



TAI CANOLBARTH CYMRU MID-WALES HOUSING

Yn barod **amdani** **Equal** to the challenge

Vexatious and Persistent Unacceptable Behaviour Policy

Strategic Aim:	To provide a policy framework for staff to respond to unacceptable behaviour.
Reference No:	Vexatious and Persistent Unacceptable Behaviour Policy July 2016
Date Of Issue:	September 2016
Next Review Date:	September 2019
Departments Affected:	All Departments
Approved By/Date:	September 2016
Lead Officer:	Aidan Ackerman, Director of Customer Services
Statutory Compliance:	None.

Title: VEXATIOUS AND PERSISTANT UNACCEPTABLE BEHAVIOUR POLICY

1. Policy

Our policy is to endeavour to provide a robust complaints procedure for tenants, but should this process be abused in a vexatious or persistent manner, we will take action to curtail the impact on resources and on the Association.

2. Introduction

The purpose of this policy is to protect customers and staff by outlining the types of behaviour which will be deemed as unacceptable by the Association. It will outline the right in these circumstances to restrict or change access to the services we offer. The Association will be mindful of its core values of Caring, Excellence, Community, Equality and thinking Welsh.

3. Background

In a minority of cases people pursue their complaints in a way that is unreasonable. They may behave unacceptably, or be unreasonably persistent in their contacts and submission of information. This can impede investigating their complaint or issue and can have significant resource issues for organisations. These actions can occur either while their complaint is being investigated, or once the complaint investigation has been completed and so should be considered alongside the Association's wider Customer Service and Complaints Policy. Unacceptable behaviour by staff members is dealt with through the internal Discipline and Grievance Policy.

4. Policy Guidance

This policy ties in with one of the five Business Plan priorities, to provide an Excellent Customer Service. Having a clear and transparent policy on when to implement restricted access to staff time, will free-up our services for other customers. This policy also ties in BP15CE01 - "Ask and Offer" where we clearly define which services we provide. The policy is also mindful of the Single Equality Scheme.

5. Definition of Unacceptable Behaviour

5.1 Unacceptable behaviour is not merely a customer being forceful or determined. It is understood that there may be upsetting or distressing circumstances leading up to a complaint which may cause individuals to act out of character. The Association will deal fairly, honestly and consistently with individuals under these circumstances by following our complaints procedure. Only when this behaviour results in unreasonable demands or unreasonable behaviour towards staff will it be deemed as unacceptable behaviour. Unacceptable behaviour can be defined as follows:

5.2 Aggressive or Abusive Behaviour

Violence towards staff: as well as physical violence, this also includes verbal violence and use of language that would cause staff to feel threatened or afraid. Examples of behaviour under this heading include threats, derogatory remarks, rudeness, inflammatory statements and unsubstantiated allegations. We expect our staff to be treated courteously and with respect. Anger and frustration at a situation is understandable. However, it is unacceptable when it is directed towards staff.

5.3 Unreasonable Demands

Customers may make unreasonable demands through the amount of information they seek, the scale of service they expect or the number of times they approach the Association on the same topic. Examples of actions under this heading are demanding responses within an unreasonable timescale, insisting on speaking to a particular member of staff, continual contact with the Association, repeatedly changing the substance of the complaint or raising unrelated concerns. These demands are considered unreasonable if they start to impact substantially on the work of staff, such as taking up excessive amounts of staff time to the disadvantage of other customers or functions.

5.4 Unreasonable Persistence

It is recognised that some customers will not or cannot accept that Mid-Wales Housing Association is unable to assist them further or provide a level of service other than that provided already. Customers may persist in disagreeing with this decision and may continue to contact the office persistently about the same issue. The way in which these individuals approach the Association may be entirely reasonable but their persistence is not. This behaviour will be deemed unacceptable when they take up a disproportionate amount of time and resource.

5 Managing Unacceptable Actions by Customers

5.1 Any actions taken should be proportionate to the nature and frequency of the complainant's current contacts. The following options may be suitable, taking the complainant's behaviour and circumstances into account. Options include:

- Placing limits on the number and duration of contacts with staff per week or month.
- Offering a restricted time slot for necessary calls.
- Limiting the complainant to one medium of contact (telephone, letter, email etc.).
- Requiring the complainant to communicate only with one named member of staff.
- Requiring any personal contacts to take place in the presence of a witness and in a suitable location.
- Refusing to register and process further complaints about the same matter.
- The Community Housing Team Leader will make the initial decision on unacceptable behaviour. The unacceptable behaviour will be brought to the attention of the Customer Services Team Leader in order that the actions in the policy are implemented. The Community Housing Team Leader will seek the guidance of the Director of Customer Services or another Director in his absence if an appeal against a decision under this policy is made.

- 5.2** If a decision is taken to apply restricted access, we will use an appropriate method of communication with the customer with a copy of the policy to explain:
- why the decision has been taken;
 - what it means for his or her contacts with the organisation;
 - how long any limits will last; and
 - what the customer can do to have the decision reviewed.
- 5.3** When a restriction on access is imposed, a specified review date of three months will be implemented. Limits should be lifted and relationships returned to normal unless there are good grounds to extend them. If limits are to continue, we will explain our reasons and state when the limits will next be reviewed.
- 5.4** Guidance on the Unacceptable Behaviour policy has been provided by Tai Pawb. The Association will have regard to this guidance when making a decision on unacceptable behaviour.

6 Confidentiality

- 6.1** Mid-Wales Housing Association will maintain the confidentiality of all personal customer information and not disclose it outside of the Association without the permission of the customer, unless legally obliged to do so. However, the Association will disclose information if there is the risk to the health and safety of any individuals.

7 Review

- 7.1** The Association's Unacceptable Behaviour Policy will be reviewed every three years to ensure its on-going relevance.

Strategic Risk Factors	<p>SR15/030 - Reputation - impact on business from reputational damage (e.g. from complaints - social media - press coverage).</p> <p>SR16/008 - Health & Safety - Risk to Health & Safety of employees, tenants, contractors or third parties as a result of the Association not managing either the works to its properties or their use and occupation in accordance with regulatory Best Practice.</p>	
Equality Impact Audit	<i>How does/will this policy ensure needs are met fairly, particularly with regard to race, gender, disability etc.?</i>	An Equality Impact Assessment has been undertaken and the advice of Tai Pawb has been received.
	<i>Is it felt that this Policy might affect different groups adversely. If so what is the justification for this, and is it legally permissible?</i>	The Association will have to have regard when implementing this policy that factors associated with protected characteristics are taken into account. For example, mental health

		which may present itself in a manner which initially appears to be unacceptable but is a symptom of the condition.
	<i>Have any representative groups in the locality been asked for their opinion and if so what was the outcome?</i>	Tai Pawb, Tenants and Residents Forum, Mid Wales Housing Association tenant's consultation group. Ponthafren Society which supports clients with mental health issues.
Tenant Engagement	<i>How does/will this policy ensure the needs of tenants are met?</i>	Reviewed and Approved by T&RF.
	<i>How is it felt this Policy will impact on the rights and obligations of tenants?</i>	Reviewed and Approved by T&RF.
	<i>Have tenants been consulted and were the outcomes of that consultation taken into account when considering the introduction of this Policy?</i>	Yes. Please see above.

SCREENING EQUALITY IMPACT ASSESSMENT

Name of project, policy, function, service or proposal being assessed	Unacceptable Behaviour Policy
Names and roles of officer(s) completing this assessment	Aidan Ackerman, Director of Customer Services, Hannah Jones, Customer Services Team Leader, Mo Woosnam, Performance Information Officer.
Section	All services
Contact details of lead officer for this assessment	Aidan Ackerman, Director of Customer Services
Date SEIA completed	1/3/16

1. Aims and objectives of the project, policy, function, service or proposal being assessed

		Action Points
Is this an existing project, policy, function or service, a review or a new proposal?	New policy applying to all services	
What are the aims and objectives of the service?	Service delivery to tenants	
What are the main activities of the service?	Housing related services	
Will the service be contracted out or commissioned?	The policy relates to existing internal service delivery	
Will it be delivered in partnership?	No	
Which staff members will carry out the function?	All	
Who is responsible for the service?	Director of Customer Services	
Whose needs is this service designed to meet? How does it fit in with the wider aims of the organisation?	Tenants	
Are there any aspects of the service which will be governed by the service provider's judgement? If so, is there clear guidance for staff to prevent any bias?	Policy and legislation guidance	

At this stage is there anything about the service that you think could disadvantage or discriminate against people with protected characteristics or Welsh speakers?		
• Sex/Gender	No	
• Gender Identity	No	
• Disability The Equality Act 2010 defines disability as 'a physical or mental impairment which has a substantial and long-term adverse effect on your ability to carry out normal day-to-day activities'. This includes people with sensory and mobility problems, people with learning difficulties, people with mental health needs and people living with a serious health condition.	No	
• Ethnicity	No	
• Religion and belief	No	
• Sexuality	No	
• Age	No	
• Pregnancy/Maternity	No	
• Marriage/Civil Partnership	No	
• Welsh Language	No	

2. Equalities monitoring data and any other evidence

What does your equalities monitoring data tell you about this service? Consider data for access to the service (who is using and not using it), outcomes and satisfaction levels. Consider complaints and grievance data (by group).	As this is a new policy which has yet to be implemented there is no background information on the implementation of this policy.	
Where are your data gaps and how do you intend to fill them in the future?	Data collection on individuals who this policy applies to.	
Do you have any other evidence? E.g. national research, regional data.	Consultation with Tai Pawb.	

3. Level of Impact

Based on your evidence and your initial thoughts you will now need to make a judgement as to the potential overall level of impact this service could have on people with protected characteristics/Welsh speakers. At this point you will need to bear in mind your legal obligations under the relevant equalities legislation and Welsh Language Measure. In order to rate this service as low you will need to have strong evidence that there is or will be no differential impact on people with protected characteristics.

HIGH		FEIA required – refer to Equality Review Group
MEDIUM Yes	Whilst the screening equality impact assessment produces a low score, the potential sensitivity and guidance from Tai Pawb indicate the prudence of bringing this policy to the Equality Review Group.	FEIA required – refer to Equality Review Group
LOW		Provide Summary of SEIA within Board/Committee Report Implement agreed action points above.

4. Completion of assessment

Please list all staff, board members and representatives involved in the Assessment.

Name	Position	Signature
Aidan Ackerman	Director of Customer Services	