



# Unreasonable Behaviour Policy

Approved by: Customer Experience Committee

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## 1. INTRODUCTION

- 1.1 The majority of our customers are respectful and it is only a minority that behave in a way that could be considered unreasonable. Behaviour becomes unreasonable when it involves the abuse of our colleagues, a disregard for our procedures and when it takes up a disproportionate amount of our time, preventing us from dealing with the issue in question and providing a service to others. This policy sets out what we consider is unreasonable behaviour, aims to protect our employees and maintain effective communication while ensuring all customers retain the right to raise concerns and have them investigated fairly, in line with the Housing Ombudsman's Complaints Handling Code.
- 1.2 This policy has links to some of our other documents, and we've thought about these when developing the policy.
- 1.3 This policy should be read in conjunction with the:
  - a) Complaints Policy
  - b) Vulnerable Customer Policy
  - c) Reasonable Adjustments Policy
  - d) Antisocial Behaviour Policy
  - e) Accident Reporting and Investigation Procedure
  - f) Customer Warning Alert Procedure
- 1.4 This policy also outlines the support available to employees who experience unreasonable behaviour in the course of their work.

## 2. SCOPE

- 2.1 This policy applies to RHP .
- 2.2 This policy applies to any communication received from our customers, users of properties owned but not serviced by us, and any individual or group affected by the services that we provide.
- 2.3 This policy aims to ensure that we:
  - ▶ are clear about behaviour that we consider to be unreasonable
  - ▶ take appropriate and proportionate steps to manage such behaviour
  - ▶ apply restrictions fairly and consistently
  - ▶ respect our customers' right to be heard, regardless of any restrictions.

## 3. EXAMPLES OF UNREASONABLE BEHAVIOUR

- 3.1 Although not an exhaustive list, we have split what we consider to be unreasonable behaviour into the following broad categories:

### AGGRESSIVE OR ABUSIVE BEHAVIOUR

- 3.2 This includes physical aggression as well as language that is:
  - ▶ intended to insult, degrade or intimidate

- ▶ intended to bully, victimise or harass
- ▶ threatening or verbally abusive
- ▶ making serious unfounded allegations
- ▶ motivated by prejudice on the basis of ethnicity, religion, sexual orientation, or similar grounds.

## **UNREASONABLE DEMANDS**

3.3 This includes:

- ▶ repeatedly demanding a response within an unreasonable timescale
- ▶ insisting on dealing with a particular colleague or refusing to deal with another
- ▶ repeatedly changing the substance of a complaint or raising unrelated concerns
- ▶ repeatedly referencing and re-raising old complaints that have already been considered
- ▶ requesting large volumes of information without a good reason.

## **UNREASONABLE LEVELS OF CONTACT**

3.4 This includes:

- a) A volume of letters or emails that is disproportionate to the issue being raised, including repeated correspondence that does not introduce new information or continues after a response has been provided.
- b) A pattern of telephone contact that is unreasonably frequent or prolonged, including repeated calls within short timeframes or calls that continue beyond what is reasonably required to address the matter.
- c) Providing unnecessary levels of information.
- d) Repeatedly raising the same complaint or issue through different channels when we have made clear our response. The customer will have the right to pursue a complaint through our complaints process.
- e) Unreasonable persistence and refusing to accept a decision.

## **REFUSAL TO CO-OPERATE**

3.5 Examples include where a customer refuses to:

- ▶ provide further details, information or evidence
- ▶ summarise or clarify the concerns they have raised within set timeframes
- ▶ provide access to allow inspections or work to be completed that will resolve a complaint or service request.

## **SOCIAL MEDIA**

3.6 We may also consider it unreasonable if a customer abuses social media in any way stated above and also if they:

- ▶ contact employees using their personal details or personal social media accounts
- ▶ publish personal, sensitive, or private information about employees online.

## 4. OUR RESPONSE

- 4.1 In making a fair judgement we will consider:
- a) that customers are entitled to raise legitimate queries or concerns about any aspect of our service.
  - b) whether the behaviour is reasonable in proportion to any loss or wrongdoing experienced.
  - c) the circumstances of the customer, i.e., any known health issues or language difficulties making it difficult for them to request a service.
  - d) that customers can act out of character due to upsetting circumstances prior to them contacting us.
- 4.2 We recognise that someone who is upset, angry or emotional is not (necessarily) behaving unreasonably. We will also remember that customers exhibiting unreasonable behaviour may be raising a valid point.
- 4.3 In deciding the appropriate course of action to take, we will try to remain impartial and objective to ensure that the fair decision is reached. We understand that it is always useful to get a second opinion, particularly from someone who has had no direct involvement in the case.
- 4.4 We will always be mindful of context, and any restrictions that we decide to put in place must be appropriate for that person, recognising our responsibilities under the Equality Act 2010. For example, we would not restrict a customer's contact to writing if we are aware they have a disability which prevents them from communicating in this manner.

## 5. CONFIDENTIALITY AND DATA PROTECTION

- 5.1 We are committed to protecting the privacy and confidentiality of all individuals in accordance with the Data Protection Act 2018 and the UK General Data Protection Regulation (UK GDPR).
- 5.2 When managing incidents of unreasonable behaviour, we will ensure that any personal data collected, stored, accessed, or disclosed is handled lawfully, fairly, and transparently. This includes:
- a) **Collection:** Only information that is relevant and necessary for managing the behaviour or related complaint will be collected.
  - b) **Storage:** Personal data will be securely stored in accordance with the organisation's data protection and information security policies.
  - c) **Access:** Access to personal information will be limited to authorised personnel who require it for legitimate purposes.
  - d) **Provision and Disclosure:** Personal information will not be shared or disclosed to third parties unless there is a lawful basis for doing so, such as compliance with a legal obligation, safeguarding concerns, or with the individual's explicit consent.
  - e) **Retention:** Personal data will be retained only for as long as necessary to fulfil the purpose for which it was collected, after which it will be securely deleted or anonymised.
- 5.3 We will ensure that all handling of personal data within the scope of this policy complies

fully with the principles and obligations set out in the **Data Protection Act 2018**.

## 6. INFORMAL ACTIONS

- 6.1 Where appropriate, we will first seek to agree informal communication arrangements with a customer, as this may be less resource-intensive than applying formal restrictions. This may include agreeing specific call times, setting limits on call length, agreeing a set frequency for correspondence (for example, weekly or fortnightly), and limiting the number of issues raised. We may also consider mediation, involving an advocate or representative, or engaging members of a resident group.
- 6.2 It will not always be possible to reach an informal agreement, or we may not consider it appropriate to attempt this in some circumstances. If no informal agreement can be reached, we will warn the customer before putting any formal restrictions in place. The warning (which could be in writing, in person or by phone) will include clear examples of where we consider the customer's behaviour to be unreasonable. We will ask them to modify their behaviour and explain that we will consider taking formal action under this policy if they do not. We may also provide a copy of (or link to) this policy for their reference.

## 7. FORMAL RESTRICTIONS

- 7.1 If the behaviour persists, we will consider putting formal restrictions in place which can include:
- a) appointing a single point of contact (this could be a person or an email address or webform)
  - b) limiting contact to a specific form, such as email, web contact form, telephone, or letter
  - c) communicating only via an advocate or representative
  - d) restricting access and responses to certain times
  - e) restricting access to our offices
  - f) limiting the number of issues that can be raised and responded to
  - g) drawing a line under closed complaints that we have already considered
  - h) only responding on the provision of new information or evidence
  - i) only responding on receipt of any clarification or summary requested.
- 7.2 Any decision to apply formal restrictions will be made by the Director of Operations, Executive Director of Operations or another member of the Executive Group.
- 7.3 In exceptional circumstances, we may consider stopping all direct contact with a customer, taking legal action or notifying the Police.
- 7.4 A customer will be informed of any formal restrictions in writing, including the length of time they are to be in place, the reasons for the decision and the right of appeal. A note will also be placed on the customer's records to reflect this.
- 7.5 Unreasonable communication can also fall under our Complaints Policy if considered to be a breach of a customer's tenancy. In such cases, action may be taken simultaneously under both policies.

## **8. APPEAL AND REVIEW**

- 8.1 Customers will have the opportunity to appeal any decision to restrict their contact within ten working days. They will be informed of how to appeal in writing and will be notified of any appeal outcomes in writing.
- 8.2 No restrictions should be in place indefinitely and will be for a set period (e.g., two, four or six months – depending on the severity of the behaviour). The situation will be reviewed after the set period. If the behaviour has improved, consideration will be given to removing any restrictions. If the behaviour continues, the restrictions will remain in place for another set period pending further review.
- 8.3 We will keep robust records to demonstrate the behaviours being experienced and the steps taken to try and address them before any formal action was taken.
- 8.4 Customers can contact the Housing Ombudsman Service at any time for advice regarding the application of this policy.

## **9. EQUALITY, DIVERSITY AND INCLUSION**

- 9.1 We are committed to making our services and processes accessible and easy to use for all our customers in line with our statutory duties. If a customer needs support in putting their complaint in writing, they can tell us. All requests from customers to accommodate their needs will be considered and acted on where possible in accordance with our Reasonable Adjustments policy and the Equality Act 2010.
- 9.2 Customers can request a reasonable adjustment from us through the officer they are engaging with, or by contacting our Customer Hub. Examples of the support we can provide include supplying information in alternative formats, adapting our communication method, and allowing more time for a communication to be brought to our attention.

## **10. RESPONSIBILITIES**

- 10.1 The Director of Operations, Executive Director of Operations or another member of the Executive Group have authority to apply formal restrictions based on a customer's behaviour.
- 10.2 The Head of Housing Services has responsibility for ensuring this policy is up to date, relevant and being delivered.
- 10.3 The Executive Director of Operations has overall responsibility for the policy.

## **11. SUPPORTING OUR EMPLOYEES**

- 11.1 We are committed to providing a safe, respectful, and supportive working environment for all our employees. While we understand that some customer contact may be challenging due to difficult circumstances, we will not tolerate behaviour that is abusive, threatening, or otherwise unreasonable towards our employees.
- 11.2 All employees who are subject to unreasonable behaviour will be supported by their manager. The People Team are also available to provide appropriate support. This may include, but is not limited to:
  - a) Supportive conversations following an incident
  - b) Breaks if needed after a difficult interaction
  - c) Access to Simply Health for confidential counselling or wellbeing support

- d) Risk assessments and adjustments where repeated or escalated behaviour is involved
  - e) Flagging and warnings in CRM systems to alert other colleagues of risks.
- 11.3 Managers have a responsibility to:
- a) Regularly check in with their teams where unreasonable behaviour is being experienced
  - b) Ensure appropriate reporting is completed
  - c) Liaise with senior managers and the People Team where behaviour is escalating or causing ongoing difficulties.
- 11.4 All employees are encouraged to speak up if they feel impacted by customer behaviour.