

1. Statement of Intent

The Saffron Group (Saffron) aims to provide excellent customer service to all its tenants and customers, and we believe that they have a right to be heard and respected.

Occasionally the behaviour or actions of individuals who contact Saffron make it very difficult for us to deal with them as an individual or their complaint. Such behaviour can place a strain on time and resources.

When this happens, we also consider the impact of the behaviour on our ability to do our work and provide a fair and equal service to our other tenants and customers.

The Trust's staff will respond professionally and sympathetically to all tenant and customer complaints and contact, but there will be times when alternative measures will need to be put in place to manage the level of contact or the complaint. Please see section 4. Equality and Diversity. Saffron will consider instances on a case-by-case basis and always show due regard to protected characteristics and tenant vulnerabilities.

This policy explains how we will approach these situations.

2. Purpose

- 2.1 This policy is designed to inform tenants and customers how Saffron will deal with tenants or customers whose contact or complaint, that may be repetitious, threatening, or abusive or have already been addressed.
- 2.1 Saffron reserves the right, at any stage of the complaints and compliments procedure, to review a complaint and give a decision without formal investigation. This would only occur when a complainant is deliberately repetitious, threatening, or abusive and must be agreed by the relevant Director of service.
- 2.3 The purpose of this policy is to ensure that there is a consistent and fair approach to responding to complaints which aims to resolve the issue at the earliest opportunity.
- 2.4 This policy has been developed in accordance with the Housing Ombudsman's Complaint Handling Code, our statutory and legal duties, and customer voice.
- 2.5 Any reference to 'we', 'our', 'us' or 'the Group' refers to Saffron Housing Group. When we use 'you' and 'your' we mean any tenant or customer set out above.

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3. Regulation and Legislation

- 3.1 The Housing Ombudsman Service defines a complaint as ‘an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the organisation, its own staff, or those acting on its behalf, affecting an individual resident or group of residents’.
- 3.2 The Housing Ombudsman Service encourages landlords to have an Unacceptable Behaviour Policy in place to manage behaviours that can impact a fair provision of services to all tenants and that take up an unreasonable amount of time and resources.
- 3.3 All customers will be dealt with fairly, honestly, consistently and appropriately including those whose actions are considered unacceptable. It is however important to recognise that all customers have a right to be heard, understood and respected. It should also be noted that whilst we have a duty to protect employees, Saffron also has obligations towards residents. For example, where there are counter allegations against an employee these need to be investigated properly using the complaints policy and procedure.
- 3.4 The Unacceptable Behaviour Policy is framed within the context of and complies with relevant legislation, which includes:
- a) The Equalities Act (2010)
 - b) The Human Rights Act (1998)
 - c) This Policy also complies with the Association’s various tenancy agreements

4. Equality and Diversity

- 4.1 An Equality Impact Assessment has been completed in forming the content of this policy.
- 4.2 The Association will comply with the terms of our Equality and Diversity policy when dealing with incidents of unacceptable behaviour. We will take into account the individual circumstances of the staff member and the customer involved when investigating an incident and determine the most appropriate course of action. We recognise that under the Equality Act 2010 we have a commitment to identify where possible ‘protected characteristics’ that may impact on a customer’s ability to communicate with us effectively and/or appropriately.
- 4.3 No one will be unlawfully discriminated against because of their race, colour, ethnic or national origin, language, religion, belief, age, gender, sexual orientation, marital status, family circumstances, employment status, physical ability or mental health.

5. Reasonable adjustments

- 5.1 We understand that some customers have disabilities which may make it difficult for them to express themselves or communicate clearly, especially when they are anxious or upset. We also recognise that some disabilities can make it difficult for customers to assess the impact that their behaviour might have on other people

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In order to support effective ways of communicating to enable a positive resolution of issues, we ask that residents explain what adjustments need

5.2 We will always consider making reasonable adjustments for a resident if we are asked to do so. Please see Saffron's Reasonable Adjustments Policy. 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 to opportunity to modify their behaviour before ending a call.

5.3 We may still use the policy 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.

5.4 We would not consider it to be reasonable to expect our staff to accept being subjected to offensive or aggressive actions, language, or behaviour. We may still use the policy if there are actions or behaviours which are having a negative effect on our staff or the service they are trying to deliver.

6. What constitutes unacceptable behaviour?

6.1 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 contacting Saffron. See section 5. Reasonable Adjustments.

6.2 behaviour is not unacceptable just because a person is assertive or determined. There may have been distressing circumstances leading up to a customer contacting the Saffron and people may act out of character. Behaviour may become unacceptable however if it is so demanding or persistent that it places unreasonable demands on the Saffron and its staff that impacts the level of service that can be offered to others.

6.3 This policy explains how we will approach these situations. The policy 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

6.4 Saffron 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.

7. Actions Saffron Housing Considers as Unacceptable:

7.1 Aggressive or Abusive Behaviour

7.1.1 We understand that many customers can be upset and angry about the issues they are raising. If that anger escalates into aggression towards the Saffron staff, we consider that unacceptable. Any violence or abuse towards staff will not be tolerated.

7.1.2 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,

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afraid, threatened or abused. Please see 7.3.3 for more examples and information about what could constitute unacceptable use of language.

7.1.3 Unacceptable language includes that which:

- makes serious allegations that individuals have committed criminal, corrupt or perverse conduct without any evidence.
- Threats
- Physical violence
- Personal abuse
- Derogatory, patronising or discriminatory remarks including racist, sexist, suggestive, homophobic or transphobic comments
- Rudeness or belittling remarks
- Inflammatory statements
- Unsubstantiated allegations
- Making a threat to commit physical or criminal damage

7.1.4 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 Saffron Housing staff.

7.1.5 We must 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 provided a service to others. 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

7.1.6 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.

7.2 Harassment

7.2.1 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 communicating decisions on behalf of Saffron Housing and therefore this may not reflect their own views or preferences.

7.2.2 Examples of behaviours we consider to be harassment against our staff include:

- recording 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.
- Repeated contact of a staff member where this has been requested to stop

7.2.3 Publishing personal, sensitive or private information about staff online or other public domains such as noticeboards or newsletters

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7.3 Unreasonable Levels of Contact

7.3.1 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.

7.3.2 We consider that the level of contact has become unacceptable when the amount of time spent talking to a customer on the telephone, or responding to, reviewing and filing emails or written correspondence impacts on our ability to deal with that complaint, or with other customers' complaints.

7.4 Unreasonable Use of the Complaint Process

7.4.1 When we are looking at a complaint, 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.

7.4.2 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.

7.4.3 However, we consider it is unacceptable to bring a complaint to us and then not respond to clear and appropriate requests by staff.

7.4.4 We fully recognise the right of our customers to complain more than once about our service if subsequent incidents or concerns arise. We will not reopen a closed or completed complaint unless there is compelling new evidence directly related to the case that could not have been presented while the original complaint was active.

7.5 Unacceptable Demands

7.5.1 A demand becomes unacceptable when it starts to (or when complying with the demand would) impact substantially on the way Saffron can provide services equally and fairly to all tenants.

7.5.2 Examples of this behaviour include:

- 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 and/or justified.
- repeatedly changing the substance of a complaint or raising unrelated concerns,
- Making repeated and unnecessary contact
- Refusing to accept a decision where explanations for the decision have been provided.

7.5.3 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 complaint from being dealt with quickly.

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7.6. Unreasonable Persistence

7.6.1 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 complaint.

7.6.2 We consider that the level of contact has become unacceptable when the amount of time spent talking to a customer on the telephone, or responding to, reviewing and filing emails or written correspondence impacts on our ability to deal with that complaint, or with other customers' complaints.

7.6.3 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 excessively copying us into emails to other parties

7.6.4 Other examples of Unreasonable use of the Complaints Process may include:

- Refuse to specify the grounds of a complaint despite numerous offers of assistance.
- Refuse to accept that issues are not within the remit of the complaints and compliments policy and procedure despite having been provided with information about the scope of the policy and procedure in an accessible format.
- 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 as well as the frequency and length of telephone calls).
- Insist on the complaint being dealt with in ways which are incompatible with the complaints and compliments procedure or with good practice (i.e. going directly to the CEO/Executive Team/board or trying to by-pass complaint stages).
- Make persistent and unreasonable demands or expectations of staff and/or the complaints process after the unreasonable behaviour has been explained to the complainant (an example of this could be a complainant who insists on immediate responses to numerous, frequent and/or complex letters, telephone calls or emails).
- Raise subsidiary or new issues whilst a complaint is being addressed that were not part of the complaint at the start of the complaint process.

7.6.5 Judgement and discretion will be applied to ensure that contact from the complainant about matters other than the complaint is not ignored, resulting in potential failures to respond to request for services or an emergency. This could involve a service request referral to operational teams or advice about how additional matters can be investigated separately via the form complaint procedure.

8 How we will respond and manage unacceptable behaviour

8.1 When we believe a tenant to be unreasonably persistent or unacceptable in behaviour,

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we will contact them to tell them why and ask them to change their behaviour. Our approach will be in the first instance to reach a voluntary(informal) arrangement before taking any formal action. We will agree a period of time with the tenant or customer to allow for them to adjust their behaviour. Applying this policy will be a last resort and we will always try to find a way to foster a more positive relationship where applicable.

8.2 We will invite the complainant to consider mediation or advocacy through a third party to help improve the situation. For example, a family member or support worker may be able to represent the complainant. A multi-agency approach may be appropriate if the complainant is receiving support from another body such as social services, domestic abuse services or mental health services.

8.3 If the informal arrangements do not improve the situation, we will take formal action to restrict the complainant's contact with Saffron. Any such restrictions will be evidence based, appropriate and proportionate, any decision to take action will be made by the relevant Director of Service.

The most likely options will be:

- Providing a single point of contact
- Limiting contact to a single form i.e. to writing, email or telephone only
- Restricting telephone calls to specific days and times
- Limiting the duration of telephone calls
- Declining to give any further consideration to an issue unless any additional evidence or information is provided
- Only considering a certain number of issues in a specific period.
- In extreme cases, taking action under the terms of the tenancy.
- Application for a 'Red Flag' to be applied against the individual under Saffron's Red Flag Procedure.
- In exceptional circumstances, notify relevant public authorities

In cases where this becomes necessary, we will write to tell the complainant why we believe their behaviour is unacceptable, what action we are taking and its planned duration.

8.4 In taking the action described above, it must be emphasised that this part of the policy should only be used as a last resort and after all other reasonable measures have been taken to resolve complaints and complainant behaviour.

8.5 Where use of physical violence has been used or threatened towards staff or their families at any time. Incidents of this nature may cause all personal contact with the individual to cease and matters may, thereafter, only be pursued through written communication. All such incidents should be documented and reported to HR and to the police, where appropriate.

Handling of Abusive Telephone Calls

Saffron Housing staff are instructed to end telephone calls if the caller is being aggressive,

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abusive or offensive. The staff member taking the call has the right to make this decision, tell the caller that the behaviour is unacceptable and end the call if the behaviour does not stop. Saffron will deem recording, uploading and inappropriate use of images or conversations as unacceptable if prior consent has not been given. Officers will alert a manager and the nature of the contact documented on our customer relationship manager database.

8.7 Handling of Abusive Contact via Email

All Saffron Housing staff are instructed to report emails that are deemed unreasonable or unacceptable, and were deemed appropriate, cease communication. Officers will alert a manager and the nature of the contact documented on our CRM database

8.8 Communicating via social media platform

See Saffron's policy on Unacceptable Behaviour – Social Media

9 Review of Restriction

9.1 The status of a tenant or complainant judged to be unacceptable by their, unreasonable, or persistent behaviour will be reviewed by the Director of Service before the end of the restriction period. If a longer period of restriction has been put in place, this will be reviewed every three months. The complainant will be notified that the review has taken place and be informed in writing.

9.2 If the complainant's behaviour has improved after a period of time, the restriction can be lifted, and we will notify them in writing to confirm this.

9 Appealing against the restrictions

9.1 If the complainant disagrees with the restrictions placed upon them, they do have the right to appeal.

9.2 The complainant will need to outline in writing, why they are appealing with the restrictions placed upon them.

9.3 The appeal will be considered by 2 Senior Directors not previously involved in the previous decision.

The 2 Senior Directors will write to the complainant with their decision which will be final.

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9.4 The complainant can also contact the Housing Ombudsman Service directly. Their contact details are:

Housing Ombudsman Service
PO Box 1484
Unit D
Preston
PR2 0ET
Phone: 0300 111 3000
Email: info@housingombudsman.org.uk

Related Policies

- Complaints and Compliments Policy
- Reasonable Adjustments Policy
- Unacceptable Behaviour Policy – Social Media
- Red Flag Procedure
- Equality, Diversity and Inclusion Policy

Policy Reviews

This policy will be reviewed every two years.

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