



**North Devon Homes Ltd**

**Reasonable Behaviour**

**Policy**



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# The Policy

## 1. Policy

This policy sets out how NDH will approach customers whose actions or behaviour we consider to be unreasonable. For the purpose of this policy, a customer includes anyone who contacts NDH.

## 2. Purpose

We want to balance the needs of all of our customers appropriately, support customers in challenging and complaining about services legitimately and providing clarity about the support and engagement that the company will provide.

This policy aims:

- To make it clear to customers what NDH is able or unable to do and in doing so be open and honest so as not to raise hopes and expectations that we are unable to meet.
- To deal with customers fairly, honestly, consistently and appropriately including customers whose actions we deem to be unreasonable without detriment to services
- To balance the need and resources targeted at all of our customers

## 3. Scope

This policy sets out the responsibilities and obligations placed upon North Devon Homes staff to behave in a way that is both professional and polite at all times but also sets out the expectations that we place on customers to support this. This policy promotes reasonable behaviour by defining what is unreasonable and explaining how we will act when this is the case.

Unreasonable behaviour can be a number of things but will include:

- Aggressive or abusive behaviour towards staff, contractors or other customers
- Unreasonable demands or expectations
- Unreasonable persistence

Where we consider customers behaviour to be unreasonably demanding a number of steps may be taken depending on the nature and extent of the behaviour. These are set out in Appendix 1 of this document.

*Aggressive or abusive behaviour may include:*

- Violence towards staff; contractors or other customers
- Threats of violence towards staff; contractors or other customers
- Personal verbal abuse towards staff; contractors or other customers
- Derogatory or offensive remarks towards staff; contractors or other customers
- Rudeness towards staff; contractors or other customers
- Behaviour or language (whether written or oral) that may cause staff/contractors/ other customers to feel intimidated, threatened or abused.
- Remarks regarding a persons protected characteristics

NB This behaviour can be made verbally, in writing; or any electronic or digital format

*Unreasonable demands:*

Customers may make what we consider unreasonable demands on NDH through the amount of information they seek or provide, the nature and scale of service they expect, or the number of times they contact us.

What amounts to unreasonable demands will always depend on the circumstances surrounding the behaviour, the seriousness of the issues raised by the customer and their personal circumstances

Unreasonable demands may include:

- Demanding responses within an unreasonable timescale
- Unreasonable expectations
- Insisting on seeing or speaking to a particular member of staff
- Continual phone calls, emails, letters or visits to the offices
- Repeatedly changing the substance of a complaint or raising unrelated concerns.
- Being obstructive when solution reasonable solution has been proposed or offered

NDH consider these demands as unacceptable and unreasonable if they start to impact substantially on our work, for example, taking up an excessive amount of staff time to the disadvantage of other customers.

### *Unreasonable Persistence*

We recognise that some customers will not or cannot accept that NDH is unable to assist them further or provide a level of service other than that provided already. Customers may persist in disagreeing with the action or decision taken in relation to their situation or contact NDH persistently about the same issue.

Unreasonable persistence may include:

- Persistent refusal to accept a decision made in relation to a situation
- Persistent refusal to accept explanations relating to what we are able or unable to do.
- Continuing to pursue an allegation without presenting any new information.
- Making unfounded claims or claims where there is no independent supporting evidence

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

We consider the actions of persistent complainants and other customers to be unacceptable and unreasonable when they take up what NDH regards as being a disproportionate amount of time and resources.

Where someone has a health condition that might contribute to such behaviour we may seek to arrange appropriate support or act via a third party where appropriate.

## **4. Principles**

The following principles will apply to this policy:

- It will be open, fair and transparent
- It will promote consistency in the approach for all customers
- It will reflect the Company's staff, Customer and Board members views
- It will be realistic, achievable and deliver value for money for our customers
- It will be reviewed every three years

## 5. Review

We will review this policy, procedures and staff training needs at least once every 3 years to ensure that it continues to operate within best practice, achieve measurable results, and achieve continuous service improvement.

Alternatively, the policy and all associated procedures will be reviewed immediately following any relevant change to government policy, regulation or legislation.

The Head of Housing Services will be responsible for ensuring that policy reviews are undertaken, that appropriate consultation takes place and that revisions are reported to the Executive Team for its approval.

## 6. Application

North Devon Homes' Board will approve this policy and delegate responsibility to the Head of Housing Services for ensuring that this policy is communicated and implemented.

Where this policy is enacted it will be reported the Executive Team

## 7. Policy Statement

<b>Summary</b>
<p>We will end telephone calls or other conversations if a customer is considered to be aggressive, abusive, or offensive.</p> <p>We will also make use of telephone recordings to assist us in this assessment.</p>
<p>We will end telephone calls or other conversations if a customer is perceived to act, or threatens to act in a violent manner or in a way which is seen to constitute harassment.</p> <p>We will also make use of telephone recordings to assist us in this assessment.</p>
<p>We will not deal with correspondence or other forms of communication which are abusive towards staff or contain allegations that lack substantive evidence.</p>

We may need to restrict a person's contact with our office in order to manage unreasonable behaviour. We will aim to do this in a way, wherever possible, which will still allow access to our services.

We will review the decisions that we have made as a result of this policy on a regular basis to ensure that no customer's contact with North Devon Homes is restricted unfairly.

Where we enact any of the above measures we will confirm this in writing to the individual.

We will apply this policy with appropriate regard to the personal circumstances of each customer. We will always consider what we know about our customers and consider mental health issues, literacy levels and possible contributory factors.

## Appendix 1

### Verbal Abuse or Aggression

We will end telephone calls or other conversations if a customer is considered to be aggressive, abusive, or offensive.

When a customer is perceived to be abusive, staff will be expected to diffuse the tension wherever possible. If this fails staff may direct the customers to a colleague or advise the customer that they will call back stating a time for the call.

The staff member engaged with the customer has the right to make the decision about whether to terminate the conversation but will always tell the customer in a professional and polite manner that their behaviour is unacceptable, explaining why it is unacceptable and end the conversation prematurely only if this behaviour does not stop.

We will notify them that if the behaviour is replicated that we may require future contact to be through a third party unless in an emergency situation. If the behaviour is replicated we may choose to only deal with a third party unless in an emergency situation.

If the behaviour is further replicated or is serious in nature we may take actions against the perpetrator. Such action can include a managing them a Single Point of Contact or restricting access to our offices.



## Use or Threat of Physical Violence or Harassment

We will end telephone calls or other conversations if a customer is perceived to act, or threatens to act in a violent manner or in a way which is felt to constitute harassment

Any threat or use of physical violence or harassment towards NDH staff or contractors is likely to result in the ending of all direct contact with the customer, incidents may be reported to the Police. This will always be the case if physical violence is used or threatened.

We will notify them that if the behaviour is replicated that we may require future contact to be through a third party unless in an emergency situation. If the behaviour is replicated we may choose to only deal with a third party unless in an emergency situation.

If the behaviour is further replicated or is serious in nature we may take actions. Such action can include a managing them a Single Point of Contact or restricting access to our offices.

## Written Communication

We will not deal with correspondence or other forms of communication which are abusive towards staff or contain allegations that lack substantive evidence

When a communication has been reviewed and found to be offensive we will tell the sender that we consider their language offensive, unnecessary, and unhelpful. Whenever possible we will ask them to stop using such language and state that we will not respond to them if they do not stop.

We will notify them that if the behaviour is replicated that we may require future contact to be through a third party unless in an emergency situation. If the behaviour is replicated we may choose to only deal with a third party unless in an emergency situation.

If the behaviour is further replicated or is serious in nature we may take legal actions against the perpetrator. Such action can include an Anti-social Behaviour Injunction or alternatively a claim for possession of the property

### **Persistent Contact**

We may need to restrict a person's contact with our office in order to manage unreasonable behaviour. We will aim to do this in a way, wherever possible, which will still allow access to our services.

We may need to restrict a person's contact with our office in order to manage unreasonable behaviour.

We aim to do this in a way, wherever possible, which will still allow access to our services and which recognizes the particular circumstances of the customer and the situation.

We may restrict contact in person, by telephone, fax, letter or electronically or by any combination of these. We will try to maintain at least one form of contact.

In extreme situations, we will tell the customer in writing that their name is on a 'no personal contact' list. This means that they must restrict contact with our office to either written communication or through a third party unless in an emergency situation.

When someone repeatedly telephones, visits the office, sends irrelevant or duplicate documents, contacts multiple members of staff with the same issue or continually raises the same issues already considered, we may decide to:

- Only take telephone calls from the user at set times on set days, or put an arrangement in place for only one member of staff to deal with calls or correspondence from the customer in the future;
- Require the customer to make an appointment to see a named member of staff (a Single Point of Contact) before visiting the office, or that the user only contacts the office in writing;
- Return correspondence to the person or, in extreme cases, advise them that further irrelevant correspondence will be destroyed;
- Take other action that we consider appropriate.
- We will, however, always say what action we are taking and why.

If the behaviour is further replicated or is serious in nature we may take legal actions against the perpetrator. Such action can include an Anti-social Behaviour Injunction or alternatively a claim for possession of the property.

Where we are restricting customer contact this will be formally agreed with the, Asset Manager or Head of Housing Services or Director of Neighbourhoods as appropriate.

## Review

We will review the decisions that we have made as a result of this policy on a regular basis to ensure that no customer's contact with North Devon Homes is restricted unfairly.

Where we have considered customers behaviour to be unreasonable we will write to customer and/ or their representatives explaining why. We will inform customers that they will be entered onto a register which will be reviewed annually by the Executive Team.

If a customer wishes to appeal against a decision and the measures taken to restrict their access to staff, they may do so by contacting the Customer Services Co-ordinator and a Director will review the decision and write to the customer with the outcome of their decision.

The outcomes of this appeal will represent the final view of the Company. Any dispute with a decision will not normally be considered as part of the Company's internal complaint procedure.

Where a customer wishes to pursue the issue we will support them by providing contact details for the Housing Ombudsman and will provide timely and accurate information to the Housing Ombudsman as required.

## Equality and Diversity

We will apply this policy with appropriate regard to the personal circumstances of each customer. We will always consider what we know about our customers and consider mental health issues, literacy levels and possible contributory factors.

We will seek to apply this policy sensitively in line with what we know about our customers' circumstances. Specifically, where we are aware or made aware of issues associated with a customers mental health, sensory deprivation and / or literacy levels we will seek to provide appropriate support. We may still restrict contact but where we do so we may do this with the support of an appropriate third party agency.

If we identify anything during day to day contact with customers we will update our records in line with the Data Protection Act 1998.

We seek to embrace equality and diversity in all aspects of our business.

We will aim to ensure that all of our customers regardless of race, colour, gender, religious beliefs, age, disability, sexual orientation, marital status or appearance have the right at all times to:

- be treated fairly and equally
- enjoy their homes quietly.

We undertake to produce this document or parts of it on request in other languages or formats such as large print to ensure that everyone is able to access the policy.

Language Line provides all corporate translation services and can be contacted on 0800 169 2879

We are committed to the principles of fairness and fostering good relations between people sharing a protected characteristic and people who don't.

We will seek to ensure that NDH does everything reasonably within its power to combat any form of harassment.

## Equality Impact Assessment form

### 1. Policy Name

Reasonable Behaviour Policy – Miles Sellick

### 2. Aims of the Policy being assessed

- To make it clear to customers what NDH is able or unable to do and in doing so be open and honest so as not to raise hopes and expectations that we are unable to meet.
- To deal with customers fairly, honestly, consistently and appropriately including customers whose actions we deem to be unreasonable without detriment to the services we provide
- To balance the need and resources targeted at all of our customers

### 3. Who has been consulted in developing the SPPF?

Date	Consultation methodology	Challenge/impact/result
	All Teams and Managers	To ensure application is consistent and practical
	Executive Team	
	Solicitors	Check legal obligations
	Ombudsman	Check best practice
	SSIG	Customer Opinion – see section on further work for suggestions
	Customer Forum	Customer views on approach – fairness?

### 4. Identify potential impact on each of the diversity “groups”

Strand	No impact	Negative impact	Positive impact	Comments/evidence
Race	✓			
Disability			✓	We must ensure that we are aware of any disability issues, in particular mental health problem.
Gender	✓			

Gender Reassignment	✓			
Sexual orientation	✓			
Religion or belief	✓			
Age	✓			
Rural issues		✓		Access and communication is restricted however we do not envisage service delivery will be affected
Social Inclusion issues	✓			
Pregnancy and maternity	✓			
Marriage and civil partnership	✓			

**5. Does the Policy promote equality of opportunity?**

We are committed to the principles of fairness and fostering good relations between people sharing a protected characteristic and people who don't. This policy is based on a persons behaviour and not their protected characteristics.

**6. If “adverse impact” identified in table above is it?**

The adverse impact is in regard to communication and the removal of telephone communication may cause difficulties for those living in rural areas. Where a telephone service is withdrawn as a result of unacceptable behaviour, then the customer must nominate a point of contact for cases of emergency.

**7. A full EIA is not required for this policy.**

There is a possibility that people with Disabilities, and in particular, mental health problems, will be treated with more tolerance than those without. It is important to establish whether or not the illness has the ability to affect the behaviour in the manner displayed or if the person accused of being aggressive or unreasonable is using the disability as a means of excusing their unacceptable behaviour.

A log will be kept of everyone whose behaviour is deemed to be unacceptable and this will be reviewed at the end of one years operation, to examine for any trends or difficulties that might arise as a result of the implementation of this policy.

**8. If suggestions for improvement have been suggested, what should the positive outcome be for North Devon Homes customers and stakeholders?**

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<b>Review/new EIA</b> (date or timeframe)	New – Next review in line with policy review
Name of person/s completing form	Cath Norris
Date assessment completed	
Name (and signature) of manager approving	