

Unacceptable Actions and Behaviour

Cornwall Housing

Treven Kernow

Date: 10/08/2012

Version 4.1



Policy control sheet

Current document status

Status	Approved
Reference	UABP/040/DB
Last reviewed	10/08/2012
Document type	
Document location	
Area applicability	All areas

Version history

Version	Date created	Date approved	Date for review	Author/s	Approved by	Revised by
4.0	10/08/2012	02/04/2012	31/08/2012	D. Blewett	Services Subgroup	V. Brooke
4.1					Address change – P Wood	

Equality impact assessment record

Date	Type of assessment conducted	Stage/level completed	Summary of actions/decisions	Completed by	Impact assessment review date
02/04 /2012	Full	Complete	Review after 1 st quarter	V Brooke	Sep-2012

Notes

This policy was agreed with tenants through the Services Subgroup. It forms part of Cornwall Housing's wider complaints policy and procedure.

Legal influences on this policy

Equality Act 2010
Data Protection Act 1998

Non-legal influences on this policy

Housing Ombudsman Service's Unacceptable User Actions and Behaviour Guidelines

Other documents linked to this policy

Tell us What You Think Policy and customer leaflet
Complaints Compensation Policy
Our Customer Promise Policy and customer leaflet
Tenants' Handbook
Equality and Diversity Framework
Health and Safety Policies and Cautionary Contact List Guidance
Data Protection Policy

Table of contents

	Page
1. Introduction	5
2. Aims	5
3. Defining unacceptable actions by complainants	5
4. Managing unacceptable actions by complainants	6
5. Deciding to restrict complainant contact	8
6. Meeting your needs	8
7. Confidentiality and legal requirements	8
8. Monitoring and review	9

1. Introduction

This guidance sets out our approach to the very few complainants whose actions or behaviour we consider unacceptable. The term complainant includes anyone who contacts us in connection with complaints and disputes. The guidance forms part of our complaints policy and procedure.

2. Aims

- To deal fairly, honestly, consistently and appropriately with all complainants, including those whose actions we consider unacceptable. We believe that everyone who approaches us has the right to be heard, understood and respected. We also consider that our staff have the same rights.
- To provide a complaints service that is accessible to everyone who is entitled to it. However, we retain the right to restrict or change such access, where we consider complainant actions to be unacceptable.
- To ensure that other complainants and our staff do not suffer any disadvantage from complainants who act in an unacceptable manner.

3. Defining unacceptable actions by complainants

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 being made. We do not view behaviour as unacceptable just because someone is forceful or determined. We accept that being persistent can be a positive advantage when pursuing a complaint.

However, the actions of complainants who are angry, demanding, or persistent may result in unreasonable demands on, or unacceptable behaviour towards, our staff. It is these actions that we consider unacceptable and aim to manage under this guidance. We have grouped these actions under three broad headings.

- **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 that inflammatory statements and unproven allegations can be abusive behaviour.

We expect our staff to be treated courteously and with respect. Violence or abuse towards staff is unacceptable. Our staff understand the difference between anger and aggression. The anger felt by some complainants, for example, involves the subject matter

of their complaint. However, it is not acceptable when anger escalates into aggression directed towards our staff.

- **Unreasonable demands**

Complainants may make what we consider unreasonable demands through: the amount of information they want or provide; the nature and scale of service they expect; or the number of approaches they make to us. What amounts to unreasonable demands will always depend on the circumstances surrounding 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; and repeatedly changing the substance of the complaint or raising unrelated concerns.

We consider these demands as unacceptable and unreasonable if they start to adversely affect our work, such as taking up excessive amounts of staff time to the disadvantage of other complainants or services to customers.

- **Unreasonable persistence**

We recognise that some complainants will not or cannot accept that we are unable to assist them further or provide a level of service other than that provided already. Complainants may persist in disagreeing with the action or decision taken about their complaint or contact us persistently about the same issue.

Examples of actions grouped under this heading include: persistent refusal to accept a decision made about a complaint; persistent refusal to accept explanations about what we can or cannot do; and continuing to pursue a complaint without presenting any new information. The way in which these complainants approach us may be entirely reasonable, but it is their persistent behaviour in continuing to do so that is not.

We consider the actions of persistent complainants to be unacceptable when they take up what we regard as a disproportionate amount of time and resources.

4. Managing unacceptable actions by complainants

There are very few complainants whose actions we consider unacceptable. How we try to manage these actions depends on their nature and extent. If they adversely affect our ability to do our work and provide a service to tenants, we may need to restrict a person's contact with us to manage the unacceptable action. We may restrict contact in person, by telephone, fax,

letter, email, or by any combination of these. We will try to maintain at least one form of contact.

Reference will be made to our Health and safety policy regarding violence at work including the cautionary contact list guidance.

- **Managing aggressive or abusive behaviour**

The threat or use of physical violence, verbal abuse or harassment towards our staff may result in the ending of all direct contact with the perpetrator. Incidents may also be reported to the police. This will always be the case if physical violence is used or threatened.

We do not deal with correspondence or other forms of communication that are abusive to staff or contain allegations without evidence. 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 say that if they continue, we will not respond to them.

Our 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, tell the caller that the behaviour is unacceptable, and end the call if the behaviour does not stop.

- **Managing unreasonable demands**

When a complainant repeatedly telephones, visits the office without appointment, sends irrelevant documents or raises the same issues already considered, we may decide to:

- arrange for only one member of staff to deal with calls or correspondence from the complainant in the future, require the complainant to make an appointment to see a named member of staff before visiting the office or require the complainant to contact the office in writing only;
- return the documents to the complainant or, in extreme cases, advise them that further irrelevant documents will be destroyed;
- take other action that we consider appropriate. We will, however, always say what action we are taking and why.

When a complainant continues to correspond on a range of issues and this action is considered excessive, 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.

- **Managing unreasonable persistence**

Complainant 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 complaint was handled.

We will tell the complainant that no further communications about the case will be accepted. If the complainant insists in contacting us about the same issue, their communication will be read and filed. It will only be acknowledged or responded to if it provides significant new, relative information.

5. Deciding to restrict complainant contact

Staff who directly experience aggressive or abusive behaviour from a complainant can deal immediately with that behaviour in a manner they consider appropriate to the situation and in line with this guidance.

Apart from such immediate decisions taken at the time of an incident, decisions to restrict contact are only taken after careful consideration by a senior manager or director. Wherever possible, we will give a complainant the opportunity to modify their behaviour or action before this decision is taken. Complainants will be told in writing why a decision has been made to restrict future contact, the restricted contact arrangements and, if relevant, for how long the restrictions will operate. A decision to restrict contact may be reconsidered if the complainant demonstrates a more acceptable behaviour.

A complainant can appeal a decision to restrict contact. A senior manager or director who was not involved in the original decision will consider the appeal. They will advise the complainant in writing either that the restricted contact arrangements still apply or that a different course of action has been taken.

We record all incidents of unacceptable actions by complainants. Where it is decided to restrict contact, this is noted in the relevant file and on appropriate computer records.

6. Meeting your needs

We want to ensure that your needs are met. If English is not your first language and you need this policy translated, or if you require the Tell us What You Think feedback form in a different format or in a language other than English, please contact us at use the contact details on the back page.

Our Tell us What You Think Policy is available upon request or can be found at www.cornwallhousing.org.uk

7. Confidentiality and legal requirements

Confidentiality and legal requirements

Any personal data provided to Cornwall Housing will be processed in accordance with the Data Protection Act 1998. It will be held by Cornwall

Housing and used to respond to your communication and improve our services. For further information please refer our Data Protection Policy.

8. Monitoring and review

We monitor all official complaints received in accordance with our Tell us What You Think Policy, and regularly report on complaints performance. Performance reports are made available to our area tenant forums and are displayed in our office receptions. This policy will be reviewed with tenants within five years.

Alternative formats

Furvasow Erel

If you would like this information on audio CD, audio tape, Braille, large print, any other format or interpreted in a language other than English, please contact:-

Mar mynnowgh hwi kavos an kedhlow ma war son-sidi, sonsnod, yn Braille, prynt bras, furvas aral po styrys yn taves dres Sowsnek, kesteveugh mar pleg: -

Address

Cornwall Housing Ltd
Chy Trevail
Beacon Technology Park
Bodmin
Cornwall
PL31 2FR

Telephone

General enquiries: **0300 1234 161**

Text: **07941 712 712**

Email

General enquiries: info@cornwallhousing.org.uk

Repairs (Mid): sharedrepairs@cornwallhousing.org.uk

Repairs (East): housingrepairs@cornwallhousing.org.uk

Website

www.cornwallhousing.org.uk