

Group Managing Unacceptable Behaviour Policy and Procedure

Responsible Officer

Director of Customer Services

1. Policy Statement

- 1.1 This policy applies to all Phoenix Group employees, anyone acting on behalf of Phoenix, all Phoenix residents and other customers of Phoenix.
- 1.2 Phoenix residents and other customers should expect our staff to show empathy, courtesy and respect at all times, in line with the behavioural standards set out in our Code of Conduct and the equality, diversity and inclusion commitments of the organisation.
- 1.3 In return, we ask that residents and other customers interact with our staff in a respectful and courteous way, such that we can provide services effectively and efficiently.
- 1.4 No-one should have to tolerate verbal or physical abuse, or threats of physical abuse, from Phoenix residents or any other customer.
- 1.5 There will be occasions when situations arise due to upset or anger, whether in person or by telephone or in written correspondence. This may be in the context of a complaint or the day to day delivery of services.
- 1.6 Phoenix will always seek to deliver the services due to residents but the way in which this is done may be amended to ensure the safety of staff, residents and other stakeholders. In serious cases the police may be involved.
- 1.7 It is paramount that all staff and residents are aware of this policy and the actions which should be taken in these cases and what follow-up support is available.
- 1.8 We should all be able to take appropriate action in relation to the resident or customer and make sure that all cases are properly recorded and monitored.
- 1.9 This policy:
 - Defines unacceptable behaviour
 - Confirms our commitment to taking into account individual circumstances and making reasonable adjustments
 - Sets out what actions we may take.
- 1.10 An accompanying procedure is attached at Appendix 1.

2. What is unacceptable behaviour?

- 2.1 Unacceptable behaviour can include, but is not limited to, any one or a combination of the following:
- **Any actual or threatened violence or abuse**, including behaviour or language that would be likely to lead to someone feeling upset, offended, afraid, threatened or abused, including racist, sexist or homophobic language.
 - **Untrue allegations** eg that individuals have committed abusive criminal, corrupt or perverse conduct without any evidence.
 - **Unreasonable levels of contact** eg making excessive contact with staff. This could be multiple phone calls, emails or visits to the Green Man.
 - **Unreasonable demands or expectations** eg demanding a response within an unreasonable time frame; insisting on seeing or speaking to a particular staff member when that is not possible; or continuously raising issues that Phoenix cannot control or that have already been responded to.
- 2.2 If an individual displays some of the above behaviours on one occasion they may not necessarily be unacceptable, it is often the repeating of actions which make them hard to manage or unacceptable.
- 2.3 We will consider each case individually and appreciate that individuals may be upset or angry when interacting with us. Where behaviour results from a disability we will take this into account in how we operate this policy and make any reasonable adjustments required (see our Reasonable Adjustments Policy).

3. Actions we may take

- 3.1 We will always aim to provide the services due to our residents but we also have a duty to protect the safety and well-being of our staff, other residents and partners so we may adjust the way these are delivered where necessary.
- 3.2 Where there is a risk of violence or abuse which could constitute a criminal offence, eg assault or a hate crime, we will inform the police.
- 3.3 Where the unacceptable behaviour does not meet this threshold but is sufficiently serious as to be likely to cause those interacting with the individual to feel upset, offended, afraid, threatened or abused we may take any of the following actions at the time
- require the individual to leave Phoenix premises
 - staff may leave the residents' home (if a repair is in progress it will be made safe before the staff member or contractor leaves, or where there is an immediate risk, arrangements will be made to do so as quickly as possible)
 - end a phone call.

3.4 In all cases where unacceptable behaviour is reported this will be investigated and if necessary adjustments to our model of service may be made for a set period. These could include :

- restricting visits to Phoenix premises
- restricting telephone calls
- putting arrangements in place to deal with issues at set times or in set ways eg a phone call once a week with a designated member of staff or a weekly response to all correspondence each week.

3.5 If a Phoenix resident has acted in breach of a Phoenix tenancy agreement, an injunction or possession proceedings may also be sought.

4. Communication and monitoring

4.1 Any action taken under this policy will be communicated to the resident or customer promptly.

4.2 Details will be recorded on our Customer Relationship Management (CRM) system, monitored and reported to Board annually.

The Procedure

1. Scenarios

1.1 This procedure sets out the actions to be taken when unacceptable behaviour from any customer occurs in the following circumstances:

- In person
- By phone
- In writing

1.2 The actions that should be taken following any such cases are set out at 5.

2. In person

2.1 It is possible that staff may encounter abuse from a resident or other customer in a number of different settings, and not necessarily within work time, including The Green Man or on our estates or wider community.

2.2 Where there is an immediate risk of violence or abuse which could compromise your safety or constitute a criminal offence, eg an assault or a hate crime, remove yourself from the situation. Then immediately raise an alarm with your manager and call the police. Where such incidents take place at The Green Man, staff should notify the security guard to take appropriate action, which may include requiring the individual to leave the building. Then report the incident to your manager.

2.3 Where the unacceptable behaviour does not meet this threshold but is sufficiently serious as to be likely to cause you or others in the vicinity to feel upset, offended, afraid, threatened or abused please report the incident to your manager who will decide on the appropriate course of action which may include :

- requiring the individual to leave Phoenix premises
- agreeing that you should leave the residents' home (if a repair is in progress it will be made safe before the staff member or contractor leaves)

2.4 Where unacceptable behaviour occurs this should be reported to your line manager and recorded factually on CRM (see section 5). The incident will be investigated and if necessary adjustments to our model of service may be made for a set period. These could include :

- informing the police
- restricting visits to Phoenix premises
- restricting telephone calls
- putting arrangements in place to deal with issues at set times or in set ways eg a phone call once a week with a designated member of staff or a weekly response to all correspondence each week.

- if a Phoenix resident has acted in breach of a Phoenix tenancy agreement an injunction or possession proceedings may also be sought.

3 By phone

- 3.1 Members of staff should always seek to address issues politely and professionally. Where a caller behaves in an unacceptable manner (in line with the definitions set out in the Policy), they should ask the caller to be polite and respectful and give a reminder if the behaviour does not change. If following the request, the caller continues to act in a rude, offensive or threatening manner, the call handler should terminate the call.
- 3.2 If the caller then telephones again, staff should transfer them the Customer Services Manager or relevant manager.
- 3.3 In all cases where unacceptable behaviour occurs this should be reported to your line manager and recorded factually on CRM. The incident will be investigated and if necessary adjustments to our model of service may be made for a set period. These could include:
 - informing the police
 - restricting visits to Phoenix premises
 - restricting telephone calls
 - putting arrangements in place to deal with issues at set times or in set ways e.g. a phone call once a week with a designated member of staff or a weekly response to all correspondence each week.
 - if a Phoenix resident has acted in breach of a Phoenix tenancy agreement an injunction or possession proceedings may also be sought

4 In writing

- 4.1 If you receive any written correspondence that contains abusive or offensive material, you or your line manager should inform the writer that at Phoenix we do not tolerate such material and will take further action should they continue to send abusive or offensive material.
- 4.2 In all cases where unacceptable behaviour occurs this should be reported to your line manager and recorded on CRM (see S5). The incident will be investigated and if necessary adjustments to our model of service may be made for a set period. These could include :
 - informing the police
 - restricting visits to Phoenix premises
 - restricting telephone calls
 - putting arrangements in place to deal with issues at set times or in set ways e.g. a phone call once a week with a designated member of staff or a weekly response to all correspondence each week.
 - if a Phoenix resident has acted in breach of a Phoenix tenancy agreement an injunction or possession proceedings may also be sought

5 Reporting arrangements

5.1 In any of the cases outlined above, you should take the following steps:

- i) Inform your line manager at the earliest opportunity. The line manager and staff member will agree if some time out is needed and whether to notify People Services to provide follow-up support. Staff remembers should be reminded of the availability of our Employee Assistance Programme.
- ii) Summarise the case on CRM. It is important the details are presented factually and not emotionally. Please include evidence as appropriate eg email or other correspondence.
- iii) Complete an abusive behaviour form and send this to your line manager. Cases will be tracked through the Health & Safety Committee.

6 Investigation

- 6.1 In most cases your line manager will investigate the case and decide what action is required.
- 6.2 In more serious cases, or cases where legal action is required, you and your line manager may decide this should be escalated for further investigation to the Monitoring Team [full name of team?]. Once investigated they will call a case conference review to agree the actions required. In such cases, both the staff member and line manager should be included in the case conference and kept updated on the case. A note of the case conference and actions agreed should be added to the CRM case.

7. Actions

- 7.1 In deciding the action to be taken the investigating manager must take into account all relevant factors, eg:
 - How serious was the behaviour and its actual or likely impact on staff, other residents or stakeholders?
 - Have we given clear warnings when we feel that behaviour is unacceptable?
 - Is the time we are taking managing persistent correspondence, visits or calls impacting on services to other residents
 - Does the person have a disability? Are any reasonable adjustments required (see our Reasonable Adjustment Policy)?
 - Is there anything we could have done to manage the situation better?
 - Are there changes we can propose to how we engage with the person that makes it easier for us to deliver our services to them while mitigating the impact on staff and others?
 - Would it be helpful to communicate in a different way, for example, to meet face to face or agree to contact them on specific dates and times to provide updates?
 - Would they benefit from working with us through a representative or want to bring someone with them to discuss any issues?
- 7.2 Suggested actions or adjustments to our service should be communicated to the complainant promptly and where possible agreed with them. Residents or customers should

be given the opportunity to recommend other ways of working with them before a decision is made. Ongoing review dates should be set.

Actions or adjustments should be formally shared with other staff who may have contact with the resident or customer and flagged on CRM for the period of the action or adjustment.

8. Monitoring and review

- 8.1 This policy will be reviewed every 3 years or sooner if there are changes to legislation, good practice or other learning.
- 8.2 Reports of abusive behaviour from residents or other customers will be tracked by the Health and Safety Committee and reported to the Executive Team.
- 8.3 We will report on the number of residents or customers we have worked with each year where we have needed to adopt the formal procedure in this policy and the learning from using the procedure. This will be reported to the Board and in our Annual Report to residents.

Legislation

- Equalities Act 2010
- Data Protection Act 2018
- Coronavirus Act 2020

Reference to other documents and associated policies and procedures

- Complaints Policy
- Data Protection Policy
- Equality and Diversity Charter
- Housing Ombudsman Code for Complaints Handling
- Phoenix Standards
- Reasonable Adjustments & Exercise of Discretion Guidance
- Reasonable Adjustments Policy
- Self-assessment against the Complaints Code.

Definitions

Term/acronym	Description
Resident	Includes tenants, freeholders and leaseholders.
Phoenix	Phoenix Community Housing.

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