

Unreasonable Complainant Behaviour Policy

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1. Introduction

- 1.1. This procedure sets out our approach to the very few complainants whose actions or behaviour is considered unacceptable whilst we are considering their complaint.
- 1.2. Occasionally, the behaviour or actions of individuals makes it very difficult for us to deal with their complaint. In a small number of cases the actions of individuals become unacceptable because they involve abuse of our people or our process.
- 1.3. When this happens, we must take action to protect the health and wellbeing of our colleagues 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.

2. Policy Aims

- 2.1. The aim of this policy is to:
 - Make it clear to all complainants, both at initial contact and throughout their dealings with us, what we can or cannot do in relation to their case. In doing so, we aim to be open and not raise hopes or expectations that cannot be met.
 - Deal fairly, honestly, consistently, and appropriately with all complainants, including those whose actions are considered unacceptable. We believe that everyone who approaches us has the right to be heard, understood, and respected and that our colleagues have the same rights.
 - Provide a service that is accessible to everyone, whilst retaining the right to restrict or change such access where complainant actions are considered unacceptable.
 - Ensure that other complainants and colleagues do not suffer any disadvantage from complainants that act in an unacceptable manner.
 - Act in accordance with the Housing Ombudsman's Complaints Handling Code and best practice.

3. Defining unacceptable actions

- 3.1. People may act out of character in times of trouble or distress. There may have been upsetting or distressing circumstances leading up to them contacting us. We do not view this behaviour as unacceptable just because someone is forceful or determined. In fact, we accept that being persistent can be a positive advantage at times. However, the actions of complainants that are angry, demanding, or excessively persistent may result in unreasonable demands on, or unacceptable behaviour towards, colleagues. It is these actions that are considered unacceptable, and we aim to manage under this guidance.

Aggressive or abusive behaviour

- 3.2. We understand that many customers are often upset and angry about the issues they have raised in their complaint. If that anger escalates into aggression towards our people, we consider that unacceptable. Any violence or abuse towards colleagues will not be tolerated.
- 3.3. Violence is not restricted to acts of aggression that may result in physical harm. It also includes behaviour or language (whether verbal or written) that may cause colleagues to feel offended, afraid, threatened or abused.
- 3.4. We will judge each situation individually and appreciate individuals who come to us may be upset. While we accept that those who contact us may feel angry, it is not acceptable to shout or swear at us.
- 3.5. We consider language is unacceptable when it:
 - Is offensive, derogatory, or patronising,
 - Is discriminatory in any way, including racist, sexist, homophobic or transphobic comments or,
 - Makes serious allegations that individuals have committed criminal, corrupt, or perverse conduct without any evidence.
- 3.6. We may decide that comments aimed not at us but at third parties are unacceptable because of the effect that listening or reading them may have on our colleagues. Examples include rudeness, offensive comments, derogatory remarks, making inflammatory statements, or raising unsubstantiated allegations about these third parties.
- 3.7. Threats against us will be taken very seriously and if we feel scared or threatened at any point during a conversation with a customer, the interaction may be ended at any time.
- 3.8. Abusive and threatening behaviour towards colleagues will be treated as anti-social behaviour and dealt with in accordance with our Anti-Social Behaviour Policy and/or Person of Interest Policy.

Unreasonable demands

- 3.9. A demand becomes unacceptable when it starts to (or when complying with the demand would) impact substantially on our workload and ability to meet timescales.

Examples of this behaviour include:

- Repeatedly demanding a response within an unreasonable timescale,
- Insisting on seeing or speaking to a particular colleague when that is not possible,
- Repeatedly changing the substance of a complaint or raising unrelated concerns.

3.10. An example of such impact would be that the demand takes up an excessive amount of colleague time and in doing so disadvantages other customers and prevents their own complaint from being dealt with quickly.

Unreasonable, unacceptable, and persistent levels of contact

3.11. Sometimes the volume and duration of contact made to us by an individual is too much and can cause problems. This can occur over a short period, for example, several calls or emails in one day or hour.

3.12. Unreasonable levels of contact may occur over the lifespan of a complaint when a customer repeatedly makes long telephone calls to us or inundates us with copies of information that has been sent already or that is irrelevant to the complaint.

3.13. We consider that the level of contact has become unacceptable when the amount of time spent talking to a customer on the telephone, or responding to, reviewing, and filing emails or written correspondence impacts on our ability to deal with that complaint, or with other customers' complaints.

Examples of unacceptable or persistent levels of contact include:

- Continuous contact while we are in the process of considering a matter,
- Repeated telephone calls over a short period, for example, a high number of calls in one day or week,
- Lengthy telephone calls repeating the same points of discussion,
- High volumes of information provided by email or post referencing the same issues,
- Unnecessarily or excessively copying us into emails to other parties.

Harassment

3.14. We have the right to carry out our duties free from harassment or threats of harassment. We ask all customers to respect that we are delivering services and communication decisions on behalf of believe housing and this may not reflect our own views or preferences.

Examples of behaviours we consider to be harassment against our colleagues include:

- Recording telephone discussions and publishing the information online on social media,
- Contacting colleagues using their personal details or social media presence such as Facebook, Twitter or LinkedIn.
- Publishing personal, sensitive, or private information about colleagues online or other public domains such as noticeboards or newsletters.

Unacceptable or excessive demands

3.15. A demand becomes unacceptable when it starts to (or when complying with the demand would) impact substantially on the work of this service.

Examples of this behaviour include:

- Repeatedly demanding a response within a timescale outside of service level agreements,
- Insisting on, or refusing to, speak to a particular colleague, when that is not possible,
- Repeatedly changing the substance of a complaint or raising unrelated concerns,
- Making repeated and unnecessary contact while we are dealing with a complaint or carrying out an investigation,
- Refusing to accept a decision where reasonable explanations for the decision have been provided and any appeals processes exhausted.

3.16. An example of such impact would be that the demand takes up an excessive amount of staff time and in doing so disadvantages other customers and prevents their own complaint from being dealt with quickly.

Refusal to cooperate

3.17. When we are looking at a complaint, we will need to ask the individual who has complained to work with us.

This can include:

- Agreeing the complaint we will look at,
- Providing us with further information, evidence or comments on request without delay or
- Helping us by summarising their concerns.

3.18. Sometimes, an individual repeatedly refuses to co-operate, or continually changes the focus of the original complaint to prolong the engagement and this makes it difficult for us to proceed. We will always seek to assist someone if they have a specific, genuine difficulty complying with a request. However, it is unacceptable to make a complaint to us and then not respond to clear and appropriate requests from us.

4. Reasonable adjustments

4.1. In accordance with the Equality Act 2010 we recognise that some complainants may have disabilities, such as challenging mental health or learning disabilities, that can make it difficult for them to express themselves or communicate clearly, particularly if they are anxious or upset. Likewise, we realise that some disabilities can make it difficult for complainants to assess the impact their behaviour may have on others.

4.2. We will always consider making reasonable adjustments for a disabled or vulnerable customer if asked to do so. This may include using different methods of communication and giving clear warnings as soon as the behaviour becomes unacceptable so that the complainant can change it. However, it is not reasonable for colleagues to be subjected to aggressive, offensive, or abusive actions, language, or behaviour. We may still use the policy

if there are actions or behaviours which are having a negative effect on our staff or our work even where a reasonable adjustment has been made.

5. Actions we may take

5.1. When we experience unacceptable behaviour or demands, we may consider taking more formal action. The actions we will consider can include the following:

- Warning the customer about their behaviour and requesting that the customer modifies their behaviour in future contact with us.
- Only taking telephone calls from the complainant at set times on set days or put an arrangement in place for only one member of staff to deal with calls or correspondence from the complainant in the future.
- Requiring the person to nominate a family member, friend, or support worker to contact us on their behalf.
- Reading and filing future correspondence, but not reply or acknowledge receipt unless it relates to a new and unrelated complaint.
- Deciding not to investigate a complaint on the basis that it has been pursued in a way that is unacceptable.
- Stopping all communication with a customer, or
- Take other action that we consider appropriate.

5.2. In exceptional circumstances, we may:

- Notify relevant public authorities and/or,
- Take formal action in accordance with the tenancy agreement.

5.3. Where it is decided that formal action must be taken to manage someone's behaviour (for example, declining to investigate a complaint), we will inform them of the decision in writing. A note will be placed on our records to this effect.

6. Right to Appeal

6.1. Customers have the right to appeal the decision and they will be informed how to do this in writing.

6.2. The Assistant Director of Strategy and Insight will consider the appeal. They will advise the complainant in writing either that the restricted contact arrangements still apply or that a different course of action has been adopted.

7. Relevant policies and procedures

- Complaints, Compensation and Compliments Policy
- Anti-social behaviour policy
- Person of Interest Policy
- Safeguarding Policy
- Accident and Incident Reporting Procedure