



# UNACCEPTABLE BEHAVIOUR PROCEDURE 2023

## 1 Introduction

- 1.1 Mid Devon Housing (MDH) believe that customers of our Service have a right to be heard, understood and respected. We work hard to be open and accessible to everyone.
- 1.2 Occasionally, the behaviour or actions of individuals using our Service makes it very difficult for us to deal with their contact with us. In a small number of cases the actions of individuals become unacceptable because they involve abuse of our staff or our process.
- 1.3 When this happens, we have to take action to protect the health and wellbeing of our staff who have a right to do their jobs without fear of being abused or harassed. We also consider the impact of the behaviour on our ability to do our work and provide a service to others.
- 1.4 This procedure explains how we will approach these situations. The procedure applies to all areas of our work and to all methods of contact including telephone, face-to-face, letters, e-mails, social media and other digital channels.

## 2 Relative Policies

- 2.1 This procedure should be read in conjunction with:
  - [Mid Devon District Council Complaints and Feedback Policy](#)
  - [MDH Service Standards](#)

## 3 Procedure Aims and Objectives

- 3.1 People may act out of character in times of trouble or distress. There may have been upsetting or distressing circumstances leading up to a customer approaching MDH.
- 3.2 However, MDH will not tolerate unacceptable behaviour nor actions that result in unacceptable or excessive demands on our service in that it prevents staff from carrying out their duties effectively.
- 3.3 It is these behaviours and actions that we aim to manage under this procedure

## 4 Definitions

### Aggressive or abusive behaviour

- 4.1 We understand that many customers are often upset and angry about the issues they have raised in their contact with us. If that anger escalates into aggression towards the MDH staff, we consider that unacceptable. Any violence or abuse of staff will not be tolerated.

- 4.2 Violence is not restricted to acts of aggression that may result in physical harm. It also includes behaviour or language (whether verbal or written) that may cause staff to feel offended, afraid, threatened or abused.
- 4.3 We will judge each situation individually and appreciate individuals who come to us may be upset. While we accept that those who contact us may feel angry, it is not acceptable to shout or swear at MDH staff.
- 4.4 Unacceptable language is that which:
- Is offensive, derogatory or patronising
  - Is discriminatory in any way, including racist, sexist, homophobic or transphobic comments; or
  - Makes serious allegations that individuals have committed criminal, corrupt or perverse conduct without any evidence.
- 4.5 We may decide that comments aimed not at us but at third parties are unacceptable because of the effect that listening or reading them may have on our staff. Examples include rudeness, offensive comments, derogatory remarks, making inflammatory statements, or raising unsubstantiated allegations made towards these third parties.
- 4.6 Threats against staff will be taken very seriously and if staff feel scared or threatened at any point during a conversation with a customer, the interaction may be ended at any time.

#### Unreasonable demands

- 4.7 A demand becomes unacceptable when it starts to (or when complying with the demand would) impact substantially on the work of this Service.

Examples of this behaviour include:

- Repeatedly demanding responses within an unreasonable timescale,
- Insisting on seeing or speaking to a particular member of staff, when that is not possible
- Repeatedly changing the substance of a report or complaint or raising unrelated concerns.
- Repeatedly demanding a response within a timescale outside of service level agreements,
- Insisting on, or refusing to, speak to a particular member of staff, when that is not possible,
- Repeatedly changing the substance of a report or complaint or raising unrelated concerns,
- Making repeated and unnecessary contact during the course of us dealing with a report or complaint or carrying out an investigation,
- Refusing to accept a decision where explanations for the decision have been provided.

- 4.8 An example of such impact would be that the demand takes up an excessive amount of staff time and in doing so disadvantages other customers and prevents their own report or complaint from being dealt with quickly.

#### Unreasonable Levels of Contact

- 4.9 Sometimes the volume and duration of contact made to our service by an individual causes problems. This can occur over a short period, for example, a number of calls in one day or hour.
- 4.10 It may occur over the life-span of reports or complaints when a customer repeatedly makes long telephone calls to us or inundates us with copies of information that has been sent already or that is irrelevant to the report or complaint.

#### Harassment

- 4.11 Staff have the right to carry out their duties free from harassment or threats of harassment. We ask all customers to respect that staff are delivering services and communication decisions on behalf of the MDH and therefore this may not reflect their own views or preferences.
- 4.12 Examples of behaviours we consider to be harassment against our staff include:
- Publishing recorded telephone discussions and publishing the information online such as through YouTube, Vimeo or Twitter;
  - Contacting staff using their personal details or social media presence such as Facebook, Twitter or LinkedIn;
  - Publishing personal, sensitive or private information about staff online or other public domains such as noticeboards or newsletters.

#### Unacceptable and persistence levels of contact

- 4.13 Sometimes the volume and duration of contact made to our service by an individual causes problems. This can occur over a short period or over the life-span of a report or complaint.
- 4.14 Unacceptable or persistent levels of contact include:
- Continuous contact while we are in the process of considering a matter,
  - Repeated telephone calls over a short period, for example, a high number calls in one day or week,
  - Lengthy telephone calls repeating the same points of discussion,
  - High volumes of information provided by email or post referencing the same issues, unnecessarily or excessive copying us into emails to other parties.

### Refusal to co-operate

4.15 When we are looking at reports and complaints, we will need to ask the individual who has complained to work with us. This can include agreeing with us:

- The complaint we will look at
- To provide us with further information, evidence or comments on request, or
- Help us by summarising their concerns.

4.16 Sometimes, an individual repeatedly refuses to co-operate and this makes it difficult for us to proceed. We will always seek to assist someone if they have a specific, genuine difficulty complying with a request.

4.17 However, we consider it is unacceptable to bring a complaint to us and then not respond to clear and appropriate requests by staff within a reasonable timeframe

### Reasonable Adjustments

4.18 We understand that some customers may find it difficult for them to express themselves or communicate clearly, especially when they are anxious or upset. In order to do this, we ask that residents explain what adjustments they're looking for and how this will ensure they can access MDH services.

4.19 We will always consider making reasonable adjustments for a resident if we are asked to do so. Examples of adjustments we can consider are:

- We could consider using different methods of communication;
- Providing written communication in large print, coloured text, or in translation;
- Giving clear warnings if conversations become unproductive and allowing customers an opportunity to modify their behaviour before ending a call.

- 4.20 We may still use the procedure if there are actions or behaviours which are having a negative effect on our staff or our work even where a reasonable adjustment has been made.

## 5 Actions we may take

- 5.1 Officers and Members will endeavour to respond appropriately according to the individual customer's needs, and in compliance with our corporate complaints policy, but this guidance is to cover occasions where nothing further can be reasonably done to assist or rectify a real or perceived problem with the MDH service.
- 5.2 When we experience behaviour or demands which are unacceptable, we may consider taking more formal action. The actions we will consider can include the following:
- Warning the customer about their behaviour and requesting that the customer modifies their behaviour in future contact with us.
  - Appointing a specific point of contact for the customer at the MDH
  - Communicating only in writing or via a representative
  - Deciding not to investigate a report or complaint on the basis that it has been pursued in a way that is unacceptable
  - Stop all communication with a customer unless there are safeguarding concerns
  - Implement 2 person visits which could impact on the level of service the customer receives
  - Restricting or limiting contact with MDH
  - In exceptional circumstances, notify relevant public authorities such as the Police or Social Services
- 5.3 Where it is decided that formal action must be taken to manage someone's behaviour (for example, declining to investigate a report or complaint), we will inform them of the decision in writing. A note will be placed on our records to this effect.
- 5.4 Customers have the right to appeal the decision and they will be informed how to do this in the formal letter.

## 6 Criteria for determining unreasonable, persistent, or vexatious complaints

- 6.1 The Mid Devon District Council Corporate Complaints and Feedback Policy provides criteria for determining unreasonable, persistent, or vexatious complaints as follows:
- 6.2 *'A complaint may be classed as unreasonable, persistent or vexatious if the complainant meets one or more of the following criteria:-*

- *Persists in pursuing a complaint where the Council's complaint process has been fully and properly implemented and exhausted and where the complainant has failed to escalate the complaint to the appropriate Ombudsman.*
- *Persistently changes the substance of a complaint or continually raises new issues that prolong the contact and make it more difficult to respond effectively. It is important that any completely new issue is raised as a new complaint if appropriate.*
- *Is repeatedly unwilling to accept documented evidence or deny receipt of an adequate response in spite of correspondence specifically answering their questions or do not accept that facts can sometimes be difficult to verify when a long period of time has elapsed.*
- *Repeatedly make complaints but does not identify the precise issues which they wish investigated.*
- *Regularly focuses on trivial matters to an extent which is out of proportion to its significance and continues to focus on this point. It is important to recognise that determining what is trivial can be subjective.*
- *Have threatened or used physical violence towards employees at any time, this will mean that the complainant can only contact us in writing and staff will be informed what access to staff and buildings they are permitted to.*
- *Have in the course of dealing with their complaint made an excessive number of contacts with the Council, placing unreasonable demands on employees. Contacts can be in person, phone, email, fax, letter or web-form. Judgement will be used to determine excessive contact, taking into account the specific circumstances of each individual case.*
- *Have harassed or been verbally abusive on more than one occasion towards employees dealing with the complaint. Employees recognise that complainants may sometimes act out of character in times of stress, anxiety or distress and will make reasonable allowances for this. The individual circumstances of each person need to be considered and treated sensitively.*
- *Makes unreasonable demands on the Council and its employees and fail to accept that these may be unreasonable, for example, insist on responses to complaints or enquiries being provided more urgently than is reasonable or within the Council's complaints procedure or normal recognised practise.*
- *Makes unreasonable complaints which impose a significant burden on the human resources of the Council and where the complaint:*
  - a) *does not have any serious purpose or value*
  - b) *is designed to cause disruption or annoyance*
  - c) *has effect of harassing the public authority*
  - d) *can otherwise fairly be characterised as obsessive or manifestly unreasonable*
  - e) *is using the Council as a means of causing harassment to another member of the public*
  - f) *Makes repetitive complaints and allegations which ignore the replies which Council officers have supplied in previous correspondence.'*

6.3 The following table details what MDH consider to be vexatious:

<b>Reasonable Complaint</b>	<b>Vexatious Complaint</b>
The complaint relates to a legitimate role of the organisation	The complaint concerns matters which are beyond the remit of the organisation
The complaint has a reasonable chance of success	The matter is impossible to determine or is beyond the control of the organisation

It is designed to improve the service for the complainant or others in the future	It is pursued to harass or annoy, or to seek retribution, revenge, or financial compensation
It is designed to improve the service for the complainant or others in the future	The matter is frivolous, trivial, or extravagant and has no merit. The cost of investigation is disproportionate, diverting resources away from others
The complaint has a sound factual basis	There is no underlying justification in fact
Compiles all the evidence at the start and sticks with the matter until it is resolved.	Changes the basis of the complaint as the investigation proceeds
Sets out the complaint in a concise and logical fashion	Evidence is irrelevant, incoherent, incomprehensible, and scandalous
Reasonable communication	Almost everything others say is misconstrued
The manner in which the complaint is pursued is amicable	The complainant's behaviour is unacceptable - threatening, deceitful, abusive, or offensive
The complainant appreciates the efforts of staff who are trying to address the issue	Makes unjustified complaints about staff who have helped with the initial complaint and asks for them to be replaced or punished
Raised at the earliest moment	Raised at the last possible moment, allowing the situation to escalate before it is addressed
Seeks fair compensation	Aims for an unreasonably high compensation payment or another disproportionate remedy
Allows enough time for the process	Makes excessive demands with lengthy phone calls, emails or letters every few days, expecting an immediate response
The complainant lets the matter drop at the appropriate stage	Complaints are started but remain unresolved or dormant. The person refuses to accept a reasonable resolution and bombards the defendant with additional or repeat complaints that have already been determined
The complainant pays costs and follows guidance given in previous decisions	Rejects all advice and direction given previously and instead launches a new complaint

## 7 Review and version control

- 7.1 MDH will review this Procedure every 10 years and as required to address legislative, regulatory, best practice or operational issues.
- 7.2 This procedure was produced in 2023 and is version 1.0