

Unreasonable
Behaviour
Policy



Introduction

This Policy sets out Warrington Housing Association’s (WHA) approach to the very few service users whose actions we consider unacceptable. The term service user includes anyone who contacts our offices in connection with service delivery, complaints and disputes.

This policy is intended to provide clear and accessible information to tenants and support and guidance for staff in these situations.

Policy Statement

This policy enables WHA to deal fairly, honestly, consistently and appropriately with all service users, including those whose actions are considered unacceptable.

WHA believes that anyone who expresses dissatisfaction or raises a complaint has the right to be heard, understood and respected.

WHA recognises people may act out of character in times of trouble or distress. There may have been upsetting or distressing circumstances leading up to a complaint. We do not view behaviour as unacceptable just because someone is forceful or determined. In fact, we accept that being persistent can be a positive advantage when pursuing a complaint.

However, it also recognises that in a minority of instances, the actions of service users who are unacceptably angry, demanding or excessively persistent may result in unreasonable demands on or unacceptable behaviour towards WHA, its staff and partner organisations. It is in these circumstances WHA will take appropriate action.

Implementation

The following criteria details the actions or behaviour that WHA considers unacceptable and aims to manage under this policy.

Aggressive or Abusive Behaviour

Violence is not restricted to acts of aggression that may result in physical harm. It also includes behaviour or language (whether oral or written) that may cause staff to feel afraid, threatened, or abused.

Examples of behaviours grouped under this heading include threats, physical violence, personal verbal abuse, derogatory remarks, and rudeness. We also consider

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that inflammatory statements and unsubstantiated allegations can be abusive behaviour.

We expect our staff to be treated courteously and with respect. Violence or abuse towards staff is unacceptable. WHA staff understand the difference between anger and aggression. The anger felt by many service users, for example, involves the subject matter of their complaint. However, it is not acceptable when anger escalates into aggression directed towards WHA staff or our partner agencies.

Unreasonable Demands

Service users may make what we consider unreasonable demands on WHA through the amount of information they seek, the nature and scale of service they expect or the number of approaches they make. What amounts to unreasonable demands will always depend on the circumstances surrounding the behaviour and the seriousness of the issues raised by the complainant. Examples of actions grouped under this heading include:

- demanding responses within an unreasonable timescale,
- insisting on seeing or speaking to a particular member of staff
- continual phone calls, emails, or letters
- repeatedly changing the substance of the complaint or raising unrelated concerns.

We consider these demands as unacceptable and unreasonable if they start to critically impact on our work, such as taking up an excessive or disproportionate amount of staff time to the disadvantage of other customers or functions.

Unreasonable Persistence

We recognise that some service users will not or cannot accept that WHA is unable to assist them further or provide a level of service other than that provided already. Service users may persist in disagreeing with the action or decision taken in relation to their case or contact WHA persistently about the same issue. Examples of actions grouped under this heading:

- include persistent refusal to accept a decision made in relation to a complaint,
- persistent refusal to accept explanations relating to what this office can or cannot do and;
- continuing to pursue a case without presenting any new information.

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The way in which these complainants approach WHA may be entirely reasonable, but it is their persistent behaviour in continuing to do so that is not.

We consider the actions of such service users to be unacceptable when they take up what the Housing Ombudsman regards as being a disproportionate amount of time and resources.

Persistent Complaints

Complaints may be made that are considered to be unreasonable and without substance. Where a complaint is determined to be unreasonable in nature the service user will be informed in writing that WHA is unable to take any action. Officers who deem a complaint to be unreasonable will need to present a case to the Head of Customer Service before a complaint can be excluded on the grounds of it being unreasonable.

Managing Unacceptable Actions by Service Users

There are very few occasions where we would consider actions unacceptable. How we aim to manage these actions depends on their nature and extent. If it adversely affects our ability to do our work and provide a service to others, for example we may need to restrict a person's contact with us in order to effectively manage the unacceptable action. However, we will aim to do this in a way, wherever possible, that still allows a complaint to progress through our complaint processes. We may restrict contact in person, by telephone, fax, letter or electronically or by any combination of these. We will try to maintain at least one form of contact. In extreme situations, we will tell the service user in writing that their name is on a '**no personal contact**' list. This means that they must restrict contact with WHA to either written communication or through a third party.

The threat or use of physical violence, verbal abuse, or harassment towards staff or partner agencies is likely to result in the ending of all direct contact with the perpetrator. Incidents may be reported to the Police or potentially tenancy enforcement action taken in accordance with their tenancy agreement.

We do not deal with correspondence or other forms of communication which is abusive to staff or contains allegations of an unsubstantiated nature. When this happens we will tell the sender that we consider their language offensive, unnecessary, and unhelpful. Whenever possible we will ask them to stop using such language and state that we will not respond to them if they do not stop. We may

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require future contact to be through a third party, and if they do not agree we will no longer deal with them. We may ask them to provide further information illustrating the validity of the complaint.

WHA 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, inform the caller that their behaviour is unacceptable, and end the call if the behaviour does not stop.

When someone repeatedly telephones, visits any of our offices without appointment, sends irrelevant or duplicate documents, or raises the same issues already considered, we may decide to:

- Only take telephone calls from the service user 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 service user in the future.
- Require the service user to make an appointment to see a named member of staff before visiting the office, or that the service user only contacts the office in writing.
- Take other action that we consider appropriate. We will, however, always say what action we are taking and why unless in emergency circumstances.

When a service user continues to correspond on a wide range of issues, and this action is considered excessive, then we will tell them that only a certain number of issues will be considered in a given period and ask them to limit or focus their requests accordingly.

The service user's action may be considered unreasonably persistent if all internal review mechanisms have been exhausted and the complainant continues to dispute the decision made, be it the determination of a complaint or the manner in which the case was handled. We will tell the service user that no future communications concerning the case will be accepted. If the service user insists on contacting us about the same issue, their communication will be read and filed, but only acknowledged or responded to if it provides significant new information relating to the case.

Deciding to restrict complainant contact

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WHA staff or our partner agencies, who directly experience aggressive or abusive behaviour from a service user whose complaint is still being investigated, have the authority to deal immediately with that behaviour in a manner they consider appropriate to the situation and in line with this guidance.

With the exception of such immediate decisions taken at the time of an incident, decisions to restrict contact with WHA are only taken after careful consideration of the situation between the appropriate Head of Service and a Director the action to be taken. Wherever possible, WHA will give a service user the opportunity to modify their behaviour or action before this decision is taken. Service users will be told in writing why a decision has been made to restrict future contact, the restricted contact arrangements and, if relevant, the length of time that these restrictions will be in place.

A service user can appeal a decision to restrict contact. A senior member of staff not involved in the original decision will consider the appeal. They will advise the service user in writing either that the restricted contact arrangements still apply or that a different course of action has been adopted.

The Head of Service will record all incidents of unacceptable actions by complainants where it is decided to restrict complainant contact.

A decision to review service user contact may be reconsidered if the complainant demonstrates more acceptable behaviour.

If the behaviour of a service user continues to be unacceptable the Head of Service may recommend to the Director that WHA should no longer deal with the service user even if the case has not yet exhausted the full complaint process.

Exceptions

When unreasonable and unreasonably persistent service users make complaints about new or legitimate issues, these should be treated on their merits and decisions will be taken on whether the restrictions should be lifted as necessary.

Special efforts should be made to ensure that the application of this guidance takes into account that WHA equalities and diversity policy is fully adhered too and that any restriction bears no impact on a service users protected characteristics within the Equality Act, to ensure restricting contact does not constitute a discriminatory act.

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Appeals against the application of restrictions of contact will normally be acted on at a level above that of the officer making the original decision and taken in consultation with a Service Director.

This would mean that appeals will be reviewed by the relevant Director or their representative.

Responsibility

It is the responsibility of the Director of Operations to ensure that:

- i) All relevant staff are aware of this policy
- ii) Service Users are made aware of the policy and it is published on the company's website

It is the responsibility of the Head of Customer Services to ensure the application, monitoring and review of the policy is implemented. This includes monitoring records are logged into our housing management system.

It is the responsibility of all staff to ensure that the policy is applied.

Diversity and Inclusion

WHA will not discriminate against anyone on grounds of their race, colour, ethnic or national origins, religion, sexual orientation, disability, gender, gender reassignment, if pregnant or age.

We will take into account the needs of vulnerable households and households with children both within this policy and in its application. Households may be vulnerable for a variety of reasons including age, disability or illness. Taking into account the needs of vulnerable people and people with children may involve providing tenancies with a reasonable degree of stability, taking into account their needs when considering any changes to the tenancy and (upon the death of the tenant) giving consideration to their needs when deciding whether further tenancy rights should be granted.

Reasonable Adjustments

We understand that some customers may find it difficult for them to express themselves or communicate clearly, especially when they are anxious or upset. In

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order to do this, we ask that our customers explain what adjustments they're looking for and how this will ensure they can access our service.

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

- We could consider using different methods of communication.
- Providing written communication in large print, coloured text, or in translation.
- Giving clear warnings if conversations become unproductive and allowing customers to opportunity to modify their behaviour before ending a call.

However, we do not expect our staff to accept being subjected to aggressive, offensive, threatening 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.

Monitoring & Review

We carry out effective monitoring of the services we provide in an effort to develop and improve the services we offer. The data we collect will be used to ensure regulatory compliance, to measure our performance against our strategic objectives and to report to our Board as and when required.

The policy will be reviewed every two years by the Head of Customer Service or earlier if legislative/regulatory or service requirements change.

The Director of Operations, in conjunction with the Head of Customer Services, will review all cases every 6 months to remove any conditions imposed where appropriate.

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