



MERCHANT TAYLORS' BOONE'S CHARITY
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Managing Unacceptable Behaviour Policy

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1. INTRODUCTION AND POLICY AIMS

1.1. The Merchant Taylors' Boone's Charity (MTBC) aims to deliver high quality services to all Merchant Taylors' residents and ensure fair treatment for everyone. We do this by recognising people's different needs, situation and aspirations and we work to be open and accessible. The context is that MTBC does not provide any service to One Housing residents

but MTBC staff may come into contact with One Housing residents living at Christopher Boone's Court.

Occasionally an individual will behave in a way that makes it difficult for us to deal with them. This may be a Merchant Taylors' resident, or a One Housing resident at Christopher Boone's Court, or a guest, contractor or other agent. This policy sets out what we consider to be unacceptable behaviour and how we will deal with those displaying such behaviour. It applies to all of the following, except where expressly stated otherwise:

- Merchant Taylors' residents and their guests, family members, contractors or other agents
- One Housing residents at Christopher Boone's Court and their guests, family members, contractors or other agents.

The existence of this policy does not prejudice One Housing's policy on managing unacceptable behaviour and One Housing's right to take action under that policy. Equally, we reserve the right to take action under this policy where any One Housing member of staff or contractor or agent experiences unacceptable behaviour from a Merchant Taylors' resident or their guests, family members, contractors or other agents.

1.2. We are committed to dealing fairly, honestly and consistently with all individuals at Christopher Boone's Court. We believe that Merchant Taylors' residents have a right to be heard, understood and respected. We acknowledge that behaviour is not unacceptable just because an individual is assertive or determined, and our complaints process enables Merchant Taylors' residents to formally raise any issues they are having with the service provided to them.

1.3. Whilst managing unacceptable behaviour, we will take any vulnerabilities or medical conditions or support needs into consideration that are known or made known to us in enough detail for us to understand their likely impact and that they are genuine. We will make every effort to ensure our staff, contractors and agents are able to carry out their duties safely without fear of discrimination or distress caused by unacceptable behaviour. Additionally, we will:

- Provide accessible services to Merchant Taylors' residents whilst retaining the right to restrict or change access to a service where we consider an individual's actions to be unacceptable;
- Strive to ensure that neither staff, contractors or other individuals are subjected to behaviour that is considered unacceptable as defined in this policy.

2. LEGISLATION REGULATION AND GUIDANCE

2.1. The Unacceptable Behaviour Policy is framed within the context of, and complies with relevant legislation, which includes:

- The Equality Act 2010

- The Human Rights Act 1998
- General Data Protection Regulations 2018

3. ASSOCIATED POLICIES / PROCEDURES & DOCUMENTS

3.1. This Policy and Procedure should be used by Merchant Taylors' residents in conjunction with the following policies and procedures:

- Complaints Procedure for Merchant Taylors' residents as set out in the MT Residents' Handbook
- MTBC Privacy Notice

4. DEFINITIONS

- Aggressive or abusive behaviour.
- Unreasonable demands
- Unreasonable behaviour
- Harassment
- Refusal to co-operate

4.1 AGGRESSIVE OR ABUSIVE BEHAVIOUR

4.1.1. There may be incidences of behaviour which an individual may find difficult, but in MTBC's view it would be reasonable to expect a well-trained confident member of staff to be able to deal with in most circumstances. This would not be considered unacceptable behaviour.

4.1.2. We recognise that people may act out of character when in distress or difficulty, so being upset or angry is understandable. However, when these emotions escalate into aggressive or abusive behaviour towards our staff, such behaviour will be considered unacceptable and managed in accordance with this policy.

4.1.3. Aggression is not limited to acts causing physical harm. It also includes any behaviour that may cause staff to feel threatened, abused or afraid. Examples of abusive or aggressive behaviour include (but are not limited to):

- Swearing and/or shouting.
- Using language which is intended to insult or degrade, or is racist, sexist or homophobic.
- Threats of violence or physical violence or harassment.
- Intimidation or threatening behaviour towards staff by any means.
- Deliberate physical damage caused to property.
- Personal abuse and or unwelcome or rude gestures.
- Making inflammatory or unsubstantiated allegations.

4.2 UNREASONABLE OR EXCESSIVE DEMANDS

4.2.1. Unreasonable demands in relation to the type and timelines of service will be managed in line with the policy in question. Examples could include demanding that all repairs are dealt with as an emergency or demanding that a complaint be prioritised above others. Behaviours or demands that are disproportionate to the matter in question or deliberately made to cause annoyance, misdirect or waste MTBC's resources will be considered unreasonable. A demand will also be considered unreasonable when it starts to (or when complying with the demand would) impact substantially on the work of MTBC. 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 or MTBC itself and prevents those other matters from being dealt with appropriately quickly.

4.2.2. Examples of this behaviour include (but are not limited to):

- Demanding a service outside the relevant policy timescales.
- Submitting high volumes of repeated communication which could include but is not limited to letter, email, telephone and social media.
- Requesting high volumes of information which is not relevant to the service request or complaint being made;
- Insisting on only seeing or speaking to a particular staff member without a clear and justifiable reason why.
- Repeatedly asking for services that are not offered.
- Repeatedly changing the substance of a complaint or raising unrelated concerns as part of an existing complaint.

4.3 UNREASONABLE BEHAVIOUR

4.3.1. If despite reasonable attempts to resolve a matter, an individual continues to make unnecessary contact, and will not accept that MTBC cannot provide them with a level of service and/or information other than that which has already been provided; this persistent behaviour may be deemed as unreasonable. For example, even though the way in which an individual approaches us may be reasonable, the persistent nature of the behaviour may not be acceptable. Some behaviour may be unreasonable even if it is not exhibited persistently.

4.3.2. Examples of unreasonable behaviour (whether due to persistence or otherwise) include (but are not limited to):

- Refusing to accept a decision made by MTBC after fully exhausting the complaints process
- Refusing to accept explanations relating to what MTBC can and cannot do;
- Pursuing an issue which MTBC considers resolved or closed without presenting any new significant information; or
- Making an unreasonable number or degree of contacts with us, by any means in relation to a specific complaint or issue.

An unreasonable number or degree of contacts includes (but is not limited to):

- Continuous contact while we are in the process of considering a matter,
- Repeated telephone calls over a short period, for example, a high number of calls in one day or week,
- Lengthy telephone calls repeating the same points of discussion,
- High volumes of information provided by email or post referencing the same issues,
- Unnecessarily or excessive copying us into emails to other parties.

4.4 Harassment

Staff have the right to carry out their duties free from harassment or threats of harassment.

Examples of behaviours we consider to be harassment against our staff include:

- recording telephone discussions and publishing the information online such as through YouTube, Vimeo or Twitter;
- contacting staff using their personal details or social media presence such as Facebook, Twitter or LinkedIn;
- publishing personal, sensitive or private information about staff online or other public domains such as noticeboards or newsletters.

4.5 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. This can include agreeing with us:

- the complaint we will look at,
- to provide us with further information, evidence or comments on request, or
- to help us by summarising their concerns.

Sometimes, an individual repeatedly refuses to co-operate and this makes it difficult for us to proceed. We will always seek to assist someone if they have a specific, genuine difficulty complying with a request.

However, we consider it is unacceptable to bring a complaint to us and then not respond to clear and appropriate requests by staff.

5. MANAGING UNACCEPTABLE BEHAVIOUR

5.1.1. The steps that our staff will take to manage unacceptable behaviour will depend on the nature and extent of the behaviour. Staff are expected to exercise their judgement in responding to unacceptable behaviour taking all factors in each individual case into account. Staff are authorised to take such immediate action as they, acting reasonably and responsibly, consider to be appropriate at the time.

5.1.2. Any staff member who is confronted by an individual exhibiting any of the behaviour covered by this policy, may make a decision to remove themselves from the situation after advising the individual that their behaviour is unacceptable. This may involve terminating a call or other form of communication or removing themselves from the situation and refraining from further contact. Having done so, the staff member should record and report the incident to their line manager.

Where the behaviour threatens the immediate safety and welfare of staff or individuals, it may be necessary to report the matter to the police and / or take any legal action we deem necessary and appropriate. In such instances it is possible that no prior warning of this action will be given and that the confronted staff member will not be in a position to give the individual prior warning that their behaviour is unacceptable. The rest of this section 5 is subject to that.

5.1.3. **Stage 1 – Informal.** Staff will normally give the individual an initial informal warning (either orally or in written form such as a letter or email) that their behaviour or that of their guest, family member, contractor or other agent is unreasonable and will record the details. If the person is a Merchant Taylors' resident, these will be recorded on their individual file. We will make reasonable efforts to reach a voluntary (informal) arrangement before taking formal action, if we consider that such a voluntary (informal) arrangement is an appropriate step. MTBC reserves the right to omit Stage 1 and proceed straight to Stage 2 where we believe that is a proportionate way to protect the welfare or safety of our staff or any other individual or to reduce the impact on the work of staff or on MTBC.

5.1.5 **Stage 2 – Formal.** Should behaviour covered by the definitions in this policy recur, we will normally send a formal written warning. It will be placed on the resident's individual file if they are a Merchant Taylors' resident. If the behaviour persists after a formal warning, we will fully assess the way in which we communicate with the individual and take steps, as outlined in this policy, to manage their interaction with staff. We reserve the right to omit the formal written warning and proceed straight to taking those steps where we believe that is a proportionate way to protect the welfare or safety of our staff or any other individual or to reduce the impact on the work of staff or on MTBC.

5.2 RESTRICTING CUSTOMER CONTACT

5.2.1. We may decide to limit or restrict an individual's contact with MTBC staff in situations where previous warnings have been issued to an individual and they have failed to modify their behaviour, or where we believe such limit/restriction is a proportionate way to protect the welfare or safety of our staff or any other individual or to reduce the impact on the work of staff or on MTBC. This may mean maintaining only one form of contact, and / or requiring all future contact is through a third party.

5.2.2. We will notify individuals in writing why a decision has been made to restrict contact, the details of the restricted contact arrangements and the length of time that the restriction will be in place. Relevant staff will be informed of any restrictions put in place – this may

also include contractors and other statutory agencies and will normally include One Housing.

5.2.3. Examples of restricted contact may include but not be limited to the following:

- Ending direct contact (telephone, e- mail, letter, fax, social media or by any combination) and/or by restricting the frequency of contact
- Restricting contact to an individual (or specified staff members). They may also be placed on a 'no personal contact list'. This means contact will be restricted to either written communication to a named individual or through a third party. In the case of One Housing residents, such third party would normally be a named member of One Housing staff.

5.2.4

- Where correspondence (letter, fax, electronic or via social media) or other forms of communication is abusive or offensive to staff or contains unsubstantiated allegations, the individual will be asked to stop and MTBC will advise that if this continues, they will no longer respond on the issues raised.
- Where an individual repeatedly telephones, visits the office without an appointment, sends irrelevant or duplicate documents, or raises the issues already considered, MTBC may decide to:
 - only take calls at pre-arranged dates and times or put in place an arrangement for only a specific/designated member of staff to deal with any calls or contact
 - require the person to make an appointment to see a named member of staff before visiting the office, and in extreme circumstances such as a direct threat we may ban attendance at our offices
 - only accept contact in writing
 - return correspondence
 - take other action that we consider appropriate, and where this is the case, we will always make reasonable and proportionate efforts to inform the individual about the action being taken and why, subject to complying with our Safeguarding Policy or other policies or legislation or other steps to protect the welfare or safety of any individual.

Please note this list is not exhaustive.

5.3 COMMUNICATING OUR ACTIONS UNDER THIS POLICY TO PEOPLE WHO ARE NOT MERCHANT TAYLORS' RESIDENTS

Where we do not have adequate and reliable contact details for the person who has exhibited the behaviour covered by this policy, we reserve the right to send any communications under this policy via the Merchant Taylors' resident or other resident of Christopher Boone's Court whom we reasonably believe is connected to that person.

5.3 APPEALING/RECONSIDERING A DECISION TO RESTRICT CONTACT

5.3.1. A decision to restrict contact may be reconsidered, upon written request if the individual demonstrates a more acceptable approach. An MTBC Senior Manager will review the status of any individuals with restricted contact on a six-monthly basis, or more frequently if appropriate in MTBC's opinion.

5.3.2. An individual may appeal a decision within 10 working days of being notified of the decision to restrict contact. Any appeal should be made in accordance with the restrictions on contact currently in place and the outcome of the appeal will be advised within 20 working days of receipt of the request.

5.3.3. The decision made by the Senior Manager reviewing the appeal is final and cannot be appealed against. In cases where the individual remains dissatisfied, the individual will be signposted to the Housing Ombudsman Service if the individual is themselves provided with accommodation at Christopher Boone's Court by MTBC.

6. MONITORING AND REVIEW

6.1. The implementation of this policy will be monitored by the Policy and Operations Officer (Almshouses) who will report to the Senior Leadership Team on the number of individuals subject to Restricted Access for unacceptable behaviour.

6.2. This policy will be reviewed every three years. A review will be carried out sooner to reflect any new legislation, regulatory changes or best practice issued or if thought appropriate by MTBC.

7. EQUALITY AND DIVERSITY

7.1. Whilst implementing this policy, we will be mindful of equality and diversity, with particular regard to protected characteristics as detailed in the Equality Act 2010.

We understand that some individuals 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 individuals explain what reasonable adjustments they're looking for and how this will ensure they can communicate effectively but in an acceptable manner with MTBC staff.

We will always consider making reasonable adjustments for an individual if we are asked to do so. Examples of adjustments we can consider are:

- we could consider using different methods of communication;
- providing written communication in large print, coloured text, or in translation;
- giving clear warnings if conversations become unproductive and allowing customers an opportunity to modify their behaviour before ending a call or conversation.

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 which are having a negative effect on our staff or our work even where a reasonable adjustment has been made.

8. DATA PROTECTION

The legal basis under which we process personal data arising in the context of this policy is normally that it is necessary in our legitimate interests as a provider of accommodation. We will share such personal data with One Housing where we deem it necessary to protect the welfare or safety of any person or to protect any person from the risk of unacceptable behaviour or to avoid the risk of an unacceptable impact on the work of MTBC staff. We will also share such personal data with One Housing in any case where the person exhibiting the behaviour is a One Housing resident or their guest, family member, contractor or other agent. Where such personal data relates to a living person who is not a Merchant Taylors' resident, we will normally keep it for 10 years. Please refer to the **MTBC privacy policy** for further information about MTBC's processing of personal data.