

Policy Name	Acceptable Behaviour Policy
Version No.	V2
Approval Date	5 March 2021
Category	Corporate
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<b>Acceptable Behaviour Policy</b>	
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## Contents

	Page No.	
1. Policy purpose & aim	3	
2. Objectives	3	
3. Scope of policy	3	
4. Responsibilities	4	
5. Monitoring and Review	5	
6. Risk management	6	
7. Statement of commitment	6	
Additional Arrangements	8. Our expectations of acceptable Behaviour	6
	9. Defining unacceptable behaviour	7
	10. Dealing with unacceptable behaviour	7
	10.1 General statement	7
	10.2 Actions	9
	10.3 Resident meetings	10
	10.4 Retail / non- residents	10
11. Appeals against sanctions	11	

Policy Name	Acceptable Behaviour Policy
Version No.	V2
Approval Date	5 March 2021
Category	Corporate
Classification	Public

	12. Complaints	11
	13. Information, training and support	11
	14. Other relevant ECCT policies & documents	12
	15. Relevant legislative & regulatory requirements	12

### Version Control

Version	Date	Description	Updated By	Approved By
V1	11/02/2019	Version for ELT feedback	Gemma Duggan - HoCI	
V1.2	01/03/19	Approved version	Gemma Duggan - HOCl	ELT
V2	23/02/2021	Policy revision – changed from Unacceptable Behaviour Policy to Acceptable Behaviour Policy with extensive revisions accordingly	Richard Keeley – H&REM	ELT
V2.1	30/03/2021	Minor revisions following ELT feedback	Richard Keeley – H&REM	Exec Director Operations

Policy Name	Acceptable Behaviour Policy
Version No.	V2
Approval Date	5 March 2021
Category	Corporate
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## 1. Policy Purpose & Aim

The ExtraCare Charitable Trust (ExtraCare) is committed to providing a safe, friendly and inclusive environment for our staff, residents, volunteers and visitors. This policy sets out our expectations about the behaviour of residents, their relatives, customers, or any other visitors to our locations, retail shops or Head Office in order to achieve that aim. We are committed to ensuring that people are clear of our expectations in relation to their conduct, and how we will manage those who do not meet our expectations of acceptable behaviour. ExtraCare is committed to rectifying conduct that does not meet our expectations of acceptable behaviour in a way that is fair, consistent and provides reasonable opportunity for people to remedy that behaviour. Further, we make the clear statement that our staff, volunteers and contractors should expect to come to work without fear of violence, abuse or harassment from residents, their relatives, customers, or any other visitors.

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## 2. Objectives

The objectives of this policy are to:

- Set clear expectations of what is acceptable behaviour in line with ExtraCare's Values and in line with our Community Charter;
- Define what ExtraCare considers to be unacceptable behaviour and outline our approach to dealing with this;
- Ensure that people who behave in a way that could be deemed to be abusive, harassment or intimidating towards staff members, contractors and volunteers are dealt with through appropriate enforcement action;
- Ensure that every member of staff, resident and volunteer understands ExtraCare's approach, and is supported to deal with conduct that falls below our expectations of acceptable behaviour;
- Ensure that acceptable behaviour is positively promoted to residents, their families, visitors and other customers including users of our locations; and
- Meet regulatory requirements under the Regulator of Social Housing – Neighbourhood & Community Standard.

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## 3. Scope of Policy

This policy applies to ExtraCare's residents, relatives, visitors and other customers. It covers all staff, our volunteers, contractors / suppliers carrying out work or providing services in our locations on our behalf, or retail premises (charity shops), and our Head Office.

Policy Name	Acceptable Behaviour Policy
Version No.	V2
Approval Date	5 March 2021
Category	Corporate
Classification	Public

ExtraCare is committed to ensuring that our Community Charter forms the basis of what we consider to be acceptable behaviour and that this policy supports staff to deal appropriately with conduct that falls below the expectations laid out in that Charter. Our Community Charter is based on the Universal Declaration on Human Rights. We will display our Community Charter in prominent positions within our locations / offices. In addition, this policy supports the code of conduct for resident meetings contained within our Engagement Policy. Further, where cases of unacceptable behaviour are directed towards staff in such a way that may be considered to be harassment or bullying, then ExtraCare's Bullying, Harassment, Victimisation and Violence Policy may be applied. Where cases of unacceptable behaviour may cause alarm or distress to other residents, the ExtraCare's Anti-Social Behaviour Policy may also be applied. Finally, ExtraCare's Complaints Policy sets out the framework by which people can raise complaints in way that is consistent with this policy.

## 4. Responsibilities

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

ELT, SMT and MD Retail are responsible for ensuring that this policy is promoted and 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. This includes ensuring that our Community Charter is displayed in prominent positions in our locations / offices.

The Head of Health & Social Care has specific responsibility under this policy to consider whether to approve withdrawal of ExtraCare's care service on the basis on unacceptable behaviour.

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

### 4.2 Head of People (HoP)

The HoP is to ensure the Bullying, Harassment, Victimisation and Violence 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 Resident Engagement Manager (HCEM)

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

Policy Name	Acceptable Behaviour Policy
Version No.	V2
Approval Date	5 March 2021
Category	Corporate
Classification	Public

They offer advice to managers about 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 certain circumstances, in legal action.

They are also to ensure that the code of conduct for resident meetings is followed at all meetings they are present at.

#### **4.5 Regional Operations Managers / Regional Managers**

Regional Operations Managers (Operations) or Regional Managers (Retail) are responsible for ensuring this policy is promoted and followed at their locations and shops and supporting managers to follow the policy. They are also responsible for ensuring that cases of unacceptable behaviour where sanctions have been taken are appropriately reviewed in line with this Policy. They also hear appeals from people who are the subject of action or sanctions in line with this Policy.

#### **4.6 Location Managers and Retail Managers**

Managers will support their staff in promoting and implementing this policy. Managers are responsible for promoting acceptable behaviour within our locations and retail shops. They are also responsible for addressing where behaviour falls below what is deemed acceptable in line with this policy. Where there are instances of unacceptable behaviour, 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 relevant persons.

Managers are responsible for ensuring that the code of conduct for resident meetings is followed at all meetings they are present at.

#### **4.7 Charity Volunteers Lead**

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 ExtraCare should they be affected by unacceptable behaviour from a resident or other customer. They are to ensure unacceptable behaviour from volunteers is managed appropriately in line with the Bullying, Harassment, Victimisation and Violence Policy.

#### **4.8 All Staff and Volunteers**

All staff and volunteers will ensure they are friendly, approachable and abide by ExtraCare'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.

Policy Name	Acceptable Behaviour Policy
Version No.	V2
Approval Date	5 March 2021
Category	Corporate
Classification	Public

## 5. Monitoring & Review

This policy - previously known as the Unacceptable Behaviour Policy – has been reviewed after one year. This updated version will therefore be reviewed in three years to consider its effectiveness, or sooner if there are any material regulatory or legal changes.

## 6. Risk Management

We have a low risk appetite for non-compliance with legal and regulatory requirements and this is reflected in our strategic and corporate risk registers.

Adherence to this policy mitigates the risk of staff, resident, or other visitors being the victim of abuse, violence or aggression. It provides a framework to ensure that people are encouraged and able to raise issues in a way that is respectful and non-threatening.

## 7. Statement of Commitment

ExtraCare have a legal 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 regulatory duty under the Neighbourhood and Community Standard (Regulator of Social Housing) to keep the neighbourhood and communal areas associated with our homes safe. We take this to mean fostering a safe, friendly and inclusive environment for our residents and visitors. ExtraCare recognises that we provide homes for people with a range of needs and that these needs may influence how someone behaves. We will consider such needs when seeking to resolve instances of unacceptable behaviour, including seeking ways to support a resident to meet our expectations of acceptable behaviour where possible. We also reserve the right to seek enforcement or legal action in situations where – despite our reasonable efforts – unacceptable behaviour persists and is having a detrimental impact on our staff, residents or other customers.

## 8. Our expectations of acceptable behaviour

Our expectations of acceptable behaviour are laid out in our Community Charter. This is displayed within all our locations, our Head Office and is available on our website. This contains four principles that we expect all staff, residents, visitors and other customers to abide by:

- **Fairness:** We are open minded and listen to people’s point of view

Policy Name	Acceptable Behaviour Policy
Version No.	V2
Approval Date	5 March 2021
Category	Corporate
Classification	Public

- **Respect:** We behave courteously and respect the rights, values, beliefs and property of others
- **Equality:** We treat people equitably and value our diversity
- **Dignity:** We treat everyone as a valuable individual

This means that we expect people to conduct themselves in accordance with these principles. This includes in informal conversation in public settings; in organised meetings; in writing to / from ExtraCare (letter / email); on social media; through the process of providing feedback (for example, through 'We're Listening'); and through raising a complaint.

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## 9. Defining unacceptable behaviour

We define unacceptable behaviour as being language, actions or conduct that is unfair to others; is disrespectful in intent or consequence; is discriminatory; or is personally directed in order to undermine a person. We also set unacceptable behaviour against the context of one of our core values:

- **Compassionate:** We show empathy and compassion to our residents and customers

Where people display behaviours that is lacking in compassion for others, we may also deem this to be unacceptable.

Examples of unacceptable behaviour may include:

- making unreasonable demands;
- making rude, personally directed comments
- using language that is discriminatory to others
- making threats, being abusive or aggressive in manner;
- being overly persistent;
- overloading communication channels (including social media) in an overly negative manner;
- not making the issue clear through giving demonstrably false information, despite our reasonable attempts to clarify;
- repeatedly changing the issue or seeking to add further unrelated issues unreasonably;
- refusing to deal with a specific member of staff without good reason; and
- refusing to accept the reasonable evidence relied on by us in order to address the issue concerned.

In establishing whether behaviour is unacceptable, we will apply reasonable judgement, considering the facts and circumstances of the incident / situation.

Policy Name	Acceptable Behaviour Policy
Version No.	V2
Approval Date	5 March 2021
Category	Corporate
Classification	Public

## 10. Dealing with unacceptable behaviour

### 10.1 General statement

We will promote our expectations of acceptable behaviour by publicly displaying, and referring to, our Community Charter. In resident meetings (for example, 'street' meetings) we will promote our code of conduct for resident meetings. Our staff will be courteous and act according to our Customer Experience Statement and according to ExtraCare's Values in our interactions. We will role model acceptable behaviour in our dealings with people.

In dealing with unacceptable behaviour, we will advise the person at the most relevant opportunity that their behaviour is unacceptable. We shall state specifically what we believe to be unacceptable and advise the person not to repeat such behaviour.

We acknowledge that unacceptable behaviour may be the consequence of a physical or mental health issue, or other known issue particular to that individual. If there are reasons known to us as to why the person is displaying unacceptable behaviour, these will be considered appropriately in our response to that behaviour.

Where the unacceptable behaviour is caused by a resident, if appropriate we will seek to offer support to the resident to ensure that their behaviour becomes acceptable. This will be made in line with our Equality & Diversity Policy. Such reasonable adjustments may include:

- Seeking an advocate to act on the resident's behalf, or a multi-agency approach to resolution;
- Involving a recognised Resident Association to support the resident;
- Seeking the involvement of statutory and voluntary agencies where a support need is identified;
- Offering our own Dementia and Wellbeing Enabler service to support the resident;
- Offering alternative dispute resolution options (e.g. mediation / arbitration);
- Arranging translation (including in writing) or similar services, and
- Hosting meetings to discuss issues in an environment that is appropriate to the person.

If unacceptable behaviour continues despite our reasonable efforts to request the behaviour is modified, then we reserve the right to consider the relevant enforcement or compliance actions that may be appropriate. Such action would be approved by the relevant manager.

In situations where unacceptable behaviour poses an immediate threat to safety of others, we support the right of the threatened person(s) to remove themselves from the situation and for the Police to be contacted.

We reserve the right to take pursue Police action and / or legal action where behaviour is aggressive, abusive and causes 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,

Policy Name	Acceptable Behaviour Policy
Version No.	V2
Approval Date	5 March 2021
Category	Corporate
Classification	Public

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.

## 10.2 Actions to deal with unacceptable behaviour

Where staff or volunteers experience unacceptable behaviour, through this policy we support the following actions:

- End telephone call if the caller is considered aggressive, abusive or offensive, explaining why call is being ended;
- Refuse to meet with someone or take a telephone call if they have directly experienced aggressive or abusive behaviour from that person;
- Arrange to meet / discuss with the person by appointment only, so that appropriate arrangements for the meeting can be put in place in advance.

All instances of unacceptable behaviour should be reported to the relevant manager, with a full note of the incident made by the person experiencing it.

If incidents of unacceptable behaviour are considered serious and / or persistent in nature - and continue despite our reasonable efforts (including providing reasonable adjustments outlined in section 10.1 above) - then the relevant Manager may assess what further measures may be taken. These will be reasonable and proportionate to the issue. This could include the following sanctions:

- Restricting telephone calls to specified day / time / duration;
- Ensuring 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;
- 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;
- Limiting the person to making contact through an advocate acting on their behalf;
- Preventing the person from accessing specified activities / facilities / events; and
- Withdrawing care service, provided an alternative is sourced, in exceptional circumstances and only with approval of the Head of Health & Social Care.

When the decision has been taken to apply sanctions to a person, the Location Manager will write to them to explain:

- Why the decision has been taken;
- What action is being taken;
- How long the action will apply for; and
- How to appeal against the action(s) being taken.

Policy Name	Acceptable Behaviour Policy
Version No.	V2
Approval Date	5 March 2021
Category	Corporate
Classification	Public

In all cases, where the person is a resident any such actions to taken as above will be subject to review every 3 months, and the person advised in writing whether the sanctions will be lifted or remain in force. Actions to non-residents may be reviewed over a longer period, likely annually. People wishing to appeal against restrictions or sanctions should do so to SMT / MD of Retail.

Where unacceptable behaviour constitutes a potential breach of tenancy or lease then further action may be considered under ExtraCare's Anti-Social Behaviour Policy.

### **10.3 Actions to deal with unacceptable behaviour: resident meetings**

ExtraCare's Engagement policy includes the code of conduct for resident meetings. Where unacceptable behaviour occurs in a resident meeting, the principles outlined in the code of conduct for resident meetings will be followed by the Chair of the meeting. All attendees are to comply with this code of conduct.

This policy further strengthens the authority of the Chair (or the most senior member of ExtraCare staff present) to deal with unacceptable behaviour within resident meetings as follows:

- The Chair should give the person(s) the opportunity to rectify their behaviour in the first instance, with the Chair explaining that the specific behaviour or language that is unacceptable and allow the person a chance to remedy, moderate or change the behaviour;
- The Chair has the authority to request the person(s) to leave the meeting which could be for a specific length of time to allow them to cool-off; or for the rest of the meeting;
- The Chair has the authority to suspend the meeting to allow order to be restored; and
- The Chair has the authority to end the meeting.

Further actions may be considered by the relevant manager if appropriate as per section 10.2 of this policy (above).

### **10.4 Actions to deal with unacceptable behaviour: Retail customers, or non-resident customers**

For those who are visiting our retail shops or accessing facilities in our locations (for example, non-resident gym members, or non-resident customers of the restaurant / bistro), where there is unacceptable behaviour, the following actions may be taken:

- Termination of membership of the gym if relevant;
- A letter explaining that they will not be served at facilities such as the bar, restaurant or outlets within the location;
- For retail shops, a verbal instruction that they are to leave the premises and will not be served
- Action, via the Anti-Social Behaviour Policy, to limit access to the premises entirely.

Policy Name	Acceptable Behaviour Policy
Version No.	V2
Approval Date	5 March 2021
Category	Corporate
Classification	Public

For all such actions, there is no right of appeal. The relevant manager has discretion to revoke such sanctions if they have reasonable assurance or confidence that the behaviour will not be repeated.

## **11. Appealing against sanctions invoked under this policy**

The appeal should be made to the Regional Operations Manager. They will consider the appeal and advise the person in writing of the decision as to whether the sanctions are to continue. The Regional Operation Manager will adopt a reasonable approach in assessing the risks to the wider resident community, staff and other customers. They may uphold the original sanction, propose an alternative sanction, reduce the time period for review, or revoke the sanction. They will advise the person appealing in writing, with no further right of appeal offered until the next review period.

## **12. Dealing with complaints from residents who are subject to sanctions invoked under this policy**

We will continue to seek to support people to make a complaint even if they are subject to restrictions or sanctions as consequence of unacceptable behaviour. However, we will exercise reasonable discretion in managing complaints and in line with the provisions set out in our Complaints Policy. Under our Complaints Policy we do reserve the right to decline to consider a complaint or restrict further contact with the complainant in relation to the complaint. Any such restriction will be subject to a review after 3 months (and in subsequent 3-month periods if the restrictions are to remain in place).

## **13. Information, Training and Support**

We will take all reasonable steps to publicise this Policy to residents, including through Resident ('Street') Meetings, with the aim of ensuring that their rights and obligations under this Policy are explained.

We will train staff to keep records of incidents to ensure that such records are GDPR compliant.

We will support staff who are the subject of unacceptable behaviour, through for example providing access to Employee Assistance Programme and other relevant support.

Policy Name	Acceptable Behaviour Policy
Version No.	V2
Approval Date	5 March 2021
Category	Corporate
Classification	Public

## 14. Other Relevant ExtraCare Policies & Documents

<b>Policies</b>
Complaints Policy
Anti-Social Behaviour Policy
Bullying, Harassment, Victimisation and Violence at Work Policy
Engagement Policy
Volunteering Policy
<b>Other Documents</b>
Community Charter
Professional Boundaries Code of Conduct
Code of Conduct for Street Meetings and Resident Involvement Meetings

## 15. Relevant Legislative & Regulatory Requirements

<b>Legislation</b>
The Equality Act 2010
Health and Safety at Work Act, 1974
<b>Regulation</b>
Regulator for Social Housing - Consumer Standards
Housing Ombudsman Service – Complaint Handling Code

Policy Name	Acceptable Behaviour Policy
Version No.	V2
Approval Date	5 March 2021
Category	Corporate
Classification	Public