



Tendring
District Council

UNACCEPTABLE CUSTOMER BEHAVIOUR POLICY

May 2024

A.4 APPENDIX C



Introduction

Tendring District Council's Housing Service is committed to dealing with all customers fairly, impartially and in a timely manner.

Communicating with our housing customers is usually a straightforward process and we do not limit the contact between us and the public. Our customers have the right to express their views and ask questions about our housing services and their comments and suggestions are important in helping us shape and improve the services we deliver. We also accept that, in times of trouble or distress, people may act out of character when they approach us and we will not automatically view behaviour as unacceptable simply because someone is reasonably forceful or determined in their approach.

In a minority of cases, some customers may choose to behave in a manner towards our staff, contractors or others providing housing services on our behalf and/or place demands on our services that are unacceptable. The health, safety and wellbeing of our staff is of paramount importance and we also have a responsibility to make best use of public resources. Unacceptable or unreasonable behavior can have a negative impact on the handling of their request and a significant impact on our resources and our ability to provide services to other customers.

Purpose of this policy

This policy aims to:

- Set out our approach to managing housing customers whose behavior is unacceptable;
- Define what we consider to be unreasonable and / or unacceptable behaviour;
- Identify the steps that may be taken when dealing with unreasonably persistent communicators and unacceptable customer behaviour so that everyone knows what to expect;
- Set out what is expected of staff when confronted by such behaviour and what options may be applied to manage this; and
- Identify who can authorise the application of this policy.

Scope of policy

Housing Services definition of a customer is 'if you contact us for any reason or you are affected by anything we do, you are one of our customers'

This policy applies to behaviour towards staff, contractors and any other agencies, organisations or individuals providing housing services on our behalf.

We will take action to protect staff and other customers from behaviour that is considered to be unreasonable and / or unacceptable. If a customer behaves in a way that is considered unreasonable and / or unacceptable we will follow this policy.

Definition of unacceptable behaviour

We understand that people can act out of character in times of stress or when they are upset or unhappy with a situation or decision, particularly when this relates to their housing situation.

It is also important that, even in difficult circumstances, we try to offer the best service possible as it is likely that our housing customers will have an ongoing relationship with us.

However, there are times when customers are angry, demanding or persistent and this can result in unreasonable demands being placed on a service or unacceptable behaviour towards our staff. This policy is designed to manage these types of situations.

A customer should always be given an opportunity to rectify his or her behaviour and, in the first instance, our staff should explain that they find someone's behaviour or language unacceptable and allow the customer to remedy, moderate or change their behaviour.

We also recognise that a person's actions may be affected by disability, including mental health issues, substance misuse or other factors. All of these factors and any other relevant matters will be taken into account in the implementation of this policy.

Abusive or offensive behaviour

Staff delivering housing services have the right not to suffer abusive, offensive or threatening behaviour even when a customer is under stress.

Some examples of unacceptable behaviour might include but are not limited to:

- Abusive or offensive language; remarks of a sexual nature; racist language; homophobic or other discriminatory remarks;
- Shouting;
- Offensive gestures;
- Verbal or physical threats;
- Damage to Council property;
- Punching, kicking, head butting, spitting;
- Bullying or intimidating behaviour;
- Attempting to assault someone;
- Using, brandishing or throwing weapons or objects aiming to inflict harm;
- Stalking or other forms of harassment;
- Publishing unacceptable information on social media, websites, newspapers, etc; and
- Making defamatory / false or inflammatory claims about the Council and / or staff which Are not based on any valid evidence

Unacceptable demands on services

Some customers may make unacceptable demands on our housing services due to the amount of information they ask for, the nature and scale of service they expect and the number of approaches they make in relation to an issue(s). In some cases, this may be unintentional and what amounts to unacceptable demands will depend on the circumstances surrounding the particular issue(s) and the customer's behaviour.

Examples of unacceptable demands might include but are not limited to:

- Demanding responses within an unreasonable timescale;
- Insisting on seeing or speaking to a particular member of staff;
- Sending the same or similar request to several members of staff;
- Refusing to end a telephone call – and/or insisting on speaking to someone who is either not available or not the appropriate person (e.g. the Chief Executive); and

- Requiring responses to correspondence where the content is malicious.

We may view these and other types of contact to be unacceptable if it impacts significantly upon workloads and/or the capacity to deliver an effective service, for example, taking an excessive amount of staff time to the disadvantage of other customers.

Unacceptable persistent contact

We recognise that some of our housing customers will not or cannot accept that we are unable to help them further or provide a level of service other than that already provided. Customers may persist in disagreeing with the action or decision taken in relation to their concerns or they may contact us persistently about the same issue(s).

Examples of unacceptable persistent contact might include but are not limited to:

- Persistent refusal to accept a decision that has been made in relation to their issue or service request;
- Persistent refusal to accept explanations relating to what we can or cannot do;
- Persistent refusal to follow the proper procedures explained to them in order to pursue their issue/concern;
- Making an excessive number of telephone calls or visits to Council offices;
- Sending an excessive number of emails or letters;
- Continuing to contact us on the same issue(s) without presenting any new information; and
- Use of other names by the customer to try and access our staff to raise the same issues

It is not necessarily the manner in which these customers communicate with us, but their persistence in doing so that goes beyond them being reasonably forceful or demanding.

In certain instances, continuously contacting an individual member of staff or the Council with telephone calls, texts, emails etc. or other unacceptable persistent behaviour may be considered to be harassment.

Reasonable Adjustments

We understand that some of our customers may have disabilities that may make it difficult for them to express themselves or communicate clearly, especially when they are anxious or upset. We also recognise that some disabilities can make it difficult for customers to assess the impact that their behaviour might have on other people.

We will always consider making reasonable adjustments for a disabled customer if we are asked to do so and our Reasonable Adjustment Policy sets out how and when we will do this. For example, we could consider using different methods of communication, or agree to give clear warnings when we feel that a customer's behaviour is unacceptable so that they have the opportunity to change it.

However, we would not consider it to be reasonable to expect our staff or contractors to accept being subjected to aggressive, offensive or abusive actions, language or behaviour. Even if a customer has a disability, we may still use this policy if there are actions or behaviours which are having a negative effect on our staff or our work.

Where a customer needs to be represented by a third party (for example a family member or support worker), such provisions will be accepted with written consent from the customer. The same provisions contained within this policy relating to acceptable behaviour will also apply to the advocate.

Application of this policy

This policy may be applied when the 'business as usual' management of behaviour has not been effective and it is deemed necessary by the relevant Assistant Director or Service Manager to formally manage and/ or restrict contact or communication.

Face to face contact

All staff involved in the delivery of housing services are empowered to ask a customer to leave the Council's premises if they feel the customer is being aggressive, abusive or offensive. The person dealing with the customer has the right to make this decision. In most cases, the person dealing with the customer will advise them that their behaviour is unacceptable and ask them to leave if it does not stop. If it is necessary, this will be enforced by the Council's security company or the Police.

Telephone calls

The use of abusive and offensive language towards our staff and contractors will not be tolerated. Telephone calls will be ended if the caller is being aggressive, intimidating, abusive or offensive. The person taking the call is empowered to make this decision. The caller will be advised that their behaviour and/or language are unacceptable and that the call will be ended if it continues. The call may also be ended if the customer refuses to conclude the conversation and persists in staying on the line. There may be rare occasions when the person involved is unable to give a warning that the call will be ended if the customer's unacceptable behaviour/language continues, in which case they are empowered to end the call immediately.

Correspondence

We will not process any written correspondence (email or letter) that is abusive. If communications of this nature are received, we will tell the customer that their communication is considered to be inappropriate and offensive. The customer will be asked to stop corresponding in this way and told that, if they do not stop, we will not respond to any further communication from them. We may also consider requiring all future contact to be made through a designated third party.

Exceptions

Where a customer's behaviour is so extreme that it threatens the immediate safety and welfare of our staff, contractors or the public, we will consider other options. These may include, for example, reporting the matter to the Police or taking legal action. In such cases we may not give the customer prior warning of that action.

Restricting Customer Access

Where there is a concern about the behaviour of a customer that falls within the scope of this policy, our member of staff that has been dealing with them or any contractor acting on our behalf will, in the first instance, ask the customer either verbally or in writing to modify their behaviour.

If a customer's behaviour continues to cause concern after being given an initial warning then we may look to restrict their access to us.

In cases where it is decided that someone's behaviour is unacceptable or unreasonable in accordance with this policy, we will write to them to detail why this decision has been made. We will also explain the restricted contact arrangements (see below) required to manage the situation and tell them how long these restrictions will be in place. This will be done whether the decision was made at the time of a particular incident or following further consideration by a senior manager. In some cases it may be necessary to apply several restrictions at one time.

Where a customer's behaviour is so extreme that it poses an immediate threat to the health, safety or wellbeing of staff or other service users, the customer may not receive prior warning that access to our housing services may be restricted. We will, however, provide written confirmation of our decision to the customer, where possible.

Sometimes a customer's behaviour can cause significant alarm, distress or concern that a criminal act may have taken, or be about to take place. When such situations arise, we will consider reporting the matter to the Police or other relevant authorities. Each decision will be based on an assessment of risk. The underlying principle will be the need to protect our staff and others from harm or the threat of harm.

If we do decide to restrict a customer's access, we may decide to apply one or more of the following actions (or any other action deemed appropriate):

- Request the customer to only send communication to a dedicated Council email address and/or only use a dedicated Council telephone number;
- Place time limits on telephone calls and/or personal contacts;
- Require that any personal contact takes place in the presence of a witness (including telephone calls);
- Record all telephone calls and/or personal contacts;
- Arrange for a named member of staff to deal with all calls or correspondence from the customer;
- Require the customer to make an appointment to see a named employee before visiting Council premises;
- Limit communication to written only;
- Inform the customer that their correspondence will only be read (to ensure no new issues have been raised), acknowledged and filed;
- Closing communication with the customer on a specific issue where a complaint has been closed or unreasonable demands or persistence on a specific matter continue
- Inform the customer that all contact must be through a designated third party;
- Apply a "warning flag" on the service user's electronic record to classify them as using unacceptable behaviour;
- Block or redirect the customer's telephone number or email address; or
- Ban the customer from entering council premises for a defined period
- Use of legal remedies to tackle anti-social, threatening or abusive behaviour towards staff or Council property.

Single Point of Contact (SPOC):

The use of a Single Point of Contact (SPOC) will be instructed by a senior manager or Assistant Director. A specific point of contact is intended to help manage the impacts of a customer's behavior when all other efforts have failed.

The SPOC will be a single named contact who will take receipt of / record and monitor all further contact from the customer & / or their representative. The appropriate SPOC for each case will be agreed by a senior manager or Assistant Director.

Prior to a decision being taken to restrict contact to a SPOC, we will write to the customer with an initial 'warning letter' explaining why their conduct is causing a problem and explaining the restrictions that may be applied if that behaviour persists.

If the customer's conduct persists or in cases of overt aggression / violence or other unacceptable conduct, a 'notification letter' will be sent immediately to restrict the customer's interactions with us to a SPOC. This letter will give the name and contact details of the SPOC, give full reasons for the arrangement, the duration that the restriction's will apply and or a timescale for the arrangements to be reviewed.

Customers who are restricted to a SPOC will be given the name of a second named person who they may contact if their SPOC is unavailable.

Cases where this restriction is applied will be reviewed every 6 months.

Where the customer continues to behave in a way which is unacceptable or unreasonable, the Corporate Director or an Assistant Director may decide to refuse all contact with the customer and (where applicable and not in contravention of legal requirements) stop services.

All decisions will be taken in full consideration of the merits of the customer/s enquiries or service requests, their individual circumstances, whether the behaviour displayed is proportionate to their experience, the customer's responsiveness and cooperation alongside any jurisdictional or statutory issues that may dictate the way the relationship that they have with the local authority.

Appealing a decision to restrict access

A customer has the right to appeal against a decision to restrict contact and this will be responded to in accordance with our Housing Complaints Policy.

Equality and diversity

To ensure the Council complies with its Public Sector Equality Duty, consideration will be given as part of the restricting customer access process to the potential impact in relation to any known protected characteristic(s) pertaining to the customer, before the decision is made.

The Council will always refer to the Mental Capacity Act when applying this policy.

How we record and review a decision of Unacceptable or Unreasonable Behaviour

We will record all incidents of unacceptable / unreasonable actions which have resulted in contact being restricted. This log will be held centrally and will detail:

- Who - the name and address of the customer whose behavior is treated as unreasonable or unreasonably persistent;
- What - what the restrictions are; and
- When- the restriction came into force and when it ends (or will be reviewed).

A decision to restrict contact will be shared with other council services to ensure it is enforced consistently.

All decisions to restrict contact will be reviewed every six months by the relevant Senior Housing Manager in consultation with the Assistant Director. We will always write to the customer to let them know the outcome of a review. However, the process of restricting contact may be revisited if this then restarts a cycle of correspondence.

The decision to lift any actions taken may be appropriate where a customer subsequently demonstrates a more reasonable approach or following a successful appeal via the Complaints Policy.

If a decision is made to remove, reduce or extend any restrictions the customer will be notified in writing. If the decision is made to keep in place any actions/restrictions the customer will be provided with an explanation as to why this decision has been made and when the next review will take place.

New enquiries or service requests from customers who have been treated as displaying unacceptable or unreasonable behaviour

New queries or service requests submitted from people who have come under effect of this policy will be treated on their individual merits. The relevant service manager, in consultation with the Assistant Director will decide whether any restrictions that have been applied before are still appropriate or necessary. However, we do not have a blanket policy of ignoring genuine service requests or other enquiries.

Support services for staff

In addition to support provided by line managers to ensure the safety and welfare of the staff member, support services are available for employees within the Council via the Employee Assistance Programme. Assistance may also be available through a trade union.

Review of this policy

The policy will be reviewed every three years in consultation with tenant representatives, staff, other stakeholders, and including the Portfolio Holder responsible for Housing, unless there are any reasons, such as legislative or regulatory changes, requiring that it be reviewed earlier.