



BOUNDARIES OF ACCEPTABLE BEHAVIOUR

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1. PURPOSE

The aim of this policy is to provide clear guidance for staff in managing violent, threatening and abusive behaviour by clients or renters.

2. SCOPE

This policy covers violent, threatening or abusive behaviour by clients or renters (or their visitors) occurring in any situation where SPCHG is providing housing and/or support services. It specifically covers the following situations.

- Violent, threatening or abusive behaviour by client or renters directed at SPCHG staff.
- Violent, threatening or abusive behaviour by client or renters directed at other clients or renters.

It covers these types of behaviours occurring in the following locations.

- Violent, threatening or abusive behaviour by client or renters occurring at SPCHG offices and immediate surrounds.
- Violent, threatening or abusive behaviour by client or renters occurring at SPCHG organised events.
- Violent, threatening or abusive behaviour by client or renters occurring at SPCHG properties.
- Violent, threatening or abusive behavior by clients or renters occurring online or via social media.

3. PRINCIPLES

SPCHG recognises;

- The right of staff to enjoy a safe workplace environment free from violent, threatening or abusive behavior.
- The right of clients and renters to enjoy a safe service environment free from violent, threatening or abusive behavior.
- The right of renters to enjoy a safe home environment free from violent, threatening or abusive behavior.
- The responsibility of SPCHG, as a residential rental provider, to ensure all renters can enjoy a living environment that is free from violent, threatening and abusive behaviour.
- That repeated exposure to violent, threatening or abusive behaviors can result in long term health concerns for staff, clients and renters.
- That some clients and renters may express violent, threatening or abusive behavior as a result of a history of complex trauma, mental illness, and or substance use.
- The importance of communicating with clients and renters in a way that reduces any potential experience of threat and any associated threat response.
- The need to sometimes impose restrictions on the level of service provided to clients and renters who express violent, threatening or abusive behaviour in order to protect staff, clients and renters.

BOUNDARIES OF ACCEPTABLE BEHAVIOUR

- That the level of restrictions imposed in these situations should be the minimum level required to ensure an adequate level of protection.
- The need to take action under the Residential Tenancies Act 1997 (Vic) in order to protect renters, visitors and staff from violent, threatening and abusive behavior.
- The action taken under the Residential Tenancies Act 1997 (Vic) should be the minimum level required to ensure an adequate level of protection.

4. OBJECTIVES

1. To protect staff, clients and renters from the short- and long-term impacts of violent, threatening and abusive behavior.
2. To ensure all staff have a clear and consistent understanding of the definition of violent, threatening or abusive behavior.
3. To ensure all staff have a clear and consistent understanding of the boundaries of acceptable behavior within the SPCHG workplace, properties and events.
4. To ensure there is a clear and consistent response by all SPCHG staff to behavior that falls outside these boundaries and that staff feel confident, supported and safe in communicating these boundaries, responding to unacceptable behavior and implementing consequences.

5. DEFINITIONS OF VIOLENT, THREATENING OR ABUSIVE BEHAVIOUR.

VIOLENT BEHAVIOUR.

Violent behaviour, for the purposes of this policy, refers to any behaviour that is intended to cause physical harm to another person. This may be through direct physical contact or indirect contact such as throwing any type of missile. It also, for example, includes behaviour such as spitting.

THREATENING BEHAVIOUR

Threatening behaviour, for the purpose of this policy, refers to any behaviour that is intended to frighten or intimidate the other person. It includes any threats of physical violence, including threatening gestures, and threats of physical violence at a later time.

ABUSIVE BEHAVIOUR

Abusive behaviour, for the purpose of this policy, includes any behaviour that is intended to harm another person at an emotional or psychological level. It is any behaviour that is intended to harm another person in any of the following ways.

- To make them feel frightened.
- To make them feel inferior.
- To make them feel ashamed.
- To make them feel embarrassed.
- To make them feel excluded.
- To make them feel unsafe.

Abusive behaviour can be intended to harm another person psychologically on the basis of their race, culture, gender, sexual orientation, age, physical characteristics, level of education or level of ability. It includes verbal and non-verbal forms of communication. It includes loud and aggressive forms of communication. It can include any form of physical touching, including any demonstration of sexual attraction, without the explicit consent of the other person. It also includes violence directed towards physical property such as hitting walls or throwing furniture.



BOUNDARIES OF ACCEPTABLE BEHAVIOUR

6. BOUNDARIES OF ACCEPTABLE BEHAVIOUR

SPCHG will not accept any behaviour by clients or renters which can reasonably be interpreted as meeting these definitions of behaviour that is violent, threatening or abusive.

7. COMMUNICATING THE BOUNDARIES OF ACCEPTABLE BEHAVIOUR

SPCHG will clearly communicate these behavioural boundaries to renters and clients. SPCHG will also clearly communicate the possible consequences of violent, threatening or abusive behaviour. SPCHG will communicate these boundaries in the following ways.

- Displaying the SPCHG Service Charter in office spaces
- Discussing these boundaries and consequences as part of all interviews conducted with people applying to become SPCHG renters or clients.
- Including these behavioral boundaries in House Rules where applicable.
- Discussing these behavioral boundaries regularly in Newsletters.

SPCHG staff will also discuss these boundaries informally with renters and clients.

8. RESPONDING TO UNACCEPTABLE BEHAVIOUR

8.1 RESPONDING TO UNACCEPTABLE BEHAVIOUR OCCURRING IN A SERVICE LOCATION OTHER THAN SPCHG MANAGED PROPERTIES.

8.1.1 SCOPE

This section provides guidance in responding to unacceptable behaviour at the following locations and situations.

- At SPCHG offices or surroundings
- In any communication with SPCHG staff via phone/text/email/social media etc.
- At SPCHG meetings and events.

In all these situations SPCHG staff will be present and will witness the behaviour. In many of these situations the unacceptable behaviour will be directed towards staff members.

8.1.2 LEGAL CONTEXT.

Occupational Health and Safety Act (Vic) 2004.

SPCHG has a legal responsibility to provide a safe and healthy workplace environment.

8.1.3 RESPONSE PROCEDURES

Step 1. ENSURING SAFETY

In a situation where a client or renter is acting in a way that is violent, threatening or abusive the first priority is always to prevent harm to staff members and other people present. In a situation where there is a significant risk of physical harm staff should immediately remove themselves, and others present, to a safe place and initiate actions in line with SPCHG policy. These include communicating with other staff and calling the police.

Step 2. DE-ESCALATION

If there is not a significant risk of physical harm staff will attempt to de-escalate the situation using techniques such as the following.



BOUNDARIES OF ACCEPTABLE BEHAVIOUR

- Speaking in a calm voice.
- Using non-aggressive body language.
- Addressing the person by name.
- Acknowledging how the person appears to be feeling.

Step 3. CLEAR COMMUNICATION TO THE CLIENT OR RENTER.

If there is not a risk of serious physical harm staff will clearly and calmly, without raising voice, communicate the following information to the person who is acting in an unacceptable way.

- The behaviour is not acceptable according to SPCHG policy.
- If the client or renter does not change their behaviour staff will take the following actions.
 - End the phone call.
 - End the conversation and ask the person to leave the office/event.
 - If the person refuses to leave then, as a last resort, call the police.

Step 4. DISCUSSION WITH MANAGER/TEAM LEADER

All staff members involved in witnessing and responding to the violent, threatening or abusive behaviour will, as soon as possible, discuss the incident with their Manager/Team Leader. The Manager/Team Leader will have responsibility for deciding whether any further action is to be taken. Including any of the following actions.

- Recording the incident in the Critical Incidents Register.
- Sending staff home.
- Recommending staff to attend group clinical supervision or individual counselling e.g. EAP.
- Offering support/debriefing to any other person who was present.
- Formal communication to the client or renter expressing unacceptable behavior.
- Recommending Service Restrictions.

Step 5. STAFF DEBRIEFING AND SUPPORT

All staff members involved in witnessing and responding to the violent, threatening and abusive behaviour will be provided with access to the following debriefing and support services.

- Regular team supervision.
- Regular team meetings.
- Access to individual counselling through the EAP.
- Access to individual and team trauma counselling in the event of a serious incident.

In addition, all staff members are expected to be aware of the potential impact of violent, threatening or abusive behaviour and to provide informal support to other members of the SPCHG team.

Step 6. TRAUMA INFORMED TRAINING

All SPCHG staff members will be provided with regular training on the potential impact of trauma on the behaviour of clients and renters and the potential impact of trauma on staff working in human services and diffusing difficult behaviours.

8.1.3 APPLYING SERVICE RESTRICTIONS

8.1.3.1 APPROVAL PROCESS

Step 1. The Manager/Team Leader makes a decision to recommend a service restriction.

Step 2. The Manager/Team Leader completes the Service Restriction Form and meets with the CEO.

BOUNDARIES OF ACCEPTABLE BEHAVIOUR

Step 3. The CEO makes a decision to accept, reject or amend the recommendation.

Step 4. The Manager/Team Leader writes to the client or renter and provides the following information.

- Details of the unacceptable behaviour.
- Why the behaviour is not acceptable.
- What Service Restrictions will be applied.
- Their right to make a Complaint under the SPCHG Complaints Policy.

8.1.3.2 TYPES OF SERVICE RESTRICTIONS

The sole purpose of any Service Restrictions is to reduce the risk of harm to staff. The level of Service Restriction will be the minimum level required to achieve staff safety. The following types of Service Restrictions can be applied.

Access to SPCHG Offices

Clients and renters can be restricted from attending SPCHG offices for a specified period. Normally this will be for a minimum period of 24 hours and a maximum period of two weeks. In this case meetings with the client or renter will be arranged at an alternative location. These meetings will be attended by at least two SPCHG staff. If the person attends the office during this period, no service will be provided and they will be asked to leave. If they refuse the police will be called.

Access to SPCHG staff by telephone or email.

Clients and renters can be restricted from communicating with staff by telephone or email for a specified period. Normally this will be for a period of 48 hours. During this time the client/renter will only be permitted to report emergency issues by phone. This includes any emergency maintenance issues. If they call staff about any other issues the staff member will explain the restriction and end the call.

Access to social media.

Clients and renters can also be blocked for specified periods from accessing various forms of SPCHG social media. e.g. the SPCHG Facebook page.

Access to SPCHG Housing

If a renter is evicted from SPCHG housing for abusive and/or violent behaviour they will not be eligible to re-apply for housing for a period of time specified by the CEO. Normally the period will be six months. In cases of serious violence this period may be extended at the discretion of the CEO.

Access to SPCHG Support Services

In extreme cases SPCHG may decide to suspend or terminate the provision of support services. Prior to the suspension, or termination, the client will be referred to other support providers and will be actively supported by SPCHG staff to access alternative services.

8.2 RESPONDING TO UNACCEPTABLE BEHAVIOUR OCCURRING AT SPCHG MANAGED PROPERTIES

8.2.1 SCOPE

This section provides guidance in responding to unacceptable behaviour at the following locations and situations.

- SPCHG residential properties managed by SPCHG as the Residential Rental Provider.

8.2.2 LEGAL CONTEXT

BOUNDARIES OF ACCEPTABLE BEHAVIOUR

Residential Tenancies Act (RTA).

These are service locations where SPCHG has the rights and responsibilities of a Residential Rental Provider under the RTA. This includes a responsibility to provide renters with “quiet enjoyment” of their rented premises. In these situations staff need to respond to unacceptable behaviour in a way that complies with the RTA. The RTA also provides staff with additional options in responding to some types of unacceptable behaviour

8.2.3. RESPONSE PROCEDURES WHEN STAFF ARE PRESENT.

Step 1. ENSURING SAFETY

In a situation where a client or renter is acting in a way that is violent, threatening or abusive the first priority is always to prevent harm to staff members and other people present. In a situation where there is a significant risk of physical harm staff should immediately remove themselves, and others present, to a safe place and initiate action in line with SPCHG policy. These include communicating with other staff and calling the police.

Step 2. DE-ESCALATION

If there is not a significant risk of physical harm staff will attempt to de-escalate the situation using techniques such as the following.

- Speaking in a calm voice.
- Using non-aggressive body language.
- Addressing the person by name.
- Acknowledging how the person appears to be feeling.

Step 3. CLEAR COMMUNICATION TO THE CLIENT OR RENTER.

If there is not a risk of serious physical harm staff will clearly communicate the following information.

- The behaviour is not acceptable under the terms of the residential rental agreement.
- If the client or renter does not change their behaviour staff will take legal action under the RTA that may lead to the person being evicted.

Step 4. DISCUSSION WITH MANAGER/TEAM LEADER

All staff members involved in witnessing and responding to the violent, threatening or abusive behaviour will, as soon as possible, discuss the incident with their Manager/Team Leader. The Manager/Team Leader will have responsibility for deciding whether any further action is to be taken. Including any of the following actions.

- Recording the incident in the Critical Incidents Register and CIMS if relevant.
- Recording the incident in Chintaro/ SHIP.
- Sending staff home.
- Suggesting staff to attend individual counselling e.g. EAP.
- Offering support/debriefing to any other person who was present.
- Formal communication to the client or renter expressing unacceptable behavior. a
- Recommending legal action under the RTA.

Step 5. STAFF DEBRIEFING AND SUPPORT

All staff members involved in witnessing and responding to the violent, threatening and abusive behaviour will be provided with access to the following debriefing and support services.

- Regular team supervision.
- Regular team meetings.

BOUNDARIES OF ACCEPTABLE BEHAVIOUR

- Access to individual counselling through the EAP.
- Access to individual and team trauma counselling in the event of a serious incident.

In addition, all staff members are expected to be aware of the potential impact of violent, threatening or abusive behaviour and to provide informal support to other members of the SPCHG team.

Step 6. TRAUMA INFORMED TRAINING

All SPCHG staff members will be provided with regular training on the potential impact of trauma on the behaviour of clients and renters and the potential impact of trauma on staff working in human services.

8.2.4 RESPONSE PROCEDURES WHEN STAFF ARE NOT PRESENT.

Step 1. REPORTING OF AN ALLEGED INCIDENT OF UNACCEPTABLE BEHAVIOUR.

In this case an alleged incident of unacceptable behaviour is reported to staff by other renters, community members or neighbours.

Step 2. INVESTIGATING THE INCIDENT.

To take action under the RTA SPCHG needs to have “reasonable grounds” for believing that an incident of unacceptable behaviour has taken place. Normally the investigation will involve speaking to all parties, including the person who is alleged to have behaved in an unacceptable manner. All communication with renters during the investigation will follow the same principles of de-escalation. Staff will seek information from all parties in an open and non-judgemental manner and will avoid jumping to conclusions, making accusations or threats. The purpose of the initial investigation will be solely to gain further information.

Step 3. DISCUSSION WITH MANAGER/TEAM LEADER.

All staff members involved in investigating the unacceptable behaviour will, as soon as possible, discuss the results of their investigation with their Manager/Team Leader. The Manager/Team Leader will have responsibility for deciding whether any further action is to be taken. Including any of the following actions.

- Recording the incident in the Critical Incidents Register or CIMS if relevant.
- Recording the incident in Chintaro/ SHIP.
- Offering support/debriefing to any person who the behaviour was directed against or who witnessed the behaviour.
- Formal communication to the client or renter expressing unacceptable behavior.
- Recommending legal action under the RTA.

8.2.5 LEGAL ACTION FOR UNACCEPTABLE BEHAVIOUR.

The following section provides a summary overview of possible actions. For details of RTA policy procedures see the SPCHG Housing Services Manual.

8.2.5.1 NUISANCE OR INTERFERENCE.

The RTA allows Residential Rental Providers to issue Breach Notices for forms of unacceptable behaviour that can also be reasonably interpreted as causing a “nuisance” or “interfering” with the “peace, comfort or privacy” of any occupier of neighbouring premises.

BOUNDARIES OF ACCEPTABLE BEHAVIOUR

60 Tenant must not cause nuisance or interference

(1) A tenant must not use the rented premises or permit their use in any manner that causes a nuisance.

(2) A tenant must not—

(a) use the rented premises or common areas; or

(b) permit his or her visitors to use the rented premises or common areas; or

(c) otherwise permit the use of the rented premises—

in any manner that causes an interference with the reasonable peace, comfort or privacy of any occupier of neighbouring premises.

If the behaviour continues after the period specified in the Breach Notice the RTA allows Residential Rental Providers to apply at VCAT for a Compliance Order. If a Compliance Order is not obeyed, and the behaviour continues, the Residential Rental Provider can issue a Notice to Vacate (NTV). After two successive Breach Notices for the same behaviour the RTA also allows a Residential Rental Provider to issue a Notice to Vacate.

8.2.5.2 DANGER.

The RTA, under S91ZJ, allows residential rental providers to issue an immediate notice to vacate if the renter or the renter's visitor by act or omission endanger the safety of:

- (a) occupiers of neighbouring premises; or
- (b) the residential rental provider or the provider's agent; or
- (c) a contractor or employee of a person referred to in paragraph (b).

The notice must be the full minimum notice period for a renter to vacate required by law, plus the time it took to get to the renter, plus one extra day, with that being the termination date. If a notice to vacate does not meet all these requirements it is not valid.

8.2.5.3 SERIOUS VIOLENCE

The RTA also allows Managers of Managed Premises to issue a Notice to Leave if the Manager has reasonable grounds to believe that;

- a renter or visitor has been responsible for a serious act of violence, or
- any person on the managed premises is in danger from a renter or visitor.

368 Manager may give person notice to leave—serious acts of violence

(1) A manager of managed premises may give a resident a notice to leave the managed premises immediately if the manager has reasonable grounds to believe that—

(a) a serious act of violence by the resident has occurred on the managed premises; or

(b) the safety of any person on the managed premises is in danger from the resident.

BOUNDARIES OF ACCEPTABLE BEHAVIOUR

(2) A manager of managed premises may give a resident's visitor a notice to leave the premises immediately if the manager has reasonable grounds to believe that—

- (a) a serious act of violence by the visitor has occurred on the managed premises; or*
- (b) the safety of any person on the managed premises is in danger from the resident's visitor.*

8.2.5.3 THREATS OR INTIMIDATION

Under the new s 91ZK of the Residential Tenancies Act 1997 (Vic), a residential rental provider may give a renter a notice to vacate if:

'...the renter or any other person occupying or jointly occupying the rented premises has seriously threatened or intimidated —

- (a) the residential rental provider or the provider's agent; or
- (b) a contractor or employee of a person referred to in paragraph (a).'

Section 91ZK(2) provides that the notice must specify a termination date that is no less than 14 days after the date on which the notice is given.

Notices to vacate for threats and intimidation are not 'immediate' notices, and 14 days must pass after the issuing of the notice before the residential rental provider can apply to the Tribunal for a possession order.

The Tribunal can only make a possession order if (s 330(1)):

- a residential rental provider was entitled to give the notice to vacate (and the notice has not been withdrawn); and
- it is reasonable and proportionate (as defined in s 330A) to make the possession order, taking into account the interests of the residential rental provider, the renter, any co-renters and any neighbours who have been affected or may be affected by the acts of the renter.

In applying the reasonable and proportionate test, the Tribunal must consider (amongst other things) whether any other order or course of action is reasonably available instead of making a possession order: s 330A(h).