

Title	Challenging Behaviour Policy
Document Owner	Director of Business Excellence
Policy Approval Details	Customer Services Committee October 2016
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Corporate Aim	Take every opportunity to delight our customers Be an exceptional place to work that attracts, develops and retains talent.

1. PURPOSE AND AIMS

- 1.1 whg is dedicated to the success of our people and places. We aim to delight our customers which means meeting a broad range of needs.
- 1.2 Some of our customers will present complex and challenging behaviours which may impede the effective delivery of a service or investigation of a complaint. When liaising with customers, whg will act in a way that is consistent and fair.
- 1.3 All customers have the right to be listened to and respected. Some individuals may use this right to air trivial or malicious grievances or exhibit other challenging behaviours. This Policy sets out how whg will manage customers in these circumstances.

2. POLICY

2.1 What is challenging behaviour?

- 2.1.1 Occasionally, the actions of individuals who are angry, demanding or persistent may result in unreasonable demands on whg or unacceptable behaviour towards colleagues. Challenging behaviour can be grouped under five broad headings:

- Violent and threatening behaviour
- Verbally abusive behaviour
- Persistent complaints about the same issue
- Trivial or frivolous complaints
- Malicious or vexatious complaints.

2.2 Customers showing violent or threatening behaviour

- 2.2.1 whg promotes local resolution of problems wherever possible. For any incident that is not likely to constitute a serious breach of tenancy the colleague's line manager will contact the customer and advise them that inappropriate behaviour towards colleagues is unacceptable.

- 2.2.2 There may be circumstances, however, where a customer presents behaviours that threaten the safety or wellbeing of colleagues or other customers. If a customer's behaviour is likely to constitute a serious breach of tenancy then the matter should be referred to the Community Safety Team. Should the behaviour of the customer reach such a threshold as to be considered criminal the Police should be contacted immediately.
- 2.2.3 The Health and Safety Manager must also be informed of any such incidents and will ensure that an interim warning is placed on CRM, advising that an incident is under investigation at the property.
- 2.2.4 The Community Safety Team will take ownership of all cases where a breach of tenancy has occurred and it is deemed necessary to take legal action against a customer.
- 2.2.5 Following an investigation, a warning tag may be attached to the individual on whg internal records advising colleagues of previous challenging behaviour. This will be for a fixed time to be determined on a case by case basis.
- 2.2.6 Where appropriate this information may be shared with third party contractors undertaking work on behalf of whg.
- 2.2.7 Colleagues are expected to dynamically risk assess their working environment including all forms of interaction with customers.
- 2.2.8 Where a colleague has experienced violence at work their manager will liaise with their HR Business Partner to determine the most appropriate intervention to support the colleague.
- 2.2.9 All colleagues are responsible for ensuring they are up to date with best practice in safety at work and lone working. Further guidance is available in the Health and Safety Policy and Lone Working Policy.

2.3 Verbally abusive customers

- 2.3.1 Individuals contacting whg may have had an upsetting experience and act out of character as a result. whg colleagues need to be sensitive to an individual's circumstances and work to resolve the situation. When a customer is persistently verbally abusive, consideration will be given to ending communication or imposing restrictions.
- 2.3.2 whg colleagues will end telephone calls if the caller is considered aggressive, abusive or offensive. The colleague taking the call has the right to make this decision, tell the caller that the behaviour is unacceptable and end the call if the behaviour does not stop. Where it appropriate and technologically possible managers may review calls as part of subsequent investigations.

2.4 Persistent complaints about the same issue

2.4.1 Individuals may seek to repeat the same complaint against whg. whg has a procedure for the escalation of complaints which complainants have the right to use. When this process has been exhausted, a complainant may only raise their complaint with a designated person or appropriate ombudsman.

2.4.2 Unacceptable behaviour in these circumstances might include:

- Persistent refusal to accept a decision made in relation to a complaint
- Persistent refusal to accept explanations relating to what whg can or cannot do
- Continuing to pursue an enquiry or complaint without presenting any new information.

2.5 Trivial or frivolous issues that do not warrant action on behalf of whg

2.5.1 Individuals may raise issues that are of a trivial nature. Such queries will usually be given no more than a simple response. Individuals may also seek to make unreasonable demands on whg by asking for excessive information or demanding action which whg is unable to take. In these circumstances whg will usually limit communication to one response only.

2.6 Malicious or vexatious complaints or comments that seek to discredit whg

2.6.1 There may be incidences where an individual's behaviour seeks to discredit whg or whg colleagues or is motivated by political interests or in pursuit of personal gain such as compensation. If a complaint or comment is judged to be vexatious or without substance whg will usually limit communication to one response only.

2.7 Managing challenging behaviour

2.7.1 If an individual's behaviour adversely affects our ability to provide a service to others and manage resources effectively, their contact with whg will be restricted.

2.7.2 Where possible this will be done in a way that still allows an individual to progress a complaint through the complaints process and Housing Ombudsman if required. Colleagues will also endeavour to identify any additional support needs customers may have and make referrals to support services where appropriate.

2.7.3 Restrictions on contact may include contact in person, by telephone, fax, letter, electronically or any combination of these. Effort will be made, however, to maintain at least one form of contact. An individual may be told in writing that their name is on a 'no personal contact' list

meaning they must restrict contact with whg to either written communication or through a third party.

- 2.7.4 A marker indicating the nature of an individual's challenging behaviour, and any restrictions on contact (and the duration of those restrictions) will be placed on whg's records. A Director will write to the individual explaining the reasons for this, who we may pass the information to, when the marker will be reviewed and how the individual may appeal. whg will use the marker to manage restrictions on contact with the individual.
- 2.7.5 whg recognises customers' legal rights and will ensure these rights are not unduly prejudiced or denied by responses to challenging behaviour.
- 2.7.6 Where an individual continues to correspond excessively on a wide range of issues, they may be told that only a certain number of issues will be considered in a given period and asked to limit or focus their requests accordingly.
- 2.7.7 An individual's behaviour may be considered unreasonably persistent if, after all internal and external complaint stages have been followed, they continue to dispute whg's or a Housing Ombudsman's decision relating to their complaint. In these cases the individual will be told that no future phone calls will be accepted or interviews granted concerning this complaint. Any future contact by the individual on this issue must be in writing. Correspondence will be read and filed, but only acknowledged or responded to if the individual provides significant new information relating to the complaint.

2.8 Social Media

- 2.8.1 whg will not tolerate abusive messages on our social media pages and will remove inappropriate posts where we can. Where appropriate whg will liaise with social media providers or statutory authorities to ensure unacceptable posts are removed.

2.9 Exceptional circumstances

- 2.9.1 In deciding whether challenging behaviour is unacceptable for the purposes of this Policy whg will seek to recognise exceptional circumstances where it may not be appropriate for a marker to be placed on the individual's record or for restrictions to be imposed.

2.10 Who can decide whether a complainant is acting unreasonably?

- 2.10.1 The decision to place a marker on whg's records for an individual and restrict or change access to contact with whg can be made only by the Director of Business Excellence or, in their absence, another Director. This will be taken as an action of last resort. Wherever possible and appropriate whg will give an individual the opportunity to modify their behaviour before this decision is taken.

2.10.2 In reaching their decision, the Director will consider the circumstances behind the individual's complaint and the action taken by whg to resolve it. The Director will also need to decide, based upon the evidence, the nature of restricted contact arrangements and a review period. The nature of any contact restrictions must not prevent whg from being able to deliver statutory or contractual obligations.

2.11 Recording and reviewing a decision to place a marker or restrict contact

2.11.1 whg records all incidents of unacceptable actions by individuals. Where it is decided to restrict individual contact, an entry noting this is made on the Customer Relationship Management system (CRM) and their name added to the restricted contact list. The individual concerned will be informed of this.

2.11.2 A decision to restrict contact may be reconsidered if the individual demonstrates a sustained improvement in their behaviour. The Director of Business Excellence will review the status of all individuals on the restricted contact list in accordance with the review period set by the Director. A decision to keep an individual on the list must be taken by the Director of Business Excellence.

2.12 Appealing against a decision to place an individual on the restricted contact list

2.12.1 An individual may appeal against this decision to the Group Chief Executive as long as they have had no previous contact with the case. A final appeal can be made for a Panel Review in line with the Customer Experience Policy. The Panel's decision will be final.

3. PERFORMANCE MEASURES AND TARGETS

3.1 whg will maintain a list of all individuals whose records are marked or who are included on the restricted contact list. On request, whg will report to the WHG Board, GEXEC and managers the number of individuals on the list and any reviews that have taken place. In line with Data Protection Act, the details of individuals will be anonymised unless doing so would place those affected at risk.

4. MONITORING AND REVIEW

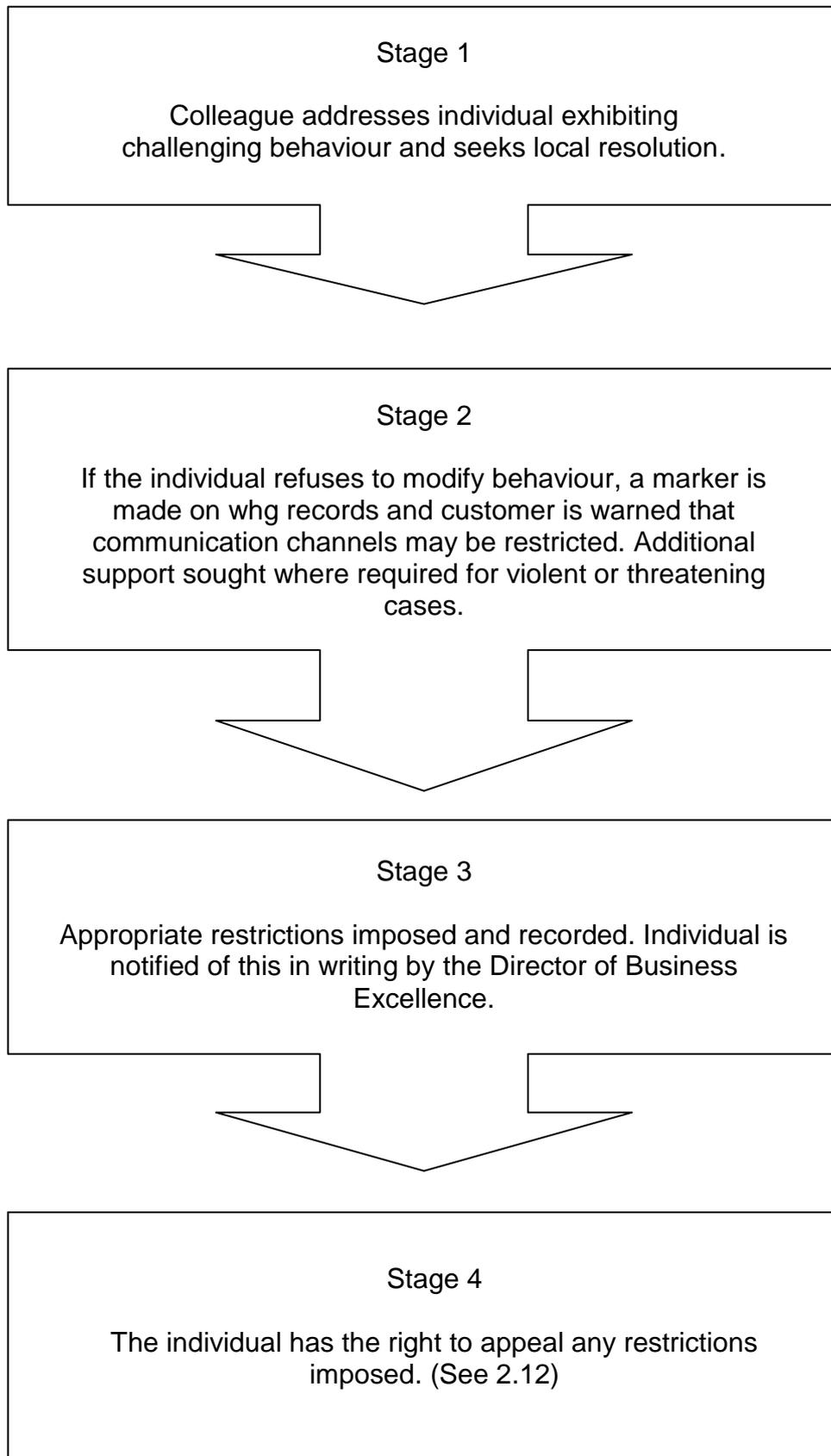
4.1 This Policy will be reviewed every three years to ensure its continuing suitability, adequacy and effectiveness or as required by the introduction of new legislation or regulation.

5. ASSOCIATED DOCUMENTS AND POLICIES

Complaints, Compliments and Comments Policy
Customer Experience Policy
Data Protection Policy
Equality and Diversity Policy
Lone Working Policy

Managing challenging behaviour flow chart (Appendix 1)
Use of file warnings guidance notes (Appendix 2)
Identifying challenging behaviour as part of application process
guidance notes (Appendix 3)

Managing challenging behaviour flow chart



Use of File Warnings Relating to Violent or Abusive Behaviour

File warnings will be used to ensure appropriate information is recorded against individuals to allow colleagues, contractors working on behalf of whg and authorised partners to undertake work activities in a manner that is as safe as is reasonably practicable.

The guide lays out acceptable sources of information and persons who are responsible for the control and publishing of said material in an acceptable, controlled format.

An important update of the system has occurred, this update ensures that warnings are linked across whg. Colleagues now get an indicator warning when they access a property reference. The data relating to the warning is controlled. The colleague must then contact the supervisor. The supervisor will contact one of the data controllers who will evaluate the warning information and dependant upon relevance to the task will brief the team leader. This allows the team leader to risk assess the task and advise colleagues accordingly. Due to compatibility improvements this ensures that warnings can be identified early at planning stages.

Nominated Controllers

Corporate Director – Operations

The Corporate Director – Operations is the nominated process owner. Authorisation for generation of file warnings will be delegated to the Director of Housing.

Director of Housing

Relevant information and recommendations will be submitted to the Director of Housing on the findings of any investigations. The Director will then authorise publication of a warning against the relevant property and agree the timescale for the warning to remain in force.

Health and Safety Manager

The Health and Safety Manager will receive reports of aggressive behaviour towards colleagues by identifiable individuals. Dependant upon the severity of the incident the situation will either be dealt with locally by the relevant team leader, or for more severe situations the report will be passed to the Community Safety Team for investigation.

In all cases upon receipt of an initial complaint the Health and Safety Manager will authorise a temporary warning to be added to the appropriate property advising that an incident is under investigation at the property.

Minor incidents

Where the incident is of a minor nature for example abusive language over the telephone and it is a lone incident then a standard letter will be sent by the colleague's manager advising that the behaviour will not be tolerated and is in breach of the tenancy terms.

Community Safety Operations Manager

The Community Safety Operations Manager is responsible for investigating allegations made by colleagues in respect of serious or repeated aggressive behaviour by identifiable persons. He will then make recommendations in conjunction with the Health and Safety Manager to the Director of Housing.

Managers involved in letting applications process

Managers involved in the lettings process (Lettings, Choose & Move and Tenancy Services) will review information provided in housing applications which identify behaviours applicable for warnings.

They will notify any identified behaviours to the Health and Safety Manager who will review and refer to the Director of Housing to authorise any appropriate warning.

Support of vulnerable individuals

whg works in conjunction with other organisations and multi agency committees to provide support to customers who are at risk of domestic or other abuse. They receive factual information from organisations such as the Police, Social Services and the Council. In this type of case, the tenant or members of the household are normally the victims, therefore the warnings will often relate to persons visiting the property.

Acceptable sources of Information to generate warnings

Acceptable information will be in the following formats:

- Incident form completed by a colleague.
- A report from an approved external partner body eg MARAC, Police, Social Services, Mental Health Team, Fire and Rescue, other RSL/ALMO, etc.
- Auditable data provided by construction partners following incidents.
- Agreed appropriate information provided by an individual in a housing application.

Data Protection Act 1998

Effective use of historical information to alert colleagues to persons who have previously exhibited aggressive or violent behaviour is possible providing that all data is used in line with the requirements of the legislation, i.e.

That the information is:

- Used fairly and lawfully
- Used for limited, specifically stated purposes
- Used in a way that is adequate, relevant and not excessive
- Accurate
- Kept for no longer than it absolutely necessary
- Handled according to people's data protection rights
- Kept safe and secure

Only agreed information on the basis of potential threat will be included, for example a served custodial sentence for a violence based crime would be included, whereas a custodial sentence for repeated minor thefts would not.

Notification and Appeal Procedure

Upon receipt of an allegation of aggressive behaviour, a temporary warning notice will be allocated to the file advising "incident under investigation".

Following the conclusion of the investigation a recommendation for the placing of a warning notice on the property may be sent to the Director of Housing. If the Director of Housing supports the recommendation a letter will be sent to the customer.

The letter will outline the allegations against the customer, the proposal for the warning to be posted to the file and the proposed duration of the notice. The customer will be given 28 days to appeal against the decision.

Where the warning is posted following instruction by one of the formal partner bodies such as MARAC and is intended as protection of the customer in respect of domestic abuse, then no appeal process will be required.

All records will be reviewed every twelve months to ensure they remain accurate.

