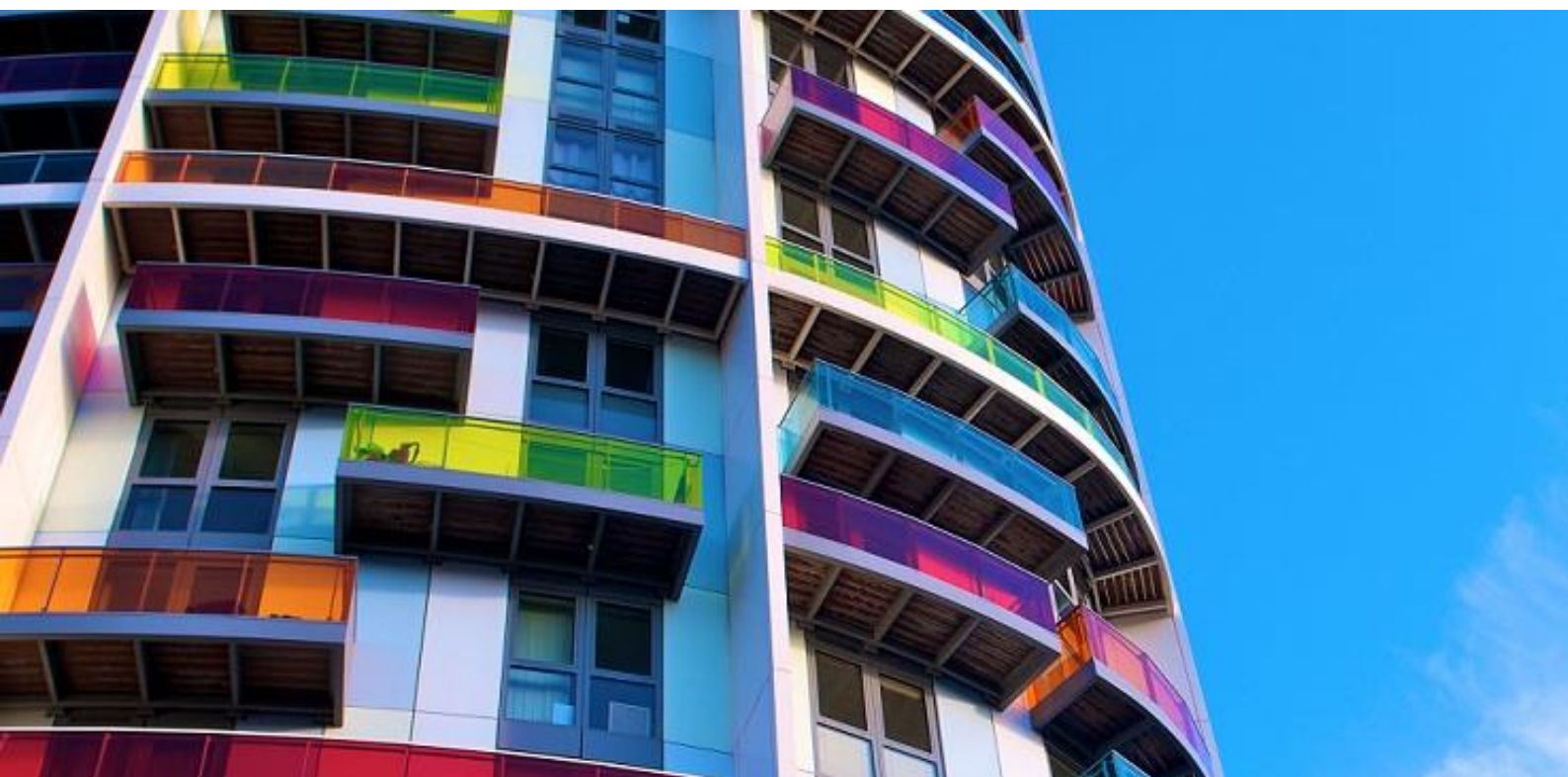


# Unacceptable Behaviour Policy

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## Unacceptable Behaviour Policy

This policy will apply to the following entities:

Legal & General Affordable Homes Limited  
Legal & General Affordable Homes (AR) LLP  
Legal & General Affordable Homes (SO) LLP  
Legal & General Affordable Homes (Capital) Limited  
Legal & General Affordable Homes (Development 3) Limited  
Legal & General Affordable Homes (Operations) Limited

### Policy Introduction

This policy sets out Legal and General Affordable Homes Businesses (LGAH) approach to managing those customers whose actions or behaviour are considered unacceptable and are either having a harmful impact on our staff or their ability to carry out their work in a peaceful and productive manner. This policy applies to all employees and contractors working with or on behalf of LGAH. Where a contractor working on behalf of LGAH has their own policy and are employed to provide services to LGAH customers the contractors policy will take precedence in matters that they are acting as the lead competent person on.

For purposes of this policy the term staff is used to describe any person that represents LGAH and covers all areas of work undertaken by LGAH and its staff.

### Policy Aims

The aims of this policy are to ensure that:

- LGAH is providing a safe working environment to its staff to operate within and ensure that the work is undertaken in an efficient and effective manner
- All LGAH employees, contractors and partners are clear on the expectations of how LGAH will deliver its responsibilities with regard to the management of unacceptable behaviour.

### Legal Framework

This policy is designed with consideration of the following legal and statutory instruments.

- Health and Safety at Work etc Act 1974 (HSWA)
- Management of Health and Safety at Work Regulations 1999
- Public Order Act 1986 (S5)
- Criminal Justice and Public Order Act 1994
- Crime and Disorder Act 1998 (c.37)
- Sex Discrimination Act 1975 (Amendment) Regulations 2008
- Sex Discrimination Act 1975 (amended in 2003)
- Sex discrimination (Indirect Discrimination and Burden of Proof) Regulations 2001
- Race Relations Act 1976
- Disability Discrimination Act 1995
- Employment Equality (Sexual Orientation) Regulations 2003

- Employment Equality (Religion or Belief) Regulations 2003
- Employment Equality (Age) Regulations 2006
- Employment Equality (Age) Regulations 2006
- Employment Equality (Age) Regulations 2006
- Sexual Offences Act 2003
- Sexual Offences Act 2003

Further guidance from the Health and Safety Executive (HSE):

<http://www.hse.gov.uk/violence/preventing-workplace-harassment.pdf>

<http://www.hse.gov.uk/violence/toolkit/customers.htm>

### **Defining Unacceptable behaviour**

Unacceptable behaviour is not restricted to acts of aggression that may result in physical harm but also include behaviour or language (spoken or written) that may cause staff to feel distressed, threatened or abused. Unacceptable behaviour can vary depending upon the individuals'(s) involved and their circumstances. Most commonly examples of unacceptable behaviour can be group under two main headings, as per below:

- Aggressive, abusive or offensive language or behaviour;
- General unreasonable behaviour.

### **Aggressive, abusive or offensive language or behaviour**

It is the right of every member of staff not to be the subject to aggressive, abusive or offensive language or behaviour regardless of the circumstances. Examples of this behaviour include, but are not limited to:

- Threats of physical violence;
- Swearing;
- Inappropriate cultural, racial or religious references;
- Rudeness, including derogatory remarks.

### **General Unreasonable Behaviour**

This type of behaviour may come from customers making unreasonable demands through the amount of information they seek, the time scale imposed, the nature and scale of service and the number of approaches they make. Examples of this type of behaviour include, but are not restricted to:

- Demanding responses within an unreasonable time-scale;
- Repeatedly contacting or insisting on speaking to a particular member of staff who is not directly dealing with the matter;
- Excessive telephone calls, emails or letters;
- Sending duplicate correspondence requiring a response to more than one member of staff;
- Persistent refusal to accept a decision;

- Persistent refusal to accept explanations;
- Continuing to contact LGAH without presenting new and relevant information.

## **Responsibility for dealing with Unreasonable Behaviour**

### **LGAH will:**

- Carry out a risk assessment in respect of the potential for violence in the workplace. This will be undertaken in consultation with employees and their representatives, where appropriate;
- Instruction and training regarding violence at work will be given to employees on induction and during other workplace training sessions;
- Record all physical and verbal threats to employees;
- Classify all incidents in accordance with HSE's guidelines, using headings such as place, time, type of incident, potential severity, who was involved and possible causes. The company will investigate all complaints, which relate to violence at work;
- A risk evaluation will be taken which takes into account the level of training and information provided, the environment and design of the job. The significant findings of the assessment will be recorded;
- If there is a violent incident involving employees, we will provide them with full support, including debriefing, time off work and legal help, where necessary
- Should an employee request a transfer to other duties, such a request should be considered sympathetically, taking into account all the circumstances
- Report the matter to the Police at the employee's request
- Establish monitoring arrangements and if a violent or aggressive incident occurs, risk assessments will be reviewed immediately to take into account the circumstances surrounding the incident to prevent or minimise the risk of a further occurrence.

### **Staff will:**

- Attend appropriate training sessions if they are deemed to be at risk at work from violence or aggression
- Report any incidents of violent or threatening behaviour to the employer
- After any violent incident, employees are advised to complete an incident report form regarding the event. This form outlines who has been involved along with details of the situation that lead to the incident occurring
- Co-operate with management arrangements for dealing with violence and aggression at work.

## **Policy Statement**

LGAH is aware of the difficulties in managing unacceptable behaviour in the workplace and aims to implement steps to identify and minimise risks to support employees and monitor incidents to help address any potential problems.

We do not expect our staff to tolerate or manifest behaviour that we consider to be unacceptable and will take action to protect our staff from such behaviour. We will, for example, not accept communication that is:

- Abusive or offensive
- aggressive, threatening or defamatory
- unreasonably persistent or demanding

LGAH will always strive to ensure that all members of staff are treated fairly and reasonably, and without reference to race, religion, belief, gender, sexual orientation, disability or age.

We recognise that in some circumstances, people may have a disability or mental health problem that may make communication more difficult. Where there is a concern about unacceptable behaviour, we will always consider individual needs and circumstances before deciding on how we should respond.

We will comply with our Policy and any associated procedures and guidance and expect the same of any party working with us.

### **Our Commitments**

We will:

- Manage unacceptable behaviour in a manner that protects our staff and members of the public wherever it is appropriate and necessary to do so;
- Minimise the risks to employees from potentially violent or threatening behaviour;
- Provide training for employees who may have to face violence at work;
- Not tolerate verbal or physical harassment of our employees, assaults on our employees by clients or other members of the public, (including incidents occurring outside work hours which arise from work activities).
- Ensure that everyone is aware of the unacceptable behaviour policy and their responsibilities in relation to it.

### **Risk Assessment**

Once managers have identified areas of risk, a risk assessment must be undertaken by a competent person and consider the following elements:

- Physical attack, including sexual, religious or racial attack
- Animal attack – where animals are used as a threat or tool of violence
- Verbal Abuse – where an employee feels that an unacceptable threat has been made against his or her person. This will include sexual, religious or racial harassment, intimidation, name calling, insults, mimicry, and innuendoes whether by telephone or if in direct contact. Such incidents should not be disregarded as verbal threats have often been made prior to actual serious physical assaults.

Cumulative effects of verbal abuse on staff should also be considered, as long term exposure to even low-level verbal abuse can result in emotional problems and stress. The managers should consider the adequacy of existing controls such as:

- Current procedures/working practices
- Regular discussions with staff on day to day levels of exposure to violence at work
- Local (Service Area/site/job specific) violence at work procedures
- Security and Layout of premises
- Staff Training – competency of staff to deal with potential violence situations
- Reporting procedure
- Provision of personal alarms/mobile telephones/ Lone Worker Support Systems
- Liaison with the Police

Managers should ensure that the effectiveness of the risk assessments is monitored and reviewed as appropriate. All risk assessments should be reviewed annually, or when there is reason to believe it is no longer valid, for example, after an incident.

### **Training**

Training is a key element in protecting against violent incidents, and it must be considered as a first step in any risk assessment for violence at work. It helps staff to recognise situations where a risk of violence exists. All staff should receive training on how to defuse confrontations and be advised on action that should be taken to ensure their own and other's safety.

### **Reporting and Recording**

It is essential that violent incidents are reported and recorded. This will allow managers to deal with incidents as they occur, appreciate the scope and size of the problem, and to decide on the best way to deal with it, and to share information about violent service users with other parties where appropriate.

Violent incidents should be reported, following the same procedure as reporting any other accident or incident. It is important to remember that the individual employee's opinion of the incident may be key to the judgement of whether an incident should be reported and what action is necessary.

In cases of telephone abuse a record of the incident should also be recorded.

### **Support for employees**

All reports of violence or threats of violence against employees must be taken seriously by managers. Procedures should be in place to ensure that victims of violent assault or threats receive appropriate support and reassurance following an incident.

Immediate support and reassurance should come from the line manager or from colleagues. In more serious cases, however, it may be necessary to obtain quickly the advice of additional support services such as: -

- Occupational Health
- Human Resources
- External Counsellors
- Trade Union Representatives

- Victim Support

### **Action to be taken against perpetrators**

In addressing customer behaviour under this policy LGAH will seek to appropriately utilise, mediation, controls on contact and access with the business and where necessary, such as a member of staff has been the subject of threats or assault, the business will consider more formal action in regard to the perpetrator, taking into account the following;

- The type and frequency of incidents,
- Knowledge of previous incidents committed by the individual
- The degree of potential risk to the health and safety of staff and other persons,
- The perpetrator's response to verbal warnings,
- The perpetrator's personal circumstances e.g. ill health, mental health problems, known personal situation
- The likelihood of resolving the misconduct through interview or other less confrontational response.

This is not an exhaustive list but is indicative of the areas to be considered in individual cases and circumstances.

LGAH is committed to giving support to any member of staff who is assaulted in the course of their duties. A member of the public who assaults an employee in the course of their work is liable to prosecution by the Police, LGAH or by the member of staff concerned.

Managers are strongly encouraged to report all violent incidents involving physical assault to the police. The police are responsible for deciding whether the incident warrants prosecution of the perpetrator.

If the police decide not to pursue a prosecution, the reasons for this should be made clear to the business and the employee. In such cases, LGAH may decide to take a different view and initiate a prosecution. The relevant Site Manager/Director in consultation with the legal services must decide whether or not this is appropriate, considering the following criteria:

- The employee was assaulted or harassed because of their employment (including out of hours incidents which arise from work activities);
- The police and the Crown Prosecution Service (CPS) have decided not to prosecute;
- There is reasonable prospect of success and no likely conflict of interests between LGAH and the employee;
- The action is likely to benefit the victim's recovery from the incident.

### **Audit, Compliance and Review**

The Head of Investment & Compliance is responsible for ensuring that employees and contractors are compliant with all relevant health and safety legislation.

We will manage compliance, keeping comprehensive & accurate records, which will be stored securely and in a manner that enables easy recall.

Annual reviews of employee and contractor health and safety procedures as well as regular review of contractor compliance and performance will be carried out.

Activities covered by this policy are subject to periodic audit review, both external and internal.

The Executive Team and the Board will be notified at the earliest opportunity should this Policy not be complied with.

### **Equality and Diversity**

LGAH will treat all customers and staff with fairness and respect. We value diversity and work to promote equality and tackle unlawful discrimination.

We are committed to helping customers to access information about their homes and services in a way that suits individual needs.

Accountable Director	Ben Denton
Approval Date	November 2021
Review Date	November 2023



### Record of Amendments

16/11/2021	V1	3,4	Update to reflect new Corporate structure