



# Unacceptable Behaviour Policy

## 1.0 Purpose and scope

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This policy sets out our approach to managing unacceptable behaviour from residents or their visitors toward staff, including employees, agency workers, contractors, volunteers or executive board members.

For information on how we manage bullying or harassment between anyone working at Notting Hill Genesis (NHG) (e.g., staff or agency workers), please refer to our Bullying and Harassment Policy. If staff witness a colleague behaving unacceptably, they should inform their manager or refer to the Whistleblowing Policy and/or the Safeguarding Policy.

Residents who believe that a member of staff has breached our Code of Conduct can either report this to a member of staff or make a complaint. Any suspected breaches are reported to a manager and investigated as a disciplinary matter.

## 2.0 Key commitments

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Notting Hill Genesis aims to deal with everyone we work with in a fair, honest, and consistent way. We believe all customers have the right to be heard, understood, and respected, regardless of aspects such as their protected characteristics

Equally, we expect all customers to treat members of staff with the same level of respect. Staff should feel safe and secure in their work environment, including when out in the community, at home, lone working or visiting customers at home.

Where instances of unacceptable or abusive behaviour do occur, NHG will act robustly to ensure the safety and wellbeing of staff. Staff are expected to report all incidents of threatening and/or violent behaviour made towards them or their colleagues. All incidents will be recorded, and support given to staff should they wish to report the incident to the police.

## 3.0 Definitions

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**Protected characteristics:** age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, religion or belief, sex, or sexual orientation

For the purpose of this policy and any related procedures, unacceptable behaviour is defined as behaviour that creates, or has the potential to create, a risk to the health, safety and wellbeing of staff. This can include:

- Bullying
- Harassment
- Abusive behaviour
- Violent behaviour.

Where unacceptable behaviour is perceived to be driven by prejudice, we also refer to our Hate Incidents and Hate Crime Policy for a definition of such behaviour, which also covers gender-based prejudice.

## **Bullying**

Bullying here is defined as:

“Offensive, intimidating, malicious or insulting behaviour, and/or an abuse or misuse of power that is meant to undermine, humiliate or injure the person on the receiving end” (ACAS)

It can be subtle and can involve intimidation and abuse of power. Examples include:

- Demanding to only deal with a particular member of staff or unreasonably refusing to deal with a particular member of staff
- Making malicious comments about a staff member’s role or performance
- Making malicious false allegations or unfounded complaints
- “Picking on” a member of staff or signalling them out

## **Harassment**

Here the definition of harassment is based on the definition set out in the Equality Act 2010:

“Unwanted conduct ... that:

- has the purpose of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person; or • is reasonably considered by that person to have the effect of violating their dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment for them, even if this effect was not intended by the person responsible for the conduct.
- any unwanted conduct both persistent or as an isolated incident which has the purpose or effect of violating a person’s dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment for them.

All harassment, regardless of whether or not it relates to a protected characteristic is covered by this policy.

Examples include:

- Continual phone calls, emails, letters without giving reasonable time for a response
- Social media posts to or about staff members
- Persistent refusal to accept the outcome of a reasonable decision, and not using the appropriate route (e.g. the Housing Ombudsman) to ask for a review of a decision.

- Persistently approaching NHG through different routes about the same issue without giving time for a response
- Inflammatory statements and consistently unsubstantiated allegations against staff
- Sexual harassment, including unwanted sexual advances.

### **Violent behaviour**

NHG uses the Health and Safety Executive (HSE) definition of violence at work;

“Any incident in which an employee is abused, threatened or assaulted in circumstances relating to their work”. This includes threats and verbal abuse even if no physical injury occurs

Violent behaviour can have a negative effect on a staff member’s mental health. For example, it can make them feel upset, threatened or scared.

Examples include:

- Making threats towards staff, such as threats of violence, or moving closer to a staff member in a threatening manner
- Failure to control aggressive pets around staff members
- Shouting and aggressive communication, whether in person, in writing or over the phone
- Sexual assault

Examples of **abusive behaviour** include:

- Verbal abuse, including offensive language, derogatory or personal remarks and racist, sexist or homophobic language or any comments relating to a protected characteristic
- Physical abuse, including pushing, grabbing, scratching, spitting and throwing objects are all considered to be physical assault.

## **4.0 Expectations of residents**

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We expect everyone we work with to treat staff with respect. Staff should feel safe and secure in their work environment, and this includes when they visit a resident in their home or are carrying out a site inspection.

The occupancy agreement (e.g. tenancy or lease) makes clear the standard of behaviour that we expect from residents and their visitors. If a resident is dissatisfied with a service, they are expected to use the appropriate routes for making us aware of this, such as raising a complaint. It is never acceptable for a resident to direct their frustration at staff when something goes wrong.

## **5.0 Expectations of staff**

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Staff are not expected to demonstrate unlimited resilience towards unacceptable behaviour. There are clear thresholds in our Unacceptable Behaviour Procedure, as well as our [Complaints Policy](#), that set out when staff can refuse to engage with a

resident who behaves unacceptably. To protect staff, we will not engage with threatening or abusive behaviour.

At the same time, staff are expected to understand the difference between assertive and aggressive behaviour. We understand that individuals may act out of character in times of distress or trouble, such as when faced with legal action. However, we are clear that staff are not expected to respond to complaints that are put forward in abusive language.

Staff are expected to report all incidents of unacceptable behaviour, which includes incidents that they witness but are not subject to. Staff should also consider whether unacceptable behaviour should be managed as a safeguarding concern, particularly where the concern is with a visitor's behaviour.

We encourage staff to report any incident they believe to be a crime to the police and will support them to do this as appropriate. If a staff member is unwilling to report a crime to the police, then we may still report the crime on their behalf, for example, if we believe that not doing so would put other members of staff, our residents or the public at risk.

Staff are expected to maintain professional behaviour in line with our Code of Conduct Policy.

All staff working in a customer-facing role whose role involves working alone must follow the set safety procedures including use their lone worker device to help keep them safe.

## 6.0 Sharing our expectations

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The principles agreed on as part of the [Notting Hill Genesis Charter](#) positively frames the relationships that both staff and residents want to have. Our relationship is based on being:

- 1) Responsive and reasonable:** We will support each other to resolve queries. We will be mindful of each other and give each other space to find solutions.
- 2) Dependable and patient:** We will trust each other through consistency and transparency. We will be patient with each other.
- 3) Compassionate and respectful:** We will always treat each other with respect and compassion.
- 4) Tolerant and inclusive:** We will recognise each other as individuals and work to understand each other's needs and circumstances.
- 5) Empowering and communicative:** We will always use clear communication. We will encourage open conversations with each other to resolve issues as easily as possible.

The Notting Hill Genesis Charter is a useful tool that complements the commitments we have laid out in this policy. It encourages both staff and residents to respect the relationship they have with each other while dealing with what might be a difficult situation.

## 7.0 Responding to unacceptable behaviour

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We have a variety of tools for responding to unacceptable behaviour, which allow us to offer a proportionate but robust response to an incident. These include but are not limited to:

- Verbal and written warnings
- Contact agreement
- Visiting rules
- Anti-social behaviour policy and procedure
- Offering to make a referral to support agencies
- Legal action e.g. an injunction or eviction
- Referring the matter to the police if we believe a crime has been committed

Residents can appeal a decision by staff to use any of these tools for responding to unacceptable behaviour. Their appeal should be submitted as a complaint and may be dealt with in line with our [Complaints Policy](#). Persistent complaints that have already been responded to will be dealt with in line with this policy.

Records will be made of all instances of unacceptable behaviour and all measures put in place to limit contact with staff, these will be reviewed every six months or less as needed.

## 8.0 Support for staff

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We recognise that being subject to unacceptable behaviour can be distressing and can make it difficult for staff to carry out their day-to-day activities effectively. In line with our Bullying and Harassment Policy, staff can expect to receive support from their line manager and colleagues when responding to an incident of unacceptable behaviour.

Staff can expect both immediate and continuous support from their manager when an incident of unacceptable behaviour occurs. Having been notified of staff being subjected to unacceptable behaviour, the manager will carry out the following actions:

- Agree with staff which tools are most appropriate for responding to the incident.
- Create the space for staff to discuss how an incident has affected their wellbeing
- Carry out follow up check- ins with staff to monitor and record how staff are coping with the incident

### **Employee Assistance Programme (EAP)**

Staff can access support from our Employee Assistance Programme (EAP) via [LifeWorks](#) which includes a confidential telephone advice and counselling service.

### **Mental Health First Aider**

Staff can also get in touch with a Mental Health First Aider who provide initial support to fellow colleagues who may need somebody to talk to

## HR Support

Advice and support can also be sought from the HR Team, an [NHG Staff Forum Representative](#) or UNISON- the recognised trade union at NHG (as an established member).

Should an employee be dissatisfied with the way their manager has handled unacceptable behaviour towards them from a resident or their visitor, the employee should discuss their concerns with their manager or more senior manager. Should this not provide a resolution, the employee has the right to take the matter up either formally or informally. More information can be found in the [Grievance Policy](#).

## Training

To prevent unacceptable behaviour, training is made available for staff on how to manage conflict situations and how to keep safe when working alone.

Staff are also expected to have an awareness of mental health to ensure health conditions are not overlooked when managing unacceptable behaviour. Mental health awareness training is available to all staff.

## Lone worker devices

In accordance with the Lone Working Policy, all customer facing employees whose role involves working alone without any supervision or without any other staff member present are provided with and must use their lone worker device. All NHG employees should ensure that they complete the mandatory E-learning training within their probation period and subsequent refresher training thereafter.

## 9.0 Monitoring

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### Quarterly Independent Audit

We want to ensure that we are consistently providing the required level of support to staff and check satisfaction with the steps taken in response to a report of unacceptable behaviour. Each quarter, there will be an independent audit of reports of unacceptable behaviour carried out by the Health and Safety team, where staff will be able to provide feedback to an independent officer about how their case was managed, and any lessons learned from the support provided.

## 10.0 Our approach

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In writing this policy we have carried out assessments to ensure that we are considering equality, diversity and inclusion for both our residents and our staff. We have also considered how this policy impacts data protection and privacy for residents.

To request a copy of these assessments, please contact us at [policy@nhg.org.uk](mailto:policy@nhg.org.uk)

## 11.0 Reference

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The following documents relate to this policy:

- UNISON's End Violence at Work Charter
- Stress policy
- Bullying & Harassment policy
- Grievance policy
- Lone working policy
- Professional boundaries policy
- Code of conduct
- Safeguarding policies and procedure
- Complaints policy
- Anti-social behaviour policy and procedure
- Tenancy or Licence Agreements
- Hate incidents and hate crime policy
- Data protection policy

### Document control

Author	Iona McHugh, Policy Manager
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### Version Control

Date	Amendment	Version
Jan 2019	New NHG policy.	1.0
May 2022	Full review of the policy.	2.0