



## **Complaints: Unreasonable Behaviour Policy**

### **Background**

Under the terms of its tenancy agreements, and with access to the criminal law, WHH has powers to deal with anti social behaviour, which can ultimately lead to a resident tenant or groups of tenants losing their home ( s ). At the time of drafting this policy, the need for action for anti social behaviour is a rare occurrence within WHH. This policy is therefore solely concerned with dealing with unreasonable behaviour by complainants during the course of investigations under WHH's Complaints Policy.

### **Policy aims and objectives**

WHH is committed to ensuring that all customers will be dealt with fairly, honestly, consistently and appropriately including those whose actions are considered, on review, to be unreasonable.

People making complaints to WHH will be listened to, heard, understood and respected. It should also be noted that WHH has a duty to protect and safeguard its employees, but where necessary allegations against an employee will be investigated under the company's Code of Conduct.

Where WHH believes that a complainant is behaving unreasonably it will try to reach a voluntary (informal) arrangement with the complainant before taking formal action. This is to allow the individual time to consider and adjust their behaviour. With the complainant's consent mediation or advocacy through third parties may be considered to try and improve the situation.

If this informal approach fails, WHH will issue a warning to the customer before taking any formal steps. The warning will include examples of where the individual's behaviour has been considered unreasonable and explain what formal steps may be taken if the behaviour continues.

Through regular meetings, through newsletters, and via the company website, residents and members of the public will be made aware of this policy.

### **Complaints may come from**

Our Complaints Policy states that complaints may be received from -

1. Users of our services
2. From someone acting on the behalf of a resident who has legal or statutory authority to act on their behalf, with written evidence that that person has authority to act on the resident's behalf
3. From an organisation who we have a business relationship with
4. From any person or organisation who has a relationship with WHH

## **What is unreasonable behaviour ?**

WHH will deal with all complaints sensitively, but on some occasions the demands of the complainant may place unreasonable demands on the staff team which may impact the level of service that can be offered to others.

Some examples of unreasonable behaviour are as follows:

- unreasonable demands (eg requesting large volumes of information, asking for responses within a short space of time, refusing to speak to an individual or insisting on speaking with another)
- unreasonable persistence (refusing to accept the answer that has been provided, continuing to raise the same subject matter without providing any new evidence, continuously adding to or changing the subject matter of the complaint)
- verbal abuse, aggression, threatening behaviours, violence (this is not just limited to actual physical or verbal abuse but can include derogatory remarks, rudeness, inflammatory allegations and threats of violence)
- overload of letters, calls, emails or contact via social media (this could include the frequency of contact as well as the volume of correspondence received as well as the frequency and length of telephone calls).

This is not an exclusive list.

## **What actions will WHH take ?**

We will always seek to resolve complaints promptly aiming for an agreed and satisfactory outcome. Where we receive complaints that are seen to be unreasonable and it has not been possible to resolve matters in an amicable manner, we may use one or more of the following approaches:

- providing a single point of contact
- limiting contact to a single form - to writing, email or telephone only
- limiting contact to certain times or to a limited number of times per week or month
- declining to give any further consideration to an issue unless any additional evidence or information is provided
- only considering a certain number of issues in a specific period.

Where there is evidence of intimidating behaviour, harassment, or threats of violence towards a member of staff, WHH will report this to the police, and WHH reserves the right to take legal action ending direct contact with the customer.

## **How long should restrictions remain in force?**

Where an individual has had restrictions on their contact, they may appeal within 14 days of being notified of the decision. Restrictions will be reviewed after one month, and again, where necessary and in cases of persistent unreasonable behaviour after three months.

If the individual's behaviour has improved at the point of review, consideration can be given to lifting the restriction at the time of the review. If it has not improved, an explanation will be provided as to why the restriction will remain in force for a further period pending the next agreed review date.

### **Representation and multi-agency approach**

WHH will consider if there are other individuals that may be able to represent the customer in the handling of their complaint, maybe a person with legal authority to represent the complainant, a friend or a support worker. Where it would be helpful to do so, WHH will, with the complainant's consent, adopt a multi-agency approach to resolving the matter.

### **Equality and diversity, and reasonable adjustments**

Under the requirements of the Equalities Act 2010 WHH will show due regard for an individual's medical conditions and vulnerability such as mental health issues and learning disabilities. Accordingly, any restrictions that WHH imposes on a customer's contact will recognise and be appropriate to their individual circumstances.

### **Confidentiality**

Customers will be made aware of how information about themselves, particularly with regard to medical information, will be treated, to comply with the requirements of the Data Protection Act 2018.

### **Reporting and Monitoring**

The Board of WHH will be made aware when:

1. an action is required under this policy, and the expected outcomes
2. the review date for any cases where a restrictions on contact are in place

The Board will also receive a report at alternate meetings ( i.e., three times each year ), on any issues dealt with under this policy, outlining what learning points have arisen to help WHH further enhance its services to its customers.