

Leathermarket JMB Unreasonable Behaviour Policy

1.0 POLICY STATEMENT

Leathermarket JMB aims to provide excellent housing services and we know that to do that we need to talk to and listen to our residents. Our staff are trained to respond to queries, questions and complaints with patience, respect and understanding. However, there will be times when a resident pursues their complaint in a way that is unreasonable. They may behave unacceptably or be unreasonably persistent in their contact or submission of information. This can impede investigation, hinder resolution, place unreasonable demands on our staff, and have significant resource implications for the organisation.

We acknowledge that sometimes we get it wrong and that this can be a source of stress or upset, and we understand that sometimes, on single occasions, individuals can act in a way that is unreasonable and requires challenge. This policy outlines the actions we will take if behaviour is significantly or persistently unreasonable. All our residents have the right to be heard, but they also have a responsibility to behave reasonably in making and pursuing a complaint.

Use of this policy in managing contact with a resident will not affect proper and fair consideration, investigation, and resolution of a complaint. We will always consider any medical conditions, impairments, or vulnerabilities that have potential to impact on an individual's engagement with us. All residents have the right to access advocacy and support to help them communicate with us or navigate our complaints process.

This policy is informed by the Local Government and Social Care Ombudsman's [Guidance on managing unreasonable complainant behaviour](#).

2.0 AIMS

We aim to:

- Deal with all complaints fairly, honestly, consistently, and appropriately
- Listen, understand and treat everybody with respect
- Set out our approach to managing unreasonable behaviour so that our staff understand what is expected of them and what options for action are available if a resident behaves unreasonably
- Be clear about what behaviour is considered unreasonable and what actions we will take if a resident behaves unreasonably

3.0 WHAT IS UNREASONABLE BEHAVIOUR?

Unreasonable behaviour is defined as that which, by its nature or frequency, prevents or hinders us from responding effectively to the individual's complaint or the complaints of others, or that causes distress to others.

This may include:

- Racist, sexist, homophobic, or other discriminatory language, or offensive, threatening, aggressive, or violent behaviour towards us.

Issue date: 12/09/23	Version number: 3.0
Review date: 12/09/26	Page: 1

- Behaviour that is designed to hinder the efficient running of the organisation.
- Behaviour that places unreasonable demands upon staff time and resources (eg requesting large volumes of information, asking for responses within an unreasonably short space of time, refusing to speak to an individual or insisting on speaking with another).
- Unreasonably persistent contact (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).
- 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 and the frequency and length of telephone calls).
- Refusal to specify the grounds of the complaint or cooperate with the complaints process. This includes non-acceptance of appointments or otherwise seeking to delay meetings or appointments.
- Raising new issues while a complaint is being dealt with or introducing trivial or irrelevant information and expecting it to be considered and commented on.
- Electronically recording meetings or conversations without the prior knowledge and consent of the other parties involved.

It is important to consider the context of an individual's behaviour when considering whether it constitutes unreasonable behaviour. Somebody who is upset, angry, or emotional is not (necessarily) behaving badly.

4.0 SAFEGUARDING

Some residents will trigger this policy because of mental health related needs. This does not mean that this policy cannot be used, but staff members should ensure that this is taken into consideration and should seek to link the resident to appropriate agencies where possible. A safeguarding referral must be made if there are safeguarding concerns.

5.0 INFORMAL ACTION

Staff members who believe that a complainant's behaviour is unreasonable should collate a chronology of events and documentation for consideration by their manager.

Where the manager agrees that the behaviour meets the definition of unreasonable behaviour, they must write to or email the complainant to explain what behaviour is causing concern and why, and ask them to change the behaviour, explaining the actions that the JMB may take if the behaviour does not change.

Exceptionally, if the behaviour is extreme, the manager may act without notice after seeking authorisation from a senior manager. Extreme behaviour includes, but is not limited to:

- Racism
- Religious hatred
- Misogyny
- Homophobia
- Transphobia
- Disability hatred
- Personal and vindictive comments about staff
- Abusive behaviour towards staff
- Excessive swearing, particularly if directed at staff

Issue date: 12/09/23	Version number: 3.0
Review date: 12/09/26	Page: 2

6.0 FORMAL ACTION – IMPOSING RESTRICTIONS

Where the behaviour persists, or is significant, the manager should forward a chronology to a senior manager for consideration of formal action.

If agreed, the manager must write to the complainant specifying the behaviour that has caused concern and why, and the action that will now be taken. This can include:

- Providing a single point of contact
- Limiting contact to a single form eg email only
- Limiting contact to certain times or a limited number of times a week or month
- Declining to give any further consideration to an issue unless additional evidence or information is provided
- Only considering a certain number of issues in a specific period
- Requiring any personal contacts to take place in the presence of a witness or at a specific location
- Advising that a designated staff member will read all future correspondence and place it on file but not acknowledge it unless it contains relevant new information
- Limiting number of issues that will be considered
- Limiting access to our premises
- Taking legal action or involving police
- Blocking access to our social media accounts

Contact in breach of the Malicious Communications Act will be referred to the police.

All restrictions on contact will be time-limited and lapse after the date specified unless there is a need to extend it. If an extension is felt necessary, an explanation will be provided as to why the restriction will remain in force for a further time-limited period.

7.0 OPERATING THE POLICY

If a decision is taken to restrict access, a manager must write to the resident, including a copy of this policy, to explain:

- Why the decision has been taken
- What action we are taking
- The duration of the action
- The date of the review
- How to appeal
- How to contact the Housing Ombudsman at any time for advice if they believe we have applied our policy unreasonably.

The decision to restrict a resident’s access to our office or staff members may only be taken by a senior staff member.

8.0 APPEAL

Any individual who has restrictions placed on their contact has the right to appeal the decision and should do so within ten working days of receipt by way of appeal to the Chief Executive or Chair.

9.0 RECORDING AND REPORTING

Issue date: 12/09/23	Version number: 3.0
Review date: 12/09/26	Page: 3

Records must be kept of all decisions to apply this policy, including all correspondence with the complainant, and retained while the restrictions are in place and for two years afterwards.

Issue date: 12/09/23	Version number: 3.0
Review date: 12/09/26	Page: 4