contractors and applies to all areas of our work and to all methods of contact including telephone, face-to-face, video calls, texts, letters, e-mails, social media, and other digital channels. It sets out our approach for managing unacceptable behaviour from customers, service users and/or their representatives when pursuing a complaint or engaging in communications, actions, or behaviours which we consider unacceptable.
- 2.2 We recognise that behaviour is not unacceptable just because a person is assertive or determined. There may have been distressing circumstances leading up to a customer contacting us and people may act out of character. Behaviour may become unacceptable however if it is so demanding or persistent that it places unreasonable demands on our colleagues and impacts the level of service that can be offered to others.

### 2.3 Definitions of what can be considered unacceptable behaviour include:

- Unreasonable demands (eg requesting large volumes of information, asking for responses within a short space of time, refusing to speak to an individual or insisting on speaking with another.)
- Unreasonable persistence (refusing to accept the answer that has been provided, continuing to raise the same subject matter without providing any new evidence, continuously adding to, or changing the subject matter of the complaint, approaching multiple colleagues about the same issue when a decision has already been made.)
- Verbal abuse, aggression, violence (this is not just limited to actual physical or verbal abuse but can include derogatory remarks, rudeness, inflammatory allegations, and threats of violence.)
- Overload of letters, calls, texts, emails or contact via social media (this could include the frequency of contact as well as the volume of correspondence received as well as the frequency and length of telephone calls.)

## 3 Policy statement

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- 3.1 The health, safety and wellbeing of our colleagues, customers and contractors is our top priority.
- 3.2 LiveWest has a strong track record of listening and engaging with our customers, service users, and colleagues. We believe that they all have the right to be heard, understood, and respected. We are committed to dealing fairly, consistently, and appropriately with everyone who uses our services, including those whose actions we consider unacceptable. We place great importance on treating our customers and our colleagues with respect and ensuring that in our verbal and written communications we are polite and considered. We expect the same approach from our customers and service users, and this policy sets out LiveWest's approach to customers whose actions or behaviour we consider unacceptable.
- 3.3 We expect our colleagues to be treated courteously and with respect. Violence or abuse towards colleagues is unacceptable. It is not acceptable when anger escalates into aggression directed towards LiveWest colleagues or company representatives.

## 4 Actions that LiveWest considers as unacceptable

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People may act out of character in times of trouble or distress. There may have been upsetting or distressing circumstances leading up to a customer approaching LiveWest. However, we will not tolerate unacceptable behaviour nor actions that result in unacceptable or excessive demands on our service in that it prevents staff from carrying out their duties effectively.

It is these behaviours and actions that we aim to manage under this Policy.

## 4.1 Aggressive or abusive behaviour

We understand that many customers can be upset and angry about the issues they have raised in their complaint or communication. If that anger escalates into aggression towards LiveWest colleagues and/or their representatives, we consider that unacceptable. Any violence or abuse towards colleagues/contractors will not be tolerated.

Violence is not restricted to acts of aggression that may result in physical harm. It also includes behaviour or language (whether verbal or written) that may cause staff to feel offended, afraid, threatened or abused.

We will assess each situation individually and understand that individuals who contact us may be upset or frustrated. While we accept that those who contact us may feel angry, it is not acceptable to shout or swear at LiveWest's colleagues and/or representatives.

There may be situations such as the customer having learning difficulties or mental health issues that affect their behaviour, where due consideration will be taken into account.

Unacceptable language is that which:

- Is offensive, derogatory, or patronising.
- Is discriminatory in any way, including racist, sexist, homophobic or transphobic comments, or
- Makes serious 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 colleagues.

Examples include rudeness, offensive comments, derogatory remarks, making inflammatory statements, or raising unsubstantiated allegations made towards these third parties.

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

## 4.2 Unreasonable demands

A demand becomes unacceptable when it starts to (or when complying with the demand would) impact substantially on the work of delivering our services.

Examples of this behaviour include:

- Repeatedly demanding a response within an unreasonable timescale.
- Insisting on seeing or speaking to a particular colleague, when that is not possible, or the issue does not relate to their area of the business.
- Repeatedly changing the substance of a complaint or issue or raising unrelated concerns.

An example of such impact would be that the demand takes up an excessive amount of colleague time and in doing so disadvantages other customers and prevents their own complaint or issue from being dealt with quickly.

### **4.3 Unreasonable levels of contact**

Sometimes the volume and duration of contact made to LiveWest by an individual causes problems. This can occur over a short period, for example, a number of calls in one day or hour.

It may occur over a longer period of time when a customer repeatedly makes long telephone calls to us or overwhelms us with copies of information that has been sent already or that is irrelevant to their complaint or the services we can provide.

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 complaint and/or issues, or with other customers' complaints and their requests for services.

### **4.4 Harassment**

Colleagues have the right to carry out their duties free from harassment or threats of harassment. We ask all customers to respect that colleagues are delivering services and communication decisions on behalf of LiveWest and therefore this may not reflect their own views or preferences.

Examples of behaviours we consider to be harassment against our colleagues include:

- Recording telephone discussions and publishing the information online, such as through YouTube, Vimeo or Twitter.
- Contacting colleagues using their personal details or social media presence, such as Facebook, Twitter or LinkedIn.
- Publishing personal, sensitive, or private information about colleagues online or other public domains such as noticeboards or newsletters.
- Trolling in general.

### **4.5 Unacceptable or excessive demands**

A demand becomes unacceptable when it starts to (or when complying with the demand would) impact substantially on the work of this Service.

Examples of this behaviour include:

- Repeatedly demanding a response within a timescale outside of service level agreements.
- Insisting on, or refusing to, speak to a particular colleague, when that is not possible.
- Refusing to accept a decision where explanations for the decision to a complaint or issue have been provided.

An example of such impact would be that the demand takes up an excessive amount of colleague time and in doing so disadvantages other customers.

#### **4.6 Unacceptable and persistence levels of contact - Complaints**

Sometimes the volume and duration of contact made to our services by an individual causes problems. This can occur over a short period or over the lifespan of a complaint.

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 complaint, or with other customers' complaints.

Unacceptable or persistent levels of contact include:

- Continuous contact while we are in the process of considering a matter.
- Repeated telephone calls over a short period, for example, a high number calls in one day or week.
- Lengthy telephone calls repeating the same points of discussion,
- High volumes of information provided by email or post referencing the same issues.
- Unnecessarily or excessive copying us into emails to other parties.

#### **4.7 Refusal to co-operate with the complaints process**

When we are looking at a complaint, we will need to ask the individual who has complained to work with us. This can include agreeing with us:

- The complaint we will look at
- To provide us with further information, evidence, or comments on request, or
- Help us by summarising their concerns.

Sometimes, an individual repeatedly refuses to co-operate and this makes it difficult for us to proceed. We will always seek to assist someone if they have a specific, genuine difficulty complying with a request.

However, we consider it is unacceptable to bring a complaint to us and then not respond to clear and appropriate requests by colleagues.

### **5. Reasonable adjustments**

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We understand that some customers may find it difficult for them to express themselves or communicate clearly, especially when they are anxious or upset. In order to do this, we ask that residents explain what adjustments they're looking for and how this will ensure they can access this Service.

We will always consider making reasonable adjustments for a customer if we are asked to do so. Examples of adjustments we can consider are:

- We could consider using different methods of communication.
- Providing written communication in large print, coloured text, or in translation.
- Giving clear warnings if conversations become unproductive and allowing customers to opportunity to modify their behaviour before ending a call.

However, we do not expect our colleagues to accept being subjected to aggressive, offensive, threatening, or abusive actions, language, or behaviour.

Due consideration will be taken in matters that raise issues relating to safeguarding and/or whistleblowing.

We may still use the policy if there are actions or behaviours which are having a negative effect on our colleagues or our work even where a reasonable adjustment has been made.

## 6 Actions we may take

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When we experience behaviour or demands which are unacceptable, we may consider taking more formal action. We will report any instances of unacceptable behaviour to our health and safety team via the electronic reporting system. The health and safety team will ensure an investigation is undertaken and will make recommendations based on the findings. Any formal actions recommended against perpetrators of unacceptable behaviour will be formally recorded against such individuals and the Police may be informed. The actions we will consider can include the following:

- Terminating abusive or threatening phone calls and assess whether to contact the Police and the best way to communicate further with the customer.
- Appointing a single point of contact for incoming communication and placing an alert on our systems diverting all contact to this contact
- Divert all incoming emails to a central management team inbox.
- Limiting the customer to a single form of contact (telephone, letter, etc).
- Refusing to register or investigate further complaints about the matters that have already been considered.
- Disengaging from further communication about non-essential matters, other than through a representative.
  
- Should we need to attend a customer's home on matters relating to their tenancy or other legitimate matters, consideration could be taken to ensure two colleagues are in attendance.
- Alternative dispute resolutions such as mediation between the customer and us.
- Referral to other agencies such as health care/police
- Enforcement action against the customer's tenancy that can include but is not limited to:
  - Verbal and written warnings
  - Acceptable Behaviour Contracts
  - Injunctions
  - Possession proceedings

Each case will be treated on an individual basis.

Decisions about whether to take action, particularly in considering either restricting contact or enforcing tenancy breaches, would usually be determined through an assessment process involving at least a senior manager with necessary expertise.

Without placing restrictions around the assessment process each review should generally consider the:

- Severity and impact of the difficult relationship
  - Number of instances
  - Breadth and frequency of contact the customer makes
  - Reason/s why the relationship with the customer has become difficult to manage
  - Customer's needs and circumstances
  - Whether the behaviour is because of a protected characteristic of the customer
  - Any customer needs or reasonable adjustments we should make under the equality act
- The Equality Act Assessment form can be used for the purpose of this assessment.

We may trigger an assessment as a result of a serious incident involving the customer's behaviour, a prolonged experience of unreasonable contact, or the frequency and legitimacy of complaints being made. In very serious cases where there is a threat to colleagues, we may seek to take immediate emergency enforcement action.

In recognising a direct relationship between the number of complaints being made by a customer and their level of contact we would usually undertake a review where customers raise three (or more) complaints within a 12-month period. The review should take into consideration other factors and available information to establish particulars of the complaints raised and identify any patterns.

## **7 Service standards, monitoring and review**

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- 7.1 Any restrictions placed on a customer or service user's contact due to unacceptable behaviour will be appropriate to their needs and will demonstrate regard for the provisions of the Equality Act 2010. LiveWest is committed to a fair and reasonable process of assessing someone who is unreasonable or abusive and ensuring that we communicate our expectations clearly. We will seek to resolve the situation informally at the earliest opportunity where this is possible, to avoid having to restrict contact.
- 7.2 If a decision is made to either formally place restrictions around the customer's contact or commence enforcement action, we will write to the customer to explain:
- The decision made and contact restrictions imposed
  - Why the decision has been made
  - What the decision means for the customer
  - How long any restrictions might last, or other applicable timeframes
  - How the customer can request a review of the decision.
- 7.3 When a restriction is put in place the usual specified review date will be six months. Restrictions may be lifted or eased at the review point if the customer demonstrates a more acceptable approach.

## 8 Appeal Process

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If a customer wishes to appeal a decision to place restrictions around their contact, they may request a review of the assessment. The request can be made in writing or verbally but must be within 15 working days of the decision communicated to the customer. The customer must provide any information they want us to take into consideration and the reasons why they feel our decision is unfair.

An independent Service Manager will review the case and advise the customer of the outcome. We will also provide any appeal outcomes to the next meeting of Customer Services Committee.

## 9 Confidentiality

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All personal information will be treated as confidential under the terms of the General Data Protection Regulation (GDPR) 2018, noting that this also provides provision for information to be shared with other agencies within agreed protocols. We may also seek to obtain information under the relevant Housing Acts to support any legal action if required.

## 10 Linked / associated policies and other references

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Below is a list of linked or associated LiveWest policies and procedures and to which our employees, contractors and other individuals are required to comply, as appropriate:

- Anti-Social Behaviour Policy & Procedure
- Compliments, Complaints and Feedback Policy & Procedure
- Equality Act Assessment
- Health and Safety Policy
- Incident Reporting and Investigation Procedure
- Safeguarding Children and Adults at Risk Policy and Procedure
- Sensitive Customer Information Procedure
- Social Media Policy
- Tenure Policy
- Vulnerable Customers Policy