# Managing Unacceptable Behaviour Policy

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| Policy Owner | Paul Seymour, Executive Director of Customers and Communities |
| Approval Level | Board |
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| We want everyone to be able to access and understand this policy. If you need this information in another language or format, such as large print, audio, Braille or Easy Read, please contact us and we will support you. | |

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## 1. What this policy is for

1.1 This policy explains how Southway Wythenshawe Homes will respond if resident behaviour becomes unacceptable, unreasonable, abusive or unsafe, or where the level or nature of contact makes it difficult for Southway Wythenshawe Homes to provide services effectively to that resident or to others.

1.2 Southway Wythenshawe Homes is committed to providing fair, accessible and high-quality services to residents. All residents have the right to be heard, understood and respected. Colleagues, contractors, involved residents, volunteers and anyone acting on behalf of Southway Wythenshawe Homes also have the right to work safely and be treated with dignity and respect.

1.3 This policy clarifies the type of behaviour that Southway Wythenshawe Homes considers unacceptable. It also provides colleagues with a framework that enables them to feel confident and supported when deciding how to manage these behaviours.

1.4 The policy is intended to balance resident access, fairness and support with colleague wellbeing and safety, service sustainability and the need to protect other residents.

## 2. Who this policy applies to

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| **Residents** | Tenants, leaseholders, shared owners, applicants, residents, former residents and anyone accessing Southway Wythenshawe Homes services. |
| **Representatives** | Relatives, friends, advocates, support workers, legal representatives, councillors, MPs or third parties acting for or with a resident. |
| **Colleagues and service delivery partners** | All Southway Wythenshawe Homes colleagues, contractors, consultants, volunteers, involved residents, Board and Committee members and anyone delivering services on Southway Wythenshawe Homes's behalf. |

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| **Communication channels** | Face-to-face contact, telephone, letters, email, social media, websites, digital portals, apps, web forms, video calls and any current or future contact channels. |

**Guiding principles**

- This policy will not be used to stop residents raising legitimate service requests, complaints, concerns or challenges. Residents will continue to have a clear route to access essential services, make complaints, appeal decisions and seek independent advice, even where proportionate contact arrangements are in place.
- Southway Wythenshawe Homes has a duty of care to its employees and does not tolerate discriminatory, abusive, threatening, violent or harassing behaviour directed towards anyone working on its behalf.

## 3. Regulation and Legal Requirements

3.1 This policy supports compliance with the following regulations, legal duties and sector expectations:

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| Housing Ombudsman Complaint Handling Code | Any restrictions on resident contact must be justified, proportionate, evidenced, communicated clearly and reviewed regularly. Residents must retain access to the complaints process and the Housing Ombudsman. |
| Regulator of Social Housing Consumer Standards | Southway Wythenshawe Homes must provide fair, accessible and responsive services, communicate clearly, treat tenants with fairness and respect, and support tenant influence and accountability. |
| Equality Act 2010 | Southway Wythenshawe Homes will anticipate and make reasonable adjustments where appropriate and ensure decisions do not unlawfully discriminate. |

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| | Southway Wythenshawe Homes has a duty to prevent, respond to and manage discrimination against those working on its behalf. |
| Worker Protection (Amendment of Equality Act 2010) Act 2023 | Southway Wythenshawe Homes has a duty to prevent, respond to and manage sexual harassment directed at colleagues, contractors, volunteers and others working on its behalf. |
| Health and Safety at Work etc. Act 1974 | Southway Wythenshawe Homes must take reasonable steps to protect the health, safety and wellbeing of colleagues and others affected by its work. |
| RIDDOR and relevant safety legislation | Relevant incidents will be recorded and reported in line with health and safety requirements. |
| Data Protection Act 2018 and UK GDPR | Personal information relating to incidents, restrictions and support needs will be processed lawfully, fairly, securely and only as necessary. |
| Human Rights Act 1998 | Southway Wythenshawe Homes will consider fairness, proportionality, privacy, family life, access to services and freedom of expression when making decisions. |
| Tenancy agreements and leases | Residents are expected to meet tenancy and lease obligations, including allowing access where required and not causing harassment, nuisance or risk to others. |
| Safeguarding duties and partnership working | Where behaviour may be linked to abuse, neglect, exploitation, mental health crisis or other support needs, safeguarding and multi-agency routes will be considered. |

## 4. Definition of Unacceptable Behaviour

### What is unacceptable behaviour?

4.1 Southway Wythenshawe Homes considers behaviour to be unacceptable or unreasonable where it falls within one or more of the categories below. Each case will be assessed on its own facts, context and impact. The examples provided are illustrative and are not intended to be exhaustive.

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| Aggressive, violent, intimidating or abusive behaviour | • Physical violence, threats, intimidation, harassment, discriminatory language or personal abuse.<br>• Publishing personal information about colleagues or contacting colleagues through personal channels.<br>• Behaviour that makes others feel unsafe.<br>• Behaviours that target an individual or group because of a certain characteristic. Examples include racist, xenophobic, homophobic, transphobic or sexist language, or sexual harassment. |
| Unreasonable conduct | • Conduct that disrupts services.<br>• Conduct that prevents colleagues from carrying out their role safely or reasonably.<br>• Conduct that creates an unacceptable burden on Southway Wythenshawe Homes's ability to deliver services. |
| Unreasonable persistence | • Continuing to pursue an issue after Southway Wythenshawe Homes has investigated, responded, reviewed or signposted the appropriate route, without providing significant new evidence. |
| Unreasonable demands | • Demanding responses in unrealistic timescales.<br>• Insisting on one named colleague for all matters.<br>• Repeatedly changing the complaint or service issue. |

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| | • Raising unrelated matters in a way that prevents resolution.<br>• Requiring disproportionate resources. |
| Unreasonable levels of contact | • Excessive, repeated or prolonged contact through calls, emails, letters, digital channels, social media, portal/app messages or visits where this compromises Southway Wythenshawe Homes's ability to provide a service. |
| Unreasonable refusal to cooperate | • Refusing reasonable access.<br>• Refusing to provide information needed to progress a service or complaint.<br>• Refusing to use an agreed contact route.<br>• Refusing to engage with a colleague or representative without good reason. |

**Appendix A** provides examples of each of these types of unacceptable behaviour.

**What might be unacceptable behaviour?**

### 4.2 Shouting

A resident raising their voice or expressing frustration about a service would not normally be unacceptable behaviour. However, if a resident continues to shout after being asked to lower their voice, the colleague would be expected to warn the resident that the interaction will be paused or ended, and if the shouting continues, this would be considered unacceptable behaviour.

### 4.3 Swearing

Whilst swearing is not always unacceptable, if a resident uses swearing to demean a specific individual or group of people, or continues to swear after being asked not to, it is considered unacceptable behaviour under this policy.

### 4.4 Use of artificial intelligence

We recognise that artificial intelligence (AI) can be a useful tool for residents in articulating their concerns, issues or help that they need. However, the nature of AI-generated communication can sometimes prevent colleagues from recognising and addressing the resident's concerns. Where residents choose to use AI to communicate with us, we will seek to respond to the substantive points as we recognise them. AI communication will only be considered unacceptable when it becomes excessively persistent, requires disproportionate resources to respond to, or meets the criteria for another unacceptable behaviour.

**What is not unacceptable behaviour?**

4.5 A resident's behaviour is not unacceptable purely because:

- they are challenging a decision.
- they are forceful or determined.
- they are frustrated, angry or distressed.
- they are complaining about services.
- a colleague finds the behaviour difficult to deal with.

## 5. What we will do

**Our approach**

5.1 We will listen, seek to understand the issue, respond with empathy and support residents to access the right service or complaints route.

5.2 We will distinguish between anger about a service failure and behaviour that is abusive, discriminatory, threatening, excessively persistent or unmanageable.

5.3 We will ensure any action is evidence-based, proportionate, time-limited and reviewed regularly.

5.4 We will consider whether behaviour may be linked to disability, trauma, language, literacy, neurodiversity, mental health, domestic abuse, safeguarding or other support needs.

5.5 We will consider the impact of the behaviour on our colleagues, residents and people delivering a service on Southway Wythenshawe Homes's behalf.

5.6 We will consider whether reasonable adjustments, advocacy, mediation, translation, an agreed representative, safeguarding support or a multi-agency approach could resolve the issue before restrictions are considered.

5.7 We will continue to meet landlord obligations and provide access to essential services, emergency repairs, safeguarding routes and complaint escalation arrangements.

5.8 We will use posters or display stands in our receptions to highlight that aggressive or abusive behaviour is never acceptable.

**Early resolution**

5.9 We will try to resolve concerns before restrictions are considered.

5.10 This may include a conversation with the resident, a written notice, mediation, advocacy, or contact via a resident's representative.

5.11 Any written notice will explain the behaviour of concern, the impact, the evidence relied on, what needs to change and what may happen if the behaviour continues.

**Immediate action where there is risk**

5.12 Any colleague who experiences aggressive, abusive, threatening, discriminatory or unsafe behaviour may take immediate steps to protect themselves and others, including ending a call, leaving a visit, pausing a meeting or requesting manager support.

5.13 Serious incidents may be reported to the police, considered under the Anti-Social Behaviour (ASB) Policy, referred for legal advice or managed through health and safety controls.

5.14 Where needed to reduce risk, we will introduce immediate temporary controls such as redirecting email contact, suspending or limiting digital

portal/app access, requiring contact through a named route, adding safety alerts to relevant systems or arranging accompanied visits.

5.15 Immediate controls must be recorded, reviewed by a manager and referred to the Resident Conduct Panel as soon as reasonably possible.

**Contact restrictions**

5.16 Contact restrictions will be considered by a Resident Conduct Panel. The Panel will include officers who are sufficiently independent of the original incident wherever possible.

5.17 The Panel will consider the evidence, impact, resident circumstances, reasonable adjustments, safeguarding concerns, previous action, service history and whether Southway Wythenshawe Homes has responded properly to the underlying issue.

5.18 The Panel may approve proportionate restrictions where it is satisfied that action is necessary, justified and supported by evidence. A clear audit trail will be kept.

5.19 The Panel will have delegated authority to approve restrictions, except where the Southway Wythenshawe Homes governance framework requires escalation to Executive Team, Board, legal services or another accountable body.

**Types of restrictions**

5.20 Restrictions will be tailored to the circumstances and will not be used as a blanket ban on access to services. Examples include:

- A single point of contact.
- Contact through one channel, such as written correspondence, email, app, portal or telephone.
- Contact only at agreed times or limited to a reasonable number of contacts in a defined period.

- A requirement to use an agreed third-party representative, advocate or support worker.
- Limiting the number of issues Southway Wythenshawe Homes will consider at one time.
- Not reconsidering a closed issue unless significant new evidence is provided.
- Managed access to offices, appointments, visits or meetings.
- Suspension or limiting of digital channels, including portal or app access, where needed to protect colleagues or manage excessive contact.

5.22 Legal action, injunctions, Anti-Social Behaviour action or tenancy enforcement will be considered where the behaviour or refusal to cooperate creates serious risk or breaches tenancy obligations.

**Notification, review and appeal**

5.23 Residents will be told in writing when restrictions are applied. The letter will explain the behaviour of concern, the evidence relied on, the reason for the decision, the restriction, how long it will last, how services and complaints can still be accessed, how to appeal and when the decision will be reviewed.

5.24 Formal restrictions will normally be reviewed within six months. If behaviour has improved, restrictions should be removed or reduced. If restrictions remain necessary, the resident will be given the reasons and a further review date.

5.25 Residents can appeal a restriction. Appeals will be considered by a senior manager who was not involved in the original decision wherever possible. The outcome will be confirmed in writing, usually within 20 working days of receiving the appeal.

5.26 If a resident - or their representative - disagrees with our decisions, they can refer their concerns about action taken under this policy to the Housing Ombudsman Service for review. You can contact the Housing Ombudsman as follows:

Online form: www.housing-ombudsman.org.uk/residents/make-a-complaint

Email: info@housing-ombudsman.org.uk

Telephone: 0300 111 3000

Postal address: Housing Ombudsman Service, PO Box 1484, Unit D, Preston, PR2 0ET

## 6. Equality, Diversity and Inclusion

6.1 An Equality Impact Assessment (EIA) has been completed for this policy. The EIA will be reviewed each time the policy is reviewed or if monitoring identifies a potential adverse impact.

| Action | Policy Change |
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| Anticipate reasonable adjustments | The policy requires consideration and recording of reasonable adjustments before restrictions are applied and at each review. |
| Prevent disproportionate impact | The Resident Conduct Panel will consider vulnerability, disability, communication needs, safeguarding concerns and support options before deciding action. |
| Monitor protected characteristics | Southway Wythenshawe Homes will monitor the use of formal restrictions by protected characteristics where data is available and appropriate. |
| Retain access to services | Restrictions must include alternative access routes so residents can still receive essential services, make complaints and seek independent advice. |

## 7. Who is responsible

7.1 The people responsible for overseeing this policy are listed below.

| Officer | Responsibility |
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| Board or relevant Committee | Approves the policy and receives assurance that it is operating fairly and effectively. |
| Executive Director of Customers and Communities | Policy owner and accountable officer for implementation and compliance. |
| Customer Experience Lead | Ensures the policy is embedded, monitored, reviewed and aligned with complaints, customer hub and resident involvement arrangements. |
| Resident Conduct Panel | Reviews evidence, considers support needs and reasonable adjustments, approves proportionate restrictions and monitors review dates. |
| Managers | Support colleagues, review incidents, ensure immediate risks are managed and ensure records are accurate. |
| Colleagues and contractors | Use the policy fairly, report incidents, follow agreed contact arrangements and continue to treat residents with respect. |
| Residents and representatives | Engage respectfully, cooperate with reasonable service requests and follow agreed contact arrangements where restrictions are in place. |

## 8. Monitoring and Reporting

8.1 The impact of this policy will be monitored at least annually through our governance structure.

8.2 The policy will be reviewed by our Customer Experience Committee every three years, or sooner if monitoring suggests this is required.

## 9. Glossary

| Word | Definition |
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| Resident Conduct Panel | A decision-making group that reviews incidents, considers support needs and reasonable adjustments, and approves restrictions. |
| Reasonable adjustment | A change to the way Southway Wythenshawe Homes provides a service so a disabled resident or |

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| | someone with an additional need can access services fairly. |
| Restriction | A proportionate and time-limited change to how a resident contacts Southway Wythenshawe Homes or accesses a particular channel or service. |
| Unacceptable behaviour | Behaviour that is abusive, threatening, discriminatory, unsafe, excessively persistent, unmanageable or otherwise prevents Southway Wythenshawe Homes from delivering services safely and effectively. |
| Single point of contact | One named colleague, team or inbox used to coordinate contact with the resident. |
| Complaint | An expression of dissatisfaction, however made, about the standard of service, actions or lack of action by Southway Wythenshawe Homes, its colleagues or those acting on its behalf. |
| Housing Ombudsman Service | The independent body that considers complaints about social landlords and provides guidance on complaint handling. |
| Essential services | Services that Southway Wythenshawe Homes must continue to provide, including emergency repairs, safeguarding responses and legally required landlord services. |

**Appendix A - Examples of unacceptable behaviour**

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| Aggressive,<br>violent, intimidating or<br>abusive behaviour | • Threats.<br>• Physical violence.<br>• Threatening or violent behaviour.<br>• Personal verbal abuse.<br>• Personal written abuse, texted abuse, or abuse via social media.<br>• Derogatory remarks.<br>• Excessive & unreasonable rudeness.<br>• Inflammatory statements and unsubstantiated allegations.<br>• Contacting colleagues using their personal details or personal social media accounts.<br>• Publishing personal information about colleagues online.<br>• Sexual harassment, including staring, leering, jokes of a sexual nature, waiting to speak to a colleague after work without prior agreement.<br>• Harassment of any other kind.<br>• Make false allegations regarding a colleague or Southway Wythenshawe Homes as a whole.<br>• Comments or behaviours that particularly target an individual or group because of a certain characteristic, such as racist, xenophobic, homophobic, transphobic, sexist language. |
| Unreasonable conduct | • Conduct that disrupts services, prevents colleagues from carrying out their role safely or reasonably, or creates an unacceptable burden on Southway Wythenshawe Homes's ability to deliver services. This includes: |

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| | • Filming or otherwise recording a colleague without their consent.<br>• Not respecting professional boundaries whilst colleagues are carrying out their work, for example forcing physical contact with a colleague. |
| Unreasonable persistence | We recognise that some residents will not or cannot accept that the organisation is unable to assist them or provide a level of service other than that already provided. Residents may persist in disagreeing with the action or decision taken regarding their complaint or persist in contacting us about the same issue. Examples of unreasonable persistence include:<br>• Persistent refusal to accept a decision regarding a complaint or a service request.<br>• Persistent refusal to accept explanations about what we can or cannot do.<br>• Continuing to pursue an issue or complaint without presenting any new information for consideration.<br>• Persist in pursuing a matter when they have already exhausted other statutory routes of appeal.<br>We recognise that residents may disagree with a decision or remain dissatisfied after receiving a response. However, once Southway Wythenshawe Homes has explained its decision, provided reasons and signposted any available review, appeal or complaint routes, residents are expected to use those routes if they wish to challenge the outcome. Continuing to raise the same issue without significant new information may be considered unreasonable where it places a disproportionate demand on Southway Wythenshawe Homes's time and resources. |

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| Unreasonable demands | Residents may make what we consider unreasonable demands through the amount of information they want from us, the nature and scale of service they expect or the number of approaches they make. What amounts to unreasonable demands will always depend on the circumstances surrounding the behaviour and the seriousness of the issues raised by the resident. Examples of unreasonable demand include:<br>• Demanding a response within an unreasonable timescale<br>• Demanding a single point of contact, where we have stated why we are unable to offer this<br>• Repeatedly changing the substance of a complaint<br>• Repeatedly raising unrelated concerns (when a resident is pursuing a complaint about one matter e.g. a delay with repairing a leak and they repeatedly raise unrelated concerns about their eligibility for a new kitchen which has already been responded to but is preventing the resolution of the leak.)<br>• Not clearly identifying the precise issues which they wish to be investigated, despite reasonable efforts to help them specify their concerns<br>• Denying receiving an adequate response despite correspondence specifically answering their questions.. It would be deemed unreasonable where Southway Wythenshawe Homes has issued a final response answering a resident's questions of which we have evidence, and the resident denies that we have answered those questions and continues to raise them to us. The Complaint Policy allows residents to challenge responses through Southway Wythenshawe Homes then to the Housing Ombudsman Service |

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| | • Continuing to pursue a complaint about matters outside Southway Wythenshawe Homes's responsibility after being signposted to the appropriate organisation or person.<br><br>We consider these demands as unreasonable if they start to substantially impact on our work, such as taking up an excessive amount of colleague time to the disadvantage of other residents. |
| Unreasonable levels of contact | Southway Wythenshawe Homes provides a range of services to residents including repairs, improvements, adaptations, tenancy management, income related service, support & advice, and complaints handling. Some of these services are planned and some are reactive. Most require interaction with residents. Sometimes, individual service users take up an inappropriate proportion of colleague time with unnecessary levels of contacts. We consider the level of contact unreasonable if our ability to provide the service to the individual or other service users has been compromised by:<br><br>• Excessive contact in writing, by email, by telephone, via Southway Wythenshawe Homes App/portal or via social media and includes both frequency duration of calls, and volume of contact for example excessively long telephone calls<br>• The time required to read, review, and respond to email or letters from an individual resident.<br><br>Discretion will be used in determining the precise number of "excessive contacts" applicable under this section, using judgement based on the specific circumstances of each individual case. |

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| Unreasonable refusal to cooperate | • In providing a service, it is often necessary for Southway Wythenshawe Homes to engage with the resident. If the resident does not co-operate, we will consider further action appropriate to the circumstances.<br>• Refusing to allow access to Southway Wythenshawe Homes or contractors for essential health & safety works may result in us taking legal action to enforce access.<br>• Refusing to allow access for non-essential works may result in cancellation of the service request.<br>• We will always consider a resident's request not to engage with a specific colleague, especially if we have investigated and identified a poor experience occurred. It would be considered unreasonable if the resident demanded to never engage with a specific colleague again as we are unable to ensure this in practice or manage this due to resources. In extreme circumstances refusing to engage with our designated colleague may result in the cancellation of the service request or complaint. |