

# UNACCEPTABLE BEHAVIOUR AND STAFF PROTECTION POLICY

# 1 Purpose

- 1.1 The Red Kite Group is committed to providing excellent standards of services to its tenants and is committed to dealing with all feedback, enquiries, and service requests fairly, efficiently, and in a timely manner as well as challenging and managing unacceptable behaviour towards our staff.
- 1.2 Red Kite acknowledges its duty to provide and maintain a safe place of work. It is our policy to ensure, as far as is reasonably practicable, that our operations and services are conducted in such a manner as to prevent harm or injury to our employees, contractors and service providers.
- 1.3 Dealing with a tenant about feedback, an enquiry or a service request should normally be a straightforward process, but in a minority of cases, some people may pursue their enquiries in a way which can impede our efforts to help or resolve them. This could include, but is not limited to:
- acting in a way which presents a risk to our staff
  - unreasonable demands which would impact the level of service that can be offered to other tenants
  - behaviour which can cause damage to our reputation or that of our partners.
- 1.4 This policy considers the Housing Ombudsman's guidance on managing unacceptable behaviour.
- 1.5 Landlords are expected to have a separate policy to deal with how such cases should be managed, recognising that managing such behaviour is an important part of effective complaint-handling.
- 1.6 This policy therefore covers our approach to dealing with tenants whose actions or behaviours are considered by Red Kite to be unacceptable and may be taking up an unreasonable amount of time and resource to deal with. It explains what we consider to be unacceptable behaviour and the action we will take when confronted by such behaviour.
- 1.7 This policy also covers our approach to staff protection, in terms of aggressive or abusive behaviour from tenants in a work setting, be it a threat directly or indirectly, in person or via another communication channel.

# 2 Responsibilities

- 2.1 The Policy will be owned by the Head of Community who will ensure that the policy is fully adhered to.
- 2.2 **The Unacceptable Behaviour and Staff Protection Register** - The Anti-Social Behaviour Team Leader and Contact Centre Manager will be responsible for maintaining the Unacceptable Behaviour and Staff Protection Register. This will include reviewing and recording all requests for someone to be added to the list, making the decision, agreeing actions to be taken and adding the relevant indicator to their file. The leads will ensure that everyone on the list is reviewed in line with review periods to ensure the indicator remains relevant, and a quarterly assurance report provided to the Head of Community.

- 2.3 All staff have a responsibility to ensure they take the action necessary to protect their safety and that of their colleagues. This includes:
- ensuring familiarity with the Policy and procedure.
  - checking unacceptable behaviour indicators before any communication with tenants.
  - Filing a request to add someone to the register in a timely manner where appropriate.
- 2.4 The Homes Manager will be the primary role responsible for any appeals against a decision made to add someone to the register. In their absence, an appeal may be heard by any stem lead or Head of Service not involved in the original decision.
- 2.5 All staff and contractors have a responsibility to ensure they take the action necessary to protect their safety and that of their colleagues. This includes:
- ensuring familiarity with the Policy and procedure.
  - checking indicators before any visits to tenants.
  - filing a request to add someone to the register where appropriate.
- 2.6 Line managers have a responsibility to ensure that new staff are made aware of the Policy and procedures and their responsibilities.
- 2.7 Wilful or negligent failure to cooperate with this Policy and associated procedure will result in the disciplinary process being triggered.

### **3 Legal Framework**

- 3.1 Health and Safety at Work Act (1974)
- 3.2 Data Protection Act (2018)

Red Kite will process personal and sensitive personal data in line with the Data Protection Act (specifically Schedule 2 and Schedule 3) in order to meet our duty of care towards our staff, and to comply with the legal obligations imposed on us as Data Controllers in connection with employment.

We recognise that Schedule 10 of the Act gives individuals the right to require us to stop processing their personal information if this is likely to cause them substantial and unwarranted damage or distress. If an individual serves us with a Schedule 10 notice in relation to the warning marker, we recognise that we may ultimately have to justify creating the marker in court.

### **4 Definitions**

- 4.1 Within this policy, the term “**tenant**” is used to refer to our tenants and any other person who contacts us in relation to the services we provide.
- 4.2 We define **unacceptable behaviour** as when a tenant, because of the frequency or nature of their contacts with Red Kite, hinders our consideration of their or other

people's concerns and/or intentionally seeks to damage our reputation or credibility maliciously or without justification.

4.3 We consider the following (not exhaustive list) to be unacceptable behaviour:

- Threats against staff
- Violence against staff
- Intimidating behaviour of any kind
- Risk to health and safety due to environment e.g. exposure to sharp objects or weapons, dangerous or intimidating pets
- Abusive behaviour/intimidation/inappropriate language
- Any other inappropriate behaviour creating a risk
- Malicious and repeated allegations against visiting officers
- Making unreasonable demands. Red Kite will consider demands unreasonable if they impact substantially and unreasonably on its resources through the amount of information sought, the nature and scale of service expected, or the regularity or number of approaches made.
- Unreasonable persistence. Tenants who continue to pursue a concern, issue, or complaint because they refuse to accept that Red Kite is unable to assist them further (or provide a level of service other than the service already provided).

## **5 Key Principles**

5.1 Red Kite provides support to a wide tenant base with differing support needs. We recognise that all our tenants have a right to be heard, understood and respected.

5.2 In some instances, this may require us to adopt our approach to maintain the safety and integrity of staff whilst we support our tenants.

5.3 We are committed to dealing with all tenants fairly, honestly, consistently and appropriately even where their actions may be considered unacceptable.

## **6 Policy Statement/Scope**

6.1 Red Kite is committed to establishing a positive relationship with our tenants, however, we must ensure that we protect our staff who have the right to a safe working environment. At the same time we have to ensure we can deliver our services to all tenants.

6.2 Red Kite does not view behaviour as unacceptable simply because someone is assertive or determined in pursuing a complaint or raising a service request. We expect employees to be empathetic and understanding when a tenant has experienced an upsetting incident or have a vulnerability which may cause them to act out of character without malice.

- 6.3 Behaviour may become unacceptable if it is so demanding or persistent that it places unreasonable demands on the service and impacts the level of service that we can offer to others or where it becomes a risk to our staff.
- 6.4 We will ensure that any unacceptable behaviour is addressed promptly and fairly to minimise service disruption and to minimise risk to our staff, contractors, and anyone working on our behalf.
- 6.5 We will ensure there are clear procedures in place for unacceptable behaviour to be reported and that our teams are empowered to make proportionate decisions on any action or sanctions to be taken.
- 6.6 We will be open and transparent with our tenants on decisions we make unless this would pose a risk to our staff.
- 6.7 We will ensure that our staff and those working on our behalf have access to relevant information that may inform their interaction with a tenant, or a visit to a tenant i.e. if there is a restriction on communication, or if the home needs to be visited by 2 people.
- 6.8 We will keep a register of tenants where the decision is made to impose a sanction or take action against them due to their behaviour. We will regularly review this register.

### **Responding initially to Unacceptable Behaviour**

- 6.9 We recognise that unacceptable behaviour can be a result of many different things, including frustration at a situation which has arisen in their interactions with Red Kite.
- 6.10 In the first instance any staff member noting such behaviour will raise concerns with the tenant and where necessary and safe to do so challenge any behaviour or actions deemed to be unacceptable in a constructive manner in line with our tenant focused approach. Staff will also use their best endeavours to deescalate the situation at hand. This will allow the tenant time to consider and adjust their behaviour. Hopefully this will resolve any outstanding behavioural concerns.
- 6.11 If our staff members feel at risk at any point they will remove themselves from the situation, use their lone working safety device, and/or call the police, or if on a call, advising that they will be ending the call.

### **Reporting Unacceptable Behaviour**

- 6.12 A report of unreasonable behaviour can be made by any member of staff or someone working on our behalf. We will also consider reports made by key partners such as the police where they identify a potential risk to our staff.

### **Investigating allegations of Unacceptable Behaviour**

- 6.13 It is important that we make fair decisions in relation to allegations of Unacceptable Behaviour.
- 6.14 On receipt of a report of unacceptable behaviour, the allegation will be investigated by the ASB Team Leader, triaging to the Contact Centre Manager if required. As a

result of an investigation, a decision will be made on whether we need to take any action or impose any sanctions against a tenant to safeguard our staff and others working on our behalf. The Senior ASB Specialist will add an interim 2PV marker to the tenants account whilst they investigate if they deem it necessary to safeguard our staff. This indicates that the home will be visited by two persons.

- 6.15 In determining action and any sanctions consideration will be given to the individual's medical condition and vulnerability such as mental health issues and learning disabilities. Accordingly, any restrictions imposed in terms of a tenant's contact will recognise and be appropriate to their individual circumstances.

### **Actions and sanctions**

- 6.16 Where a decision is made that we need to amend our approach when engaging with a tenant following a report they will be added to our Unacceptable Behaviour and Staff Protection Register where we will record the amended approach and when this will be reviewed.
- 6.17 If the unacceptable behaviour relates to the nature or frequency of a tenant's contact we will seek to try and resolve matters informally, giving the tenant an opportunity to change their approach.
- 6.18 Where any informal approach has not worked, or where the behaviour relates to a risk to our tenants we may decide to impose a sanction. This could include, but is not limited to:
- providing a single point of contact
  - limiting contact to a single form i.e. to writing, email or telephone only
  - Requesting contact is made by another household member or advocate
  - limiting contact to certain times to a limited number of times per week or month
  - declining to give any further consideration to an issue unless any additional evidence or information is provided
  - only considering a certain number of issues in a specific period
  - adding the tenant to our Staff Protection Register where we will implement precautions when visiting, such as only visiting with two members of staff.
- 6.19 In addition, where the behaviour constitutes a breach of tenancy, or in cases such as physical violence or harassment towards a member of staff, we may also take tenancy breach action, involve the police and take legal action and ending direct contact with the tenant. However, our action will always seek to be proportionate.
- 6.20 Where we take tenancy breach action this will be done in line with our ASB Policy.

### **The Unacceptable Behaviour and Staff Protection Register**

- 6.21 All decisions where a sanction is made will see the person added to our Unacceptable Behaviour and Staff Protection Register. The register will note the

nature of the sanction and when we will review the sanction. No sanction will be implemented indefinitely without review.

- 6.22 Where the sanction relates to managing communications, a record will be placed on file noting how communications will be managed. Where the sanction relates to visits, an indicator will be placed either on a person or property record to signify that the person and/or property should only be attended when there are two members of staff present or not at all.
- 6.23 We will inform our tenants who are placed on the Register that we have made the decision to place them on the Register, the reasons why, and when we will review this. We will provide them with the opportunity to appeal the decision as detailed in section 9 of this policy. There will be rare circumstances where we will not inform a tenant that they have been placed on the Register, and this will usually be where this would increase the risk to our staff or to the tenant themselves.
- 6.24 Full details of why someone is on the register will only be shared where relevant.
- 6.25 We will share information with other organisations where we consider this to be justified and not unfair. We will advise individuals placed on the register that we will share the relevant information with our contractors (i.e. how to manage contact, not the reason why).
- 6.26 We will review each case at a regular specified interval of 3, 6, 12 or 18 months, depending on the circumstances, to determine if the marker is still relevant or if it can be removed. We will write to the individual after every review.

## **7 Tenant support**

- 7.1 We recognise that a tenants behaviour may be influenced by a medical condition, substance abuse or vulnerability such as mental health issues or learning disabilities. We will assess the information we have available to identify any support that a tenant may benefit from to help us re-establish a positive relationship.
- 7.2 Where the tenant has support and gives permission we will work in partnership with a nominated family member, friend or support worker.
- 7.3 If the tenant is receiving support from other organisations such as social services we will consider a multi-agency approach where possible.
- 7.4 We understand that in some instances there may be counter allegations against our staff. Where this is the case this will be investigated in line with relevant policies including our ASB Policy and Feedback Policy.

## **8 Staff Support**

- 8.1 Red Kite will support all staff to deal with incidents of work-related violence and aggression through line management and specialist assistance. Training will be provided on lone working and dealing with difficult situations .
- 8.2 All roles are risk assessed for lone working and where appropriate staff are issued with a lone worker device or app for their phone which they will be trained to use.

- 8.3 We also provide unrestricted staff access to Health Assured, a 24-hour Employee Assistance Programme, who provide confidential counselling and support.
- 8.4 Red Kite staff will provide support to staff during a police investigation of a crime against them by our tenants as appropriate. This is alongside taking appropriate action against the tenant in line with their tenancy agreement, or seeking an injunction if appropriate.

## 9 Right to appeal

- 9.1 When writing to a tenant with a decision to place them on either of the referenced registers in this policy, we will advise them of the reason for our decision and of their right to appeal.
- 9.2 An appeal can be made on our decision for the following reasons:
- It is believed that we haven't considered a key piece of evidence already provided
  - there is additional evidence that a tenant considers is important in deciding and they want to send it to us
  - there is a dispute on the evidence we have given as the reason for our decision and can provide evidence to show it is incorrect
  - the tenant believes that reasonable adjustments have not been considered in relation to any disability or medical condition.
- 9.3 We cannot accept an appeal for any other reason – the tenant may not be happy with a decision but, unless the appeal is for one of the reasons here, we will be unable to consider it.
- 9.4 To appeal our decision, we should be contacted with the reason for the appeal along with any supporting information. There is a deadline for this – we will need to be contacted within 10 working days of our decision.
- 9.5 We accept an appeal in all the following ways:
- **Emailing** [contact@redkitehousing.org.uk](mailto:contact@redkitehousing.org.uk) with the title – Homes Manager - Request to Appeal Decision; or
  - **Phone** by calling 01494 476100
  - **By post** to Homes Manager, Red Kite Community Housing, Hampden Court, Kingsmead Business Park, Frederick Place, London Road, High Wycombe HP11 1JU – please title your letter Request to Appeal Decision.
  - **In person** by attending our offices at the address above.
- 9.6 The appeal will be heard by a manager not linked to the original decision. This will usually be the Homes Manager but may be heard by any manager not involved in the original decision or case. Our response to the appeal will be sent within 10 working days. In exceptional cases it may take us a little longer to consider the

appeal. If this is the case, we will let the tenant know and agree a date when they will have a decision.

- 9.7 If we have applied a marker to the tenant's file this will remain on file during the appeal until a decision has been made.
- 9.8 As part of dealing with the appeal, we may contact the tenant to ask questions and ensure we have all the right information.
- 9.9 Once the appeal decision has been made there will be no further appeal.
- 9.10 If the tenant is unhappy with how we have managed the case, you can make a complaint via our Feedback Policy which is available on our website or on request. However, this will not form an appeal of the decision made.

## **10 Data Protection**

- 10.1 We will inform our tenants who are placed on the Unacceptable Behaviour and Staff Protection Register that we have made the decision to place them on the register, the reasons why, and when we will review this. This will be reviewed regularly in accordance with section 8 to ensure that inclusion on the list remains relevant and fair.
- 10.2 We will advise individuals placed on the register that we will share the information with our contractors when attending the property and live restrictions will be referred to in any tenancy reference checks for future landlords where we consider this to be justified and not unfair.
- 10.3 We will store the information relating to the register securely on our tenant database.

## **11 Responsibilities**

- 11.1 The Head of Community is the lead on this policy and will exercise authority to implement proposed sanctions and considering sanctions recommended by the service area to address unacceptable behaviour within the guidance of this Policy.
- 11.2 In the absence of the Head of Community, any other member of our Senior Leadership Team can authorise proposed sanctions.
- 11.3 The Anti-Social Behaviour Team Leader will be responsible for maintaining the Unacceptable Behaviour and Staff Protection Register. This will include recording all requests for someone to be added to the list, liaising with colleagues when determining actions and sanctions, informing the tenant of any limited contact action agreed, and adding the relevant indicator to their file. They will also ensure that everyone on the list is reviewed on a regular basis to ensure that the indicator remains relevant.
- 11.4 The Contact Centre Manager will be responsible for supporting the Anti-Social Behaviour Team Leader in determining sanctions in relation to limited contact and how these are managed.

- 11.5 Any Stem Lead or Head of Service not involved in the original decision may hear an appeal against a decision made to add someone to the register – this will usually be the Homes Manager.
- 11.6 All staff have a responsibility to ensure they take the action necessary to protect their safety and that of their colleagues. This includes:
- ensuring familiarity with the policy and procedure.
  - checking unacceptable behaviour indicators before any communication with tenants.
  - Filing a request to add someone to the register where appropriate.

Document Controls			
<b>Version</b>	3	<b>Effective date</b>	November 2025
<b>Subject matter expert drafter</b>	Anti-Social Behaviour Team Leader	<b>Policy owner</b>	Head of Community
<b>Related pod</b>	Community	<b>Related policy</b>	<ul style="list-style-type: none"> <li>• Anti-Social Behaviour Policy</li> <li>• Feedback Policy</li> <li>• Health and Safety Policy</li> <li>• Lone Worker Policy</li> <li>• Data Protection Policy</li> <li>• Safeguarding Policy</li> <li>• Disciplinary Policy</li> </ul>
<b>Review period</b>	3 years	<b>Next review due by</b>	November 2028
			<b>YES</b>
<b>Red Kite Group policy, including Twenty11</b>			<input checked="" type="checkbox"/>
<b>Equality Impact Assessment completed</b>			<input checked="" type="checkbox"/>
Delegated approvals			
<b>Approved by ELT</b>	Director of Customer Services	<b>Approved Date</b>	27 <sup>th</sup> August 2025
<b>Approved by PRN</b>	Yes	<b>Approved Date</b>	26 <sup>th</sup> November 2025