



## **POLICY: MANAGEMENT OF UNREASONABLE BEHAVIOUR AND UNREASONABLY PERSISTENT APPLICANTS/ RESIDENTS**

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Copies of this Policy may be made available in alternative formats on request.

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## **POLICY: MANAGEMENT OF UNREASONABLE BEHAVIOUR AND UNREASONABLY PERSISTENT APPLICANTS/RESIDENTS**

All reference to 'we', 'our' or 'us' in this Policy should be read as meaning Sandbourne Housing Association.

### **1. Purpose and aim of Policy**

- 1.1 A small proportion of applicants/residents/visitors (referred to as 'individuals') who access our services display what we would deem to be unreasonable behaviour or are unreasonably persistent with their enquiries or complaints. The difficulty in dealing with such individuals can place a significant strain on time and resources and can cause undue stress to our employees who may need support in difficult situations.
- 1.2 Employees should be able to respond with patience and empathy to the needs of all individuals, but there may be times when nothing further can reasonably be done by us to assist them or to rectify a real or perceived problem.
- 1.3 When dealing with unreasonably persistent individuals, employees must ensure that our complaints procedure has been correctly implemented and that no element of a complaint is overlooked or inadequately addressed. It should be borne in mind that the issues raised may contain some genuine substance.
- 1.4 Where an individual is taking up large amounts of our time, it may be necessary to restrict their demands in using the complaints procedure without impeding their ability to raise an issue or our ability to achieve a resolution.
- 1.5 Straight-forward enquiries/complaints can be resolved quickly but poor handling at an early stage may encourage some complaints to persist. Early recognition of this type of behaviour is crucial so that the appropriate action may be taken to contain the extent of the disruption.

### **2. Characteristics of unreasonable behaviour**

- 2.1 The following list is not exhaustive and is intended to help employees and individuals recognise this type of behaviour.
  - 2.1.1 Where an individual persists in pursuing a complaint when any stage of the complaint's procedure has been exhausted and chooses not to go to the next stage or refer the complaint to the Ombudsman.

- 2.1.2 Where the substance of a complaint is being continually changed and new issues are raised by an individual that prolong contact.
- 2.1.3 Where an individual raises the same issue with us and/or other organisations or individuals and does this with a number of separate issues at the same time, i.e., “the scattergun” approach.
- 2.1.4 Where an individual repeatedly contacts us within a short space of time requesting immediate action for matters which do not require it.
- 2.1.5 Where an individual does not clearly identify the issues which they wish to be investigated, despite help from us or others to do so.
- 2.1.6 Where an individual focuses on a matter to an extent which, in our opinion, is out of proportion to its significance.
- 2.1.7 Where an individual makes further allegations constituting minor variations on the original complaint after the complaint has been dealt with.
- 2.1.8 Where complaints are not supported by any actual evidence that is acceptable to us.
- 2.1.9 Where an individual has threatened or used physical violence towards our employees, contractors or agents or has harassed or been verbally aggressive normally on more than one occasion.
- 2.1.10 Where an individual has had an excessive number of contacts with us regarding their enquiry/complaint, i.e. multiple contacts per day/week, which have had a negative effect on our ability to deal with the enquiry/complaint.
- 2.1.11 Where an individual makes unnecessarily excessive demands or expectations on us (including our response times to issues raised) and fails to accept that these demands may be unreasonable.
- 2.1.12 Where an individual is known to have recorded meetings or conversations without the prior knowledge or consent of the other parties involved.
- 2.1.13 Where enquiries/complaints are aimed at disrupting our work, or harassing individuals.
- 2.1.14 Where an individual refuses to accept that issues are not within the remit of our Complaints Policy, control, or responsibility.
- 2.1.15 Where an individual writes in, emails. or uses social media in a threatening or abusive way or uses inappropriate language, images etc.

### **3. Dealing with unreasonable behaviour and unreasonably persistent residents**

- 3.1 Where an employee believes that an individual is exhibiting any of the characteristics set out above and is making it difficult for us to deal effectively with his/her enquiries or complaints, the employee should bring the matter to the attention of his/her line manager who will bring it to the Chief Executive, unless this is directed at the Chief Executive in which case they should bring the matter to the attention of the Chair of the Board.
- 3.2 The Chief Executive or Chair will normally offer to arrange a meeting with the complainant and/or a representative of their choice will usually be invited to attend. Other employees and/or individuals may be invited to attend, at the Chief Executive's or Chair's discretion, if they have had contact with the complainant. The absence of a meeting will not preclude action being taken.
- 3.3 The meeting will consider the nature of the enquiries and/or complaints and behaviour of the complainant. The most appropriate course of action from the options set out in Appendix 'A' attached will normally be considered. *(This list is not meant to be exhaustive and can be amended as appropriate).*
- 3.4 The meeting will draw up a plan to manage future communication with the complainant. This may include only dealing through an advocate for matters we don't consider to be urgent.
- 3.5 The Chief Executive will normally write to the complainant to advise of the outcome of the meeting. The complainant will be informed of any changes to arrangements on how they may access our services in future. He/she will also be advised on how long these arrangements will apply for and will be provided with a copy of this document.
- 3.6 The complainant will be given the opportunity to make written representations to the Board if he/she is unhappy with the arrangements that have been made. A Review Panel will be set up by the Chair of the Board to consider the complaint's response. The complainant will be formally notified in writing of the outcome of this review.
- 3.7 The Chief Executive will carry out a review every six months (or sooner if deemed appropriate) on each individual case where complainants have been managed through this procedure. A decision will be made either to expand, amend or close avenues of contact.
- 3.8 Where the Chief Executive believes that the special arrangements agreed should be changed, a final decision will be taken in conjunction with those involved in managing the case. Employees may ask for this to be reviewed at any time although care should be taken to avoid frequent changes which may confuse employees and the individual concerned.

- 3.9 Notes of all reviews will be kept and the complainant will be advised of the outcome in writing.
- 3.10 All employees involved must be efficient in meeting our service standards for complaints and correspondence to avoid adding to the stock of grievances.
- 3.11 If it is considered that the complainant may or does have recognised special needs, the use of an advocate or representative of their choice will be considered if it is believed that this might be helpful to both parties. Other complainants would also be given this consideration.
- 3.12 We may publish information to assist with the implementation of this Policy, e.g., leaflet on 'Acting Reasonably'.

#### **4. Monitoring and review**

- 4.1 The Chief Executive will monitor the situation normally every six months (or sooner if deemed appropriate) in order to ascertain how successful our response has been. It will then be possible to identify strategies that are not working, or which have unforeseen consequences, and modify or replace them.
- 4.2 Active monitoring will help to ensure that systems are working without waiting until something goes wrong.

#### **5. Equality impact assessment/Protected characteristics (as at 7 August 2022 or later amendments/additions)**

- 5.1 Neutral.

#### **6. Consultation arrangements**

- 6.1 We will consult all residents on significant changes to this Policy and their views will be taken into account by the Board before adopting it. Our staff will also be consulted on significant changes to this Policy and any reasonable suggestions will be taken into account before the Policy is approved by the Board.

## **MANAGEMENT OF UNREASONABLE BEHAVIOUR AND UNREASONABLY PERSISTENT RESIDENTS**

### **1. Unreasonable expectations**

- 1.1 Remind complainant of our service standards, as set out below, for answering correspondence and emails and returning telephone calls.

### **2. Excessive contact**

- 2.1 Where a resident makes comments on the service without actually raising a complaint, it may be appropriate to write back thanking the resident for their comments on the service. We appreciate it when residents take time to provide feedback and, wherever possible, we will use this feedback to inform service reviews.
- 2.2 Decline contact with the resident either in person, by phone, by letter, by email or any combination, provided that a minimum of one form of access to our services is maintained.
- 2.3 Place time limits on telephone conversations and personal contacts and advise the resident accordingly.
- 2.4 Restrict the number of telephone calls that will be taken.
- 2.5 Name an employee as the nominated person with whom the resident should liaise. Set firm boundaries around contact and availability for that person and explain when they will and will not be available.
- 2.6 Where phone access is withdrawn, a script should be agreed for employees answering calls from the resident concerned.
- 2.7 Remind the resident of our service standards, (to acknowledge complaint within five working days and provide a full response within ten working days) for answering correspondence and emails.

### **3. Unacceptable behaviour/language**

- 3.1 Where call recording facilities exist, advise the resident that the call is being recorded.
- 3.2 Contact the resident in writing, setting out examples of their behaviour and explaining why it is not acceptable.
- 3.3 The letter could also set out a code of behaviour/contact arrangements for the parties involved.

- 3.4 Seek agreement from the resident that they will comply with the arrangements.
- 3.5 Inform the resident in writing that in extreme circumstances we reserve the right to refer unacceptable behaviour/language to our solicitors to consider legal action.

#### **4. Re-raising issues already addressed**

- 4.1 If the resident continues to raise issues that have already been addressed, they should be notified that we have already responded fully to the points raised and that there is nothing further to add. Therefore, continuing contact on the matter would serve no useful purpose and the resident will be advised that further correspondence on the matter will be acknowledged but not answered.
- 4.2 Where a complaint has been investigated at all stages of the complaints process and the resident continues to re-raise the same matter, he/she should be advised of their right to refer the complaint to the Housing Ombudsman