

Policy Name	Unacceptable Behaviour Policy
Version No.	V1.2
Approval Date	05 March 2019
Category	Corporate
Classification	Public

Unacceptable Behaviour Policy	
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Version Control

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1. Policy Purpose & Aim

The ExtraCare Charitable Trust (ECCT) is committed to providing a safe environment for its staff, residents, volunteers and visitors. To do this, we feel that our staff, volunteers and contractors should be able to come to work without fear of violence, abuse or harassment from residents, their relatives, customers, or any other visitors. In most cases, residents and visitors will comply with these expectations but a minority of people do behave in an unacceptable way. ECCT is committed to dealing with this issue fairly, consistently and firmly.

2. Objectives

The objectives of this policy are to:

- Manage unacceptable behaviour in line with ECCT values;
- Define what ECCT considers unacceptable and outline our approach to dealing with this;
- Ensure consistency of approach to dealing with abuse, harassment or intimidation towards staff members, contractors and volunteers;
- Ensure every member of staff, resident and volunteer understands ECCT's approach to abusive behaviour;
- Empower staff members and volunteers to use this policy to address any instances of unacceptable behaviour by residents, customers or visitors in line with ECCT values; and
- Meet legislative and regulatory requirements.

3. Scope of Policy

This policy applies to ECCT residents and visitors and covers all staff, volunteers and contractors in locations (villages and schemes), Head Office and Retail.

ECCT understands that people can act out of character in times of stress or when they are unhappy with a situation. However, sometimes when people are angry, demanding or persistent, it can result in unreasonable demands on the service and unacceptable behaviour towards employees and volunteers. This policy is designed to manage these types of situations. We don't accept abusive/aggressive behaviour by anyone, but this policy specifically focuses on residents/visitors.

Conduct of this type by staff/volunteers, and how we support staff/volunteers experiencing this behaviour, is covered by ECCT's Bullying, Harassment, Victimisation and Victimisation Policy. Unacceptable behaviour by ECCT employed contractors should be referred to the contract holder and dealt with via our contract with them.

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4. Responsibilities

4.1 Executive Leadership Team (ELT), Senior Management Team (SMT) and Managing Director of Retail

As senior management, the ELT, SMT and MD Retail are responsible for ensuring that this policy is followed at all locations (villages and schemes), shops and Head Office. They are to make sure all staff and volunteers are aware of this policy and that instances of unacceptable behaviour by residents or visitors are dealt with using the steps outlined in this policy.

They are to ensure that the Code of Conduct for street meetings and resident involvement meetings is followed at all meetings they are present at.

4.2 Head of Compliance and Improvement (HoCI)

It is the responsibility of the HoCI to ensure that this policy is in line with relevant legislation and regulatory and statutory guidelines. They are to ensure consistent application of this policy across ECCT and to review and update the policy on an annual basis.

4.3 Head of People (HoP)

The HoP is to ensure the ECCT Bullying, Harassment, Victimisation and Victimisation Policy supports the delivery of this policy, and training is put in place where needed to support staff and volunteers in tackling unacceptable behaviour.

4.4 Housing and Customer Engagement Manager (HCEM)

The HCEM is responsible for ensuring that the Customer Engagement Policy, Complaints Policy and Anti-Social Behaviour Policy support the delivery of this policy.

They are to offer advice to managers in regards to appropriate actions to take against unacceptable behaviour, in line with this policy. They will also offer advice of when to escalate and tackle via the Anti-Social Behaviour Policy which may result, in extreme circumstances, in legal action.

They are also to ensure that the Code of Conduct for street meetings and residents' involvement meetings is followed at all meetings they are present at.

4.5 Regional Operations Managers/Cluster Manager and Regional Managers

Regional Managers (Retail) or Regional Operations Managers/Cluster Manager (Operations) are responsible for ensuring this policy is followed at their locations and shops and supporting managers to follow the policy. They are also responsible for deciding if action needs to be taken in regards to non-residents.

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In retail, regional managers empowered to issue a banning letter, either permanently or for a period of time, from the premises.

They are also to ensure that the Code of Conduct for street meetings and resident involvement meetings is followed at all meetings they are present at.

4.6 Location Managers and Retail Managers

Managers are responsible for addressing unacceptable behaviour in their location or directed at their team. They will make the decision on how to address the issues and what is appropriate, in consultation with the ROMs/CM, Regional Managers and HCEM.

Managers will support their staff in implementing this policy. They are responsible for ensuring that adequate records of all incidents are made, kept and shared with relevant staff. They are also responsible for communicating actions taken to all relevant staff.

Managers are responsible for ensuring that the Code of Conduct for street meetings and residents' involvement meetings is followed at all meetings they are present at.

4.7 Charity Volunteers Lead

They are to ensure unacceptable behaviour from volunteers is managed appropriately in line with the ECCT Bullying, Harassment, Victimisation and Victimisation Policy. They are responsible for ensuring that all volunteers are made aware of this policy through inductions/trainings and are aware of the support they can receive from ECCT should they be affected by unacceptable behaviour from a resident/customer.

4.8 All Staff and Volunteers

All staff and volunteers will ensure they are friendly, approachable and easy to talk to and abide by ECCT's values in their interaction with residents, customers and visitors.

Staff and volunteers are responsible for notifying their line manager of all incidents of unacceptable behaviour and documenting these according to this policy. Staff and volunteers are to be clear, fair, consistent and firm in dealing with any unacceptable behaviour, and do so in line with this policy.

5. Monitoring & Review

As this is a new policy it will be reviewed and updated in 12 months, with a review of its effectiveness after six months of implementation.

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6. Risk Management

Abuse, harassment or intimidation poses a risk to ECCT meeting the targets and commitments set out in the Corporate Plan 2017-2020, particularly T12 and T13 as violence and aggression have demonstrable links to staff sickness, high rates of turnover and loss of productivity. It may also effect T5 - resident satisfaction, T10 - retail profits, and T9 - volunteer numbers.

In addition, it poses a reputational risk to ECCT as there are costs associated with compensating affected staff and volunteers, including bad publicity.

7. Statement of Commitment

ECCT have a duty to protect the health, safety and welfare of staff members and volunteers, as far as is reasonably practicable, under the 1974 Health and Safety at Work Act. We also have a duty to ensure a positive environment for our residents and visitors. ECCT is committed to complying with this duty and will ensure, to the best of its ability, that this duty is met.

ECCT recognises that a person's actions may be affected by disability, including mental health issues, substance misuse or other factors. ECCT will take all of these factors and any other relevant matters into account when implementing this policy.

8. Definition of unacceptable behaviour

ECCT has identified types of behaviour which may lead to this policy being invoked:

- **Aggressive or Abusive Behaviour:** this is the use of language (oral or written) or behaviour that may cause staff, volunteers and others to feel afraid, threatened, abused, or the subject of harassment. Examples include, but are not limited to, threats, physical aggression, verbal abuse, threats of personal legal action against the staff member, rudeness, and the use of insulting and offensive remarks. Inflammatory statements and unsubstantiated allegations can also be considered abusive behaviour. Racist, sexist, homophobic or other prejudicial behaviour directed towards any staff member will be considered abusive behaviour; and
- **Unreasonable Persistence and Demands:** ECCT recognises that there are a small minority of people who will not accept a decision taken, or an explanation/information given by ECCT. They may persistently complain or continually contact ECCT about this particular issue. A persistent refusal to accept a decision or explanation, or a repeated refusal to follow an appropriate course of action (e.g. the Complaints Procedure) and repeated contact with a particular employee or group of employees about the same issue

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without presenting new information is considered unacceptable behaviour, particularly where they take up a disproportionate amount of time and resources.

9. Preventing Unacceptable Behaviour

Staff and volunteers should always try and prevent unacceptable behaviour by ensuring they are friendly, approachable and easy to talk to and abide by ECCT's values in the work they do.

ECCT's values are:

- **Empowering:** We encourage and support our staff to provide outstanding services to our residents and customers;
- **Compassionate:** We show empathy and compassion to our residents and customers;
- **Collaborative:** We work together as one team for the benefit of our residents, staff, volunteers and customers;
- **Transparent:** We are open, transparent and honest in our dealings with our residents, staff, volunteers and customers.

ECCT will be proactive in defining what behaviour is expected from staff, residents, visitors and volunteers via our Community Charter. This is being developed in consultation with staff and residents as is expected to be issued in April 2019. This should be displayed clearly at all locations.

Where staff are regularly experiencing unacceptable behaviour from residents, customers or visitors, the manager may wish to display the approved Unacceptable Behaviour (Zero Tolerance) poster to convey a clear message that this behaviour will not be tolerated.

10. Managing Instances of Unacceptable Behaviour

10.1 General

Staff and volunteers should not be expected to tolerate unacceptable behaviour, but they should always consider the motivation behind this behaviour before deciding if it is unacceptable. There may be understandable reasons why the individual(s) is/are acting in such a manner. These may include being frightened, frustrated or suffering from a mental health condition such as dementia. Staff and volunteers should therefore take into account any known factors relating to the individual's needs and circumstances before taking action.

A person should always be given an opportunity to rectify their behaviour and in the first instance, staff and volunteers should explain why they find the person's behaviour or language unacceptable and allow the person a chance to remedy, moderate or change the behaviour.

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Staff and volunteers may find it useful to refer to the Community Charter (once available) on display in the location, and explain the behaviour is in breach of the principles in the Charter and will therefore not be tolerated.

10.2 Residents - individuals

If the behaviour continues, after an initial warning, (volunteers should direct the individual to an ECCT employee) employees are able and empowered to:

- End telephone calls if the caller is considered aggressive, abusive or offensive. Employees should clearly explain why they are ending the call;
- Report the threat or use of physical violence, verbal abuse/harassment or persistent correspondence to their line manager. They may then consult the Location Manager to consider how to manage contact with the person;
- Refuse to meet with someone/take a telephone call if they have directly experienced aggressive or abusive behaviour from that person, or feel bullied or harassed by the oral or written communications; and
- Make arrangements to be in pairs when delivering service to the resident or make any other reasonable arrangements for delivering a service to, or interacting with, the resident (e.g. such as meeting people only with family present; holding meetings in an ExtraCare office rather than within the home etc.).

If a person has exhausted all internal review mechanisms or exhibits unacceptable behaviour then it may be appropriate to manage their contact with staff. Deciding to manage a person's access to staff is a difficult and serious step to take. Any decision should always be appropriate to the circumstances and approved by the relevant ROM/CM and the Housing and Customer Engagement Manager.

Any restriction that is imposed on the individual's contact with staff will be appropriate and proportionate and the individual will be advised of the period of time the restriction will be in place. Staff have a duty to make reasonable adjustments to how we enforce this policy to take into account a physical or mental disability. If staff suspect that behaviour is linked to a physical or mental disability then they should do a risk assessment to ensure any action will not result in discrimination.

Restrictions will be tailored to deal with the circumstances of the individual. Where a complainant has a disability, the restrictions applied will be mindful of the responsibility of ECCT to make reasonable adjustments to meet a disabled person's needs. The following lists examples of possible restrictions, although the list is not exhaustive:

- Restricting telephone calls to specified days/times/duration;
- Requiring any personal contact to take place in the presence of an appropriate witness; Where this relates to delivery of a service, such as cleaning or care, the individual will be expected to pay for the additional staffing required.

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- Requiring contact to take place with one named member of staff only;
- Requiring contact to take place in a specified process or manner, for example, only by telephone, only by email, or only by letter;
- Informing the complainant that ECCT will not reply to or acknowledge any further contact from them on the specific topic (in this case, a designated member of staff should be identified who will read future correspondence);
- Restricting the complainant from making contact by telephone except through a third party, for example, a solicitor, a councillor or a friend acting on their behalf; and
- Restricting the complainant from sending emails to an individual and/or all staff and insisting they only correspond by letter or in an identified way.
- Restricting the complainant from attendance at future resident meetings for a set amount of time.

When the decision has been taken to apply this policy to a complainant, the Location Manager will write to the complainant (and/or as appropriate) to explain:

- Why the decision has been taken;
- What action is being taken;
- The duration of that action; and
- The review process such as the ability of the complainant to contact the Ombudsman about the fact that their behaviour has been deemed to be unacceptable by ECCT.

Staff will be advised on the restrictions that have been made. Advice will also be given on how to handle the individual when they make contact with staff and this may be through the use of a standardised email or a standardised response to telephone calls.

Where the behaviour is so extreme or it threatens the immediate safety and welfare of staff, ECCT will consider other options, for example reporting the matter to the police or taking legal action. In such cases ECCT may not give the individual prior warning of the action to be taken. An official record should be kept of any decision to manage contact. A full written explanation of the action being taken, why it is being taken and how long it will last for, as well as a copy of this policy should be given to the person concerned.

If the behaviour constitutes a potential breach of tenancy or lease then legal action may be considered under ECCT's Anti-Social Behaviour Policy.

10.3 Residents - Street meetings and other residents' involvement meetings

The Code of Conduct for street meetings and other meetings that involve groups of residents with ECCT sets out what is expected of everyone attending any such event. Attendance at a resident involvement meeting hosted by ECCT constitutes an agreement to follow these rules and standards of behaviour.

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Unless specifically stated otherwise, street meetings and resident involvement meetings are for residents. Non-residents will be asked to leave.

The chairperson, facilitator or most senior ECCT staff member present will be responsible for dealing with breaches in the Code of Conduct. They will consider the motivation behind this behaviour before deciding if it is unacceptable. If the chairperson, facilitator or most senior ECCT staff member believes code of conduct is breached during a meeting the following steps should be taken with the objective of restoring order:

- The individual should be given the opportunity to rectify their behaviour in the first instance; the Chair, facilitator or most senior ECCT staff member present will explain that the specific behaviour or language that is unacceptable and allow the person a chance to remedy, moderate or change the behaviour;
- The Chair, facilitator or most senior ECCT staff member present has the authority to request for the person to leave the meeting; this could be for a specific length of time to allow the person or people to cool-off; or for the rest of the meeting or event;
- The Chair, facilitator or most senior ECCT staff member present has the authority to suspend the meeting in the event of one or more individuals making offensive, insulting, threatening, provocative, slanderous or obscene remarks, to allow order to be restored; and
- Where breaches of the Code mean that the meeting has become unmanageable then the meeting will be ended.

In reviewing a breach of the Code of Conduct, the chair, facilitator or most senior ECCT staff member present shall judge whether the behaviours of individuals in the meeting will need to be dealt with via section 10.2 of this policy.

10.4 Retail or non-residents

In the first instance, an initial warning will be issued to the customer or non-resident that their behaviour is unacceptable. If the behaviour continues after the initial warning, employees should escalate to their Regional Manager (Retail) or ROM/CM (Operations). They will review the case.

In locations action may include, as appropriate:

- Termination of membership of the gym if relevant.
- A banning letter explaining that they will not be allowed to use communal services, such as the bar, restaurant or outlets within the location.
- Action, via the Anti-Social Behaviour Policy, to limit access to the premises entirely.

In retail the Regional Managers are able and empowered to issue a banning letter, either permanently or for a period of time, from the premises.

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11. Appealing and Reviewing a Decision to Manage Contact

It is important that a person has an opportunity to appeal a decision to manage contact. Any appeal should be made in writing to the Location Manager. The appeal should be made within ten working days of notification of the decision to manage contact. The Location Manager, ROM/CM and Housing and Customer Engagement Manager will consider the appeal and advise the person in writing of the decision that is whether the managed contact arrangements still apply or whether a different course of action has been agreed.

A decision to manage contact may be reconsidered if the person demonstrates a more acceptable approach or if the circumstances that led to the original decision have changed. Managed contact arrangements should be reviewed regularly to check that they are still appropriate. The status of an individual whose behaviour has been judged to be unacceptable will be reviewed by the Location Manager at a frequency deemed reasonable in each circumstance and during which the restrictions are to apply. The individuals will be informed of the result of any review i.e. if the decision to apply this policy to them has been changed, affected or extended.

12. New complaints or service requests from individuals whose behaviour has been deemed to be unacceptable

New complaints or service requests from individuals who have been or are the subject of restrictions under this policy will be treated on their merits. The Location Manager or ROM/CM will decide whether any restrictions which have been applied before are still appropriate and necessary in relation to the new complaint. ECCT does not support a 'blanket policy' of ignoring genuine service requests or complaints where they are founded.

13. Record Keeping

For locations, appropriate records will be retained by each location in the housing file. The Location Manager will also inform relevant location staff, housing officer and the Income Management Team at Head Office when a restriction is put into place. They should be given the following information:

- The name and address of each individual whose behaviour has been deemed to be unacceptable;
- When the restriction(s) came into force and ends;
- What the nature of the restriction(s) is; and
- When the customer was advised of the restriction(s).

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In retail, the Regional Manager will keep a record of any banning letters issued and the incidents which led to it being issued.

14. Other Relevant ECCT Policies & Documents

Policies
Volunteering Policy
Complaints Management Policy
Anti-Social Behaviour Policy
Bullying, Harassment, Victimisation and Violence at Work Policy
Customer Involvement Policy
Other Documents
Community Charter*
Professional Boundaries Code of Conduct
Code of Conduct for Street Meetings and Resident Involvement Meetings

*in development and due April 2019

15. Relevant Legislative & Regulatory Requirements

Legislation
The Equality Act 2010
Health and Safety at Work Act, 1974
Regulation
Regulator for Social Housing - Resident Involvement Standards

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