

Unacceptable customer behaviour Policy



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Scope:	Housing Services, Customer Services, Asset Management, Finance	Approved by:	ET
Legislation:	The Equalities Act 2010 The Human Rights Act 1998	Date of approval:	30 October 2018
Regulatory/ Governance:	The Housing Ombudsman Service	Date of next review:	October 2021
Related Policies:	Complaints policy Equality policy Customer Risk Identification & risk management process ASB policy H&S at work policy Lone working policy Stress management policy		

1. Policy Statement

- 1.1 As a landlord and employer, Housing Solutions is committed to responding with a high standard of customer service to service requests by customers, but not at the cost of abuse of services provided or the mistreatment of staff. This includes service requests by any third party or advocate who has permission to act on the customer's behalf.
- 1.2 There can be occasions where individuals display behaviour or actions that make dealing with them, and providing or continuing to provide a service particularly problematic.
- 1.3 Housing Solutions recognises that such behaviour or actions can arise for a number of reasons and be attributable to various factors.
- 1.4 Notwithstanding this, Housing Services will identify where behaviour is unacceptable or unreasonable and that we have appropriate arrangements in place for managing such situations.

2. Roles and Responsibilities

- 2.1. This policy relates to all teams in Housing Solutions that respond to and provide

services to customers. Any contractors/third parties employed by Housing Solutions to provide a service are also included.

2.2. In applying this policy, the roles and responsibilities for officers, managers and the Executive team are as follows:

Officers: any concerns an officer has regarding the behaviour of a customer should be discussed with their manager at the earliest possible time and appropriate action taken (see section 6.5 below)

Managers: to take appropriate action when receiving reports from officers of potentially unacceptable behaviour or experiencing this directly.

Heads of service: to support officers and managers in implementing this policy where appropriate.

Directors: to consider any appeals against the decision to place a customer on a communications protocol.

3. Definitions

3.1. Housing Solutions recognises that customers may act out of character in times of trouble or distress. We do not view behaviour as unacceptable just because an individual is forceful or determined in their approach to us. However, the actions of customers who are angry, demanding or exceptionally persistent may result in unreasonable demands being placed on our time and resources or unacceptable behaviour being directed towards staff. It is these actions that we consider unacceptable and aim to manage under this Policy.

3.2. **Aggressive or abusive behaviour:** Housing Solutions will not tolerate any form of violence or abuse towards staff and expect all customers to display courtesy and respect.

Aggressive behaviour includes behaviour which is deemed violent and may result in physical harm. It also includes behaviour or language (written or oral) that threatens aggressive acts.

Abusive behaviour includes but is not restricted to:

Physical – This includes physical violence and harassment as well as angry physical gestures.

Verbal – This includes rudeness, derogatory remarks about staff or the organisation, inflammatory statements and unsubstantiated allegations. This also includes personal attacks on a staff member's protected characteristics as defined by the Equalities Act, their ability or character and subjective conjecture about conduct.

Intimidation / Threatening Behaviour – This is behaviour that causes staff to feel afraid and threatened. This includes persistent invasion of personal space and threatening language (written or oral). This also includes inappropriate behaviour where customers appear to be crossing professional boundaries.

3.3. Unreasonable demands: Customers may make what we consider unreasonable demands on staff, as a result of the amount of information or assistance they seek, the nature and scale of service they expect or the levels of contact they make or maintain with us. Examples of this may include but is not restricted to demanding unreasonable timescales, insisting on speaking to particular members of staff only or persistently demanding disciplinary action against members of staff. This also includes making vexatious complaints. Identifying demands as unreasonable is dependent on the circumstances surrounding the behaviour. It may also, for example, depend on the seriousness of the issues raised through a complaint. We consider these demands as unacceptable and unreasonable should they start to impact substantially on the work of staff, including taking up an excessive amount of time to the disadvantage of other service users.

3.4 Unreasonable Persistence: We recognise that some customers will not or cannot accept that we are unable to meet their demands or provide a level of service other than that provided already. Others may persist in disagreeing with a decision we have taken. This may result in the same issue being raised with us repeatedly, or persistent requests regarding the same matter.

We consider the actions of persistent complainants to be unacceptable if they start to impact substantially on the work of staff, including taking up an excessive amount of time to the disadvantage of other service users.

3.5 Vexatious behaviour: We consider vexatious behaviour to be when customers complain to cause unnecessary aggravation, frustration or inconvenience rather than to resolve a genuine issue. Their complaint may be based on fictitious events or extreme exaggerations of very minor service issues

3.6 We consider the use of social networking sites and/or abuse including any of the above types of behaviour towards our staff to be unacceptable behaviour. Housing Solutions will consider any messages posted via social media or other internet based media, including email, in the same light as any written or spoken communication.

4. Legislation

4.1 The Housing Ombudsman Service's approach to unacceptable behaviour has been used as a benchmark of best practice in this policy.

5. Aims and objectives

5.1 Aims of the policy:

- To make clear to customers what Housing Solutions considers to be unacceptable behaviour.
- To manage customers' expectations of what behaviour is deemed unacceptable by Housing Solutions
- To make every effort to ensure that our staff, contractors and agents working on behalf of the Housing Solutions are able to carry out their duties safely without disadvantage, fear of discrimination or distress caused by unacceptable behaviour

- To give a commitment to our staff and make it clear to customers that unacceptable behaviour by them will not be tolerated and will be dealt with robustly.
- To ensure that the management of such behaviour is undertaken in a fair, honest, transparent and balanced way.

5.2 Objectives of the policy

- To make it clear to the customer from the offset of unacceptable behaviour instances, what may be the consequences of continuing such behaviour.
- To provide Housing Solutions' staff support in what actions can be taken when unacceptable customer behaviour occurs.
- To manage unacceptable customer behaviour through warnings, alerts, assessment and where necessary the use of restricting contact.

6. Managing Unacceptable behaviour

- 6.1. We anticipate that customers displaying unacceptable behaviour or actions will be a relatively infrequent occurrence. Our response to such incidents will vary on a case by case basis, depending on the nature, extent and impact of the behaviour and the nature of the contractual relationship we have with the customer.
- 6.2. In all cases however, the following principles will be used to provide guidance regarding the appropriate way of handling the situation.

6.3. Aggressive or Abusive Behaviour

- 6.3.1 The threat or use of physical violence, verbal abuse or harassment towards staff is likely to result in the ending of all direct contact with the customer. Such incidents will normally be reported to the police. This will always be the case if physical violence is used or threatened.
- 6.3.2 We will however, be sympathetic in other instances where an individual is identified as being particularly vulnerable or has personal support requirements, and will seek to accommodate these. This may involve directing future contact via a third party. Where we are the support provider, appropriate action will be taken in accordance with the terms of the individual's support service agreement and tenancy or occupancy arrangements.
- 6.3.3 We will not deal with correspondence (letter, fax or electronic) that is abusive to staff or contains allegations that lack substantive evidence. When this happens we will advise the complainant that we consider their language offensive, unnecessary and unhelpful.
We will request that they stop using such language and state that we will not respond to their correspondence if they do not stop. We may require future contact to be through a third party.
- 6.3.4 Staff will end telephone calls if the caller is considered aggressive, abusive or offensive. The staff member taking the call has the right to make this decision, tell the caller that the behaviour is unacceptable and end the call if the behaviour does not stop.

6.3.5 In all cases where aggressive or abusive behaviour is experienced we will record relevant details on our contact management system. This will include an appropriate level of factual information about spoken words and physical actions. As far as possible the outcome of the contact should also be recorded. The Customer Risk Identification and Risk Management process will be followed in this respect.

6.3.6 For customers with a starter/assured or fixed term tenancy, the extent to which the conditions of the tenancy have been breached will be considered and appropriate enforcement action taken that could involve serving a Notice Seeking Possession/Notice Requiring Possession and/or injunctive action.

6.4 Unreasonable Persistence or Demands and vexatious behaviour

6.4.1 Where the behaviour or actions adversely affect Housing Solutions' ability to maintain normal business and provide a service to others, we will consider restricting contact in order to manage the situation. We will aim to do this in a way, wherever possible, that allows a customer to retain fair, reasonable and equal access to our services when required. We will be sympathetic in instances where an individual is identified as being particularly vulnerable or has personal support requirements. This may involve directing future contact via a third party.

6.4.2 We may restrict contact to particular methods, including in person, by telephone, fax, letter or electronically or to any combination of these. In addition, we may:

- only take telephone calls at set times on set days or put an arrangement in place for only one member of staff to deal with calls or correspondence in the future.
- require the individual to make an appointment to see a named member of staff before visiting the office or that contact with the office is in writing only.
- return any documents we consider irrelevant or excessive to the individual or, in extreme cases, advise that further irrelevant documents will be destroyed.
- take other action that we consider appropriate.

6.4.3 Where a customer continues to correspond on a wide range of issues, and this action is considered excessive, then the individual may be told that only a certain number of issues will be considered in a given period and asked to limit or focus their requests accordingly.

6.4.4 In extreme circumstances, Housing Solutions may advise the customer that only health and safety issues will be dealt with for a specific period of time to manage the unreasonable persistence or demands.

6.4.4 In all cases, we will try to maintain at least one form of contact. Housing Solutions may advise the customer or complainant in writing that they will not be permitted any personal contact with members of staff. This means that they must restrict contact with our office to either written communication or through a third party.

6.5 Warning of Behaviour

Housing Solutions will usually provide warnings to the customer when unacceptable

behaviour occurs but reserves the right to take immediate action signed off by a Director to manage unacceptable behaviour on a case by case basis.

6.5.1 Initial warning:

Officers may inform a customer in person or in writing if their behaviour is considered unacceptable in line with this policy.

Where officers have informed a customer that their behaviour is unacceptable, in writing, by phone or in person this will be considered an initial warning. This warning may be incorporated within wider correspondence including Stage 1 and 2 complaints responses.

6.5.2 Formal warning:

Where a customer exhibits unacceptable behaviour of any type, and it has persisted even after an initial warning, officers should then issue a formal written warning to advise that if this behaviour continues Housing Solutions will reassess the way communications with the customer will be managed in line with this policy. This warning may also be incorporated within wider correspondence.

6.5.3 Unacceptable behaviour assessment

Following receipt of a formal warning, if a customer continues to display unacceptable behaviour, officers must carry out an Unacceptable Behaviour Assessment. This form is to be completed by a Manager and is an internal process. It is important to note that one instance of an unacceptable type of behaviour does not automatically warrant an assessment.

When assessing unacceptable customer behaviour, the manager will:

- Consider the number of instances of unacceptable behaviour
- Review the levels of communication received (length and frequency)
- Assess the language of communication received
- Take each case on its own merit, independent of any previous cases of Unacceptable Behaviour that have been reviewed and closed for at least 12 months
- Take in to account the customer's needs and circumstances

6.5.4 Communication protocol

If an assessment results in the behaviour being defined as unacceptable, a Head of Service will authorise the initiation of a Communication Protocol. This will be used as a means to most appropriately liaise with the customer in question. The protocol will vary from case to case but will include:

- The type of communication method that will be used
- The frequency that communication and updated will take place including times of day where appropriate
- The main point of staff contact through which all communication will be managed
- Whether only certain issues or topics will be discussed via this protocol
- Whether the customer must visit the office by appointment only

It may also reiterate the kinds of behaviour that are deemed unacceptable and any serious consequences that may result if such behaviour continues

When a communication protocol is drafted officers will:

- Take in to account the customer and their circumstances and needs
- Look at what other support mechanisms, mediation or advocacy could reasonable be used appropriately
- Ensure that the communication protocol is provided in written format to the customer in question in an open and transparent way

At this stage Housing Solutions may choose to close any open formal complaints or ASB cases if the behaviour being displayed appears to be abusing these processes

6.5.5 Appeal:

If a customer wishes to appeal the decision to place them under a communication protocol, they may request one further assessment by a Director. Customers can also request that this matter be considered under HS' complaints' policy.

6.5.6 Review:

Any communication protocol will be reviewed by the relevant manager after six months and the customer will be notified in writing of the decision whether continue or end the protocol taking into account the customer's behaviour during this period.

7. Equality & Diversity

- 7.1. HS recognises the needs of a diverse population and always acts within the scope of its own Equality and Diversity Policy, the Human Rights Act 1998, and Equalities Act 2010. HS works closely with its partners to ensure it has a clear understanding of its resident community with clear regularly updated service user profiles. HS will record, analyse and monitor information on ethnicity, vulnerability and disability.

8. Confidentiality

- 8.1. Under the Data Protection Act 2018, General Data Protection Regulation (GDPR) and the Human Rights Act 1998, all personal and sensitive organisational information, however received, is treated as confidential. This includes:

- anything of a personal nature that is not a matter of public record about a resident, client, applicant, staff or board member
- sensitive organisational information.

- 8.2. HS employees will ensure that they only involve other agencies and share information where there is a legal basis for processing the information.

9. Review

- 9.1. This policy will be reviewed on a 3 yearly basis or more frequently in response to changes in legislation, regulatory guidance, good practice or changes in other relevant Housing Solutions' policy.

9.2 Our performance in relation to the delivery of the services and activities set out in this policy will be monitored on an ongoing basis through our established reporting mechanisms to our Senior Management Team, Executive Team, Board and associated committees.

10. Appendices

APPENDIX 1 Process map

