



**City of London Corporation**  
**Department of Community & Children's Services**  
**Housing Service**

**Unreasonable Behaviour Policy**

<b>Approved by:</b>	<b><i>Housing Management &amp; Almshouses Sub-Committee</i></b>
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## **1. Introduction**

This Policy sets out our approach to dealing with people whose actions or behaviour we consider unacceptable or unreasonable.

We are committed to responding to all complaints, enquiries and service requests in a professional and timely manner. Occasionally, a person may display unacceptable behaviour towards our staff, or may place unreasonable demands on our resources by being unreasonably persistent or repetitive in their contact with us. In those cases, we may invoke this policy, or take other action, to protect our staff from unacceptable behaviour and effectively manage our resources.

This policy explains what we mean by unacceptable and unreasonable behaviour and what we will do when it happens.

## **2. Policy Aims**

This policy aims to:

- define the situations in which someone's behaviour may be considered unacceptable or unreasonable
- identify sanctions or other measures that may be employed when such behaviour occurs
- to ensure a consistent approach which is appropriate and proportionate to every situation
- enable our staff to feel confident and supported when deciding on the appropriate course of action
- to ensure that all customers, regardless of their behaviour, are treated with respect and dignity and have the right to be heard

## **3. Statement on Staff Wellbeing**

It is essential that our staff are safe and feel safe. Our staff have the right to carry out their duties without fear of being abused or harassed. We have a duty as an employer to take reasonable steps to protect the health and wellbeing of our staff.

We will invoke this policy where necessary to ensure that staff safety and wellbeing is protected, while meeting our obligations towards residents.

## **4. Scope of this policy**

This policy applies to anyone who is in contact with the Housing Division about any matter, including those contacting us on someone else's behalf. It covers all methods of contact including telephone, face-to-face, letters, e-mails, social media and other digital channels.

Behaviour directed at our staff, agents or contractors is included in the scope of this policy.

## **5. Why we have an unacceptable behaviour policy**

We believe that our residents and service users have a right to be heard, understood and respected. We encourage people to contact us if they are dissatisfied with a service we provide, a decision we have made, or if they want information from us. We understand that this will sometimes involve us having contact with people who are distressed, angry or frustrated and that people may act out of character when they are upset.

Occasionally, someone's behaviour makes it very difficult for us to deal with their complaint or service request. In some cases, the behaviour may be unacceptable because it includes abuse of our staff, or our processes. We will use this policy to manage such behaviour, ensure staff wellbeing and manage our resources effectively.

## **6. Defining unacceptable or unreasonable behaviour**

We do not view behaviour as unacceptable just because an individual is assertive or determined in their approach to us. Raising legitimate queries, or criticisms of our services, will not in itself lead to a complaint or request being regarded as unreasonable.

While we accept that those who contact us may feel angry or frustrated, it is not acceptable to abuse, harass or threaten our staff. We will judge each situation individually and we will have due regard to the known personal circumstances of the individual concerned when invoking this policy.

Additionally, we may decide that comments aimed at third parties are unacceptable because of the effect that listening to or reading them may have on our staff.

### ***i. Aggressive and threatening behaviour***

Any violence, threats of violence, or abuse towards staff will not be tolerated. Aggressive or abusive behaviour includes:

- physical assault
- threats of violence
- personal abuse
- shouting, raised voices
- aggressive or threatening gestures

### ***ii. Unacceptable language***

The following language is regarded as unacceptable:

- threatening, intimidatory, abusive or offensive
- derogatory, insulting or belittling
- discriminatory or hateful in any way, including racist, sexist or homophobic comments

- inappropriate sexual comments

### ***iii. Unfounded allegations***

This includes making unfounded or unevidenced allegations that staff or contractors have committed criminal, corrupt, discriminatory, negligent or immoral acts.

### ***iv. Harassment***

Examples of behaviours we consider to be harassment against our staff include:

- contacting staff using their personal details or social media presence
- publishing personal, sensitive or private information about staff online or in other public domains
- making unfounded or unevidenced accusations against staff (please see above section on aggressive or abusive behaviour)
- filming, photographing or recording staff without their consent while they carry out their duties.

## **7. Unreasonable or excessive contact**

We aim to provide a prompt and effective response to complaints and enquiries. Staff will do their best to respond sympathetically to complaints and to resolve enquiries and service requests with professionalism and fairness.

We are sometimes presented with challenging situations and experience unreasonable or excessive contact from residents, service users or third parties.

In some cases, the conduct may cause anxiety, distress or nuisance to staff due to the manner in which the complaint or enquiry is being conducted by an individual. It may also have an unacceptable impact on our resources, particularly staff time.

- i. **Unreasonable demands** – this can include demanding responses within an unreasonable timescale; insisting on dealing (or not dealing) with a specific member of staff; repeatedly changing the substance of a complaint; raising unrelated concerns; requesting old complaints be revisited; refusing to accept a decision and requesting large volumes of information without good reason.
- ii. **Unreasonable levels of contact** – this can include excessive correspondence (or volume of correspondence) or telephone calls; copying in several members of staff or other agencies; repeatedly raising the same complaint
- iii. **Unreasonable refusal to co-operate** – this can include refusing to provide further details, evidence, clarity or a summary of the concerns raised, or not co-operating with normal procedures.

## **8. How we will manage unreasonable behaviour**

### **i. Informal resolution**

We will attempt to resolve issues informally and provide a warning before taking any formal action, however where the behaviour is serious, for example if it involves threatening or assaulting staff, we may proceed directly to formal action.

The purpose of informal resolution is to allow the individual time to consider and adjust their behaviour.

During interactions with residents, service users and third parties, staff are entitled to address unacceptable behaviour in an informal manner if it is appropriate to do so. This may include giving warnings about future behaviour or requesting that the person ceases certain behaviour. This may be communicated verbally or in writing.

We will also consider mediation or advocacy through third parties to try to improve the situation, where appropriate.

### **ii. Formal resolution**

When we experience unacceptable behaviour or unreasonable demands, we may take more formal action.

#### *Unacceptable Behaviour*

Where the conduct includes anything in **section 6 (i – iv)** above, we will consider:

- Warning the individual in writing about their behaviour and requesting they modify their behaviour in future contact with us
- Restricting contact to a specific method (e.g., e-mail)
- Requiring any personal contact to take place in the presence of an appropriate witness and/or at a suitable location
- Taking legal action to enforce a tenancy or lease, or using other legal powers such as injunctions
- Banning an individual from attending our premises
- Refusing to make home visits or making these only by staff attending in pairs, or with a police presence
- In serious cases, notifying the police

If the behaviour involves the misuse of social media, we may also consider:

- Hiding or deleting posts
- Blocking access or deleting user accounts
- Reporting posts to the social media platform

This is not an exhaustive list and we may use a combination of the above as appropriate.

#### *Unreasonable or excessive contact*

Where the conduct involves anything in **section 7 (i – iii)** above, we will consider:

- Appointing a single point of contact for the individual, which may be a named individual or an e-mail/correspondence address
- Extending our normal customer service standard for responses to enquiries
- Only accepting contact through specified means, or through a representative
- Limiting contacts to a specified number per week or month
- Offering a restricted time slot for necessary telephone calls
- Deciding not to investigate a complaint, or substantively respond to a request, on the basis that it has been pursued in a way that is unacceptable, has been resolved, or the relevant process has been exhausted
- Declining to further consider an issue unless additional information or evidence is provided within a specified time
- Stopping all communication with the individual for a specified period (there will normally be exceptions such as genuine emergencies or reporting repairs)

This is not an exhaustive list and we may implement other measures appropriate to the individual case. A combination of the above measures may be put in place.

### **9. Explaining our decision**

Where it is decided that formal action must be taken, we will inform the individual of the decision in writing. In serious cases, for instance if we seek an injunction, this action may be taken without prior notice but will be followed up in writing. We will explain:

- why the decision has been taken
- what it means for their contact with us
- how long any limits will last
- the review process
- available appeal rights

### **10. Proportionality**

When it is decided that restrictions are appropriate, we will consider which of the above options best fits the circumstances. The restrictions applied will be proportionate to the circumstances of the case, considering the nature, extent and impact of the conduct. We will also have due regard to any support needs or equalities considerations.

## **11. Duration of restrictions and review arrangements**

Any restrictions on contact will be limited to a reasonable period depending on the circumstances and will not exceed 12 months in the first instance. The individual will be informed of the duration of restrictions and the review date in the explanatory letter.

The matter will be reconsidered as the review period approaches. The review may result in restrictions being removed, modified in some way, or extended in their current form. A time limit will be set as before and will not exceed 12 months.

We will notify the individual of the outcome of the review in writing. The review will be carried out by an officer of appropriate seniority.

A review may be carried out at our discretion before the specified review date.

## **12. Levels of authority**

Officers who directly experience aggressive, abusive, or unacceptable behaviour from an individual have the authority to deal immediately with that behaviour in a manner they consider appropriate to the situation. Otherwise, it may be addressed by another officer following the incident (e.g., a more senior staff member).

Apart from the above, decisions to restrict contact due to unreasonable or excessive communication, and any reviews of restrictions, will be taken by an officer of Assistant Director level or above.

## **13. Appeals against restrictions**

An individual who has restrictions placed on their contact with us is entitled to appeal the decision. The appeal must be made in writing within 20 working days of the decision being notified to them. Appeals will be considered by an officer at Assistant Director or Director level and will consist of a review of relevant documents only. The appeal will be concluded within 20 working days and the outcome provided in writing.

## **14. Safeguarding and support**

Where there is cause for concern about a person's welfare, we will work with relevant third parties and support services to ensure they are given appropriate assistance. We may suggest independent mediation to attempt to better understand someone's needs or the nature of their complaint. We may also suggest the use of an advocate or support worker to assist someone in communicating with us.

## **15. Equalities**

In applying this policy, we will have due regard to our Public Sector Equality Duty and the provisions of the Equality Act 2010. We will consider an individual's support needs and any relevant protected characteristics as part of any decision made under this policy.

We understand that some of our residents or service users may have disabilities or communication needs which may make it harder for them to express themselves or communicate clearly, especially when they are anxious or upset. We also recognise that some disabilities can make it difficult for individuals to assess the impact that their behaviour might have on other people.

Even if a customer has a disability, we may still use the policy if there are actions or behaviours which are having a negative effect on our staff or our work. Any action will be reasonable, proportionate and have due regard to the individual's needs.

## **16. Interaction with other policies**

In some situations, other policies may also apply to the behaviour in question. If the behaviour is serious enough, it may constitute antisocial behaviour, a hate incident or a criminal offence.

In those circumstances, we may invoke our Antisocial Behaviour Policy, and/or inform the police, as well as relying on the provisions of this policy. This may include taking tenancy/lease enforcement action or seeking an injunction.

The Antisocial Behaviour, Crime and Policing Act 2014 gives us powers to seek injunctions for housing-related antisocial behaviour, including antisocial conduct towards our staff.

## **17. Record keeping**

Records will be retained of the details of any action taken under this policy. The Housing Division will keep a record of:

- The nature of any restrictions imposed or sanctions taken
- When the restrictions came into effect and when they will be reviewed
- Correspondence to the individual informing them of the restrictions or sanctions, and relating to reviews carried out
- Which other departments were informed

Where a person has been identified as being violent or potentially violent, we will activate a warning marker on the relevant records management system. This will contain limited information and will comply with data protection regulations.

## **18. Data Protection and Information Exchange**

We will comply with our obligations under relevant data protection legislation and regulations. We will process and store personal information securely. There are some circumstances in which we are required by law to disclose information given to us. Where possible, we will explain this duty to the person providing us with the information before disclosing it.



## **19. Complaints**

Complaints relating to the use of this policy will be investigated under the housing complaints process if they relate to the correctness of the process followed by officers. We are unable to consider complaints which are essentially a disagreement about the content or existence of a particular policy.

Requests to appeal or review a decision to place restrictions on contact will not be treated as complaints.

## **20. Training**

Our staff will be made aware of the content of this policy and the procedure to be followed in reporting and dealing with unacceptable or unreasonable behaviour. We will also provide training to staff on lone working, managing their personal safety and handling challenging situations at work.

## **21. Exceptions**

We may make an exception to the approach outlined in this policy if the circumstances require it and it is reasonable to do so.

## **22. Monitoring**

We will monitor the use of this policy and keep records of formal action taken under it.

## **23. Associated Policies**

- Antisocial Behaviour Policy
- Complaints Policy
- Corporate Health, Safety and Wellbeing Policy
- Corporate Lone Working and Preventing Violence Policy
- Hate Incidents Policy
- Safeguarding Policy

## **24. Relevant Guidance**

- Housing Ombudsman Service – Complaints Handling Code
- Local Government and Social Care Ombudsman – Guidance on Managing Unreasonable Complainant Behaviour