



French Weir Affordable Homes

Unreasonable Behaviour Policy

Please read in conjunction with our Complaints Policy and Procedure and our Equality Policy.

Purpose of this Policy

FWAH residents and housing applicants have a right to be heard, understood and respected. FWAH appreciates and values the pleasant, reasonable and constructive way our tenants communicate with us and the team values our day to day interaction with them. We also enjoy good relations with our local community and stakeholders.

This policy explains how we will manage any situations where the behaviour or actions of any individual (residents/applicants/representatives acting on their behalf or other persons) make it very difficult for the FWAH team (Partners and any future staff) to carry out their work or mean that we are being subjected to abuse or harassment. This includes how we will handle unacceptable behaviour whilst we are at dealing with any complaint.

In situations where we are being subject to abuse/harassment or other behaviour (in whatever form/through whatever media) which is making it impossible to carry out our work and deliver services to all our residents effectively, we have the right to take action to protect our team and our services.

Behaviour/Actions we would consider to be unacceptable

People may act out of character in times of trouble or distress. We will make allowances for this and be understanding. We will use the Housing Ombudsman Advice Cards and our experience/training to try and deal with it and be imaginative/constructive and empathetic. However, we will not tolerate the following which prevent us carrying out our duties effectively:

Aggressive or abusive behaviour

We understand that someone could be upset and angry about an issue raised in a complaint. However if that anger escalates into aggression towards a member of the FWAH

team (Partners/future staff/contractors), we consider that unacceptable. Any violence or abuse towards us will not be tolerated.

Violence is not restricted to acts of aggression that may result in physical harm. It also includes behaviour or language (whether verbal or written) that may cause us to feel offended, afraid, threatened or abused.

Persistent shouting or swearing at us is also unacceptable.

Language we would also find unacceptable includes language which is

- offensive, derogatory or patronising,
- discriminatory in any way, including racist, sexist, homophobic or transphobic comments; or
- makes serious allegations that individuals have committed criminal, corrupt or perverse conduct without any evidence.

We may decide that comments aimed not at us but at third parties are unacceptable because of the effect that listening or reading them may have on us. Examples include rudeness, offensive comments, derogatory remarks, making inflammatory statements, or raising unsubstantiated allegations made towards these third parties.

Threats against us will be taken very seriously and if we feel scared or threatened at any point during a conversation with a customer, we may end the interaction.

Unreasonable demands

A demand becomes unacceptable when it starts to (or when complying with the demand would) impact substantially on the work of FWAH.

Examples of this behaviour include:

- repeatedly demanding response within an unreasonable timescale,
- insisting on seeing or speaking to a particular Partner, when that is not possible,
- repeatedly changing the substance of a complaint or raising unrelated concerns.

An example of such impact would be that the demand takes up an excessive amount of staff time and in doing so disadvantages other residents and prevents their own complaint from being dealt with quickly.

Unreasonable and persistent levels of contact

Repeatedly making long telephone calls to us or inundating us with copies of information that has been sent already or which is irrelevant to the complaint whether over the course of an hour day or a period of weeks could cause us problems.

We consider that the level of contact has become unacceptable when the amount of time spent talking to someone on the telephone, or responding to, reviewing and filing emails or written correspondence impacts on our ability to carry out our functions including dealing the person's complaint.

Harassment

We have the right to carry out our duties free from harassment or threats of harassment.

Examples of behaviours we consider to be harassment include:

- recording telephone discussions and publishing the information online;
- publishing personal, sensitive or private information about us online or other public domains such as noticeboards or newsletters.

Unacceptable or excessive demands

A demand becomes unacceptable when it starts to (or when complying with the demand would) impact substantially on the work of FWAH.

Examples of this behaviour include:

- repeatedly demanding a response within a timescale outside of what has been agreed or is set out in procedures;
- insisting on, or refusing to, speak to a particular member of the FWAH team, when that is not possible;
- repeatedly changing the substance of a complaint or raising unrelated concerns;
- making repeated and unnecessary contact during the course of us dealing with a complaint or carrying out an investigation; and
- refusing to accept a decision where explanations for the decision have been provided.

Refusal to co-operate

When we are looking at a complaint, we will need to ask the individual who has complained to work with us – for example we may need to clarify the main points of a complaint, clarify what outcomes someone is seeking or ask for further information or evidence.

If someone were to repeatedly refuse to co-operate, this could make it difficult for us to proceed. We will always seek to assist someone if they have a specific, genuine difficulty complying with a request but it would be unacceptable to submit a complaint and then not respond to reasonable and clear requests from the team.

Reasonable adjustments

We understand that some people may find it difficult for them to express themselves or communicate clearly, especially when they are anxious or upset. In order to do this, we ask that residents explain what adjustments they're looking for and how this will ensure they can access our service.

We will always make reasonable adjustments for a resident/anyone else interacting with FWAH. Examples of adjustments we can make are:

- different methods of communication;
- providing written communication in large print, audio, Easy Read or other alternative formats or languages (FWAH policy is to communicate with residents in their preferred format);
- signposting to local advocacy/self-advocacy services
- giving clear warnings if conversations become unproductive and allowing people the chance to modify their behaviour before ending a call.

However, we do not expect our staff to accept being subjected to aggressive, offensive, threatening or abusive actions, language or behaviour.

We may still use the policy if there are actions or behaviours (aggression/threats/abusive behaviour) which are having a seriously negative effect on our team even where a reasonable adjustment has been made.

Actions we may take

FWAH is committed to a fair and reasonable process of assessing someone who is unreasonable or abusive and ensuring that we communicate our expectations clearly. We will seek to resolve the situation informally at the earliest opportunity where this is possible, to avoid having to restrict contact.

When we experience behaviour or demands which are unacceptable, we may consider taking more formal action. The actions we will consider can include the following:

- Warning the person about their behaviour and requesting that they modify their behaviour in future contact with us.
- Appointing a specific point of contact for them at FWAH.
- Communicating only in writing or via a representative
- Restricting or limiting contact with FWAH.
- Considering alternative dispute resolution such as mediation between the person and FWAH.
- Review whether there have been breaches of the tenancy agreement in the case of a tenant/resident.
- In exceptional circumstances, notify relevant public authorities (e.g. police)

We will look at each individual case and ensure we are having due regard to the provisions of the Equality Act 2010.

If a decision is made to either formally place restrictions around someone's contact or take other action, we will write to the person concerned to explain:

- The decision made and contact restrictions imposed.
- Why the decision has been made.
- What the decision means for the person concerned.
- How long any restrictions might last, or other applicable timeframes
- How the person can request a review of the decision.

When a restriction is put in place the usual specified review date will be six months. Restrictions may be lifted or eased at the review point if the resident/person concerned demonstrates a more acceptable approach.

If someone wishes to appeal a decision to place restrictions around their contact, they may request a review of the assessment. The request can be made in writing or verbally but must be within 15 working days of the decision having been communicated to them. The person must provide any information they want us to take into consideration and the reasons why they feel our decision is unfair. A FWAH Independent Service Adviser will review the case, make a recommendation to FWAH and we will advise the person of the outcome.

Record Keeping and Confidentiality

All personal information will be treated as confidential under the terms of the General Data Protection Regulation (GDPR) 2018, noting that this also provides provision for information to be shared with other agencies within agreed protocols.

V1.2 reviewed and updated Sept 2024.