



Unacceptable Behaviour Policy

Regulation and Legislation	This policy links to the Housing Ombudsman Service Managing Unacceptable Behaviour Policy; Housing Ombudsman Service Complaint Handling Code (2024); Equality Act 2010; Public Sector Equality Duty (PSED); The Human Rights Act 1998
Supporting documents	Complaints Policy; Anti-social Behaviour Policy; Anti-social Behaviour and Hate Incidents Procedure; Equality, Diversity and Inclusion Policy; Additional Assistance and Reasonable Adjustments Policy; Account Marker Policy and Procedure; Breach of Tenancy Policy; Safeguarding Policy
Scope	This policy explains what Orbit considers to be unacceptable behaviour from customers and the approach it will take to look after its customers, employees, contractors, agents and services when presented with this behaviour. It applies to all customers living in our rented, shared ownership and leasehold properties.
Reference to “Orbit” means Orbit Group which consists of Orbit Group Limited, Orbit Housing Association Limited, Orbit Homes (2020) Limited, Orbit Treasury Limited and Orbit Capital Plc.	

1. Introduction

- 1.1 Orbit is committed to dealing with all feedback, enquiries and service requests efficiently, effectively and always aims to provide the highest level of customer service.
- 1.2 All customers will be dealt with fairly, honestly, consistently and appropriately, including those whose demonstrate unacceptable behaviour or actions.
- 1.3 Orbit does not view behaviour as unacceptable simply because someone is assertive or determined and recognise that there may be upsetting circumstances leading to an instance of behaviour and people may act out of character. We will be mindful when dealing with customers that their behaviour may be as a result of circumstances beyond their control and always consider whether any actions we have taken may have contributed to the behaviour.
- 1.4 In some cases the actions of customers who are aggressive, abusive or unreasonably persistent may result in demands or unacceptable behaviour towards our employees, hindering our ability to help them and placing unfair demands on services which could affect the level of service offered to other customers.
- 1.5 Orbit does not tolerate any form of violence or abuse towards employees and expects all customers to display courtesy and respect. Where customer behaviour meets our definition of unacceptable behaviour Orbit will take appropriate action to protect its employees, contractors, agents and services from such behaviour.
- 1.6 Where a customer alleges unacceptable behaviour by an employee, contractor or agent, this should be raised as a formal complaint and will be investigated through the complaints process.

2. Policy Statement

2.1 Definitions of unacceptable behaviour

2.1.1 Aggressive or abusive behaviour

Orbit employees understand the difference between anger and aggression. A customer may feel justifiably angry about an issue; however, it is not acceptable when anger escalates into aggression towards employees. Aggression is not restricted to acts that may result in physical harm and also includes behaviour or language (spoken or written) or gestures which may cause an employee to feel afraid, threatened or abused.

Examples include, but are not limited to:

- threats
- physical violence
- hostile, abusive or offensive language
- derogatory remarks
- inflammatory statements
- unsubstantiated allegations
- hate speech

2.1.2 Unreasonable demands

Orbit will consider demands unreasonable if they impact substantially and unreasonably on its resources because of the amount of information sought, the nature and scale of service expected, or the regularity or number of approaches made.

Examples include, but are not limited to:

- asking for responses within an unreasonable timescale
- insisting on seeing or speaking to a particular employee
- persistent phone calls, emails or letters
- repeatedly changing the content or issue of a complaint or raising unrelated issues
- repeatedly requesting services that are opposed to an Orbit policy
- repeatedly raising issues not within Orbit's power to investigate or change

2.1.3 Unreasonable persistence

Customers who continue to pursue an issue, concern or complaint because they will not accept Orbit is unable to help them further (or provide a level of service other than the service already provided) are being unreasonably persistent.

Examples include, but are not limited to:

- persistent refusal to accept a decision made in relation to a complaint or enquiry
- persistently seeking an outcome which we have already explained is unrealistic for policy, legal or other valid reasons
- continuing to pursue a case without giving any new information
- persistent refusal to accept Orbit are not able to investigate, change or influence certain issues

2.2 Responding to unacceptable behaviour

2.2.1 We understand that customers may have vulnerabilities which could make it difficult for them to express themselves or communicate clearly, especially if they are anxious or upset. Any concerns that employees may have about vulnerability should be raised in line with Orbit's Safeguarding policy and procedure. In instances where a customer is identified as being particularly vulnerable, has disabilities or has personal support requirements, we will aim to accommodate these and make reasonable adjustments to meet their needs as set out in our Additional Assistance and Reasonable Adjustments Policy and in line with the Public Sector Equality Duty (PSED) under the Equality Act (2010).

2.2.2 Orbit will always try to reach an informal arrangement with customers before taking formal action. We will document and inform customers of our concerns around their behaviour and/or level of contact. We will aim to give customers every opportunity to understand and resolve our concerns.

2.2.3 Orbit employees will use their judgement in responding to unacceptable behaviour and take immediate action they consider appropriate at the time. This may include:

- informing the customer their behaviour is unacceptable and asking them to adjust their behaviour
- immediately removing themselves from a situation
- ending a phone call
- not replying to other forms of communication where the contact is considered aggressive, abusive or offensive

The employee has the right to make the decision, tell the customer the behaviour is unacceptable and end the visit, call or communication.

2.2.4 If this approach fails a manager will contact the customer to explain what actions we consider unacceptable and why, ask them to amend their behaviour, and explain what formal steps may be taken if they do not. Where we have to take action, we will tell the customer in writing what action we are taking and why.

We may offer to meet the customer to discuss the unacceptable actions and agree a way forward. In some cases, it may be appropriate to engage external experts, such as independent mediators, to help us to resolve a situation.

2.3 Formal actions

2.3.1 Formal actions can include, but are not limited to:

- requesting the customer enters into a contact agreement with Orbit
- providing a single point of contact in Orbit
- limiting contact to one form e.g. writing, email or phone only
- limiting contact to certain times or to a limited number of times per week or month
- only taking phone calls at prearranged times
- requiring a customer to make an appointment to see a named employee
- prohibiting all direct contact (through all channels) with an individual employee
- not responding to issues where communication is insulting or abusive
- only considering a certain number of issues in a specific period
- not responding to repeated contact on an issue Orbit considers closed
- prohibiting attendance at Orbit events
- blocking access to any Orbit social media platforms where the behaviour is compromising the reputation of the organisation

2.3.2 Restrictions will not be set indefinitely, and a review period will be agreed with the customer at the outset.

2.3.3 Any restrictions placed on a customer's contact due to unacceptable behaviour will be appropriate to their needs and show regard for the Equality Act 2010 and Orbit's Equality, Diversity and Inclusion Policy. We will always maintain at least one form of contact and make provision for the reporting of emergencies.

2.3.4 In extreme cases involving threats, physical violence or harassment towards employees, contractors or agents actions may include involving the police or taking legal action or ending direct contact with the customer. This will be managed in line with our Anti-social Behaviour Policy and Anti-social Behaviour and Hate Incidents procedure.

2.3.5 If the customer does not keep to any restrictions or contact agreements Orbit may take further action in line with the Breach of Tenancy Policy, terms of their tenancy agreement or lease.

2.4 Right to appeal

2.4.1 Customers have the right to appeal a decision to take formal action for unacceptable behaviour. An appeal must be made within 10 working days of the original decision and will be heard by a Head of Service not related to the case. We will aim to provide a response to an appeal within 10 working days, however, if we are unable to do this we will keep the customer updated on timescales.

2.5 Recording and reviewing restricted access decisions

2.5.1 Orbit will record all incidents of unacceptable behaviour and decisions to restrict customer contact. Where a customer has been placed under a form of restricted contact due to unacceptable behaviour this will be subject to a periodic review. This will usually take place every three to six months from the date the restriction was applied or before the end of the agreed restriction period. Reviews will not be carried out where a court order has been obtained. The customer has the right to apply to the court directly to revoke or vary the order.

2.6 Support for employees

2.6.1 Where employees or contractors experience a specific incident of behaviour from customers that pose a danger or risk to them, an Account Marker can be requested and added to the customer or property record.

2.6.2 To ensure employee wellbeing, and in line with the Account Marker Procedure, the Line Manager will make a wellbeing call within one working day to the employee making the request.

2.6.3 The call should address the nature and severity of the incident, the impact on the employee's personal wellbeing, whether any additional support is recommended (either through internal or externally provided services), if any adjustments to ways of working are needed and whether time off work for compassionate reasons may be necessary.

2.6.4 Managers should contact HR for additional guidance where needed and details of the conversation must be documented along with any agreed actions and regular follow-ups agreed.

3. Data retention

- 3.1 Information recorded against customer accounts will remain in place for the lifetime of the tenancy or lease and then disposed of in line with Orbit's data retention schedule.

4. Roles and responsibilities

4.1

Role	Responsibility
Director of Customer Operations	Delivery and monitoring of the policy
Heads of Service	Hearing appeals
Managers	Contacting customers, explaining and agreeing formal actions Approving requests for formal actions
Tenancy Management Triage team	Entering account markers on the system
All Orbit employees	Taking appropriate action following incidents of unacceptable behaviour Raising any safeguarding concerns

5. Performance controls and business risk

- 5.1 Compliance with this policy will be monitored by the Director of Customer Operations
- 5.2 Oversight of account markers sits with the Head of Tenancy Management. Management information about volume, categories and trends will be reported annually to the Head of Tenancy Management.
- 5.3 Management information about verbal and physical risk account markers will be reported to the Health and Safety Committee each quarter.
- 5.4 Orbit will carry out a fundamental review of this policy every three years subject to legal, regulatory changes or in accordance with the agreed Policy Review programme.

6. Essential information

- 6.1 All Orbit policies and procedures are developed in line with our approach to the following, data protection statement, equality diversity and inclusion (EDI) approach, complaints policy and our regulatory and legal obligations to ensure we deliver services in a lawful manner and treat people equally and fairly. Orbit's privacy policy can be accessed on our website www.orbitcustomerhub.org.uk/publications/policies/

EA	Equality Analysis will be completed by June 2024
DPIA	A DPIA will be completed against the Unacceptable Behaviour Procedure
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	External:
Applies to	Business wide

Document control

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