

Paragon Asra Housing Limited

Unacceptable Behaviour Policy

May 2018

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Department	Housing Services
Approved by EMT	30 May 2018
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Paragon Asra Housing Limited (PA Housing) is committed to equality and diversity. This policy has considered the Equality Act 2010 and its protected characteristics which are: race, gender, gender reassignment, disability, religion or belief, sexual orientation, age, marriage, civil marriage and partnership, and pregnancy and maternity explicitly.

We will make sure that all of our communication is fully accessible and to achieve this if a policy or document needs to be available in other formats we will provide them.

AUDIT LOG

Date of Change	Who updated	Details of the change
22 August 2018	Chris Jones/EMT	Additional bullet point at 4.4 so that third parties are unable to circumvent the policy.

1 Introduction

- 1.1 Paragon Asra Housing Limited (PA Housing) is committed to dealing with complaints in a fair, comprehensive and timely manner. Usually the complaints process is straightforward, but a minority of complainants may pursue their case in a way that can hinder the process or have a significant staff resource issue for PA Housing. A balance needs to be achieved between the complainant's right to be heard and their responsibility to behave reasonably in making and pursuing their complaint.
- 1.2 The aim of this policy is to set out how we will deal with unacceptable behaviour in relation to complaints in a consistent and fair manner. It explains what we consider to be unacceptable behaviour and the action we will take when confronted by such behaviour.

2 Definitions

- 2.1 We accept that complainants can be tenacious in pursuing their complaint or that they may be upset or distressed by the circumstances leading up to the complaint.
- 2.2 We define complainants behaving in an unacceptable manner as those who, because of the frequency or nature of their contacts with PA Housing, hinder our consideration of their complaint or complaints made by other customers. This definition mostly relates to the way or frequency that the complaint is raised, or how the complainant responds when informed of our decision about the complaint.
- 2.3 Examples are given below of unacceptable behaviour. This behaviour may include one or more of these features and the list is not exhaustive:
- They have insufficient or no grounds for their complaint and appear to be making the complaint only to annoy certain staff or cause disruption to PA Housing's activities.
 - They continue to make persistent and unreasonable demands or expectations after their unreasonableness has been explained to them.
 - They harass, verbally abuse or otherwise seek to intimidate the staff dealing with their complaint, by the use of angry, aggressive, foul, offensive or racist language.
 - They make what appear to be groundless complaints about the staff member dealing with their complaint in order to undermine them by having them disciplined or replaced.
 - They send numerous, frequent and/or complex emails, letters, or telephone calls in relation to their complaint and related issues and/or insist on immediate responses.
 - They provide lengthy documentation in support of their complaint which is too time-consuming to consider in a reasonable timeframe or demand excessive amounts of information.
 - They refuse to specify the grounds of the complaint despite offers of assistance, or to co-operate with the complaints process, while still wishing the complaint to be resolved. This includes non-acceptance of dates offered for a meeting, seeking to delay the meeting or cancelling it at short notice.
 - They refuse to accept that issues are not within the remit of our Complaints policy or within the power of PA Housing to look into, change or influence.

- They insist on the complaint being dealt with in ways which are incompatible with the Complaints policy or with good practice (for example, refusing to have a written record of the complaint).
- They raise new issues whilst a complaint is being dealt with or introduce trivial or irrelevant new information and expect this to be taken into account and commented on.
- They change the substance or basis of the complaint without reasonable justification whilst the complaint is being dealt with.
- They deny statements made previously.
- They electronically record meetings and conversations without our prior consent.
- They adopt an excessively 'scattergun' approach, pursuing the complaint at the same time with various other agencies, or other staff who are not dealing with the complaint.
- They refuse to accept the outcome of the complaint process, repeatedly arguing the point and/or denying that an adequate response has been given, instead of following the dispute procedure given in the Complaints policy.
- They continue to submit the same complaint, insisting that minor differences make this a 'new' complaint.
- They persist in seeking an outcome which we have explained is unrealistic for legal, policy or other valid reasons.
- They refuse to accept documented evidence as factual.

3 Key points of policy

- 3.1 Complainants have the right to have their complaint dealt with comprehensively. The complaints process will end at a point that is appropriate to each case and the complainant will be notified as such. No material element will be overlooked or inadequately addressed.
- 3.2 A meeting will be arranged with the complainant, if this has not already taken place during the complaints process, to try to dispel any misunderstandings and move matters to a resolution.
- 3.3 The decision to restrict access will not be taken lightly and will be authorised by the Executive Director of Governance and Company Secretary, who will consider the circumstances of the complaint and be satisfied that:
- the complaint has been looked into properly
 - any decision that has been reached is the right one
 - communications with the complainant have been adequate
 - our view of the complainant has not been affected by the seriousness or nature of the complaint.
- 3.4 The Executive Director of Governance and Company Secretary is able to stop all communication about the complaint with the complainant at this point and also end the

internal complaints process if it is clear that relations have broken down completely and there is little prospect of achieving a satisfactory outcome..

- 3.5 Threats of physical violence or harassment will be reported to the Police.
- 3.6 The complainant will be informed of the mechanism to appeal against the decision to restrict access.
- 3.7 We will not normally limit contact with staff for day to day queries on tenancy matters, or repairs requests unrelated to the complaint, and the complainant will be left with a point of contact.
- 3.8 Raising legitimate queries or criticism of the complaints process, for example, if agreed timescales are not met, will not in itself lead to someone being regarded as unreasonable. Neither would a complainant who is disputing the outcome of their complaint and in contact the Housing Ombudsman.

4 Restricting access

- 4.1 We will ensure that the complaint is being, or has been, fully looked into in accordance with the Complaints policy.
- 4.2 The senior manager dealing with the complaint will first contact the complainant either by phone, in writing or by email to explain why their behaviour is causing concern, and ask them to change this behaviour. The senior manager will explain the actions we may take if the behaviour does not change.
- 4.3 If the behaviour continues, the Executive Director of Governance and Company Secretary will inform the complainant that their access is now restricted, the reasons for this, the procedures put in place and for what period. The complainant will be informed of their right to contact the Housing Ombudsman about the fact that their access has been restricted. The action taken will be recorded and notified to relevant staff.
- 4.4 Restrictions will be tailored to deal with the individual circumstances of the complainant and may include:
 - Only dealing with the complainant by telephone through a third party, e.g. solicitor, councillor or other advocate or friend acting on their behalf
 - Not corresponding with a third party if they are being used by the complainant to continue the behaviour that caused the concern, (e.g. the third party acts as a 'postbox' for the complainant's persistent and unreasonable demands, or attempts to re-open the complaint by whatever means)
 - Not responding to emails and only accepting correspondence by letter
 - Visits to the office by appointment only
 - Contact to be with one named member of staff only
 - Restricting telephone calls to specified days, times or duration or letters and emails to a certain number per week or month
 - Personal contact to take place in the presence of an appropriate witness

- No further contact or correspondence about the complaint. (But a designated member of staff will always read any correspondence).

4.5 New complaints from people with restricted access will be treated on their merits. The Executive Director of Governance and Company Secretary will decide whether the restrictions applied previously are still necessary. We do not support a 'blanket policy' of ignoring genuine service requests or complaints.

4.6 Records will be retained by the Executive Director of Governance and Company Secretary as follows and the status of the case will be reviewed every three months as necessary:

- Name and address
- When the restriction came into force and ends
- What the restrictions are
- When the complainant and staff were advised
- Review date

5 Training

5.1 This policy will be discussed during the induction of new managers dealing with complaints and there will be refresher training to raise awareness and enable managers to acquire the skills and knowledge needed to comply with this policy.

6 Equality analysis

6.1 This policy has undergone an equality analysis to make sure that it does not discriminate against anyone and that it is accessible to everyone.

7 Linked policies

Policy

Antisocial Behaviour

Compensation

Complaints

Resident Warning Alert