

## Unacceptable Behaviour Policy

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### Policy Statement & Purpose

We care about the people who live in our homes and are committed to providing safe, secure and warm homes. We treat people how we wish to be treated, with fairness and respect. The Bromford DNA is at the heart of who we are, what we do and why we do it. That's why our purpose is simple and honest. We invest in homes and relationships so people can thrive.

Occasionally, the behaviour or actions of individuals using our services, becomes unacceptable. This policy explains how we will manage unacceptable behaviour and take action to protect the health and wellbeing of our colleagues and contractors, who have a right to work without fear of being abused or harassed.

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### Contents

1. Scope
  2. Reference Materials
  3. Responsibilities
  4. Legislative or Regulatory Requirements
  5. Principles
    - 5.1 Reasonable adjustments
    - 5.2 Behaviour Bromford considers unacceptable
    - 5.3 Action we may take
    - 5.4 Restricting Access
    - 5.5 Confidentiality
  6. Assurance Framework
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### 1. Scope

This policy covers unacceptable behaviour caused by customers, customers living in a scheme leased to a third party or managing agent, our homeowners, household members, or their visitors. It also covers those applying for housing or services with Bromford, and any other person using our services. The expectations for colleague's professional behaviour are covered in the Code of Conduct Policy, and if counter-allegations are received against an employee, these will be investigated.

This policy applies to all methods of contact including face to face, telephone, letters, emails, social media and other digital channels.

The principles and terms within this document apply to all colleagues, contractors, managing agents or volunteers who work with us at Bromford.

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## 2. Reference Materials

List of Referenced Documents
<a href="#"><u>ASB and Tenancy Breach Policy</u></a>
<a href="#"><u>ASB and Tenancy Breach Procedure</u></a>
<a href="#"><u>Bullying and Harassment Policy</u></a>
<a href="#"><u>Code of Conduct Policy</u></a>
<a href="#"><u>Complaints Policy</u></a>
<a href="#"><u>Customer Alert Flag Procedure</u></a>
<a href="#"><u>Data Protection Policy</u></a>
<a href="#"><u>Domestic Abuse Policy</u></a>
<a href="#"><u>Domestic abuse for colleagues Policy</u></a>
<a href="#"><u>Domestic Abuse Procedure</u></a>
<a href="#"><u>Equality Diversity and Inclusion Policy</u></a>
<a href="#"><u>Incident, Near Miss &amp; Hazard reporting and investigation Procedure</u></a>
<a href="#"><u>Lettings Policy</u></a>
<a href="#"><u>Reasonable Adjustments Policy</u></a>
<a href="#"><u>Restricting Customer Access Policy</u></a>
<a href="#"><u>Safeguarding Policy</u></a>
<a href="#"><u>Sexual Harassment Policy – insert link once live</u></a>
<a href="#"><u>Support Following An Incident or Traumatic Event - Colleague Guidance</u></a>
<a href="#"><u>Unacceptable Behaviour Procedure</u></a>
<a href="#"><u>User Access Policy</u></a>
<a href="#"><u>Vulnerability and Inclusive Services Policy</u></a>

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## 3. Responsibilities

**The Director of Place** has overall responsibility for this policy, and is responsible for the oversight of its implementation, and maintenance of supporting processes.

All **leaders** are responsible for ensuring the policy is adhered to and that support is provided to colleagues and that correct reporting measures are taken.

All **colleagues** are responsible for acting in line with the principles of this policy and associated methodology, tools and systems. Colleagues are responsible for reporting incidents and supporting Neighbourhood and Community teams to take any necessary legal interventions.

Bromford colleagues will:

- be fair, respectful and inclusive in all interactions with customers
  - recognise the differing needs of customers, without judgement
  - make it easy to communicate with us and adapt our services as required
  - treat customers as we they would wish to be treated themselves
  - listen, respond and do what they say they will
  - live our DNA; 'build trusting relationships based on openness, respect and integrity'
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## 4. Legislative or Regulatory Requirements

By following the above guidelines, it ensures that Bromford complies with the:

- Housing Act 1985, 1988 and 1996
  - Health and Safety at Work Act 1974
  - Protection from Harassment Act 1997
  - Human Rights Act 1998
  - Civil Evidence Act 1995
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- Crime and Disorder Act 1998
  - General Data Protection Regulations 2016 and Data Protection Act 2018
  - Anti-social Behaviour Act 2003
  - Equality Act 2010
  - Anti-social Behaviour, Crime and Policing Act 2014
  - Care Act 2014
  - Regulator of Social Housing Neighbourhood and Community Standard
  - The Worker Protection Act 2023
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## **5. Principles**

### **5.1 Reasonable adjustments**

We recognise that people may act in an unacceptable way due to behaviours related to life circumstances, a vulnerability, disability or underlying health condition and understand that people may find it difficult to communicate clearly or express themselves, especially under upsetting or distressing circumstances. More information on vulnerabilities can be found in the Vulnerability and Inclusive Services Policy.

We take a person-centred approach and always try to be flexible in the way we deliver our service, making reasonable adjustments if a request is made. Examples of adjustments we can consider are:

- Allowing customers additional time or extending prescribed timescales in our processes
- Consider using different methods of communication
- Liaising with a family member, friend or support worker

### **5.2 Behaviour Bromford considers unacceptable**

#### Aggressive or abusive behaviour

This is behaviour that could cause our colleagues or contractors to feel abused, threatened or afraid. For example:

- Violence and threats of violence
- Language or behaviour which is offensive, derogatory, intimidating or patronising
- Language or behaviour which is discriminatory in any way e.g. racist, sexist, homophobic
- Derogatory comments relating to disability, gender, religion or any other protected characteristic
- Unfounded allegations against a colleague's conduct which is criminal, corrupt or perverse

#### Unreasonable demands

A demand becomes unacceptable when it starts to take up disproportionate amounts of time and resources and therefore disadvantages other customers. For example:

- Demanding responses within unreasonable timescales
- Insisting on seeing or speaking to a particular colleague, continual and excessive phone calls, e-mails, letters or contact via WhatsApp, text messages, voice notes, social media and other digital channels
- Repeatedly changing the substance of the complaint or raising unrelated concerns
- Requesting a change in colleague for no reasonable reason
- Unreasonable persistence, for example persistent refusal to accept a decision made in relation to a complaint, persistent refusals to accept explanations relating to what we can or cannot do and continuing to pursue a case without presenting any new information

#### Harassment

For example:

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- Recording conversations or interactions without consent and then publishing that content
  - Not allowing customers, contractors or representatives to leave the home or communal areas
  - Contacting or approaching colleagues or their family members outside of work, including on social media and face to face
  - Publishing personal, sensitive or private information about colleagues online or other public domains, including noticeboards
  - Unwanted conduct of a sexual nature that has the purpose or effect of violating an individual's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment

#### Failure to cooperate

We have processes in place so we can efficiently provide services to our customers. We will always try to work in a way which is convenient and meets the customer needs, but we consider obstructive behaviour or lack of cooperation to be unacceptable. For example:

- Failing to provide access for repairs, inspections or improvement works
- Obstructing colleagues from completing work in a nearby area
- Rearranging or cancelling an appointment an excessive number of times
- Avoiding contact when we need to discuss important issues

#### **5.3 Actions we may take**

When we experience behaviour or demands which are unacceptable, we will always seek to de-escalate situations and provide appropriate support before considering formal action. More formal action will only be pursued when all reasonable interventions have been exhausted and where behaviour poses a serious or ongoing risk. All incidents will be looked at on a case-by-case basis and will recognise and be appropriate to the customer's individual circumstances.

Proportionate actions could include one or more of the following and should be determined based on risk, individual circumstances, the severity of the incident and impact:

- Referrals to support services and multi-agency collaboration
- Mediation to help customers sustain their tenancies
- Reasonable adjustments in communication or service provision
- Asking for the behaviour to be modified and providing a warning
- Removing ourselves from a situation or terminating a phone call
- Adding a Customer Alert Flag to the customer's account
- Opening a tenancy breach case which may result in non-legal or legal interventions being taken, e.g. acceptable behaviour contract, injunction, eviction
- Notifying other authorities such as the Police or Local Authority safeguarding team

#### **Restricting Access:**

- Restricting a customer's access to one colleague who is fully conversant with every aspect of the customers' case. This colleague will be responsible for all general enquires and complaints about service, and ensuring responses are issued in line with the terms of the restriction
  - Restricting contact with us to specific days and times and or in specific formats e.g. in person, phone, letter, or e-mail
  - Limiting or focusing excessive requests by advising the individual that we will only deal with a limited number of issues in a given period
  - Declining to give any further consideration to an issue unless any additional evidence or information is provided
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The decision to restrict a customers' access will only be taken as a last resort. The following will be considered as part of our decision to restrict access:

- The reason for the restriction being proposed (the customer behaviour and impact on the business)
- What measures are proposed to manage the behaviour (contact arrangements)
- The number of and methods of contact if contact is considered excessive (on average customers contact us 11 times per year)
- Instances of unacceptable behaviour
- Any grounds for complaints

Any restriction on access does not limit the customer's data protection rights as they can still exercise these rights via their single point of contact who would pass any request to the Data Protection Team.

#### **5.4 Restricting Access – communication, review and appeal**

Following the decision to restrict access, the customer must be notified in writing. The terms and the requirement for the restriction will be reviewed every 3 months from the date of the original decision. The review will consider if restricting the customers' access has resulted in improved behaviour.

A letter will be sent to the customer confirming the outcome of the review and the terms of the restriction, should it remain.

The customer has the right to appeal the decision if access is restricted. Customers should make the appeal within 14 days of the decision. The appeal will be heard by an appropriate, independent leader who was not involved in the original decision. Customers will be notified of the decision within 15 working days. This decision will be final and there will be no further right of review. If the customer is not satisfied with the outcome, they may refer their complaint directly to the Housing Ombudsman.

If the customer has a complaint which relates to how the restriction is being managed by their single point of contact, then this complaint will be reviewed in line with our Complaints Policy. Appropriate consideration of our People Policies will be made if and where required.

If the customer is not satisfied with the outcome of our internal procedures, they may refer their complaint directly to the Housing Ombudsman.

#### **5.5 Confidentiality**

The Housing Ombudsman's guidelines on confidentiality state that it is important that customers know how information about themselves, particularly with regard to medical information, will be treated.

To ensure we comply with this guidance, we always direct customers to our privacy notice at the start of their tenure, which they can visit at any time. As part of the privacy notice there is a link to our Policy for Processing Special Category Data, which explains how we process medical and other special category data.

We will also advise customers about confidentiality, data protection and use of special category data on an ad hoc basis in connection with certain data processing activities.

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### **6. Assurance Framework**

Bromford has adopted the 'three lines of assurance' model. It is built upon Bromford's strong control culture and organisational delegation of responsibility. It is the responsibility of managerial and supervisory colleagues within business units who use the policy to ensure that the policy is communicated and effectively implemented, and to ensure colleagues are aware

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of their responsibilities. Adhering to policy and underpinning procedures ensures we continue to operate within our overall risk appetite as a business.

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