

Dover District Council

# Managing Unacceptable Behaviour Policy



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# 1. Introduction

- 1.1 Dover District Council (“the Council”) is committed to putting our residents at the heart of our service delivery. We believe that all residents have the right to be heard, understood, and respected. Our staff and contractors should also have the same rights and protections.
- 1.2 We acknowledge that people may act out of character in times of trouble or distress. There may have been upsetting or distressing circumstances leading up to the resident contacting us. However, we will not tolerate unacceptable behaviour. It is these behaviours and actions that we aim to manage under this Policy.

# 2. Definitions

- 2.1 For the purposes of this Policy:
  - ‘We’, ‘ours’ and ‘us’ refers to the Council as the landlord or freeholder.
  - ‘Housing staff’ or ‘staff’ refers to officers within the Housing Services department and Property services.
  - ‘Contractors’ refers to third part organisations who carry out or provide services to tenants on the Council’s behalf.
  - ‘Resident’ refers to Council tenants (general needs, sheltered accommodation / independent living and interim housing), prospective tenants (those on our housing waiting list or transferring from another Registered Provider (Housing Association), shared owners, leaseholder and homelessness applicants.
  - ‘Resident case file’ refers to the electronic file for a tenant or a prospective tenant, or a homeless applicant.
  - The ‘Policy’ refers to this Managing Unacceptable Behaviour (Housing) Policy.

# 3. Legal and regulatory requirements

- 3.1 The purpose of this Policy is to set out what we consider to be unacceptable behaviour from residents, our expectations of residents and their behaviour, and to give staff and contractors a framework that enables them to feel confident and supported when deciding upon an appropriate course of action.
- 3.2 The Policy defines the following:
  - 1) The unacceptable behaviour from a resident(s) which we will not tolerate towards staff and contractors working on our behalf; and
  - 2) The actions that may be taken if staff and contractors are faced with unacceptable behaviour from a resident(s).

3.3 The Policy applies to:

- Housing staff.
- Contractors working on behalf of the Council conducting housing-related tasks.
- Tenants and other household members, who live in and rent a Council-owned property.
- Prospective tenants on Council's housing waiting list.
- People acting on behalf of tenants and prospective tenants where they have authority to do so.
- Tenants transferring from a Registered Provider (Housing Association).
- Tenants placed in temporary accommodation, whether Council or privately owned.
- Homelessness applicants.

All other residents not listed above, will be dealt with in accordance with the Council's Corporate policies and procedures.

3.4 This Policy should be read alongside the following documents:

- Tenancy Agreement
- Tenancy Management Policy
- Neighbourhood Management Policy
- Vulnerable Tenant Policy/Anti-Social Behaviour Policy
- Corporate Safeguarding Policy
- Corporate Complaints Policy
- Staff Risk and Unacceptable Behaviour Register Guidance Note
- Health and Safety Policy
- Lone Working Policy

## 4. Policy aim and principles

4.1 In operating this Policy, we will apply the following principles:

1. All residents will be dealt with in a fair, honest, and consistent manner and will be given the opportunity to reflect on and adjust their behaviour.
2. We will not tolerate any form of unacceptable behaviour from residents as defined by this Policy.
3. All staff are expected to use their skills and knowledge, and to act professionally to try to resolve situations.
4. Services are accessible to all residents. However, we may decide to restrict or change access to services when a resident(s) behaves in an unacceptable way.
5. Our aim is to try and make sure the physical and emotional safety of tenants, staff and contractors is not at risk from any resident(s) who behaves in an unacceptable way.
6. We will alert the Police if it is considered that there is an immediate danger to staff, contractors or other residents due to a resident's unacceptable behaviour or actions.

4.2 We also expect residents accessing housing-related services to:

1. Treat staff and contractors with respect, empathy, and dignity.
2. Be courteous.
3. Engage with us in a way that does not hamper our ability to carry out our work effectively and efficiently for the benefit of all residents.

## 5. Definition of unacceptable behaviour

5.1 'Unacceptable behaviour' includes the following:

### Aggressive or abusive behaviour

- 5.2 We understand that some residents can be upset and / or frustrated about issues affecting them. If that behaviour escalates into aggression towards staff or our contractors, we consider that to be unacceptable. Any violence or abuse towards staff or contractors will not be tolerated.
- 5.3 Violence is not restricted to acts of physical aggression towards staff or contractors. It also includes behaviour or language (verbal or written) that may be used by residents and causes staff or contractors offence, distress, make them feel threatened, and / or abused, and that which can impact on their ability to carry out their jobs and provide services to other residents.
- 5.4 We consider unacceptable language to be 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.
- 5.5 We may also decide that comments not aimed at housing staff or contractors but at third parties are unacceptable. This is because the effect of listening or reading them may have a negative impact on staff or contractors. Examples include but are not limited to, derogatory remarks, inflammatory statements, offensive comments, or raising unsubstantiated allegations.
- 5.6 All threats, whether physical, verbal or written, made against staff or contractors will be taken very seriously.

### Unreasonable and excessive demands

- 5.7 A 'demand' is defined as an insistent request or one that requires immediate attention. Unreasonable and excessive demands include, but not limited to:
- Repeatedly demanding a response within an unreasonable timescale.
  - Demanding for actions or certain actions to be taken by Housing Services to remedy a situation.
  - Insisting on seeing or speaking to a particular member of staff or contractor, when that is not possible or where that member of staff or contractor is not the most appropriate person to deal with the issue
  - Repeatedly changing the substance of a complaint or raising unrelated concerns.
  - Repeatedly raising the same issue with the same member of staff or contractor or multiple members of staff or contractors.
  - Where the demand(s) takes up an excessive amount of staff or contractors' time and in doing so disadvantages other residents and prevents or impacts service delivery.

## Unreasonable and persistent levels of contact

- 5.8 Sometimes the volume and duration of contact made to an Officer or Housing Services in general by an individual or group can cause problems. This can occur over a short period, for example several calls in an hour or day, or the resident(s) repeatedly makes long telephone calls or inundates the Council with repeated information.
- 5.9 Unreasonable and excessive levels of contact include, but are not limited to:
- Continuous contact while we are in the process of considering a matter.
  - Repeated telephone calls, emails or in person drop-ins over a short period, for example, a high number of calls in one day or week.
  - High volumes of information provided or post referencing the same issues.
  - Unnecessarily and excessively copying staff or contractors into emails to other parties.

## Harassment

- 5.10 Our staff and contractors have the right to carry out their duties free from harassment or threats of harassment. We expect all residents to respect staff and contractors that are delivering services that may not reflect their own views or preferences.
- 5.11 Examples of behaviour we consider to be harassment against our staff and contractors include, but not limited to:
- Audio / visual recording of staff and contractors while they carry out their duties, without their prior consent or reasonable excuse.
  - Contacting staff or contractors using their personal details or social media presence such as Facebook, Twitter, or LinkedIn.
  - Publishing personal, sensitive, or private information about staff or contractors online or via other mediums and domains such as noticeboards or newsletters.

## Refusal to co-operate

- 5.12 When we are dealing with a resident(s) issue, complaint or if we are carrying out an investigation, we will need the resident(s) to work with us. This can include, but are not limited to:
- providing us with further information, evidence of comments on request; or
  - helping us by summarising their concerns.
- 5.13 Sometimes an individual or group may repeatedly refuse to co-operate, and this makes it difficult for us to proceed with resolving the issue or completing our investigation.
- 5.14 We will always seek to assist someone if they have a specific, genuine difficulty complying with the request, for example if a resident(s) is disabled or vulnerable. This could be through an adjustment to our service provision to give them equal access. All adjustments made for disabled or vulnerable tenants will comply with our Vulnerable Tenant Policy.
- 5.15 However, we consider it unacceptable for any resident to raise a concern and proceed to not respond to clear and appropriate requests by staff. Refusing to cooperate will result in the matter being closed

## 6. Policy statements

### Roles and responsibilities

#### 6.1 Staff are responsible for:

- Supporting and dealing with residents fairly and in a professional manner.
- Delivering a high standard of customer service and taking all reasonable steps to mitigate against difficult situations from escalating.
- Ensuring that incidents of unacceptable behaviour are recorded on AssessNET and added to the Staff Risk & Unacceptable Behaviour Register where appropriate.
- Ensuring that warning letters are sent to residents where required.
- Considering their own behaviour when dealing with customers and for making sure their skills for handling difficult situations are up to date.
- Being aware of and following the Council's Housing, Corporate and Health & Safety procedures.
- Reporting any incidents of unacceptable behaviour to their line manager.
- Responding to any incident of unacceptable behaviour reported to them by a contractor.

#### 6.2 Senior Officers, line managers and team leaders are responsible for:

- Ensuring that staff understand and comply with this policy and associated procedures.
- Completing risk assessments with staff as a result of unacceptable behaviour perpetrated by a resident(s).
- Liaising with Corporate Health and Safety to maintain accurate records of all incidents reported by staff and reassessing the risks and control measures after each incident.
- Identifying if any staff have training needs for dealing with unacceptable behaviour.
- Determining the appropriate course of action when dealing with unacceptable behaviour.
- Conducting a review of contact restrictions at the specified review date and inform the resident(s) of the outcome.
- Monitoring the effectiveness of training.
- Staff welfare including reminding staff of the free and confidential Employee Assistance Programme (EAP).

#### 6.3 Managers are responsible for:

- Responding to residents' requests to appeal a decision to restrict contact.
- Supporting Senior Officers / line managers / team leaders with determining appropriate contact restrictions.
- Ensuring that this Policy is operationally effective.

## Tenant responsibilities

6.4 Tenants are responsible for abiding by the clauses within the tenancy agreement which states:

*You and anyone who lives in or visits your home must not harass, intimidate, abuse or cause a nuisance, annoyance or disturbance to neighbours, local residents, visitors to the area, employees, agents or contractors of the Council or any other person living in, visiting or engaging in a lawful activity in the locality of your home.*

6.5 Failure to abide by the tenancy agreement can result in enforcement action being taken against the tenant(s), household members and visitors and ultimately can result in the loss of the tenancy if taken to court.

## How we will manage unacceptable behaviour

6.6 We do not expect our staff or contractors to tolerate unacceptable behaviour when communicating and supporting residents. Housing Services have a 4-stage approach to dealing with unacceptable behaviour, which includes a mixture of informal and formal actions. These are:

- Stage 1 – initial warning (informal action)
- Stage 2 – written warning
- Stage 3 – contact restrictions
- Stage 4 – review of contact restrictions

6.7 However, in cases where the resident is physically aggressive and / or has physically assaulted, physically threatened or intimidated a member of staff and / or contractors, the usual process will be superseded, and Police will be involved (see 6.23).

## Stage 1 – Initial warning

6.8 Residents will be given an opportunity to change and moderate their behaviour. Where these circumstances arise, we will take the following steps:

- We will ask the resident(s) to modify their behaviour and explain why.
- If the behaviour continues to be unacceptable, our employees will remove themselves from the situation. If the communication is by telephone, the caller will be told that the call will be ended.

6.9 We will give residents two initial warnings to moderate their behaviour in a conversation or interaction, whether this is on the phone, in person or via email, before further action is taken (stage 2).

6.10 Staff should use the Unacceptable User Advice Cards published by the Housing Ombudsman to help manage and diffuse situations where a resident may be acting unacceptably towards them. The cards provide advice, guidance and suggests ways staff can handle difficult conversations with residents. Some examples include angry callers, accusations and allegations, callers who will not stop talking, callers who are threatening staff.

6.11 If the unacceptable behaviour continues after the initial warnings have been given, the incident will progress to Stage 2.

## Stage 2– written warning

- 6.12 We will issue a warning letter (by post and where possible, email) to the resident about their behaviour. The Letter will inform residents:
- The reason why the letter has been issued
  - What the unacceptable behaviour is
  - What steps we will take if they continue their unacceptable behaviour
  - If they are a Council tenant, we will remind them of their obligations towards their tenancy agreement.
- 6.13 We will progress cases to Stage 3 if the resident’s unacceptable behaviour persists after the warning letter has been issued.

## Stage 3 – contact restrictions

- 6.14 Cases progressed to Stage 3 will be overseen by Senior Officers, Line Managers and Team Leaders who will decide what contact restrictions to put in place. Examples include, but are not limited to:
- Contact is limited to writing only
  - Contact is limited to a specific individual
  - The resident is removed from the Council's social media and is blocked from our accounts.
  - Contact is limited to a specific email address, telephone number or mobile number
  - Place on file without a further response if the issue raised in the correspondence has previously been considered.
  - Contact is limited in other ways which we consider appropriate in the circumstances.

In addition, we reserve the right to:

- Limit telephone contact to set times on set days.
  - Restrict contact to a nominated employee who will deal with all future calls or correspondence.
  - Restrict the issues on which we will correspond.
  - Refuse to consider a complaint or any further contact in exceptional circumstances.
  - Take any other action which we consider necessary or appropriate.
- 6.15 We will consider contact restrictions on a case-by-case basis and will let the resident know of a decision to impose a contact restriction in writing via letter (by post, and where possible by email). The letter will inform the resident of:
- What restrictions have been put in place and why.
  - How long the restrictions will last for.
  - How the resident(s) can appeal our decision.
  - If the resident has been added to the Staff Risk and Unacceptable Behaviour Register.
  - In the event the behaviour is deemed by staff or contractor to be of a criminal nature, they will be reported to the Police.
- 6.16 Contact restrictions can last between 6 - 12 months. Restrictions can be placed on an individual or individuals, for example, where the individuals causing the unacceptable behaviour are joint tenants, and it can be proven that both individuals are equally responsible for this behaviour.
- 6.17 We will report extreme cases of unacceptable behaviour to the Police immediately (please see para 6.23). In such cases we may not give any warning to the resident.

## Stage 4 – review

- 6.18 Contact restrictions are reviewed at the end of the period and may be extended if the resident(s) fails to abide by them or their unacceptable behaviour continues. Extended restrictions can be made in the same terms or modified. Restrictions can be extended more than once.
- 6.19 We will inform residents of our decision in writing (by post and where possible by email).
- 6.20 In circumstances where the restrictions have failed to stop the unacceptable behaviour, we may decide to take legal action. In making any decision to take legal action, we may consider the following (this is not an exhaustive list):
- How legal action may affect our staff or contractors.
  - How legal action may affect the individual (including their personal circumstances, vulnerabilities, and any reasonable adjustments)
  - The extent to which we can engage or assist.
  - The extent to which the options to manage the unacceptable behaviour have been exhausted.
- 6.21 There may be occasions where a review is conducted beyond the restriction period, for example if the date falls on a bank holiday or weekend. We will inform the resident where this is the case.

## Extreme cases

- 6.23 Cases where a resident has physically assaulted, or physically threatened (including use of a weapon) or intimidated a member(s) of staff or contractor(s) will be treated as an 'extreme case'. In such cases staff should:
- Contact the Police and other emergency services as required.
  - Progress the incident to Stage 3 of this Policy.

The following will also apply:

- The incident must be recorded on AssessNet
  - The Senior Officer, Line Manager or Team Leader will complete a risk assessment with the staff member (see 6.27 – 6.28)
  - Complete the Staff Risk and Unacceptable Behaviour Form on SharePoint
  - Pending approval by the Health & Safety Panel, the resident will be added to Part 1 of the Staff Risk and Unacceptable Behaviour Register (para. 6.28-6.33).
- 6.23 In situations where the member of staff or contractor who is subject to such behaviour is away from the office and threats of violence are made about them by the resident in their absence, attempts will be made to contact the member of staff or contractor by telephone or private message to alert them to this since they may inadvertently meet them in public.

## Documenting incidents of unacceptable behaviour

- 6.24 We will keep an accurate chronological record on our management system, including documents, decisions and actions (taken and not taken) so that there is a clear audit trail.
- 6.25 Records will be used to decide what contact restrictions should be put in place and can be used as evidence of our compliance with this Policy and procedures if a complaint is made to the Housing Ombudsman.

## Risk assessments

- 6.26 Risk assessments are carried out at Stage 3,. The risk assessment is designed to consider the severity of the incident and the future risk that a resident poses. Information on the risk assessment will help us to determine what contact restrictions should be in place.
- 6.27 Completed risk assessments will be uploaded to our management systems and updated where necessary.

## Staff Risk and Unacceptable Behaviour Register

- 6.28 The Staff Risk & Unacceptable Behaviour Register (“The Register”), is a corporate system facilitating the recording, reviewing and sharing of information on potential risks to public facing DDC staff and contractors. These risks will include threatening, violent, aggressive or abusive behaviour, dangerous animals, dangerous structures, heavy drug use, weapons ownership etc.
- 6.29 The Register is just one of the lone working tools/strategies staff can use. Just because a customer or Member of the Public (MoP) doesn't appear on the register staff should always follow lone working procedures, particularly when visiting a new customer with no previous contact history.
- 6.30 Staff wishing to include tenants on the Register can refer to stage 3 of this Policy. Residents will be included on a Staff Risk Register (“the Register”) when contact restrictions are implemented. The Register is accessible to all Council staff whose duties require access to it, particularly those in resident-facing roles that involve visiting or communicating with members of the public. The purpose of the Register is to:
1. Ensure staff are informed about the associated risks and restrictions when interacting with residents on the register.
  2. Safeguarding the health and wellbeing of staff, who have the right to perform their duties without fear or abuse or harassment.
  3. Prevent such behaviour from disrupting staffs' ability to effectively carry out their responsibilities and deliver services to others.
- 6.31 We will also share contact restrictions with our contractors (where appropriate) to enable their staff to carry out their duties in accordance with the above points.
- 6.32 Active restrictions will be referred to in any tenancy reference checks for potential future landlords where we consider this to be justified and fair.
- 6.33 On some occasions we may decide not to inform a resident of their inclusion on the Staff Risk Register, where it decided that by being notified their unacceptable behaviour may be exacerbated.

## Appealing a decision

6.34 Residents can appeal contact restrictions. These are not the same as complaints (see Section 8). Appeals must be made in writing to the Housing Services within 20 working days of the date of the decision. Residents can email their appeal to: [housing@dover.gov.uk](mailto:housing@dover.gov.uk). Alternatively, appeals can be posted to us using the address below:

**Housing Services, Dover District Council, Council Offices, White Cliffs Business Park, Whitfield, Dover, CT16 3PJ**

6.35 A Manager will review and respond to the appeal. We will endeavour to respond to appeals in writing within 10 working days of receipt of the appeal. The outcome of an appeal is final.

6.36 Records of any appeals and decisions will be recorded on our management systems. This is to ensure consistency and accuracy of information, for internal audit purposes.

## How we will take account of our duties under the Equality Act 2010

6.37 The Council is committed to meeting the requirements of Section 149 of the Equality Act 2010, otherwise referred to as Public Sector Equality Duty (PSED).

6.38 We understand that some residents may have difficulty expressing themselves or communicating clearly and / or appropriately. We will take these into account when we decide what actions to take and, in our determinations, we may request further information or evidence, and / or seek further advice from professionals.

6.39 Sometimes we may put a contact restriction in place which impacts a reasonable adjustment. This is because the behaviour we are experiencing means the adjustment is no longer reasonable where the resident has shown unacceptable behaviour to a member of our staff or a contractor working on our behalf. This could be because that adjustment is no longer effective or practical. Where possible, we will prioritise selecting contact restriction(s) that provide an alternative way for residents to access to our services.

6.40 We may decide to complete an individual equality impact assessment to help us determine the most appropriate restrictions to implement.

6.41 Residents, carers or a person with authority to act on the resident's behalf should make us aware at the earliest convenience of any vulnerabilities that may impact on the way a resident communicates or behaves. Please see our Vulnerable Tenant Policy for more information.

## Safeguarding

6.42 If, in the course of our work, a resident threatens to harm themselves or others, we will consider disclosing this to a Designated Safeguarding Officer (DSO) as a safeguarding concern. We may also contact the Police if others are threatened with harm.

6.43 All safeguarding concerns and referrals will be dealt with by our staff in compliance with the Council's Safeguarding Policy and procedures, as well as current legislation and protocols published by the Kent and Medway Safeguarding Adults Board (KMSAB).

## 7. Implementation, monitoring, and review

- 7.1 This Policy will be reviewed every 3 years from the date it is adopted, or sooner, if required by changes to legislation, regulation or best practice to ensure that it is compliant.
- 7.2 Significant changes to the Policy will be approved by the Council's Cabinet. Minor changes will be made and approved by Officers.
- 7.3 A procedure has been developed to provide guidance on how to progress cases of unacceptable behaviour. This is to ensure that there is a consistent approach followed by Housing Services and Property Services Staff.

## 8. Complaints

- 8.1 The Council's definition of a complaint is:

*"As expression of dissatisfaction, however made, about the standards of service, actions or lack of action by the organisation, its own staff, or those on its behalf affecting an individual resident or a group of residents"*

- 8.2 The Council takes complaints made about any service it provides, officers who work for the Council or contractors who provide our services, seriously. If a resident wishes to make a complaint about the service, they have received or a Council officer they can be made:
  - In writing (letter or email)
  - Using our online complaint form
  - Using the Council's Complaint Leaflets (these are available at the Council's office reception, or they can be posted to the tenant / leaseholder)
  - Via telephone; or
  - In person by an appointment
- 8.3 All complaints received will be dealt with in accordance with the Council's Complaints Policy and Procedure. More information about how to make a complaint can be found on our website: [If you are unhappy \(dover.gov.uk\)](https://www.dover.gov.uk)

## 9. Equality, diversity, and inclusion

- 9.1 Although we have a zero-tolerance approach to all forms of unacceptable behaviour, we are committed to dealing with all residents fairly, honestly, consistently, and appropriately, including those residents whose actions and behaviours are unreasonable, some of whom may have a protected characteristic.
- 9.2 In accordance with Section 149 of the Equality Act 2010 we have completed an Equality Impact Assessment to ensure that this Policy does not negatively impact those protected groups. Where negative impacts have been identified mitigations have been put in place to reduce the impacts.

## 10. Privacy statement and confidentiality

- 10.1 The Council is a Data Controller under the General Data Protection Regulations (GDPR), and we are therefore required to process and protect data in line with current data protection legislation.
- 10.2 Information regarding unacceptable behaviour documented on housing systems will be accessible by other housing-related staff to ensure that restrictions, adjustments, or agreements implemented Managers are upheld.
- 10.3 Our ability to record and document information relating to resident unacceptable behaviour is covered under the [Housing Service Privacy Notice](#) and the [Housing Needs and Housing Options Privacy Notice](#). Full details of how we store and use personal information can be found on our [website](#). For further information on our data protection compliance please view the [Corporate Privacy Notice](#).

## 11. Version control

<b>Approval date</b>	TBC
<b>Approved by</b>	Cabinet
<b>Policy owner</b>	Housing Services
<b>Scheduled review</b>	TBC

<b>Policy controls sheet</b>		
<b>Date</b>	<b>Summary of change</b>	<b>Author and approver</b>
TBC	Policy updated to reflect changes made to the procedure for managing unacceptable behaviour after a scheduled 6-month review. 'Staff Risk Register' section updated.	Author: Strategic Housing Manager  Approved by: Strategic Director (Housing, Finance & Assets) in consultation with Portfolio Holder for Housing, Education and Skills.