

Committee: Cabinet
Title: Managing Unacceptable Behaviour Policy
Portfolio Holder: Cllr Arthur Coote, Member Responsible for Complaints
Report Author: Simone Russell—Strategic Director Housing Environment and Communities
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Date: Thursday, 5 December 2024
Key decision: No

Summary

1. This report recommends that Cabinet approves a new Unacceptable Behaviour Policy ('the Policy') which can be employed where the Council receives persistent and unreasonable communications from residents.
2. The Policy replaces UDC's current Abusive, Persistent or Vexatious Complaints Policy. The new Policy meets the requirements of the Housing Ombudsman Service, including removal of the reference to 'vexatious', and the introduction of an appeals process. It is recommended that the Policy is applied across the Council, so as to ensure consistency in approach.

Recommendations

3. Cabinet is asked to approve the new Unacceptable Behaviour Policy. The draft Policy is attached as Appendix 1.

Financial Implications

4. There are no financial implications associated with the approval of the Policy.

Background Papers

5. Housing Ombudsman guidance [Managing unacceptable behaviour policy - Housing Ombudsman](#)

Impact

- 6.

Communication/Consultation	The Policy will be shared with the Tenants and Leaseholder Panel for comment.
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Community Safety	There are no impacts in relation to community safety.
Equalities	An Equalities and Health Impact Assessment has been carried out. This is attached as Appendix 2.
Health and Safety	There are no direct impacts in relation to health and safety.
Human Rights/Legal Implications	There are no direct implications – the circumstances of the resident will be considered during the process of deciding whether or not to apply the policy.
Sustainability	There are no direct impacts in relation to sustainability.
Ward-specific impacts	All Wards.
Workforce/Workplace	The implementation of this policy will protect the wellbeing of staff and Members.

Situation

7. UDC encourages residents to make complaints where they are dissatisfied with the service they receive and will always try to resolve matters, in line with either the Council's Complaints Policy or Housing Complaints Policy, depending on the service which is subject of the complaint.
8. UDC recognises that residents can become frustrated where there is a service failure, and it is not unusual for residents to be determined when making a complaint or requesting that an issue is put right.
9. However, in some cases, residents make unreasonable demands on officers or Members, or send repetitive correspondence and/or exceptionally large volumes of communications. In some cases residents send information which the Council considers to be irrelevant and/or superfluous to the matter of concern.
10. UDC has an obligation to protect staff and Members from unreasonable communications. UDC must also be mindful of how much publicly-funded resource is expended on individual residents were it is deemed that they are making unreasonable demands.
11. UDC has an approved Abusive, Persistent or Vexatious Complaints Policy. However, this does not reflect current guidance from the Housing

Ombudsman on how unreasonable behaviour in these circumstances should be managed.

12. UDC aims to provide the same standard of service to all residents, regardless of the council service they use. As such, it is proposed that a new single policy is approved, which will be suitable for both housing customers and all other council customers.
13. The proposed new Policy sets out clearly the circumstances in which special contact arrangements will be made, or in extreme circumstances, contact withdrawn.
14. An approvals process is built into the Policy so that decisions on limiting/withdrawing contact are approved by an appropriate senior officer.
15. The Policy also sets out an appeals process, with a dedicated inbox to which appeals can be sent.
16. Staff will be trained so that they can effectively apply the Policy.
17. Once approved the Policy will be published on UDC's website.
18. Training will be provided to officers, and it is recommended that Members are briefed on the policy, so they are well-informed when dealing with casework.

Risk Analysis

19.

Risk	Likelihood	Impact	Mitigating actions
Unreasonable behaviour by residents has the potential to impact on the wellbeing of staff and Members	2 – There are currently a small cohort of persistent complainers The likelihood will be reduced where staff have the ability to control unacceptable behaviour.	3 – Unacceptable behaviour by customers may have a detrimental impact on the wellbeing of staff and Members.	Launch and implement the policy.
Financial impact – persistent and unreasonable	2 -. There are currently a small cohort of	3 -There can be considerable	Launch and implement the policy

communications can have considerable resource implications on officer responding to the communications.	persistent complainers	impact on officer's time – this can include the most senior officers in the Council	
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