

Rother Owned/Leased Accommodation

Unacceptable Behaviour Policy

1. **Aims**

This policy sets out the Council's approach to managing unacceptable behaviour from their tenants towards Rother District Council staff and their contractors. It informs our tenants of what the Council considers unacceptable and of the actions that can be taken.

2. **Scope**

This policy applies to anyone living in a property owned or managed by Rother District Council.

This policy covers behaviour exhibited on all types of communication including:

- Letter
- Telephone
- Email
- Social media
- In person

We manage incidents of unacceptable behaviour between residents or their visitors through our anti-social behaviour policy and processes.

3. **How we define unacceptable behaviour**

We understand that in times of trouble or distress people may act out of character. We do not view behaviour as unacceptable just because an individual is assertive or determined in their approach to us. Behaviour may become unacceptable if it causes distress to Council officers or becomes so demanding or persistent that it places unreasonable demands on the Council and impacts on the level of service that can be offered to other tenants. It is these actions that we aim to manage under this Policy.

Unacceptable behaviour can be as follows:

- **Aggressive or Abusive behaviour**
Aggression is not limited to acts that may result in physical harm. It also includes behaviour or language that may cause colleagues to feel afraid, threatened, or abused.

Examples of aggressive behaviour include but are not limited to:

Threats, shouting, physical violence, personal abuse, derogatory remarks, rudeness and unsubstantiated allegations against staff

- **Unreasonable demands**
Demands become unreasonable when they start to have a negative impact on the work of the Council. This may be due to a variety of reasons, but examples include: the amount of information that is asked for or the nature and scale of service expected.
- **Unreasonable persistence/repeated contact**

Unreasonable persistence is where despite our reasonable attempts to resolve a matter, the resident continues to make repeated contact about the same issue and/or persistently refuses to accept the outcome of a decision or is seeking an outcome which we are unable to give for policy, legal or other valid reasons.

The way in which these tenants approach us may be entirely reasonable, but their persistent behaviour in continuing to do so is not.

Examples of this type of behaviour include but are not limited to:

- Demanding to only deal with, or unreasonably refusing to deal with, a particular colleague
- Asking for responses within an unreasonable time period
- Making unfounded complaints or requests for repairs
- Continual phone calls, letters, or emails to colleagues (or any other type of communication)
- Persistently approaching us through different routes, and to different colleagues, about the same issue.

4. How we will manage unacceptable behaviour

Each case of unacceptable behaviour will be considered on an individual basis. The Council recognises that in some cases such behaviour may be unintentional and what amounts to unacceptable demands will depend on the circumstances surrounding the particular issue(s) and the behaviour exhibited by the tenant.

There are a variety of options that the Council might consider using depending on the circumstances of the case. Officers will advise the tenant(s) that their behaviour is considered unacceptable together with the reasons why, so that they have the opportunity to reflect and amend their behaviour. Should the negative behaviour continue, officers will determine the course of action that is considered appropriate for the circumstance which may include putting in place restrictions. In implementing this course of action, the tenant will be advised in writing of what course of action we have determined as necessary, how long any restrictions may last for and how to appeal our decision.

A decision to exercise any sanction under this policy will usually be taken by the Head of Housing and Regeneration. Actions that may be taken include, but are not limited to:

- restricting times when we will accept telephone calls from a tenant to particular days and/or times;
- limiting communication to one type of contact (e.g. email);
- limiting contact to one particular member of staff;
- replying on a scheduled basis, for example responding once every 20 working days to any legitimate issues raised;
- entering into an agreement regarding the tenant's future behaviour before continuing with their enquiry/complaint or to provide services to them;
- placing the tenant on the Council's 'Customer of Concern' database;
- applying a "warning flag" on the service user's electronic record to classify them as using unacceptable behaviour;

- maintaining contact through someone who is independent of both the Council and the tenant;
- banning or restricting the tenant from entering the Council offices for a defined period;
- closing communication with the tenant on a specific issue where a complaint has been closed or unreasonable demands or persistence on a specific matter continues;
- reading and filing correspondence which will only be acknowledged or responded to if appropriate to do so (e.g. where new legitimate issues arise); and
- use of legal remedies to tackle anti-social, threatening or abusive behaviour towards staff or Council property.

The tenant will be advised of how long any action will remain in place. The length will depend upon the particular circumstances of the case but will be anywhere from three to twelve months, which may be extended should the situation continue.

Should the behaviour threaten the personal safety of staff, our contractors or our tenants or the individual we are trying to interact with, prior warning will not be provided. Should the behaviour become extreme, we may consider it necessary to report the matter to the Police or other relevant authorities. If we take any action to manage the unacceptable behaviour as listed, a tenant may appeal against this decision using the Formal Complaints Procedure for Rother District Council tenants.

5. Reasonable Adjustments

We understand that some of our tenants may have disabilities which may make it difficult for them to express themselves or communicate clearly, especially when they are anxious or upset. We also recognise that some disabilities can make it difficult for tenants to assess the impact that their behaviour might have on other people.

We will always consider making reasonable adjustments for a disabled tenant, based on evidence of the disability and will seek further advice from professionals involved in the tenant's care, if we are asked to do so. For example, we could consider using different methods of communication, or agree to give clear warnings when we feel that a tenant's behaviour is unacceptable so that they have the opportunity to change it.

However, we would not consider it to be reasonable to expect our staff or contractors to accept being subjected to aggressive, offensive or abusive actions, language or behaviour. Even if a tenant has a disability, we may still use the policy if there are actions or behaviours which are having a negative effect on our staff or our work.

Where a tenant needs to be represented by a third party (for example a family member or support worker), such provisions will be accepted with written consent from the tenant. The same provisions contained within this policy relating to acceptable behaviour will also apply to the advocate.

6. **Review**

We will carry out a review of this policy every three years or sooner, subject to any legal, regulatory or internal changes. We will consult and involve our tenants at these reviews through satisfaction surveys and feedback groups.

7. **Data Protection**

Rother District Council collects, holds and uses a considerable amount of information, including personal data, so that it can provide its services to you. Rother District Council is fully committed to protecting your personal data. You can find a copy of our Privacy Policy at www.rother.gov.uk/data-protection-and-foi/privacy-policy/