

# **Unacceptable Behaviour and Unreasonable Demands Policy & Procedure**

## **Policy Statement**

### **Purpose**

The purpose of this policy and procedure is:

- to ensure that Orwell's colleagues, customers, and visitors have an expectation of being treated politely, fairly, honestly, respectfully and with understanding;
- to define the behaviours that are not acceptable to Orwell;
- to ensure that the ability of colleagues to complete their work is not hindered adversely by individuals who behave in an unreasonable manner;
- to ensure our colleagues have a safe working environment and are not exposed to unnecessary stress;
- to empower colleagues to deal confidently with unacceptable behaviour and unreasonable demands.

### **Legal Obligations**

Orwell and its employees have a legal obligation to follow the Health and Safety at Work Act 1974 & the Equality Act 2010.

### **Orwell's Commitment**

We are committed to providing customers with excellent standards of service and to dealing with them politely, fairly, honestly, respectfully and with understanding.

We believe that all people interacting with us including customers, visitors and contractors have the right to do so in safety and without fear of being physically or verbally harmed, injured, intimidated, or abused.

We recognise that most customers who contact Orwell Housing act in a polite and courteous manner. Unfortunately, however, there are occasions times when this is not the case. This policy and procedure is intended to address how we manage the very few individuals whose actions and behaviour are unacceptable or unreasonable.

When customers contact Orwell, we will listen to them and give them the opportunity to explain their query. Customers will be treated with courtesy and respect.

We expect Orwell colleagues to be treated with the same courtesy and respect with which we treat our customers.

We recognise that unacceptable behaviour from customers may have a significant impact on our colleagues' mental health and wellbeing and are committed to supporting this wellbeing via our Wellbeing Strategy, wellbeing champions, mental health first aiders and our employee assistance programme.

Orwell accepts that at times customers may feel angry or frustrated but we have a zero tolerance towards aggression being directed towards our colleagues.

The procedure follows this Policy Statement.

## **Procedure**

This Procedure provides guidance on the action to take should you feel you have a customer that has displayed unreasonable behaviour or demands.

The following descriptions are designed to help colleagues identify what is considered unreasonable behaviour.

### **Unreasonable behaviour**

The following types of behaviour are viewed as unreasonable (this list is not exhaustive):

- Foul or offensive language;
- Use of obscenities;
- Threats;
- Verbal abuse;
- Physical violence or abuse;
- Racist, homophobic, sexist, or other prejudicial language;
- Derogatory or rude remarks;
- Inflammatory behaviour including goading or inciting someone;
- Raising unsubstantiated allegations.

### **Unreasonable demands**

At times requests may be considered unreasonable due to the nature and/or scale of the service expected. Some examples may include (but are not limited to):

- Requesting responses within unreasonable timescales that do not align with our published service standards;
- Contacting Orwell repeatedly whilst we are in the process of looking into a matter or responding to a formal complaint and are within our published service standards for a response;
- Making repeated approaches about the same matter without allowing Orwell a reasonable period of time to respond;
- Refusing to accept a decision made where reason for the decision has been clearly evidenced and is in line within the relevant policy and procedure;
- Continuing to pursue complaints which have already been investigated or closed;
- Seeking to raise multiple or repeat complaints based on the same set of circumstances or facts.

### **Complaints**

In terms of complaints, unreasonable behaviour may be identified as vexatious which would be dealt with in the same way. The following chart below outlines what Orwell considers to be reasonable when a complaint is lodged, and what we consider to be vexatious:

<b>Reasonable Complaint</b>	<b>Vexatious Complaint</b>
The complaint relates to a legitimate role of the organisation.	The complaint concerns matters which are beyond the remit of the organisation.
The complaint has a reasonable chance of success.	The matter is impossible to determine or is beyond the control of the organisation.
It is designed to improve the service for the complainant or others in the future.	It is pursued to harass or annoy, or to seek retribution, revenge, or financial compensation.
It is designed to improve the service for the complainant or others in the future.	The matter is frivolous, trivial, or extravagant and has no merit. The cost of investigation is disproportionate, diverting resources away from others.
The complaint has a sound factual basis.	There is no underlying justification in fact.
Compiles all the evidence at the start and sticks with the matter until it is resolved.	Changes the basis of the complaint as the investigation proceeds.
Sets out the complaint in a concise and logical fashion.	Evidence is irrelevant, incoherent, incomprehensible, and scandalous.
Reasonable communication.	Almost everything others say is misconstrued.
The manner in which the complaint is pursued is amicable.	The complainant's behaviour is unacceptable - threatening, deceitful, abusive, or offensive.
The complainant appreciates the efforts of staff who are trying to address the issue.	Makes unjustified complaints about staff who have helped with the initial complaint and asks for them to be replaced or punished.
Raised at the earliest moment.	Raised at the last possible moment, allowing the situation to escalate before it is addressed.
Seeks fair compensation.	Aims for an unreasonably high compensation payment or another disproportionate remedy.
Allows enough time for the process.	Makes excessive demands with lengthy phone calls, emails or letters every few days, expecting an immediate response.
The complainant lets the matter drop at the appropriate stage.	Complaints are started but remain unresolved or dormant. The person refuses to accept a reasonable resolution and bombards the defendant with additional or repeat complaints that have already been determined.
The complainant pays costs and follows guidance given in previous decisions.	Rejects all advice and direction given previously and instead launches a new complaint.

### **Procedure for managing unreasonable behaviour and demands**

1. All colleagues are empowered to manage unreasonable behaviour and can refer issues of unreasonable or unacceptable behaviour to their line manager or the Customer Services Manager at any time. All notes of conversations should be recorded on our CRM system.
2. Colleagues should use the above guidance to identify if there is a concern and advise their Line Manager.
3. The Line Manager should contact to the customer to outline our concerns and to advise that we may consider further action if the behaviour continues. This should

be followed up in writing and a record of the letter and conversation must be made on our CRM system. If necessary, the DNVA process may be considered appropriate, if so this policy and procedure should be followed.

4. Further action should only be taken in exceptional cases where we may need to formally restrict incoming communications because an individual's behaviour is unreasonable or vexatious where the initial contact to try to address the issue has not had an impact.
5. Orwell has a zero-tolerance policy on violence and serious threats towards staff; such behaviour must be reported to the Police if deemed criminal. All forms of communication via any channel may be immediately suspended, the customer must then be informed of this in writing which should then be recorded.
6. In all other cases, Orwell will not restrict communication with customers unless we have previously informed them that their behaviour is unreasonable or unacceptable, and they have not modified their behaviour.
7. Orwell may decide that it is appropriate to restrict contact, this decision should be referred to a Head of Service, and written approval should be recorded. Any such restrictions will be proportionate and consider the nature, extent, and impact of a customer's behaviour on our ability to do our work.
8. Should restrictions on contact be put in place, an individual 'Communications Plan' will be devised and shared with the customer to advise them of the arrangements which have been put in place, for what reason, and for how long, this must be reviewed annually and the Manager of Customer Services must ensure that a review is diarized and the customer is written to at the review date with the outcome. If no incidents occur within the year, then the communications plan should come to end, and the customer must be advised of this in writing. If further incidents occur, then it will remain in place with the customer informed of our decision in writing.
9. A Communications Plan may include stipulations such as (but not limited to):
  - Requiring contact to be made to a named member of staff only;
  - Preventing contact to specific members of staff;
  - Restricting telephone calls to specified days and times or limiting the number of calls that can be made within a given period;
  - Terminating telephone calls if appropriate;
  - Limiting the type of communication channels available e.g., written communication only;
  - Restricting the subjects, we will communicate about;
  - Arranging for communication to be made via a third party such as a legal representative or advocacy service.
10. Records of all conversations and communications plans must be stored on our CRM system.
11. Customers have a right to request a review of their Communications Plan within 10 calendar days of it being issued to them. Such requests will be considered by a more senior member of staff than the person implementing the plan.

## **Customers with disabilities, including mental health issues**

1. If a customer has a disability or suffers with a mental health condition, before imposing restrictions on contact, we will consider whether their behaviour relates to the disability/mental health condition and, if so, whether the restriction being applied will affect them more than a person who does not have that disability or mental health issue.
2. An Equality Act, Public Sector Equality Duty and Proportionality Review will be completed to ensure that reasonable adjustments are considered within the communications plan.
3. All customers have a right to request a review of their communications plan within 10 calendar days of it being issued to them. Such requests will be considered by a more senior member of staff than the person implementing the plan.

## **Supporting Documents**

This policy & procedure draws upon, and should be read alongside, the following:

- Health and Safety Policy
- Lone Working Policy
- Code of Conduct Policy
- Equality, Diversity and Inclusion Policy
- Data Protection Policy
- Anti-Bullying and Harassment Policy
- Complaints, Compliments and Compensation Policy
- Wellbeing at Work Policy