

# Customer Behaviour and Warning Policy

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|----------------------------------|----------------------------------------|
| Policy Author: [REDACTED]        | Policy Valid From: [Policy Valid From] |
| Policy Approved Date: 30/03/2021 | Policy Review Date: 19/02/2028         |

## Policy/Strategy Control Statement

|    |                                                                                                                |                                           |
|----|----------------------------------------------------------------------------------------------------------------|-------------------------------------------|
| 1  | Document Title                                                                                                 | Customer Behaviour and Warning Policy     |
| 2  | Date of Document (Created Date)                                                                                | February 2021                             |
| 3  | Service Lead                                                                                                   | [REDACTED]                                |
| 4  | Author                                                                                                         | [REDACTED]                                |
| 5  | Date Approved and approved by who i.e. Service Delivery Project Board, Executive, Group Board, etc.            | 30/03/2021                                |
| 6  | Date last reviewed                                                                                             | 30/03/2021                                |
| 7  | Amendment record                                                                                               |                                           |
| 8  | Next review date (Planned review Date)                                                                         | 19/02/2028                                |
| 9  | Staff Consultation                                                                                             | n/a                                       |
| 10 | Other Services Consultation                                                                                    | n/a                                       |
| 11 | Customer Consultation                                                                                          | Yes                                       |
| 12 | Equality Impact Assessment: insert priority as agreed with E/D team, Insert date copy of EIA sent to E/D team. | N/A                                       |
| 13 | Confirm that document meets current legislative requirements                                                   | Reviewed by Martin Lee & Co. Solicitors   |
| 14 | Further Information/Comments                                                                                   |                                           |
| 15 | Sign off of statement by Author and Service Lead (name and date):                                              | [REDACTED]Direct or of Housing Operations |

## Policy Applicable To

Business Area: Homes Plus

Applicable to: [Policy Applicable To]

## Amendment Sheet Record

| Revision Date | Description of Changes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Approved By | Date Approved |
|---------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|---------------|
| March 2021    | Amended to ensure procedural elements have been removed.<br><br>Reviewed to ensure fit for purpose                                                                                                                                                                                                                                                                                                                                                                                                                          | [REDACTED]  |               |
| Jan 2025      | Amended to reflect new policy owner<br><br>Reviewed to ensure fit for purpose<br><br>Removed elements referencing Single Point of Contact as new policy developed<br><br>Added reference to Single point of Contact Policy                                                                                                                                                                                                                                                                                                  | [REDACTED]  |               |
| February 2026 | 1: Introduction amended to focus more on zero tolerance towards abuse towards our staff and more accurate wording<br><br>2.0 -Scope of policy amended by removing all subsidiary names and covers all Places for People Homes and Places for People Living Plus. As we are merging with other HA's this covers those joining the group<br><br>Added managing agents to the list of who this policy covers<br><br>4.0 -Updated terminology to include "offensive and/or foul language" and 'hate related or driven comments" |             |               |

|  |                                                                                                                                                                                                                                                                                                   |  |  |
|--|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|
|  | <p>5.0 -Updated statement as previous wording minimised this behaviour, and added we follow zero tolerance policy</p> <p>5.1 -amended wording, previous version stated we may refuse contact, but to manage expectations there are occasions where we will still need to contact the customer</p> |  |  |
|--|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|

Please summarise the current policy requirements and how this is changed in the new policy.

To update on current practice

Please explain the reason for changes/improvements/new policy.

Progressive update

Please explain any new actions required to put the policy changes into practice.

Just updates to reflect practice

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## 1.0 Introduction

Of the large number of contacts and communications we have each day, a small number of people interact with the organisation in an unreasonable manner. We appreciate that there may be circumstances that cause a customer to be angry or upset, however we take a zero tolerance policy towards abuse of our staff. On occasions the behaviour of customers makes it difficult for us to deliver a service to others and to do our work.

Unacceptable behaviour includes abuse of staff, our service or processes and we will take action to protect our staff. We have a Health and Safety legislative duty to do so and abuse of staff will

not be tolerated. Staff and our contractors must always be protected against any behaviour which has had a harmful or detrimental effect on them.

We have a Zero Tolerance approach to violent or abusive behaviour to protect the welfare and safety of all our staff and contractors. Actions we will take range from early preventative intervention, adding DNVA alerts to customers account for two person visits, contacting the Police, through to injunction or legal action, depending on the severity of the behaviours displayed.

On occasions, those contacting us may also behave in a manner that could affect the service we provide to other customers, have a detrimental effect on individual members of staff and / or damage our reputation. When this occurs, we reserve the right to manage contact with that individual in an appropriate manner, to protect our staff and to maintain the effectiveness of our service to other customers.

This policy addresses these issues and covers individuals who make service enquiries as well as complaints. The Affordable Housing (AH) companies, recognise their duties under the Freedom of Information Act, the Data Protection Act, General Data Protection Regulation (GDPR) and related legislation, to provide data to requesters.

## 2.0 Scope of Policy

This policy applies to the following Affordable Housing companies:

- Places for People Living Plus
- Places for People Homes

This policy can be applied to any of the following categories:

- People living in our homes
- Former customers
- Customers' families, informal carers and visitors
- Advocates/legal or lay representatives of customers
- Prospective customers or applicants for housing or services
- Any individual making derogatory, inflammatory or untrue comments regarding our directors and/or staff in a public forum including on social media.

While 'staff' and 'colleagues' are referred to throughout this document, the policy applies to any person who is lawfully engaged in carrying out any housing management function on behalf of the Places for People. This includes, staff, managers, directors, managing agents and also contractors who may be acting on our behalf.

### **3.0 Aims of the Policy**

- To be open and transparent in dealing with customers
- To deal fairly, honestly, consistently and appropriately with all customers, recognising that all customers have the right to be heard, understood and respected
- Define and explain unacceptable behaviour and outline the process staff will follow when responding to unacceptable behaviour
- To provide a service that is accessible to all customers while retaining the right to restrict or change access to the service in cases of unacceptable behaviour
- To ensure that customers and staff do not suffer any disadvantage from individuals who act in an unreasonable manner

### **4.0 Definition of Unacceptable Behaviour**

Actions that are considered unacceptable can be grouped as follows:

- Unreasonable demands for example: requesting large volumes of information, asking for responses within a short space of time, refusing to speak to an individual or insisting on speaking with another
- Unreasonable persistence, for example 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
- Verbal abuse, aggression, violence - this is not just limited to actual physical or verbal abuse but can include derogatory remarks, rudeness, offensive and/or foul language and hate related or driven comments, inflammatory allegations and threats of violence
- 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.

### **5.0 Violent, Aggressive, Threatening or Abusive Behaviour**

We have a zero tolerance approach to violence or abuse towards staff, there is never a time when this is acceptable behaviour, in order to protect the welfare and safety of all our staff. Violence is not restricted to acts of aggression that may result in physical harm. It also includes behaviour or language (whether oral or written) that may cause staff to feel afraid, threatened, harassed or abused. In the case of a customer or their visitors/representatives behaving in an abusive or

violent manner towards staff we will take steps by way of a tenancy breach case that may lead to legal proceedings

Examples of violent, aggressive, threatening or abusive behaviour include:

- Threats of violence
- Physical violence
- Personal verbal abuse
- Derogatory or offensive remarks
- Persistent shouting
- Use of foul and abusive language and rudeness
- Inappropriate/abusive contact via Social Media\*
- Malicious or incorrect information being provided to the press or other media\*
- Offense or abuse made about an individual's protected characteristics

\*All instances of unacceptable social or other media use must be reported through line managers to the communications team for advice.

We also consider that in some cases inflammatory statements and unsubstantiated allegations regarding individual staff members can be abusive behaviour and the most reasonable and proportionate action will be taken, again, we need to manage expectations

## **5.1 Responding to Aggressive or Abusive Behaviour**

Behaviour of this type towards staff will result in a system flag and notes being added to that customer's online file outlining aggressive or abusive behaviour, and in some circumstances there will be alternative contact arrangements.

Should we receive correspondence in this category, we will write to the customer to explain that it is unacceptable, and has to stop. We will advise them that we will not respond to future correspondence of this type. As above, it will result in a system flag and notes will be added to that customer's online file outlining the decision, detailing why and outlining other necessary action.

We will end telephone calls if the caller displays this type of behaviour. All staff have the right to make this decision; they will tell the caller that the behaviour or language is unacceptable and end the call if the behaviour does not stop and we will retain any evidence of this type of behaviour on the customer file.

If this behaviour continues, we may insist that future contact to be through a third party and not allow any contact from or to the customer. Further action may be considered. Incidents in this category will be reported to the Police.

## 6.0 Unreasonable Behaviour

People may act out of character in times of trouble or distress. There may have been upsetting or distressing circumstances leading up to the interaction with the organisation.

We do not view behaviour as unreasonable just because a customer is forceful or determined. The dictionary definition of unreasonable behaviour is - *“Actions that are beyond the limits of acceptability or fairness”*.

### 6.1 Unreasonable Behaviour within Complaints Policy

In some instances, customers pursue requests for information and complaints in a way that is unreasonable and examples of this type of behaviour include:

- Refusing to cooperate, including to specify the details of a complaint, despite offering assistance
- Denying or changing statements made at an earlier stage
- Making unjustified complaints about staff who are trying to deal with the issues and requesting to have them replaced or wanting to choose who they deal with
- Demanding responses within an unreasonable timescale
- Repeatedly contacting or insisting on speaking to a particular member of staff who is not directly dealing with the matter
- Excessive telephone calls, emails or letters
- Entering into the complaints process and continually adding information to a complaint making it impossible to draft a response
- Sending duplicate correspondence requiring a response to more than one member of staff
- Persistent refusal to accept explanations or decisions and continuing to contact the landlord without presenting new and relevant information

## 7.0 Unreasonable Demands

What amounts to unreasonable demands depends on the circumstances surrounding the behaviour and the seriousness of the issues raised by the individual.

Individuals may make what is considered to be unreasonable demands on their landlord for example through:

- The amount of information they seek
- The nature and scale of service they expect
- The number of approaches they make

We consider these demands as unacceptable and unreasonable if they start to impact substantially on the work of the organisation or the delivery of service to other customers.

## 8.0 Unreasonable Persistence and Contact within the Complaints Policy

Staff will encourage and advise customers to use existing arrangements, such as the complaints policy, where applicable. Unreasonable persistence and contact sometimes occurs following a final decision on a matter at the end of a process or when a customer does not pursue the matter through the relevant procedure but continues to raise it. This category covers:

- Failure to accept that we are unable to assist them further or provide a level of service other than that provided already
- Persistence in disagreeing with action or decision taken
- Contacting the office persistently about the same issue
- Excessive volume and duration of calls

Examples of this type of behaviour include:

- Persistent refusal to accept a decision made
- Persistent refusal to accept explanations relating to our decisions or actions
- Continuous demands that we manage issues out with our control or jurisdiction
- Persistent refusal to follow relevant procedures
- Level of contact impacts our ability to deal with the issues and affects services given to others
- Continuing to pursue an issue we consider resolved or closed without presenting any new information
- A number of contacts (telephone, email, letters) in one day; sometimes to multiple staff.

In such circumstances, the individual will be told that no future contact will be acknowledged, actions or discussions entered into concerning that issue. The individual may also be advised to contact the Ombudsman Services if they have exhausted our complaints procedure.

## **9.0 Vexatious Behaviour - Complaints**

This is when customers act to cause unnecessary aggravation or annoyance rather than to resolve a dispute. Vexatious requests are something that is likely to cause distress or disruption without a justified cause. Sometimes customers are not aware of their vexatious behaviour. Examples of this type of behaviour include:

- Where the customer states the request is meant to cause maximum inconvenience, disruption or annoyance
- Where the effect of repeated complaints is to harass us
- Requests for information the customer has already seen or clear intention to reopen issue that have already been considered

## **10.0 Vulnerability**

Unreasonable behaviour may be due to a number of factors affecting that individual. In view of this, staff must be mindful when dealing with customers whose behaviour may not necessarily be as a result of their complaint but more related to other factors.

Any known vulnerabilities should be considered when restrictions are being imposed and any support agencies engaged with that individual notified.

### **10.1 Signposting Support for our Customers**

Some of our customers who have demonstrated unacceptable behaviour may need further support to enable them to sustain their tenancy.

There may be many complex factors involved in the customers' behaviour, and the option to signpost to a relevant external support agency should always be considered.

## 11.0 Restrictions

The decision to formally restrict an individual's contact with the organisation will only be taken after careful consideration of the situation by an operations manager (or functional equivalent).

Wherever possible, the individual will be given the opportunity to modify their behaviour or actions before a decision is taken and as above, a warning letter will be sent where appropriate. However, in extreme cases our action may be taken without prior notice to that individual in order to protect staff where necessary.

If an individual persists with unreasonable behaviour or if the first instance of this behaviour is serious enough to warrant immediate restriction, the AH companies may:

- Arrange for a single, named member of staff to deal with all future calls or correspondence from the individual. The restriction is on the customer's contact and not on the landlord. Please refer to the *Single Point of Contact Policy*.
- Limit future contact to a particular form and/or frequency - for example, emails or letters only - and these will be reviewed once per week/month
- Block telephone calls and/or emails from being received unless the single point of contact with that individual
- Block social media accounts
- Inform the individual that their correspondence will be read to ensure no new issues have been raised, but then filed, without further acknowledgement or action.

In response to lengthy letters or emails, colleagues should advise the customer to clearly articulate and summarise their complaint so that the issues are clearly identified for the landlord to be able to respond:

- Refer the matter to the police where a suspected or actual criminal offence has been threatened or committed
- Take legal action, such as applying for an injunction or court order to prohibit contact/poor behaviour

The AH companies can exclude customers from 'customer involvement' activities with immediate effect if they are deemed to have contravened this policy.

Any restrictions applied will be for an initial period of 12 months, which may then be extended with justifiable reason after review.

## 12.0 Caution Alerts

Account warning markers are a means of identifying and recording individuals who pose, or could possibly pose, a risk to the members of staff, or any other persons working on behalf of the landlord, who come into contact with them. In practice, a flagged piece of text is attached to that customer's online file. These markers are to be used very carefully and should be used for when individuals are identified as being potentially violent.

We are committed to the health and safety of our colleagues and to protect them from any known risks they may encounter when dealing with the general public.

If an individual (or location) has been identified as being potentially dangerous we must ensure the safety of colleagues and anybody else working in our properties on our behalf.

## 13.0 Notifying of Restrictions and Warnings

To comply with the fairness element of the Data Protection Act 2018, as soon as the decision is made to apply any 'Restriction' or 'Caution Alert', the customer should be made aware of:

- The nature of the threat, behaviour or incident that led to the marker
- That their records will show the marker
- Who you may pass this information to
- When you will remove the marker or review the decision to add the marker.

## 14.0 Type of Notifications

There are various ways we can notify a customer of a restriction or alert depending on the circumstances. These are listed below :

**Written** - In most circumstances, a letter should be sent to the individual to notify them of the marker

**Verbal** - Where we have identified customers with sight impairment, a conversation explaining the Alert should take place and a file note saved to the Tenancy File detailing the conversation with the customer on the tenancy file.

**Not to Inform (Warning / Caution alerts)** – Only in very exceptional cases would it be lawful not to notify a customer that a warning alert has been placed on their records. That would be in circumstances where to notify them would pose a further risk to the physical safety of others, for example staff and/or a risk to the customer themselves.

### **The individual's rights**

The Data Protection Act gives individuals the right to make a subject access request to see their personal information. In most circumstances, you should reveal the fact that there is an alert flag on the customer's records. In most cases we will have informed the individual that we have placed an alert on their record.

### **Sharing an Alert**

Sharing information about an individual, particularly when it is 'sensitive/ personal', should be considered by the approving manager before the information is disclosed. All staff are responsible for identifying where an alert may be required. This may be due to information received from a third party or when they experience/witness a relevant incident. For the landlord to put a marker on an individual's file it must be based on a specific incident or expression of clearly identifiable concern by a professional, rather than general opinion about that individual.

Please note this policy covers 'Caution Alerts' as a result of behavior of an individual. Any alerts that are awareness notifications for staff due to medical issues for example operatives needing to wear PPE, will be included in the AH Customer Service Alert Policy.

### **Requests to stop processing personal information**

Section 10 of the Data Protection Act gives individuals the right request you to stop processing their personal information, if this is likely to cause them substantial and unwarranted damage or distress. If an individual gives you a 'section 10 notice' relating to a violent warning marker, then you should be aware that you may ultimately have to justify creating the marker in court.

## **15.0 Appealing Restricted Contact**

An individual can appeal against a decision to restrict contact by putting their case in writing. The option to do this must be included in the letter stating the restriction to the individual.

Individuals will be asked to provide evidence of any disabilities that will prevent them from being able to communicate in the restriction given to them ie unable to write.

The appeal will be carried out by an operations manager (or equivalent) from a different area of the business than the requesting manager, to ensure the review is objective.

The reviewing manager should advise the individual in writing that either the restricted contact arrangements still apply, or that a different course of action has been agreed. This process should be carried out within 20 working days of the appeal request being received.

## 16.0 Breaches of Restriction

If an individual breaks the contact restriction that has been imposed on them, the landlord may take any of the following actions, dependent on the extent and nature of the breach(es).

- Give a warning advising that further restrictions may be imposed;
- Impose further restrictions
- Apply to court for an injunction (breaching an injunction will hold the individual in contempt of Court and can result in a fine or custodial sentence)
- Seek Possession of a property if behaviour is perpetrated by a customer or their visitors/associates
- Involve the Police

## 17.0 Reviewing Restrictions / Caution Alerts

**Individuals** - The date for restriction / warning alert review will be added at the time that it is put in place if the restriction relates to a tenant or member of their household. It is the responsibility of the manager who has requested the restriction to carry out the review.

The review should be carried out no later than one month prior to the date of expiry so the individual can be written to with the decision by the time the deadline arrives.

**Scheme alerts** - The alert should be reviewed no later than one month after it has been added and at least monthly thereafter until it is removed. This will be monitored through the review process.

## 18.0 Further Advice

This policy has been produced to help employees to deal with unreasonable behaviour by customers or unreasonably demanding customers. For further advice contact your Community Safety Team