

Unacceptable Actions and Behaviour Policy

1.0 Introduction

One Manchester is committed to providing a fair, consistent and accessible service for all our customers. However, we have to balance this by providing a safe working environment for our staff – including volunteers/work placements etc. - to operate within and to ensure that our work is undertaken in an efficient and effective manner.

On occasions, customers or representatives from other organisations may make unreasonable demands that could affect the service we provide to other customers, or communicate with us in a manner which causes offence to our staff. Where this occurs, One Manchester reserves the right to manage contact in an appropriate manner to protect our staff and to maintain the effectiveness of our service to other customers.

2.0 Purpose

This policy sets out One Manchester's approach to managing behaviour or actions that are considered unacceptable and are having a harmful impact on our staff and/or their ability to provide a consistent level of service to other customers.

3.0 Scope

This policy affects all areas of work undertaken by One Manchester and all of our staff. For the purpose of this policy, any reference to customers refers to tenants, leaseholders and private owner/occupiers who have dealings with us from time to time, former tenants, visitors to any One Manchester premises and/or friends, relatives of representatives of any of these people. The policy also covers any external service provided by a partner organisation or contractor to our customers along with any representative from other organisations.

4.0 Policy

One Manchester recognises that, in some circumstances, customers may have a mental health problem or other disability where it may be difficult for them to express themselves or communicate appropriately. Where unacceptable behaviour is evidenced under these circumstances, One Manchester will consider the individual needs and circumstances of the customer and our staff before deciding on how best to manage the situation.

Unacceptable Behaviour

One Manchester accepts that people may act in ways which are out of character when they are upset or distressed and, on occasions, behaviour is difficult for an individual member of staff to deal with because it does not conform to the standards they expect or the values they hold. An action is not necessarily unacceptable because a member of staff finds it personally difficult. We also do not view behaviour as unacceptable just because a complainant is forceful or determined.

Unacceptable actions and behaviour are grouped under the categories below:

- Aggressive, violent, offensive, abusive, derogatory or discriminatory language or behaviour including unsubstantiated allegations and malicious complaints towards or about One Manchester staff
- Threats to make derogatory comments about the organisation / individuals on media / social media

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- Unreasonable demands that complying with would impact on our work or service provision
- Unreasonable persistence including refusal to accept decisions made or accept explanations
- Unreasonable levels of contact that also impact on our work or service provision
- Unreasonable use of the complaints process when the effect is to harass, or to prevent us from pursuing a legitimate aim or from implementing a legitimate decision – see Appendix A
- Customers appearing incapable as a result of illness or the influence of alcohol, drugs or other substances

Restrictions

Wherever possible, customers will be given the opportunity to modify their behaviour or actions before access is restricted. With regards to representatives from other organisations contact will be made with the organisation and a request made for the organisation to ensure the behaviour does not reoccur. However, where a customer or representative continues to behave or communicate in an unacceptable manner, One Manchester will exercise its right to restrict contact. The precise nature and action will be appropriate and proportionate to the nature of the unacceptable behaviour and the circumstances of our staff and the customer. The decision to restrict access will be by a Director in consultation with the Chief Operating Officer.

Restrictions may include, amongst other considerations:

- the immediate termination of service including the withdrawal of offers of accommodation
- the blocking of telephone calls/emails or other forms of communication
- arranging for a single, named member of staff to deal with all contacts from the customer
- requiring the customer to communicate with us via an agreed representative
- limiting future contact to a particular form and/or frequency
- informing the customer that their correspondence will be read to ensure no new issues have been raised but then filed without further acknowledgement
- termination of all contact
- referring the matter to the police where a criminal offence has been threatened or committed
- legal action to prohibit contact/inappropriate behaviour

Where contact is restricted, the customer or representative and their organisation will be informed in writing, and verbally if required, of the decision with the reason why we consider their behaviour unacceptable, details of any earlier warnings, the restriction being imposed and how long the restriction will last before it is reviewed. This information will be recorded on all relevant files and computer records. If the matter is in relation to a representative from an organisation then One Manchester may make a formal complaint under the organisations formal complaints process.

Appeal

An appeal a decision to restrict contact within 20 days of the restriction being imposed and will be advised of this right and how to do so. A Director who was not involved in the original decision will consider the appeal and their decision is final. An unsuccessful appeal cannot be progressed through One Manchester's complaint procedure.

Review

Each restriction will be reviewed after an initial six month period – unless there are extenuating circumstances, approved by the Chief Operating Officer, that warrant a longer review period. In any event, a review period should not exceed 12 months from the date of restriction. If the review

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demonstrates that a customer's subsequent behaviour is no longer 'unacceptable' the restriction should be lifted and the customer informed of that decision in writing. If the review determines that unacceptable behaviour is still being displayed the restriction will, in all cases, remain in place for a further six months. Again, written notification of that decision must be sent to the individual and or organisation. If the individual/Organisation has not made any contact with One Manchester in the initial six month period (or longer as approved) this should be deemed as acceptable behaviour and the restriction lifted as above.

If, after a restriction is put in place, an individual's or Organisation's behaviour either continues to be or becomes violent or abusive in nature One Manchester will consider taking appropriate legal action.

5.0 Method and approach

This policy will be applied in a fair, reasonable and consistent manner and due consideration will be given to the Equality Act 2010 in regard to unlawful discrimination and service provision.

6.0 Equality

One Manchester will ensure that this policy is applied fairly to all. We will not directly or indirectly discriminate against any person or group of people because of their race, religion, gender, marital status, sexual orientation, disability or other grounds set out in our Equality, Diversity and Inclusion Policy. All staff managing behaviour considered as challenging must ensure that equality and diversity issues have been fully taken into account and reasonable adjustments made where appropriate.

An Equality Impact Assessment has been carried out on this policy.

7.0 Responsibility

The Chief Operating Officer is responsible for ensuring this policy complies with any legislative requirements.

Investigations and decisions in relation to unacceptable behaviour towards staff will be conducted by the relevant staff members' line manager. In the case of serious threats of or actual violence, immediate action should be taken including reporting the matter to the police and the Community Safety Team.

8.0 Monitoring, review and evaluation

Place Committee will monitor usage of this policy.

The policy will be reconsidered against any legislative changes annually and reviewed every three years.

9.0 Legislation

Equality Act 2010
General Data Protection Regulations 2016
The Human Rights Act 1998

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10.0 Associated Policies

Complaints Policy
Health and Safety Policy
Allocations Policy
ASB and Hate Crime Policy
Equality, Diversity and Inclusion Policy

Appendix A

In a minority of cases people pursue their complaints in a way that is unreasonable. They may behave unacceptably or be unreasonably persistent in their contacts and submission of information. For us, unreasonable and unreasonably persistent complaints are those complainants who, because of the nature or frequency of their contacts with One Manchester, hinder our consideration of their or other people's complaints. Some complainants may have justified complaints but may pursue them in inappropriate ways – others may pursue complaints which appear to have no substance or which have already been investigated and determined. Their contacts with us may be amicable but still place heavy demands on staff time, or they may be emotionally charged and distressing for all involved. In such instances – which may include one or two isolated incidents, as well as unreasonably persistent behaviour which is usually a build up of behaviour over a longer period - One Manchester may refuse to register and process further complaints about the same matter and/or instigate its Unacceptable Actions and Behaviour Policy.

We want to deal with complainants in ways that are open, fair and proportionate. A policy-led approach helps staff to understand clearly what is expected of them and what options for action are available to them. A policy that can be shared with complainants if they start to behave unreasonably, can help in managing their expectations and their behaviour, as far as possible, while the substance of their complaint is addressed.

This is not an exhaustive list but these are some examples of the actions and behaviours that we consider unreasonable:

- refusing to specify the grounds of a complaint despite offers of help
- refusing to co-operate with the complaints investigation process while still wishing their complaint to be resolved
- refusing to accept that certain issues are not within the scope of a complaints process
- insisting on the complaint being dealt with in ways which are incompatible with our complaints procedure or with good practice
- making unjustified complaints about staff who are trying to deal with the issues and seeking to have them replaced
- changing the basis of the complaint as the investigation proceeds
- denying or changing statements they made at an earlier stage
- introducing trivial or irrelevant new information at a late stage
- raising many detailed but unimportant questions and insisting they are all answered
- covertly recording meetings or conversations
- submitting falsified documents from themselves or others
- bringing complaints designed to cause disruption or annoyance or lacking any serious purpose or value
- adopting a 'scatter gun' approach: pursuing parallel complaints on the same issue with various organisations
- making excessive demands on the time and resources of staff with lengthy and/or repeated phone calls, emails to numerous staff or detailed letters every few days and expecting immediate responses
- behaviour that appears to be deliberately targeted at one or more members of staff without good cause
- submitting repeat complaints with minor additions/variations the complainant insists make these 'new' complaints which should be put through the full complaints procedure
- refusing to accept decisions; repeatedly arguing points and complaining about the decision with no new evidence
- insisting on pursuing unjustified complaints and/or unrealistic outcomes to legitimate complaints
- behaviour which has a significant and disproportionate adverse effect on our resources
- inappropriate behaviour towards One Manchester staff investigating or involved in the complaint such as inappropriate use of language, aggression or violence