# Dealing with Challenging Behaviours

**Date of Approval:** TBC

**Policy Author:** Head of Housing

**Policy Lead:** Customer Services Director

**Date of next review:** July 2027

You are advised that a printed version may not be the latest available version. The latest version, which supersedes all previous versions, is available on the Brighter Places Policy Index Sheet. Those to whom this policy applies, are responsible for familiarising themselves with the latest version and for always complying with the policy requirements.

**This is a non-contractual policy and does not form part of your contract of employment and Brighter Places reserves the right to amend the policy at any time at its sole discretion**

**Should colleagues require any reasonable adjustment to allow for engagement with this document please contact the policy lead**

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# 1. Policy Statement / Purpose

Brighter Places is committed to being 'a great place to work' and that starts with ensuring the health and wellbeing of our colleagues. We recognise that maintaining and improving a healthy workplace and healthy colleagues is a fundamental factor in forming effective teams and delivering an excellent service to our customers.

We acknowledge that our customers can face multiple challenges in their lives and this can mean the way in which some customers communicate can be more challenging for us through no fault of their own. Customers can behave unreasonably.

There are also times when our customers are rude and abusive to our colleagues and/or contractors which is unacceptable. We consider behaviour abusive if it causes harassment, alarm or distress to others. This policy covers all types of abuse from our customers to our colleagues, Board and contractors.

For the avoidance of confusion we have referred to 'customers' as the preferred terminology throughout this policy, as this policy refers to both tenants, residents and visitors to our homes, contact with our customers in other places including our offices and on the street, as well as those people who are looking to move into our accommodation and may be in contact with us to seek advice. This policy also covers those who are not a Brighter Places tenant or customer but may be making a complaint about one of our customers.

We have referred to the term 'tenancy' throughout this document, but delivery encompasses all tenancy and license types wherever we deliver our services.

# 2. Commitment

We aim to support all our customers to help them sustain their tenancies, access and receive our services.

We will do this by:

- Supporting our customers to access our teams and resources
- Referring customers for support where needed
- Being mindful of customers diversity when offering services and in particular any medical needs that can cause problems for service delivery and the customer
- Maintain records of any issues that mean we must amend our delivery of services to ensure that the customer can access what is needed
- Being open, fair and transparent with our behaviours and in our delivery of services, explaining fully to our customers when and why we can or cannot assist them with a request.

When customers are rude and/or abusive:

- We will always report any instances of abuse to colleagues, contractors, involved residents, Board members or anyone that may be acting on behalf of Brighter Places using our Health and Safety Procedures and processes in the first instance
- We will offer training to front line colleagues to support them in managing difficult customers
- We will offer training and support on how to manage and report challenging customer cases
- We will initiate legal action and/or issue tenancy warnings if needed
- We will maintain records of when we need to visit customers in pairs, or not visit at all for a period of time. We will review the way we report our Visit in Pairs and those we do not visit noted on our IT systems as UDC's regularly. The way in which this is done is set out in our 'Dual Visit Policy and Procedure.' All our data is managed in line with Data Protection Policy.

## 3. Linked Documents

- Dual Visits Policy and Procedure
- Health and Safety Policy and Procedures including the Loneworking Policy
- Anti Social Behaviour Policy and Procedures
- Sickness and Wellbeing Policy
- Safeguarding Policy and Procedures - Adults and Children
- Tenancy Sustainment Policy and Procedure
- Domestic Abuse Policy
- Consumer Regulation – Transparency, Influence and Accountability Standard
- Ombudsman Best Practice
- Complaints Policy

## 4. Policy Detail

Brighter Places does not accept that any customer, contractor or partner has the right to be rude or abusive to its colleagues.

This is regardless of the way in which the abuse is received, whether it by text, letter, in person or in writing. This includes use of electronic communication and whether the colleague or representative is inside or outside of work.

Before any Brighter Places colleagues speak to or meet with a customer, they will check Orchard MRI to ascertain from the notes and UDC's as to whether any adjustments are needed, such as Visit in Pairs, or to review reports or previous poor behaviour. Colleagues will ensure understanding and adherence to the Lone Working Policy and Procedure, including the use of loneworking devices whilst visiting and in the office in interview rooms.

If a customer is abusive or threatening, we will undertake the following:

**Stage 1**

When a customer is abusive the colleague communicating with the customer will, wherever reasonably practicable, endeavour to calm the customer with the tone and style of response. Responses to emails and letters *must* be thought through before responding to ensure they're appropriate in tone for the situation.

If the customer's behaviour does not improve the colleague will assess the situation and advise the customer that their behaviour/language is not appropriate, and that unless the customer ceases immediately the colleague will end the interaction.

Dependant on the situation a colleague may do this more than once if they feel it is appropriate to do so. Care must be taken not to 'threaten' action and leave any viable service request outstanding or incomplete. Our expectation is that no customer will be abusive any more than twice before action is taken – but to note that action can be taken on any one event dependant on the event itself, and its impacts and outcomes.

Colleagues are able to use their loneworking devices to call for help, as well as activate the panic alarm if in an interview room, and can remove themselves physically from the situation if they feel threatened. Colleagues are encouraged to take another colleague into an interview room with them if they feel this would be helpful.

Colleagues can refuse to use an interview room if the customer is already being abusive in reception. Colleagues are able to ask the customer to leave if the situation is already escalated.

**Stage 2 – IR1**

The colleague affected or another Brighter Place colleague must call the Police and report incidents of abuse.

If the incident is serious, for example

- verbal threat made against a colleague
- physical threat or actual physical assault
- customer threatens to harm themselves or others
- wilful damage to property,

a Brighter Places colleague will call 999 as soon as reasonably practicable. A colleague may choose to do this whilst an abusive incident is happening, and colleagues are encouraged to feel they can act positively to address poor customer behaviour at all times.

As soon as reasonably practicable after the abusive incident the colleague will speak to their line manager who will support them to report all the details on our IR1 form. This is available on SharePoint. https://brighterplaces.sharepoint.com/SitePages/Incident-reporting.aspx.

The line manager can offer other methods of support dependent on the colleagues requirements and the incident itself.

These include:

- Suggesting that the colleague may wish to go home
- Talking through the incident
- Referral to GP / NHS advice
- Discussion with HR to ascertain if extra support such as specialist trauma counselling is appropriate
- Risk Assessment to see how the colleague can be best supported and the customers behaviour addressed
- Advice and support from the Customer Services Management Team including Housing Managers, Supported Housing Manager or Head of Housing including the Housing Manager for ASB around the tenancy conditions

Other support information available on Sharepoint:
https://brighterplaces.sharepoint.com/sites/wellbeing

- Brighter Places Employee Assistance Programme – contact Westfield Health on 0800 092 0987 and quote HA 215504
- The Managers Hub for advice and support
- Mental Health First Aiders - who colleagues can go to in the business to talk in confidence about any concerns
- 'Mind Wellness' Action Plans to help with coping strategies.
- Use of Brighter Places Flexible Benefits to support physical and mental wellbeing.
- Review the uploaded 'You Tube' videos. These include help from the Red Cross and NHS services.
- The Well-Being Team can help with arranging and supporting corporate activities – contact hr@brighterplaces.co.uk

The IR1 must be completed promptly and in full by the colleague affected, and colleagues may need to consider the need for a Safeguarding Referral as part of the IR1. Advice around safeguarding, the colleague involved and/or their Manager can speak at any point to the Housing Managers in Tenancy Sustainment or one of their Deputies.

Brighter Places will offer training for individuals and teams around how to manage difficult circumstances and customers. All training is mandatory.

The line manager will investigate the event, as part of the IR2 form, which may or may not include speaking to the customer. The investigation will detail the outcomes and include any actions that are needed to follow up the incident report.

Advice can be sought from the Customer Services Management Team that includes Housing Managers, the Head of Housing or Supported Housing Manager to explore actions against the tenant and their tenancy if needed. The terms of our tenancies and licences are explicit in that abusive behaviour is not acceptable, and any breach of these terms can be looked at to ascertain if legal action is proportionate.

The Customer Services Management Team can support the relevant manager to undertake legal action where necessary.

Action against a customers tenancy will not be initiated without the prior knowledge of the housing team.

**Stage 3 – IR2 - Including legal action**

The IR2 will set out the details including timescales of actions needed and advice needed to be sought.

If the line manager feel that the report is serious and requires review for possible legal action, the Housing Manager/Supported Housing Manager and colleague's manager will meet with our Housing Solicitor and discuss the case.

The colleagues' manager must ensure that their team member is fully briefed of the discussion and agreed actions. Should legal action be feasible, support must be offered to the colleague affected.

Any court action will need risk assessments in line with our standard procedure for court attendance.

All actions are captured as part of the IR2 forms for review by the Health and Safety team as part of the reporting process, and in line with our Dual Visits Policy the customer may also be marked as requiring the need for officers and contractors to visit in pairs.

**Other Options**

The line manager who are reviewing the case may decide to also undertake a number of options that are available in this policy.

A manager may decide to implement more than one option of how we manage abusive, difficult or challenging customers as set out in this policy. For example a case may warrant legal action and service access restrictions.

**(1) Helping the customer to use a third party**

Brighter Places can either directly refer the customer to an independent third party who can act on their behalf, or the customer can suggest someone they know to act on their behalf.

Brighter Places reserves the right to refuse the offer of a third party from the customer if it is felt that the third party is not a reasonable solution. (For example if it is felt that the third party is not independent.) Every effort will be made to offer and support the customer in their requests.

Signed confirmation from the customer will be needed that states the tenant is happy for someone else to act on their behalf.

Brighter Places has relationships and service level agreements with independent charities, that include SARI (Stand Against Racism and Inequality) and Resolve West (who deliver

conflict resolution,) where we would pay any necessary costs to ensure the customer can access what is needed.

https://saricharity.org.uk/

https://resolvewest.org/

Other independent charities that could be of assistance in Bristol include:

- **Housing Matters - https://housingmatters.org.uk/**

Offer community based housing advice including legal advice on tenancy terms and conditions. Support to attend court for housing matters. Advocacy. Free drop in sessions around Bristol.

- **Shelter - https://england.shelter.org.uk/housing_advice**

Offer housing advice including legal advice on tenancy terms and conditions. Advocacy.

- **Other Support Agencies**

There are a wealth of agencies that may be able to assist the customer. All of these are available on the Housing Team Share Point pages. These include agencies in other local authorities where we operate. This can also include health services.

**(2) Alternative ways for customers to access to services**

The line manager is able to consider whether there should be alternative ways in which customers can ask for service delivery. In order to do this, advice must be taken from the Housing Manager for anti-social behaviour so that a 'Proportionality Assessment' can be undertaken. This ensures that Brighter Places does not inadvertently breach the terms of the Equality Act 2010, and means we can demonstrate that we are undertaking a proportionate means to achieve a legitimate goal.

- Contact that is frequent, lengthy and over complicated
- Make excessive demands on the resources available. For example, excessive phone calls, constant emails or complex letters demanding immediate responses
- Are repeatedly unwilling to accept documented evidence as factual or dent recpeit of response

Examples of alternative ways in which we can offer our services:

- Insistence by Brighter Places for the use of an advocate/ third party by our customer to contact us.
- Requests for service made by the customer only to be made via text, letter or email.
- Brighter Places reserve the right to not respond to certain customer contacts when the customer:
    - Persists in pursuing a complaint where our Complaints process has been fully and properly implanted and exhausted

- Makes repeated complaints or requests for service about the same subjects (with minor amendments)
- Seeks unrealistic outcomes and persist in their attempts to achieve their desired outcome
- Has insufficient or no grounds for complaint.

Once the agreement has been reached as to how and why the customer will need to use alternative methods of contact, the colleague's manager will write to the customer to confirm the details and advise the relevant teams as to what is being done

This may also include placing a UDC onto our IT system, MRI Orchard to flag the behaviour of the customer. As part of the Dual Policy procedure all UDC's are regularly reviewed.

**Ongoing Management**

The Manager who has implemented any change in service provision is responsible for review of the decisions at least annually with the colleague involved or the Housing Manager/Supported Housing Manager to check if the restrictions should remain in place.

## 5. Raising an issue in relation to the application of this policy

Brighter Places encourages open and honest discussion with regards to all policies. Should colleagues have issues with the application of this policy then they should address these informally with their line manager in the first instance.

## 6. Training Requirements

Both colleagues and managers will asked to read and check their understanding of this procedure as part of HR IRIS Policy and Procedure monitoring. New starters will be asked to read and understand the contents of this policy. All colleagues are able to ask for assistance from their line manager or HR.

## 7. Monitoring and Review

The ongoing application of this policy is monitored via the Housing Team in conjunction with the Human Resources and Health and Safety teams to ensure that it remains relevant, up to date and accessible to the relevant audience.

The policy will be reviewed at least every 3 years.

## 8. Reasonable Adjustments

Where required, reasonable adjustments will be considered to support colleagues to engage with this policy. Please speak to the policy owner for assistance.

## 9. Data Protection

Any personal data created or used in the application of this policy must be done so in line with the Brighter Places data protection policy and privacy notices.

## 10. Equity, Diversity and Inclusion

Brighter Places is committed to ensuring this policy is implemented in accordance with its Equity, Diversity and Inclusion policy and approach.

## 11. Summary Roles and Responsibilities

| Activities | All Colleagues | All Managers | Hsg Team | Hsg Manager | Health and Safety | HR | Housing Solicitor | Head of Housing |
|---|---|---|---|---|---|---|---|---|
| Owner of the policy | | | | | | | | √ |
| Legal Action | | √ | √ | √ | | | √ | |
| Addressing poor customer behaviour | √ | | | | | | | |
| Training | | | | | | √ | | |
| Advising customer of restrictions | | √ | | √ | | | | |
| Annual review of restrictions | | √ | | √ | | | | |

Appendix 1

**Sample Letter** – *please note the housing team are happy to assist with the terminology for any tenant letter addressing behaviours if helpful. This is an example and can be changed to fit individual circumstances and behaviours.*

Dear << Customer Name>>

**Breach of Tenancy – Tenancy Warning << and Visit in Pairs notification>>**

I am contacting you in writing as I have tried to call you / following our conversation on << date and time>> due to << your recent poor behaviour and language>> towards our team.

On <<Day >> you were <<verbally abusive over the phone>> to a member of staff. You then followed this up with << a series of abusive what's app messages. >>

<<Detail the language and messages exactly – word for word >>

We take abuse of our colleagues very seriously and as a result of this poor behaviour, we have marked your address as needing to be visited in pairs by Brighter Places and our contractors.

This is because you have acted in a manner which was deemed as causing alarm and distress. This behaviour is absolutely unacceptable and is a breach of tenancy.

Your tenancy states that the tenant agrees to ;

'***Not to do anything that causes or is likely to cause nuisance, harassment, alarm or distress to other residents or anyone in the locality.***

***Not harass or threaten to harass or to use or threaten to use violence towards anyone in the locality or the associations employees, contractors or other associations.'***

If your behaviour does not improve you are at risk of action against your tenancy.

You have the right to appeal this decision within 14 days. If we do not receive an appeal, this decision will be reviewed by a Manager in conjunction with other teams in 12 months on <<month>>

If you have any further questions in connection with this letter please do not hesitate to contact me using the details below

Yours sincerely

<<Name>

<<Job Title>>

<<Contact Details>>