

Doing it the right way: Managing unacceptable behaviour

Policy Compliance Notes

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Related Supporting Documents	Related policy compliance notes, procedures and other supporting documents can be found HERE
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This document must be followed in order to fully comply with Home Group policies.

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1. Introduction

This document will provide you with useful information on managing unacceptable behaviour in relation to complaints and how to identify and handle unreasonable complainants.

2. Managing unacceptable behaviour

Home Group is committed to upholding our customers' right to be heard, understood and respected. We make every effort to ensure we are open and accessible to everyone.

We do not view behaviour as unacceptable because a person is assertive, determined or even upset. People may act out of character in times of trouble or distress. The circumstances leading to a complaint may result in the complainant acting in an unacceptable way.

Complainants who have a history of challenging or inappropriate behaviour, or have difficulty expressing themselves, may still have a legitimate grievance.

The reasons for complaining may contribute to the way in which they present their complaint. Regardless of this, we must treat all complaints seriously and properly assess them. However, we also recognise that the action of complainants who are angry, demanding or persistent may result in unreasonable demands on time and resources or unacceptable behaviour towards colleagues. It is the behaviour of the person that is unreasonable, not the person themselves.

Our colleagues have the right to do their jobs without fear of abuse, harassment or unreasonable demands and we will use this policy to protect their wellbeing and safety.

We ask that all customers remember that Home Group colleagues are representing the organisation and the decisions and communications they send may not reflect their own views or preferences.

The policy applies to all forms of contact including telephone, written, verbal, social media, emails and other digital channels.

Terms used and what they mean



We use the Housing Ombudsman definition of unreasonable behaviour, which aligns closely to the Scottish Public Service Ombudsman's definition of unacceptable actions including;

- Aggressive or abusive behaviour
- Unreasonable, unacceptable or excessive demands
- Unreasonable, unacceptable or persistent levels of contact
- Refusal to cooperate

Other words to describe this type of behaviour are *vexatious* and *unacceptable*.

Making reasonable adjustments

We understand that some complainants may find it difficult to express themselves or communicate clearly, especially when they are anxious or upset. We are happy to make reasonable adjustments to support effective communication. In order to do this, we will ask complainants to tell us about the adjustments they need and how this will ensure they can access this Service.

We will always consider making reasonable adjustments if we are asked to do so. Examples of adjustments we can consider are:

- consider using different methods of communication;
- provide written communication in large print, coloured text, or in translation;
- give clear warnings if conversations become unproductive and allow customers to opportunity to modify their behaviour before ending a call.

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3. How do we identify an unreasonable complaint?

It is important to remember that complainants will often be frustrated and aggrieved and it is therefore important to consider the merits of the case rather than their attitude.

We should also try to identify any support needs the complainant may have and whether or not they are receiving support with this. For example, if a complainant has mental health issues and is not making themselves clearly understood, it might be useful to ask if they receive support from a family member, supporter, or support agency, for example, a Community Psychiatric Nurse who would be able to help us identify what the problem is.

Also, even though someone has made an unreasonable complaint in the past, it does not mean the next complaint will be unreasonable. Each complaint should be considered separately.

Aggressive or abusive complaints

Violence or abuse towards Home Group staff will not be tolerated. Nor will the use of offensive language. It is not acceptable to shout or swear at Home Group colleagues. Behaviour of this nature may result in action being taken against the customer for breach of terms and conditions of their tenancy.

Unacceptable language is that which:

- 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.

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 staff. Examples include rudeness, offensive comments, derogatory remarks, making inflammatory statements, or raising unsubstantiated allegations made towards these third parties.

Unreasonable, unacceptable or excessive demands

Demands that affect Home Group's ability to provide a service to all customers will be viewed as unreasonable. Examples are;

- repeatedly demanding response within an unreasonable timescale,
- insisting on seeing or speaking to a particular member of staff, when that is not possible,
- repeatedly changing the substance of a complaint or raising unrelated concerns.
- Repeatedly raising the same complaint when a full response and explanation has been given.

Unreasonable, unacceptable or persistent levels of contact

This may occur over a short period of time or over the lifetime of a complaint. Examples 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 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 excessive copying us into emails to other parties.
- High volumes of complaints that cause confusion

Refusal to cooperate

On some occasions we may need further information or action from the complainant. Where complainants do not cooperate, we may determine that this is unreasonable behaviour. We will make every effort to assist in these circumstances.

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4. How do we deal with an unreasonable complainant?

Complainants can only be considered unreasonable with authorisation of the Head of Customer Engagement (or relevant senior manager, e.g. Director, in their absence) and as part of this process, mechanisms for future contact will be agreed.

It is important to remind unreasonable complainants that there is a Complaints, Compliments and Comments Policy and it will be properly followed.

If they continue to express dissatisfaction after exhausting the complaints handling process, they should then be reminded of the right to take their complaint to a designated person, or the Ombudsman. They can also seek independent legal advice if they believe they can get a remedy through the courts.

However, on occasion Home Group may wish to consider some complainants as unreasonable and may wish to undertake actions to prevent further instances of unreasonable complaints.

Before any behaviour can be considered unreasonable a report should be prepared by the relevant front line manager handling the complaints. This report should detail (not exhaustive, but an indication of the kinds of detail required):

- The number of complaints made
- The issues complained about
- The results of previous complaints
- Current issues being faced by the affected colleagues
- Resolution suggestions attempted previously to assist the complainant
- Proposed action to be considered by the appropriate Head of Customer Engagement
- Time period this action will be effective for

The complainant should be reminded that no further complaints will be dealt with if they relate to the previous one, which has been fully investigated internally and what further action they can take if they remain dissatisfied with the response. Time limits for making

complaints following the event must be followed as set out in the relevant complaints handling procedure.



Click [here](#) for complaints handling procedures in Scotland and England

Complainants with unreasonable behaviour will often contact many different people within Home Group to try to take advantage of the differing responses they may receive. Therefore, it is important that a specific member of staff be appointed to manage the complainant in order to ensure a consistent and firm approach.

The complainant has the right to voice their opinions, to pursue legal action, to view files (only their own – they have no right to view third party information) and Home Group's policies.

Complainants also have the right to an advocate, such as the Citizens Advice Bureau. If they do decide to use an advocate, we will fully co-operate with the advocate and keep them informed of decisions made with regards to their client. This could be managed through case conferences which would ensure that the process is done in an open and transparent way. However, we will also make it very clear to all parties concerned that Home Group has an unreasonable complaints process and that this will be followed. Colleagues must be able to stand firm in their position and ensure that the Complaints, Compliments and Comments Policy and procedures have been followed and information appropriately recorded.

It is important that all information is shared appropriately and in accordance with the Data Protection Act and Information Governance Policy and associated resources.



Colleagues must keep accurate records including information of any abusive telephone calls and texts and the action taken, so that the Head of Customer Engagement has all of the information in order to make a decision.

A number of measures can be taken but these must be proportionate and structured around each individual's behaviour. One size does not fit all. The Head of Customer Engagement will hold responsibility for a Managing Unacceptable Behaviour Agreement. This will be approved by the relevant Director and communicated to the complainant. Some of the measures that can be considered are;

- Terminating a complaint early
- Using a first and final response, as per policy
- Restricting all communication to writing
- Declining further communication on a specific issue
- Dealing with the complaint in a different way to that outlined in the Complaints, Compliments and Comments Policy or complaints handling procedures
- Tenancy action
- Acceptable Behaviour Contract

- Dedicated email inbox
- Limited timescales for response (e.g once per month)
- Block from social media
- Safeguarding and/or police involvement
- Injunction



In all cases we must also make clear to the customer that they can still request other services such as repairs while their access is restricted.

Telephone complaints

If a complainant is rude or abusive, it is perfectly acceptable to terminate the conversation. We will usually inform the complainant that the conversation will be terminated. This information should be recorded through the relevant contact management system and your line manager should be alerted. The manager may then determine that for a set period of time, Home Group will not accept telephone calls from the complainant and will only deal with them in writing.

Written complaints

If a written complaint is threatening or abusive, the complaint should be referred to the Head of Customer Engagement for consideration. The Head of Customer Engagement may inform the complainant that Home Group will not consider complaints that are threatening or abusive in tone and that the matter will be given no further consideration. All this action should be recorded on the appropriate contact management system for future reference.

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5. Safeguarding colleagues

Home Group operates a zero tolerance policy to any form of harassment or abuse towards colleagues.

Where a colleague has suffered any form of harassment, abuse or stalking. It is the responsibility of Home Group to take steps to ensure that the colleague is appropriately supported.

On the rare occasion that a colleague suffers unwanted attention, the following steps should be taken by management:

1. In the first instance colleagues should report this behaviour to their immediate line manager or another manager if they are not available so that they can act. Colleagues should be supported to trust their instincts about their own safety. A preliminary discussion should be held between management and the colleague. Depending on the nature of the incident, it may be sufficient for the manager to

have a discussion with the person, making it clear that the behaviour is unacceptable and the consequences of further incidents

2. The manager should risk assess the situation, with consideration of removing the customer from Home Group services or to a different service or colleague. The safety of colleagues should always take priority when carrying out this assessment. In accommodation based services, the Tenure Policy, Support Practice Policy and associated policy compliance documents and should be followed in relation to eviction and interim measures should be put in place to keep the colleague away from the customer concerned during that process. It is important that the colleague is supported and is in no way disadvantaged. You should also discuss the situation with Legal Services.
3. If the colleague is being stalked or harassed and the incident is sufficiently serious (or if there are further incidents following initial discussion), then the colleague should be advised or their right to contact the police to formally report the issue. Colleagues should be supported throughout
4. Managers should make the colleague aware of the support available to them and set out a clear support approach. This includes offering regular Brilliant Conversations and sharing information about the Employee Assistance Programme where counselling can be provided. In some cases it may be appropriate for the manager to make a management referral to Occupational Health to ensure that any colleague welfare issues are addressed. Colleagues should also be made aware of our No Home For Hate charter and commitment to challenging and eliminating discrimination in our neighbourhoods and services.



Click [here](#) for information about the Employee Assistance Programme
Click [here](#) for information about No Home For Hate

6. Version Control

Version Number	Effective Date	Amendment made by (job title)	Version approved by (job title)	Description of Changes
1.0	2013			Original approved version
1.1	17.6.2016	, Policy Business Partner	Director of Customer Service	Guidance reformatted and put into new Policy in practice template. New policy standards added to reflect Complaints, Compliments and Comments Policy.

1.2	02.02.2018	Policy Business Partner		Updated for new format and removed reference to 'clients'.
1.3	1.3.2020	Policy Business Partner		Updated formatting. Updated policy references to ending tenure and support practice
2.0	14/1/22	Head of Customer Engagement	Director of Housing and Support	Aligned with Housing ombudsman guidance. Complaints involving unacceptable behaviour to be dealt with by Head of Customer Engagement instead of relevant Director. Improved language and customer focus – unacceptable behaviour, not person Linked to 'No Home for Hate' and related resources Removed colleague names in line with GDPR

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