



UNREASONABLE & UNACCEPTABLE COMPLAINANT ACTIONS AND BEHAVIOUR

Based on Housing Ombudsman Service Guidance

This guidance sets out Impact's approach to the very few complainants whose actions or behaviour we consider unreasonable and unacceptable. The term 'complainant' includes anyone who contacts our staff in connection with complaints or disputes.



Aims of this guidance:

- To make it clear to all complainants, both at initial contact and throughout their dealings with us, what Impact can or cannot do in relation to their complaint. In doing so, we aim to be open and not raise hopes or expectations that we cannot meet.
- To deal fairly, honestly, consistently and appropriately with all complainants, including those whose action we consider unacceptable. We believe that everyone who approaches us has the right to be heard, understood and respected. We also consider that staff of Impact Housing Association have the same rights.
- To provide a service that is accessible to everyone who is entitled to it. However, Impact Housing Association retains the right, where we consider user actions to be unacceptable, to restrict or change such access.
- To ensure that other customers, and Impact staff do not suffer any disadvantage from complainants who act in an unacceptable manner.



Unacceptable Actions by Complainants

People may act out of character in times of trouble or distress. There may have been upsetting or distressing circumstances leading up to a complaint. We do not view behaviour as unacceptable just because someone is forceful or determined. In fact, we acknowledge that being persistent can be a positive advantage when pursuing a complaint.

However, the actions of complainants who are angry, demanding or persistent may result in unreasonable demands on, or unacceptable behaviour towards Impact staff. It is these actions that we consider unacceptable and aim to manage under this guidance.



Aggressive or Abusive Behaviour

Violence is not restricted to acts of aggression that may result in physical harm. It also includes behaviour or language (whether spoken or written) that may cause staff to feel afraid, threatened or abused.

Examples of abusive behaviour include:

Threats	Physical violence	Personal verbal abuse
Derogatory remarks	Rudeness	Unsubstantiated allegations

We expect our staff to be treated courteously and with respect. Violence or abuse towards staff is unacceptable. Impact staff understand the difference between anger and aggression. The anger felt by complainants, for example, involves the subject matter of their complaints. However, it is not acceptable when anger escalates into aggression directed towards Impact staff.



Unreasonable Demands

Complainants may make what we consider unreasonable demands on Impact Housing Association through the amount of information they seek or provide, the nature and scale of service they expect, or the number of approaches they make. What amounts to unreasonable demands will always depend on the circumstances surrounding the behaviour and the seriousness of the issues raised by the complainant.

Examples of unreasonable demands include:

Demanding responses within an unreasonable timescale	Insisting on seeing or speaking to a particular member of staff	Continual e mails, phone calls or letters
Repeatedly changing the substance of the complaint	Raising unrelated concerns	

We consider these demands as unacceptable and unreasonable if they start to impact substantially on our work, such as taking up an excessive amount of staff time to the disadvantage of other customers or services.



Unreasonable Persistence

We recognise that some complainants will not or cannot accept that Impact Housing Association is unable to assist them further or provide a level of service other than that provided already. Complainants may persist in disagreeing with the action or decision taken in relation to their complaint or contact Impact persistently about the same issue.

Examples of unreasonable persistence include:

Persistent refusal to accept a decision made in relation to a complaint	Persistent refusal to accept explanations relating to what Impact can or cannot do	Continuing to pursue a complaint without presenting any new information
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**The way in which these complainants approach Impact may be entirely reasonable, but it is their persistent behaviour in continuing to do so that is not.*

We consider the actions of persistent complainants to be unacceptable when they take up what Impact regards as being a disproportionate amount of time and resources.



Managing Unacceptable Actions by Complainants

There are very few complainants whose actions we would consider unacceptable. How we aim to manage these actions depends on their nature and extent. If it adversely affects our ability to do our work and provide a service to others, we may need to restrict a person's contact with us in order to manage the unacceptable action. We aim to do this in a way, wherever possible, which will still allow a complaint to progress through our Complaints Procedure. We may restrict contact in person, by telephone, fax, letter or electronically or by any combination of these. We will try to maintain at least one form of contact. In extreme situations, we will tell the complainant in writing that we are unwilling to have any personal contact. This means that they must restrict contact with Impact to either written communications or through a third party.

The threat or use of physical violence, verbal abuse, or harassment towards Impact staff is likely to result in the ending of all direct contact with the perpetrator. Incidents may be reported to the Police. This will always be the case if physical violence is used or threatened.

We do not deal with correspondence or other forms of communication which is abusive to staff or contains allegations that lack substantive evidence. We will stop contact if they do not stop and may require future contact to be through a third party, and if they do not agree, we will no longer deal with them.

Impact staff will end telephone calls if the caller is considered aggressive, 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.

When someone repeatedly telephones, visits without appointment, sends irrelevant or duplicate documents, or raises the same issues already considered, we may decide to:

- Only take telephone calls at set times on set days, or put an arrangement in place for only one member of staff to deal with calls or correspondence from the complainant in the future.

- Require the person to make an appointment to see a named member of staff before visiting the office, or that the person only contacts the office in writing.
- Return the documents to the person, or in extreme cases, advise them that further irrelevant documents will be destroyed.
- Take other action that we consider appropriate. We will, however, always say what action we are taking and why.

When a person continues to correspond on a wide range of issues, and this action is considered excessive, then we will tell them that only a certain number of issues will be considered in a given period, and ask them to limit or focus their requests accordingly.

Action may be considered unreasonably persistent if all internal review mechanisms have been exhausted and the person continues to dispute the decision we made – be it the determination of a complaint or the way in which it was handled. We will tell the person that no further communication concerning the complaint will be accepted, If they insist in contacting us about the same issue, their communication will be read and filed, but only acknowledged or responded to if it provides significant new information relating to the case.



Deciding to Restrict Contact

Impact staff who directly experience aggressive or abusive behaviour from a complainant when a complaint is still being looked into, have the authority to deal immediately with that behaviour in a manner they consider appropriate to the situation and in line with this guidance.

With the exception of such immediate decisions taken at the time of an incident, decisions to restrict contact with Impact are only taken after careful consideration of the situation by a senior manager. Wherever possible, we will give someone the opportunity to modify their behaviour or action before this decision is taken. Complainants will be told in writing why a decision has been made to restrict future contact, the restricted contact arrangements and, if relevant, the length of time that these restrictions will be in place.

A person can appeal a decision to restrict contact. A senior manager who was not involved in the original decision will consider the appeal. They will advise in writing either that the restricted contact arrangements still apply or that a different course of action has been adopted.

We record all incidents of unacceptable actions by customers. Where it is decided to restrict contact, an entry noting this is made on the relevant Complaint Log.

A decision to restrict customer contact may be reconsidered if the complainant demonstrates a more acceptable behaviour.

When the behaviour of a complainant continues to be unacceptable, a senior manager may decide that Impact will no longer deal with the customer even if the complaint has not yet exhausted Impact's internal complaints process.
