

Paragon Asra

PA Housing



PA Housing Managing Unacceptable Behaviour Policy

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Paragon Asra Housing Limited (PA Housing) is committed to equality and diversity. This policy has considered the Equality Act 2010 and its protected characteristics which are: race, gender, gender reassignment, disability, religion or belief, sexual orientation, age, marriage, civil marriage and partnership, and pregnancy and maternity explicitly.

We will make sure that all of our communication is fully accessible and to achieve this if a policy or document needs to be available in other formats we will provide them.

1. Introduction

PA Housing believes every resident has the right to be listened to, respected, and understood. However, when behaviour becomes unacceptably rude, aggressive, or unreasonable, PA Housing will act. We will consider any vulnerabilities or support needs known to us when managing unacceptable behaviour.

PA Housing is committed to providing a safe and respectful environment for both residents and staff. The vast majority of our residents are positive, polite, and respectful, and it is only a minority that behave in a way that could be considered unacceptable. Behaviour becomes unacceptable when it involves the abuse of our colleagues, a disregard for our procedures, and when it takes up a disproportionate amount of our time, preventing us from dealing with the issue in question and providing a service to others.

2. Objectives

The objectives of this policy are to:

- Define unacceptable behaviour.
- Have a consistent approach to managing residents' behaviour we consider to be unacceptable, sharing the reasons for this with the resident.
- Setting out how we will set and review any restrictions introduced to manage the behaviour.
- Outline the restrictions appeal process.

3. Definition

We do not view behaviour as unacceptable just because someone is assertive, determined, or frustrated. There may have been upsetting or distressing circumstances leading to a resident contacting PA Housing, and people may act out of character. However, the actions of some residents who are angry or unreasonably persistent may result in unacceptable demands or behaviour towards our staff. We will therefore take appropriate action to manage such behaviour.

Examples of unacceptable behaviour include:

- **Unreasonable demands** (e.g. requesting large volumes of information, asking for responses within a short space of time, refusing to speak to an individual or insisting on speaking with another, insisting on actions outside of PA's control)
- **Unreasonable persistence** (refusing to accept the answer that has been provided, continuing to raise the same subject matter without providing any new evidence, continuously adding to or changing the subject matter of a complaint)
- **Abusive contact** (verbal abuse, aggression, violence, not just limited to actual physical or verbal abuse but can include derogatory remarks, rudeness, inflammatory allegations and threats of violence)
- **Excessive contact** (overload of letters, calls, emails or contact via social media, including the frequency of contact as well as the volume of correspondence received as well as the frequency and length of telephone calls)
- **Refusal to cooperate** (not specifying the grounds of the complaint, not accepting meeting dates, or cancelling meetings at short notice)
- **Recording without consent** (electronically recording meetings and conversations without prior consent)

4. Key Points of the Policy

The aim of this policy is to set out PA Housing's approach to managing unacceptable resident behaviour whilst ensuring residents are treated fairly and with respect.

5. We will consider

In making a fair judgement, we will consider:

- That residents are entitled to raise legitimate queries or concerns about any aspect of our service.
- Whether the behaviour is reasonable in proportion to any loss or wrongdoing experienced.
- The circumstances of the resident, including any known health issues, vulnerabilities, or language difficulties.

- That residents can act out of character due to upsetting circumstances before contacting us.

We recognise that someone who is upset, angry, or emotional is not necessarily behaving unreasonably. We will also remember that residents exhibiting unreasonable behaviour may be raising a valid point.

In deciding the appropriate course of action, we will try to remain impartial and objective to ensure a fair decision is reached. We understand that it is always useful to get a second opinion, particularly from someone who has had no direct involvement in the case.

Any staff member can make a request to restrict a resident's contact with us providing they have their manager's authorisation and have provided supporting evidence to demonstrate compliance with this policy and its associated procedure. The line manager of the affected colleague is responsible for the staff member's wellbeing. They review the case, agree an action plan, manage the outcomes and ensure residents are informed. A Head of Service will review the decision to restrict contact. Heads of service are responsible for managing and reviewing restricted access in their service areas.

We will always be mindful of context, and any restrictions put in place must be appropriate for that person, recognising our responsibilities under the Equality Act 2010.

6. Managing Unacceptable behaviour

How we manage unacceptable behaviour will depend on its nature and extent. We will always try and reach a voluntary (informal) arrangement with the resident before taking formal action. This will provide the resident an opportunity to adjust their behaviour.

If no informal agreement can be reached, we will issue a warning to the resident before implementing any formal restrictions. The warning letter will clearly set out why their behaviour is considered unacceptable with reference to what formal steps may be taken if the behaviour continues. If the behaviour continues, we will consider restricting contact. However, we will always maintain at least one form of contact and make provisions for emergencies.

Restrictions may include:

- Providing a single point of contact.
- Limiting contact to a specific form (e.g. writing, email, or telephone).

- Limiting contact to certain times or a specific number of times per week or month.
- Declining to consider further issues unless additional evidence is provided.
- Considering only a certain number of issues within a specific period.

7. Legal Options

If restrictions are put in place and the resident fails to adhere to them or behaviour does not improve, the matter may be referred to our Legal team for enforcement action. Violent or threatening behaviour towards staff is referred immediately to our Legal team for enforcement action.

8. Restricting access and Appeal

A resident has the right to appeal any formal restriction of contact we've put in place or any other action we've taken under this Policy.

The appeal must set out in writing why the resident or resident feels the decision is not justified in accordance with this Policy. It must be within 14 working days of receiving notification of the restriction. A Head of Service not involved in the original decision will review the appeal and respond within 10 working days.

9. Reviewing Our decision to Restrict Communication

No restrictions should be in place indefinitely and will be for a set period (e.g., two, four or six months – depending on the severity of the behaviour). The situation will be reviewed after the set period. If the behaviour has improved, consideration will be given to removing all or some of the restrictions. If the behaviour continues, the restrictions will remain in place for another set period pending further review. An explanation will be provided in writing to the resident as to why the restriction will remain in force for a further period pending the next agreed review date.

We will keep robust records to evidence the behaviours experienced and the steps taken to try and address them before any formal action was taken and during formal restrictions.

10. Mediation and Support

Discussions will be held with the resident to try and resolve misunderstandings and reach a voluntary arrangement before formal action. Mediation through third parties, such as family members or support workers, will be considered. We will work with the residents to see if there are any support systems such as counselling or mediation affected by unacceptable behaviour. We will also consider if a multi-agency approach is necessary when the resident is receiving support from other bodies such as social services.

11. Training

Training will be conducted for all relevant staff where required to make sure that they are aware of this policy and procedure. The colleagues identified as 'relevant' will be advised of the requirement to attend training.

12. Monitoring and Reporting

PA Housing undertakes monitoring to meet statutory requirements and achieve best practice. This is used to inform and improve our services.

The Director of People has overall responsibility for monitoring and reviewing the operation of this policy to ensure it meets legal requirements, is fit for purpose and reflects best practice.

All managers have a specific responsibility for operating within the boundaries of this policy and procedure, ensuring that colleagues understand what is expected of them.

All colleagues are responsible for reading, understanding, and adhering to the policy and any questions regarding its content or application should be directed to their line manager or the HR team.

13. Advice and guidance

Advice, guidance and support will be provided by the HR team to all colleagues on the Vulnerable Residents and Reasonable Adjustment policy. The policy will also be made available to all colleagues via the company SharePoint site to ensure that they are aware of its existence.

14. Legislation

PA Housing has responsibilities under legislation, regulation and codes of governance including, but not limited to:

Legislation:

Under the Data Protection Act 2018 and the Human Rights Act 1998, all personal and sensitive organisational information is treated as confidential. This includes anything of a personal nature that is not a matter of public record about a resident, client, applicant, staff or committee member or sensitive organisational information.

Regulation:

The Complaint handling code sections 5.14 and 5.15

This policy aligns with the Housing Ombudsman Service's guidance on unacceptable behaviour. As part of the Ombudsman guidance, we also recognise that whilst landlords have a duty to protect employees, they also have obligations towards residents. For example, where there are counter allegations against an employee these need to be investigated properly.

15. Linked Policies

- Lone worker policy
- Data protection policy
- Complaints policy
- UDC procedure
- Vulnerable residents and reasonable adjustment policy