



Council Housing Unacceptable Behaviour Policy

December 2022

LANCASTER
CITY COUNCIL
Promoting City, Coast & Countryside

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1. Aims

- 1.1. Council Housing aims to respond to all queries and expressions of dissatisfaction, whether these are in the form of formal complaints, in order to improve our services.
- 1.2. Most residents will be seeking a resolution to something they believe has gone wrong and we will do our utmost to investigate and resolve the issue however, we have a duty to safeguard our staff and will not accept inappropriate behaviour toward them.
- 1.3. However, a small number of residents will repeatedly express dissatisfaction and this will not be to seek resolution, but with the aim of engaging staff to waste their time, to offend or to damage the organisation.
- 1.4. Council Housing aims to manage this vexatious and unacceptable behaviour so that staff are protected from unreasonable demands while carrying out their duties, so that the efficient delivery of services for our other residents is not hindered.
- 1.5. Council Housing recognises that some people may have difficulty in expressing themselves or communicating clearly, especially when anxious or upset. We also understand that some people may find it difficult to identify what impact their behaviour might have on other people. However, Council Housing is resolute that all staff have the right to carry out their duties without being subjected to aggressive, offensive, or abusive actions, language, or behaviour, regardless of the circumstances.

2. Scope

- 2.1. This policy explains what Council Housing defines as unacceptable and unreasonable behaviour so that both staff and resident can be clear what to expect.
- 2.2. This sort of behaviour can take up large amounts of staff time and may prevent us from providing services to other residents. The policy provides details of the action we may take against any resident who we consider to have demonstrated unacceptable behaviour.
- 2.3. This policy applies to everyone who interacts or communicates with Council Housing, including residents and their representatives.

3. Policy Statement

- 3.1. Council Housing is pleased to hear from its residents when services are appreciated, but we also want to know when things go wrong. We are committed to dealing with expressions of dissatisfaction fairly and impartially and to providing a quality service. As part of this service Council Housing does not normally limit the contact that resident have with its staff.
- 3.2. A minority of residents make complaints, enquiries or demands to discourage and hinder staff rather than to genuinely resolve a problem. Some residents may behave in a manner that is aggressive and or abusive towards staff or representatives of the service. This behaviour and type of contact can hinder the consideration of their issue and the ability of staff to provide a quality service to our residents.
- 3.3. How we manage these residents will depend upon the nature of the contact. If their behaviour adversely affects our ability to do our work and provide a service to others, we may need to address their unreasonable behaviour by restricting contact with our staff.

4. Our Approach

- 4.1. Council Housing is committed to providing a fair, consistent, and accessible service. We believe that everyone who contacts us has the right to be heard, understood, and respected. We believe that our staff have the same rights, and the service must provide a safe working environment for our staff.
- 4.2. Unreasonable behaviour includes two broad categories of behaviour:
 - 4.2.1. Aggressive, abusive, or threatening behaviour towards staff and representatives of Council Housing.
 - 4.2.2. Making vexatious complaints/enquiries - such as being persistent in continuing to pursue an issue after it has been dealt with or pursuing unjustified complaints.
- 4.3. Examples of actions or behaviour which may have a negative effect on our staff, or our work include:
 - 4.3.1. Any actions or behaviour that could cause staff to feel intimidated threatened or offended. These include, but are not limited to, threats, physical violence, personal verbal abuse, derogatory remarks, and rudeness, whether made to the member of staff directly or elsewhere (including online bullying).
 - 4.3.2. Deliberate provocative or inflammatory statements and unproven allegations.
 - 4.3.3. Requests for a service that are pursued in a manner which can be perceived as intimidating and oppressive by the recipient.
 - 4.3.4. Complaints which are obsessive, over persistent, harassing, prolific, repetitious.

- 4.3.5. Insistence upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason.
 - 4.3.6. Insistence upon pursuing meritorious complaints in an unreasonable manner.
 - 4.3.7. Complaints which are designed to cause disruption or annoyance.
 - 4.3.8. Demands for redress which lack any serious purpose or value.
 - 4.3.9. Using new complaints to resurrect issues which were addressed in previous complaints.
- 4.4. When we consider that a person's behaviour or actions are likely to have a negative effect, we will tell them why and we will give them the opportunity to modify their actions or behaviour. If the actions or behaviour continue, we will take steps to prevent or minimise the negative effects.
- 4.5. Where a customer is deemed to be abusive or vexatious, restrictions may be placed on when and how that person can communicate with staff. The form of restriction to be applied will be determined by the relevant senior manager.
- 4.6. Any restriction will be appropriate and proportionate to the nature of the customer's contacts with Council Housing at that time. However, the maximum period of restriction at any one time will be 12 months.
- 4.7. Where this policy is applied the customer will be informed in writing why the decision has been made to restrict future contact, the restricted contact arrangements, the length of time that these restrictions will be in place and what they can do to have the decision reviewed.
- 4.8. The following are examples of the types of action or restriction which may be used:
- 4.8.1. Staff may either place a caller on hold or end the telephone call if the caller is aggressive, offensive, or abusive, or is making unreasonable demands.
 - 4.8.2. Placing time limits on telephone conversations, e-mails, and personal contacts.
 - 4.8.3. Restricting the number of telephone calls/e-mails that will be taken (for example one call on one specified morning/afternoon of any week).
 - 4.8.4. Limiting the customer to one form of contact (telephone, letter, e-mail etc.)
 - 4.8.5. Requiring the customer to communicate only with a named employee.
 - 4.8.6. Reading and filing future correspondence but only responding to it if the person is raising new information or making a new complaint/enquiry.
 - 4.8.7. Requiring the person to communicate with Council Housing through a representative.
 - 4.8.8. In some cases, there may be a requirement for two members of staff to be in attendance when visiting the property or interviewing the person.
 - 4.8.9. Restricting contact with our offices to either written communication or through a third party.
 - 4.8.10. Deferring an application for rehousing

- 4.8.11. In extreme cases reporting the matter to the Police or taking legal action. This may include legal injunctions to restrict contact or ending a persistent offender's tenancy. In such cases, we may not give the person prior warning of taking this action.
- 4.9. There will be no contact restrictions on resident reporting emergencies where there is a clear and present risk of harm to persons and/or of serious damage to property.
- 4.10. Any actions that Council Housing takes to restrict should be appropriate to the resident needs and will demonstrate regard for the provision of the Equality Act 2010.
- 4.11. The Council supports the right of residents to submit Subject Access Requests to understand information and data that is held about them. Council Housing will not normally charge a fee for the handling of Subject Access Requests as defined by the General Data Protection Regulation but reserves the right to charge reasonable fees for additional copies of information already supplied to a data subject. For requests that are clearly unfounded, excessive or repetitive (i.e. vexatious), Council Housing may charge reasonable fees or may refuse to comply with the request. The decision as to whether a request is vexatious shall lie with the wider council's Information Governance Manager.

5. Appeals Against Restriction for Unreasonable Behaviour

- 5.1. Any person against whom a restriction has been imposed has the right of appeal against the decision. An appeal against the decision to impose a restriction should be submitted in writing to the Head of Housing within one month of being informed in writing of the decision to impose a restriction.
- 5.2. A senior manager who was not involved in the original decision will consider the appeal subject to any pending or over-riding legal action. Their decision whether to remove, amend or to continue with the restriction will be made within 21 days of receiving the request for a review of the decision.

6. Stopping Re-Offending

- 6.1. Where there are instances of persistent re-offending and/or the restriction has not proved to be effective, Council Housing may consider further action to control the unreasonable behaviour. This may include legal injunctions to restrict contact or ending a persistent offender's tenancy.

7. Monitoring and Delivery

- 7.1. The Housing Service will monitor the delivery of this policy and it will be reviewed every 3 years. We may review this policy sooner if appropriate, for example, if there are changes to legislation or service requirements.

8. Legislation and Regulation

- 8.1. Schedule 2 Housing Act 1985 and Schedule 2 Housing Act 1988. (as amended by Anti-social Behaviour, Crime and Policing Act 2014)
- 8.2. Equality Act 2010
- 8.3. General Data Protection Regulations

9. Related Policies and Procedures

- 9.1. Housing Complaints Policy
- 9.2. Anti-Social Behaviour Policy Statement
- 9.3. Data Protection Policy

10. Glossary

- 10.1. N/A

11. Document Control

- 11.1. Responsible Officer/s: Jo Wilkinson – Head of Housing
Pete Linsley – Neighbourhood and Support Services Manager
- 11.2. Date of review and approval: 21 December 2022
- 11.3. Reviewed and approved by: Management Team
- 11.4. To be Reviewed by: December 2025