

Reasonable Behaviour

Board/EG Approval: September 2019 **Responsible Board:** Ocean Housing Group Ltd

Next Review: September 2021 **Responsible Executive:** Managing Director of Ocean Housing Ltd

1.1 Policy Statement

1.2 We want to balance the needs of all of our customers appropriately, support customers in challenging and complaining about services legitimately and provide clarity about the support and engagement that the company will provide.

1.3 This policy aims:

1.4 To make clear to all customers, both at initial contact and throughout their dealings with our office, what Ocean Housing can or cannot do in relation to their issue. In doing so, we aim to be open and not raise hopes or expectations that we may not be able to meet.

1.5 To deal fairly, honestly, consistently and appropriately with all customers, including those whose actions we consider unreasonable. We believe that everyone who approaches us has the right to be heard, understood and respected. We also consider that Ocean Housing staff have the same rights.

1.6 To provide a service that is accessible to everyone who is entitled to it, however Ocean Housing retain the right, where it is considered that customer actions are unreasonable, to restrict or change such access.

1.7 To ensure that other customers and Ocean Housing staff do not suffer any disadvantage from people who act in an unacceptable manner.

1.8 To balance the need and resources targeted at all of our customers.

2.1 Defining unreasonable actions by customers

2.2 This policy sets out the responsibilities and obligations placed upon Ocean Housing staff to behave in a way that is both professional and polite at all times but also sets out the expectations that we place on customers to support this. This policy promotes reasonable behaviour by defining what is unreasonable and explaining how we will act when this is the case.

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

2.4 The actions of customers who are angry, demanding, or persistent may result in unreasonable demands on, or unreasonable behaviour towards Ocean Housing staff. It is these actions that we consider unacceptable and aim to manage under this guidance. The actions are grouped under three broad headings:

2.5 **Aggressive or Abusive Behaviour**

2.6 Violence is not restricted to acts of aggression that may result in physical harm. It can also include:

- behaviour or language (whether oral or written) that may cause staff to feel afraid, threatened, intimidated or abused
- threats
- personal verbal abuse
- derogatory or offensive remarks
- rudeness
- Violence towards staff or contractors
- Remarks regarding a persons protected characteristics
- Inflammatory statements and unsubstantiated allegations

2.7 We expect our staff to be treated courteously and with respect. Violence or abuse towards staff is unacceptable. Ocean Housing staff understand the difference between anger and aggression. The anger felt by many customers, for example, involves the subject matter of their dissatisfaction. It is not acceptable when anger escalates into aggression directed towards Ocean Housing staff.

2.8 Exactly what constitutes abuse, a threat of physical violence or harassment will be defined by the staff member engaged in conversation but the staff member should be prepared to explain why they felt behaviour was abusive to an independent colleague, their Line Manager or Supervisor and complete the necessary Report of Violence form.

2.9 Any abuse or aggression that relates to any of the protected characteristics of staff, as defined in the Equality Act 2010 is explicitly within the scope of this policy.

2.10 **Unreasonable Demands**

a. Customers may make what we consider unreasonable demands on Ocean Housing through the amount of information they seek or provide 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 customer, and their personal circumstances.

b. 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.
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- c. We consider these demands as unreasonable if they start to impact substantially on our work, such as taking up an excessive amount of staff time to the disadvantage of other customers or functions.

2.11 Unreasonable Persistence

- a. We recognise that some users will not or cannot accept that Ocean Housing is unable to assist them further or provide a level of service other than that provided already. Customers may persist in disagreeing with the action or decision taken in relation to their case or contact Ocean Housing persistently about the same issue.
- b. Examples of actions grouped under this heading include:
- persistent refusal to accept a decision made in relation to a situation
 - persistent refusal to accept explanations relating to what we are able or unable to do
 - continuing to pursue a case without presenting any new information
- c. The way in which these customers approach Ocean Housing may be entirely reasonable, but it is their persistent behaviour in continuing to do so that is not.
- d. We consider these actions to be unreasonable when they take up what the organisation regards as a disproportionate amount of time and resources.

3.1 Managing unreasonable actions by users

- 3.2 There are very few customers whose actions we consider 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, we may need to restrict a person's contact with our organisation in order to manage the unacceptable action. We aim to do this in a way, wherever possible, which will still allow a case to progress through our casework processes. We will also continue to address any reasonable repair requests, service requests such as allegations of Anti-Social Behaviour.
- 3.3 We may restrict contact in person, by telephone, letter or electronically or by any combination of these. We will try to maintain at least one form of contact. In extreme situations, where contact has been restricted, we will tell the customer in writing that their name is on our "risk alert" system. This means that they must restrict contact with our office to either written communication or through a third party.
- 3.4 The threat of use of physical violence, verbal abuse, or harassment towards staff employed by Ocean Housing is likely to result in the ending of direct contact with the perpetrator. Incidents may be reported to the Police. This will always be the case if physical violence is used or threatened. We may also take action in respect of a customer's tenancy.
- 3.5 We do not deal with correspondence or other forms of communication which is abusive to staff or contains allegations that lack substantive 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 state that we will not respond to them if they do not stop. We may require future contact to be through a third party, and if they do not agree we will no longer deal with them.

- 3.6 Ocean Housing 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.
- 3.7 When someone repeatedly telephones, visits the office without appointment sends irrelevant or duplicate documents, or raises the same issues already considered, we may decide to:
- only take telephone calls from the 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 complainant in the future;
 - require the person to make an appointment to see a named member of staff before visiting the office, or that the user only contacts the office in writing;
 - return the documents to the person, 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.
- 3.8 When a customer 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.
- 3.9 Customer action may be considered unreasonably persistent if all internal review mechanisms have been exhausted and the customer continues to dispute the decision we made – be it the determination of a complaint or the manner in which the case was handled. We will tell the customer that no future communications concerning the case will be accepted. If the customer insists in 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.

4.1 Deciding to restrict customer contact

- 4.2 Ocean Housing staff who directly experience aggressive or abusive behaviour from a customer when a case is still under consideration have the authority to deal immediately with that behaviour in a manner they consider appropriate to the situation and in line with this guidance. This will also be linked to the risk alert process in terms of ensuring that a flag is placed on our housing management system.
- 4.3 With the exception of such immediate decisions taken at the time of an incident, decisions to restrict contact with Ocean Housing are only taken after careful consideration by the Customer Experience Manager. Wherever possible, we will give a customer the opportunity to modify their behaviour or action before this decision is taken. Customers 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. In some circumstances, this may be accompanied by tenancy enforcement or injunction.
- 4.4 When the behaviour of a customer continues to be unacceptable, the case will be referred for legal advice, and consideration given for any possible action under the terms of the tenancy agreement.

5.1 Appeals and reconsideration

- 4.5 A customer can appeal a decision to restrict contact. A senior member of staff who was not involved in the original decision will consider the appeal within 10 working days of receipt. They will advise the customer in writing either that restricted contact arrangements still apply or that a different course of action has been adopted.
- 4.6 A decision to restrict customer contact may be reconsidered if the customer demonstrates a more acceptable behaviour. The Head of Neighbourhood Services will review the status of all customers with restricted contact arrangements as necessary but as a minimum annually.
- 4.7 If a decision has been reconsidered, the customer will be receive confirmation that the restriction has been lifted in writing and the flag will be removed from our housing management system.

6.1 Responsibilities and Monitoring

- 6.2 All members of staff have a responsibility to familiarise themselves with this policy, follow it and ensure any member of staff who reports to them does the same.
- 6.3 Ocean will review this policy annually to ensure that it remains relevant and in line with best practice.

7.1 Equality and Diversity

- 7.2 We will apply the Reasonable Behaviour Policy consistently and fairly, and will not discriminate against anyone regardless of their age, gender, transgender, disability, religion or belief, sexual orientation, race or ethnicity.