

# **Policy on Dealing with Unreasonable Behaviour or Actions**

## Contents

1. Policy statement .....	1
2. Purpose .....	1
3. Scope .....	1
4. Responsibilities .....	1
5. Why do we have this policy? .....	1
6. What is unacceptable behaviour or actions? .....	2
7. Aggressive or abusive behaviour .....	2
8. Unreasonable demands .....	3
9. Unreasonable persistence .....	3
10. How will MTHA manage unacceptable behaviour? .....	3
11. What happens if a tenant disagrees with the decision? .....	6
12. References .....	6
13. Document control .....	6
14. Equality and Diversity .....	6
15. General Data Protection Regulations (GDPR) .....	7

## **1. Policy statement**

- 1.1 We expect all our tenants and other customers to be treated with respect and consideration and we expect our tenants and other customers to treat all our staff with the same respect and consideration.

## **2. Purpose**

- 2.1 Unreasonable behaviour of all kinds is seen from the point of view of the person towards whom the behaviour is directed. If an individual feels that the behaviour they are receiving is unreasonable then they can request that it be investigated.
- 2.2 This Policy seeks to confirm that position. In the Policy we recognise that different people may have different ways of expressing themselves. It is when this becomes unreasonable that this Policy will apply.

## **3. Scope**

- 3.1 This policy aims to:
- a. Clearly define what we deem to be unacceptable behaviour and what actions MTHA may take if we consider a tenant or customer to be acting unreasonably
  - b. Ensure that MTHA staff carrying out their work such as delivering a service or investigating a complaint do not experience abusive, threatening or unacceptable behaviour or language from tenants or customers.
  - c. Ensure that everyone in contact with us is given the right to be heard, understood and respected. Equally we expect our staff to have the same right.
  - d. Ensure that we focus on delivering excellent services or resolving genuine complaints within the resources we have available.

## **4. Responsibilities**

- 4.1 The Director of Operations will oversee the implementation of this policy.

## **5. Why do we have this policy?**

- 5.1 Tenants and other customers engage with MTHA for a wide range of reasons. This Policy applies to all contact and sets out our approach when responding to tenants or other customers whose actions or behaviour is deemed to be unacceptable.
- 5.2 Most issues, enquiries and complaints are dealt with in a straightforward manner. We are generally able to provide a service or resolve an issue when it is reported to us. However, in a minority of cases, people can behave in a

way that obstructs how we deliver our services or investigate a complaint. This can cause a significant resource issue for MTHA and prevent us from delivering a proper service.

- 5.3 Unreasonable behaviour can take place through a number of means. This policy covers all methods used by tenants including for example over the telephone, face to face, online, through social media and in writing.
- 5.4 This Policy will be used in conjunction with MTHA's Codes of Conduct for staff, the Board and TSSG. This Code sets out the standards expected and the attitudes and behaviours that everyone must observe when engaged through formal and informal methods of involvement.

## **6. What is unacceptable behaviour or actions?**

- 6.1 We understand and recognise that when people are unhappy or dissatisfied, they may act out of character and we do not view this behaviour as unacceptable. However once anger becomes directed from an issue to an individual this becomes unacceptable behaviour.
- 6.2 If tenants or other customers demonstrate behaviours and actions which are perceived to be angry and threatening, overly demanding, abusive, bullying or persistent this may result in unreasonable demands on, or unacceptable behaviour towards staff. It is these actions that we consider unacceptable, and which we aim to deal with under this policy.

Examples of unreasonable behaviour may include:

- being overly persistent by unreasonably frequently requesting information
- repeatedly contacting staff, without giving MTHA opportunity to respond
- being abusive towards staff, contractors or other tenants
- consistently raising unfounded or vexatious complaints
- making unreasonable demands beyond that of normal service
- ridiculing, demeaning or insulting someone (for example other tenants, staff, contractors or partners)
- spreading malicious rumours
- unwelcome sexual advances or displaying of offensive materials
- deliberate undermining by constant criticism
- shouting at staff and/or using inappropriate language to cause offence.

## **7. Aggressive or abusive behaviour**

- 7.1 Violence is not restricted to acts of aggression that may result in physical harm. It also includes behaviour or language that may cause staff to feel threatened or abused or where the member of staff's professionalism is questioned to the point where they feel belittled. Examples include threats, physical violence, personal verbal abuse, derogatory remarks and rudeness. It is also considered that inflammatory statements and unsubstantiated allegations can be abusive behaviour.

7.2 We expect our staff to be treated courteously and with respect. It is unacceptable when anger escalates into aggression.

## **8. Unreasonable demands**

8.1 Tenants or complainants occasionally make what we consider to be unreasonable demands on staff through the amount of information they seek or provide, the nature and scale of service they expect, or the number of approaches they make. What amounts to unreasonable demands will always depend on the circumstances surrounding the behaviour and the seriousness of the issues raised.

8.2 Examples include but are not limited to:

- demanding responses within an unreasonable timescale
- making an unreasonable number of phone calls or sending multiple emails and letters
- pursuing the same issue or complaint through alternative avenues i.e. other departments at MTHA or the Council, MS, Member of Parliament, Ombudsman's service etc.
- repeatedly changing the substance of the issue or complaint

8.3 We may consider such demands as unacceptable and unreasonable if they start to impact substantially on our work, such as taking up an excessive amount of staff time or hindering service delivery.

## **9. Unreasonable persistence**

9.1 Complainants may persist in disagreeing with the action or decision taken in response to their case or contact MTHA persistently about the same issue.

9.2 Examples include but are not limited to:

- refusal to accept explanations relating to what MTHA can or cannot do
- continuing to pursue a case without presenting any new information

9.3 The initial approach to MTHA may be entirely reasonable; it is the persistent behaviour that is not reasonable. We consider the actions of persistent complainants and other residents to be unacceptable when their complaint is not legitimate and takes the focus of staff time away from dealing with and responding to genuine issues.

## **10. How will MTHA manage unacceptable behaviour?**

10.1 Staff have responsibility to ensure that they avoid putting themselves at risk and should make proper use of systems of work provided for their safety. On a visit and in the office personal safety is paramount. The Lone Working Procedures should be followed for both visits and office contact.

- 10.2 Staff who subject tenants, staff or other parties to unacceptable behaviour will be dealt with through the Disciplinary Procedure.
- 10.3 Visitors to MTHA premises should not be subjected to unacceptable behaviour by staff members, even if their own behaviour is provoking.
- 10.4 When an incident of unacceptable behaviour takes place, we will tell tenants and other customers that their behaviour is unacceptable and ask them to change their behaviour. In all forms of contact whether over the phone or face to face or by letter or email, if unacceptable behaviour is displayed, the member of staff has the authority to challenge the behaviour in accordance with this policy. Staff can and will tell the tenant that their behaviour is unacceptable, ask them to stop the behaviour and end a conversation if the behaviour does not stop.
- 10.5 On the phone we will terminate the call after telling the tenant or other customer that their behaviour is unacceptable, giving them an opportunity to change their language or behaviour and then a warning before terminating the call.
- 10.6 On a visit, if a tenant or other customer becomes aggressive or abusive the priority for the staff member is to remove themselves from the situation.
- 10.7 In the office, we will tell the tenant or other customer that their behaviour is unacceptable, give them an opportunity to change their behaviour and if they do not, they will be asked to leave. If aggressive or abusive behaviour does not stop, the staff member should seek management support. The Police should be called if personal safety is at risk or the tenant or other customer refuses to leave.
- 10.8 We will assess each incident on a case by case basis. In order to evaluate the appropriate level of response to an incident we will consider the circumstances of the case and the seriousness of the incident.
- 10.9 When a complaint about unacceptable behaviour is received from a tenant, a member of staff, a contractor or third party, MTHA will appoint an investigating officer to gather information.
- 10.10 A letter will be sent to the tenant to advise them of the allegation and they will be invited to an investigatory meeting. The investigating officer will undertake this interview. Other relevant parties including staff will also be interviewed.
- 10.11 Following completion of the investigation a report will be prepared by the investigating officer with recommendations. This report will be passed to the Director of Operations to make a decision on the report findings.
- 10.12 MTHA will use an escalation process when taking action proportionate to the behaviour and findings of the investigation. A range of actions will be considered including, but not limited to:

**Contact the tenant in writing or by telephone.**

We will explain why their behaviour is causing concern and explain actions we will take if their behaviour does not change.

**Restrict the tenant's contact with MTHA.**

This could include stopping personal contact with staff, via personal visits, telephone, letter or email. The tenant will be notified in writing of our decision. When a contact restriction is in place, we will provide a named member of staff and method of contact to use. The tenant may be restricted to contact via an independent body such as Citizens Advice. The tenant will still be able to contact us in the event of an emergency.

**Return or destroy excessive emails, letters or documents.**

We will return excessive amounts of correspondence explaining why we have taken this action. In extreme circumstances, or where documents are offensive or defamatory, we may destroy them.

**End all contact, if threatened with physical violence, verbal abuse or harassment.**

Incidents will be reported to the Police and we may add a warning to the tenant's records. We will also assess if the behaviour is a breach of tenancy and consider appropriate action.

- 10.13 If a tenant is involved in our engaged tenant groups or activities, they may be required to end this involvement for a defined period of time.
- 10.14 Restrictions would normally be put in place for a minimum of one year, but for such a period as is deemed reasonable. The tenant will be informed of the action we are taking and the duration of the action in writing. A copy of this letter will be placed on the tenancy file and computer records updated to record this information.
- 10.15 In cases of aggressive or abusive behaviour we will identify this on our computer systems to warn others that the tenant's behaviour may pose a risk to staff. We will inform the tenant of this in writing.
- 10.16 We may also consider applying for possession of the property or apply for an injunction to prevent future unreasonable behaviour. Breaches of these could lead to eviction or criminal proceedings by the Police, potentially resulting in a custodial sentence.
- 10.17 All cases of sanction or restricted contact will be reviewed annually. The Director of Operations will prepare an annual report on all cases for the Chief Executive to decide on either continuing the sanction/restriction or to close the case. Factors, such as the tenant consistently demonstrating acceptable behaviour, will be taken into account when making the decision.
- 10.18 Tenants will be advised in writing when their case has been closed.

## 11. What happens if a tenant disagrees with the decision?

- 11.1 Decisions to restrict contact will only be taken after careful consideration. Wherever possible, the tenant will be given the opportunity to modify their behaviour before the decision is taken.
- 11.2 A tenant can appeal the decision to restrict contact; this can be made in writing and will be considered through the Complaints Process. MTHA will advise if the arrangements still apply or a different course of action is necessary.

## 12. References

Related External Documents	
Reference	
Related Internal Documents	
Complaints Policy and Procedure	
Board Member Code of Conduct; TSSG Code of Conduct; Staff Code of Conduct	
Tenancy Agreement	
Data Retention Policy	

## 13. Document control

Document Information	
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Document History			
Date	Version no.	Author	Description
23/06/20	1	Jayne Lewis	Governance Manager

## 14. Equality and Diversity

- 14.1 MTHA seeks to treat all tenants and staff with fairness and respect. Similarly, we expect that tenants will treat staff with respect. We value diversity and will challenge prejudice and discriminatory behaviour. We will not tolerate racist, sexist or homophobic behaviour, or abuse against anyone with protected characteristics.
- 14.2 Within the scope of this policy we aim to deal fairly and appropriately with everybody, including those whose actions we consider to be unacceptable.

14.3 We understand that periods of trouble or distress can impact on how people usually behave and may lead people to act out of character due to stress or upset. We also recognise that a person's actions may be affected by mental health issues, substance misuse or other factors. We will take these issues and other support needs into consideration when implementing this policy.

## **15. General Data Protection Regulations (GDPR)**

15.1 Data will be stored in accordance with the Association's Data Retention Policy.