



Managed Behaviour Policy

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Person Responsible: EXECUTIVE DIRECTOR OF OPERATIONS

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1. Policy purpose

At Beacon Cymru Group, the health and safety of employees is both a corporate priority and a legal obligation. This policy enables unacceptable or unreasonable behaviour to be effectively managed, minimising risks to employees and supporting the right culture.

We strive to deliver an excellent and accessible service. We believe that as recipients of our services, residents have the right to be heard, understood and respected. We expect our employees to treat people with courtesy, respect and fairness always, and for our employees to be treated in the same way.

Sometimes it is difficult to deliver services effectively where there is unacceptable behaviour towards our employees, or unreasonable demands on our service or levels of contact. We must take action to protect the health and wellbeing of our employees who have a right to do their jobs without fear of being abused or harassed. We also consider the impact of the behaviour on our ability to do our work and provide a service to others.

This policy sets out how we will identify and manage these types of behaviours and actions and how we will communicate this to residents.

This policy is organisation wide, covering all areas of the services we provide and all channels of contact.

2. What matters

It is important to clearly set out the types of behaviours considered unacceptable and/or unreasonable; give clarity on how unacceptable or unreasonable behaviour will be assessed, managed and communicated and when individuals can ask for a reconsideration of a communication plan (with managed behaviour restrictions) and how reconsideration is undertaken.

3. Reasonable adjustments

Some people that contact us have a physical or mental health condition which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities. Where this applies, we may put in place reasonable adjustments to change the way we interact with the person. We will always consider how any restrictions may impact a reasonable adjustment that has been put in place for a particular person.

Sometimes we may put a communication plan in place which impacts a reasonable adjustment. This is because the behaviour we are experiencing means the adjustment is no longer reasonable where the person has shown unacceptable or unreasonable behaviour towards our employees. This could be because that adjustment is no longer effective or practical.

We will consider communication plans on a case-by-case basis and will always let the person know of a decision to impose a communication plan in writing.

The policy below sets out what types of behaviour we consider unacceptable or unreasonable, how this will be managed, and what people can do if they believe a communication plan should be reconsidered.

4. Behaviours that are unacceptable or unreasonable

4.1 Unacceptable behaviour

Sometimes people may be upset, angry, or anxious about the issues they have raised with us. We will always try to help but we will not accept aggressive, abusive, intimidating or harassing behaviour towards employees.

Examples of this type of behaviour can include:

- behaviour or language (verbal or written, through any medium) that may cause employees to feel afraid, threatened, or abused
- malicious, derogatory or discriminatory remarks; including racist, sexist, ageist, disablist, homophobic, or transphobic comments
- using insulting or degrading language
- making serious allegations against us or others without any evidence
- publishing information about employees online, including social media
- posting offensive or threatening messages about staff on social networking sites
- contacting employees using their personal details or social media presence such as Facebook, Instagram, X or LinkedIn
- recording and publishing telephone discussions with employees that are taken without their consent
- preventing staff from undertaking their duties in a reasonable manner

In relation to complaints and concerns, examples also include:

- not identifying the precise issues of concern, despite the best efforts of staff to understand
- making unwarranted or unjustified representations during ongoing attempts to resolve existing issues, or attempting to improperly influence those enquiries during investigation
- continuing to pursue matters having exhausted all relevant complaints processes – including repeated complaints on the same matters or continually raising concerns while a complaint is being investigated
- persistently raising unfounded or malicious (cases without merit made to deliberately cause annoyance) complaints, including manifestly unfounded and excessive subject access requests
- refusal to co-operate with a complaints investigation process while still wishing the complaint to be resolved
- refusal to accept that issues are not within the remit of the complaints policy, despite having been provided with information about the scope of the policy
- refusal to accept that issues are not within the power of Beacon to change or influence
- changing the substance or basis of a complaint without reasonable justification whilst the complaint is being addressed
- denying statements made at an earlier stage in the complaint process

4.2 Unreasonable demands

Demands on our service can be unreasonable if they impact our ability to provide a consistent service, or if involves an excessive amount of employee time.

Examples of these type of demands can include:

- repeatedly demanding a response within a timescale outside of normal timescale agreements
- insisting on, or refusing to speak to employees when that is not possible
- refusing to speak to staff unless they are in senior or specific roles
- refusing to accept a decision where explanations for the decision have been given
- refusing to co-operate by not providing information we request to allow us to help resolve the issue

In relation to complaints and concerns, examples also include:

- requiring specific characteristics in staff to deal with complaints
- wanting concerns managed outside of a complaints process
- seeking unrealistic outcomes persistently despite being clearly advised of any justification for decisions
- repeatedly changing the substance of a complaint or raising unrelated concerns

4.3 Unreasonable levels of contact

Levels of contact become unreasonable when the amount of time spent managing it impacts our ability to process the matter or limits the service we can give to other people.

Examples of this type of contact can include:

- repeated contact whilst a concern is being progressed or after it has closed
- lengthy telephone calls repeating the same points for discussion
- high volumes of information provided in person or by email, webform, or post where the information repeats what has already been given
- copying employees into emails with other parties where this is not necessary

5. How we will manage unacceptable or unreasonable behaviour

The examples provided in the lists above are not exhaustive, nor does one single feature on its own necessarily imply that the person will be considered as needing a communication plan.

Employees must be careful to distinguish between those who are raising genuine concerns and those who are being unreasonable. This can be achieved by recognising that:

- People may often be aggrieved, frustrated or have other reasons for their behaviour and the focus must be on careful consideration of the merits of the case rather than the conduct of the person; and
- Every concern must be considered on its merits and even if someone has made unreasonable complaints in the past, it must not be assumed that any other concern they make will also be unreasonable.
- The need to consider every complaint on its merits cannot be over-emphasised.

If we consider someone's behaviour is unreasonable (due to the demands made or levels of contact) or unacceptable, we will express this concern to the relevant individual at the earliest possible opportunity preferably in person at the time of the behaviour occurring. We will explain why the behaviour is unreasonable or unacceptable and will give the person an opportunity to stop the behaviour so we can continue to progress the matters raised. Depending on the situation, there may

be multiple conversations with a person advising them of any concerns regarding their behaviour, actions or conduct.

If we are unable to resolve the issue and decide there is a need to manage behaviour in line with our policy, this decision will be made by a senior colleague, of manager level or above and can include other relevant staff (e.g. from the human resources team, health and safety team, solicitor) as required.

The contact conditions and reasons for the communication plan will then be communicated to the person in writing. If the conduct is deemed as extreme (e.g., acts or threats of violence) and gives immediate safety, health, and welfare concerns to staff in Beacon, we will determine whether we need to report the matter to the police and/or take legal action. We will also consider which other interventions we can put in place e.g. updating risk assessments, doubling up staff on any visits and/or placing safety alerts on the housing management system. Safety alerts need to be visible to resident facing staff either directly employed by Beacon or through contracted services.

The following list sets out the managed behaviour restrictions we can apply to manage unacceptable or unreasonable behaviour:

- requesting communication only in writing or through a representative
- restricting or limiting contact with us, such as written contact only, or to a single designated person, or on specific days or times
- advising that all future meetings will be conducted with a third person present
- ensuring that notes of meetings are taken and shared with all parties
- restrictions on the volume and/or specified times for telephone calls (except in cases of emergency e.g. emergency repairs)
- agreeing a voluntary undertaking with the court

Where the conduct relates to a complaint, the following options may be pursued:

- assigning a bespoke protocol for the investigation of complaints or concerns raised
- deciding not to investigate a complaint on the basis that it has been pursued in an unacceptable or unreasonable way

The following list sets out additional actions we can take to manage unacceptable behaviour which threatens the immediate safety of employees or other persons:

- Pursuing a civil injunction to protect staff
- Reviewing if an occupation contract has been breached and taking any relevant action
- notifying the emergency services and/or next of kin
- reporting information shared on social media to platform moderators

A communication plan will usually be in place for 12 months and an alert will be placed on the housing management system to indicate it is in place.

If behaviour threatens the immediate safety of our employees, other individuals, or an organisation, we will report the matter to the police. We will contact the relevant organisation where the threat is directed towards them.

We aim to let the person know that we have reported their behaviour to police or other organisations. There are some circumstances where this is not possible, such as a call being terminated before we can inform the person, or where informing the person could impact a criminal investigation.

A record of any communication plan imposed will be kept on the housing management system for the duration of a person's occupation contract with Beacon. Once the communication plan has expired or ceased, we will ensure that all communication plan restrictions are lifted.

Where a communication plan is in place for longer than 12 months, a manager will review the communication plan. As part of the review information will be checked, updated or noted as removed if it is no longer correct.

6. Reconsideration of a communication plan

A person can ask for a communication plan to be reconsidered in any of the following circumstances:

- where there is a change in circumstances which mean the communication plan is no longer appropriate
- where there is evidence the communication plan impacts the person's ability to access our service, except where there are threats to staff safety
- a factual error was made by our service when making the decision to apply the communication plan

A senior colleague, of manager level or above, will consider the reconsideration request and decide if any changes will be made to the communication plan. The outcome of this will be communicated to the person within 15 working days of their reconsideration request.

7. Monitoring and measures

We maintain records on all cases where a communication plan has been determined and ensure that the appropriate reviews have been undertaken in a timely and effective manner.

The Senior Management Team (SMT) considers a summary of communication plan quarterly. This will be produced by the Business Insight Team and presented to SMT by the Director of Homes and Communities.

The Executive Director of Operations and Executive Director of People are made aware of all matters where immediate safety to employees is threatened and advised of actions taken to manage these risks. In their absence, the Directors of Homes and Communities, Assets and Maintenance, Facilities and HR are made aware.

The Executive Leadership Team and Board are appraised regularly of serious risks to staff safety.

8. Linked policies

- Complaints and Concerns Policy
- Housing Management Policy
- Data Protection Policy
- Lone Working Policy
- Health and Safety Policy

9. Relevant legislation

- Renting Homes (Wales) Act 2016
- Public Services Ombudsman (Wales) 2019 Act (Complaints Standard Authority)
- Housing Act (Wales) 2014
- Regulatory Framework for Housing Associations in Wales
- Health and Safety at Work Act 1974
- Equality Act 2010

10. Data Protection Statement

The Group operates a Data Protection Policy which governs how the organisation will manage the collection, retention, processing, management and disposal of individual's personal data and special category data. The Policy is designed to incorporate all the legal requirements contained in the General Data Protection Regulations (GDPR), the Data Protection Act 2018 and all guidance and best practice issued by the Information Commissioners Office.

11. Welsh Language Statement

The Group acknowledges that members of the public can express their opinions and needs better in their chosen language. Therefore, we will ensure that services are available through the medium of Welsh if requested, are of a high quality and provided in a timely manner.

12. Equity, Diversity and inclusion

Beacon Cymru has a specific Equality and Diversity Policy, which reflects not only the legal parameters of the Equality Act 2010 but also embraces the spirit of the act in recognising the value of diversity in our communities. It reinforces Beacon Cymru's commitment to eradicating prejudice, discrimination, and victimisation in all forms.

Beacon Cymru values diversity and is committed to equal opportunities. Beacon Cymru will ensure that this policy is operated fairly and will not discriminate against anyone on the grounds of age, disability, gender identity/reassignment, marital or civil partnership status, pregnancy and maternity, race, religion or belief, sex, or sexual orientation.