



Uttlesford District Council

Managing unacceptable behaviour policy

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Managing unacceptable behaviour policy

1. Policy Statement

1.1 Uttlesford District Council believes that customers of our services have a right to be heard, understood, and respected. Occasionally, the behaviour or actions of a small number of our residents using our service makes it difficult for us to deal with their complaint.

1.2 When this happens, we must take action to protect our staff and Members. We also consider the impact of the unacceptable behaviour on our ability to do our work and provide a service to others.

1.3 This policy:

- Defines unacceptable behaviour.
- Confirms our commitment to taking into account individual circumstances and making reasonable adjustments.
- Sets out what actions we may take.

2. Definitions

2.1 We have aligned our approach with that of the Housing Ombudsman guidance on managing unacceptable behaviour.

2.2 Unacceptable behaviour can be defined as behaviour that creates, or has the potential to create, risk to the business or the health and safety of employees. It can include bullying, harassment, coercion, and/or discrimination.

3. Introduction

3.1 Uttlesford District Council always aims to provide you with an excellent, high-quality service and welcomes all feedback about the services that we provide and how they could be improved.

3.2 Uttlesford residents and other customers should expect our staff to show empathy, courtesy and respect always.

3.3 In return, we ask that residents and other customers interact with our staff and Members in a respectful and courteous way, such that we can provide services effectively and efficiently.

3.4 We understand that complaints will arise. In a minority of cases complainants pursue their complaints in a way that either hinders the investigation or demands considerable time and resource.

3.5 Uttlesford 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.

3.6 We do not expect staff or Members to tolerate unacceptable behaviour by complainants, or any customer.

4. Aims of Policy

- This policy informs customers, Members and staff about how Uttlesford will manage incidents of unacceptable behaviour.
- The policy will contribute to our overall aim of dealing with all complaints in ways which are demonstrably consistent, fair, and reasonable.
- It sets out how we will decide which complaints will be treated as unreasonable, and what we will do in those circumstances.

5. Unacceptable Behaviour Defined

5.1 Behaviour is not unacceptable just because a person is assertive or determined. A customer may have a valid point. Each case will be looked at on its individual merits and circumstances.

5.2 Behaviour may become unacceptable however if it is so demanding or persistent that it places unreasonable demands on staff and Members and impacts the level of service that can be offered to others.

5.3 The policy applies as well to unreasonable behaviour directed at third parties acting on behalf of the landlord, such as contractors and managing agents.

5.4 Unacceptable behaviour can include, but is not limited to, any one or a combination of the following:

- Aggressive or abusive behaviour
- Unreasonable demands
- Unreasonable levels of contact
- Unreasonable refusal to co-operate.
- Abuse of social media

6. Examples of Unacceptable Behaviour

6.1 Submitting unreasonably persistent and unreasonable complaints

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.

6.2 Any actual or threatened violence or abuse.

This is not just limited to actual physical or verbal abuse but can include derogatory remarks, rudeness, inflammatory allegations, and threats of violence. Behaviour or language that would be likely to lead to someone feeling upset, offended, afraid, threatened or abused, including racist, sexist, or homophobic language.

6.3 Untrue allegations

Stating that individuals have committed abusive criminal, corrupt or perverse conduct without any evidence.

6.4 Unreasonable levels of contact

Making excessive contact with staff. This could be multiple phone calls, emails, or visits to the Uttlesford Council offices.

6.5 Unreasonable demands or expectations

Requesting large volumes of information, asking for responses within an unreasonable time scale refusing to speak to an individual or insisting on speaking with another when that is not possible. Continuously raising issues that Uttlesford cannot control or that have already been responded to. Submitting complaints of a frequency and nature that hinder our consideration of their or other people's complaints.

6.6 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.

6.7 Unreasonable refusal to co-operate.

Refusing to provide further details, evidence, clarity, or a summary of the concerns raised, or not co-operating with normal procedures.

6.8 Abuse of social media

This can include contacting staff using their personal details or personal social media accounts and publishing personal and private information about staff online.

6.9 Other examples of the Unreasonable use of the complaints process may include:

- there are insufficient or no grounds for the complaint.
- the complainant insists on the complaint being dealt with in ways which are incompatible with the complaint's procedure or good practice (for example, insisting the complaint is only dealt with by the Chief Executive)
- when a complaint is made about the condition of a property, but then access is denied persistently for staff and or contractors to investigate or make good.
- the complainant electronically records meetings/conversations without consent.
- the complaint is sent to excessive multiple other parties in a 'scattergun' approach.
- the complainant refuses to accept the outcome of the complaint process.
- the same complaint is made repeatedly, with minor differences.
- the complaint outcome sought is unrealistic for legal, policy or other valid reasons.

This list is illustrative rather than exhaustive.

7. Individual Circumstances and Reasonable Adjustments

7.1 UDC will comply with the terms of our Equality and Diversity policy when dealing with incidents of unacceptable behaviour.

7.2 We understand that some customers have disabilities or other protected characteristics as defined by the Equality Act (2010), which may make it difficult for them to express themselves or communicate clearly, especially when they are anxious or upset.

7.3 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.

7.4 We also recognise that some disabilities can make it difficult for customers to assess the impact that their behaviour might have on other people.

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

8. The actions that we may take.

8.1 We must take action to protect the health and wellbeing of our staff and Members who have a right to do their jobs without fear of being abused or harassed. We also consider the impact of the unacceptable behaviour on our ability to do our work and provide a service to others.

8.2 Uttlesford District Council staff and elected Members are instructed to end telephone calls if the caller is being aggressive, abusive, or offensive. The member of staff or 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.

8.3 Where there is a risk of violence or abuse which could constitute a criminal offence, (e.g. assault or a hate crime), we will inform the police.

8.4 When we believe a complainant or tenant to be unreasonably persistent or unacceptable in behaviour, we will contact them to tell them why and ask them to change their behaviour.

8.5 In all cases where unacceptable behaviour is reported this will be investigated and if necessary, adjustments to our model of service may be made for a set period.

9. Informal Action

9.1 Our approach will be in the first instance to seek to reach a voluntary (informal) arrangement before taking any formal action.

9.2 We will agree a period with the tenant or customer to allow for them to adjust their behaviour.

9.3 Applying this policy will be a last resort and we will always try to find a way to foster a more positive relationship where possible.

9.4 The options for action will be:

- Asking for contact to be only by letter or to a single point of contact.
- Restricting telephone calls to specific days, times and durations.
- Only considering a certain number of issues in a specific period.

10. Formal Action

10.1 If attempts to reach an informal arrangement with the customer are unsuccessful Uttlesford District Council will consider putting formal restrictions in place. Any such restrictions will be evidence based, appropriate and proportionate, and require the permission of the relevant Director of Service.

- Providing a single point of contact.
- Communication only via a third-party representative (e.g. solicitor/councillor/friend)
- Limiting contact to a single form i.e. to writing, email or telephone only

- Declining to give any further consideration to an issue or complaint unless any additional evidence or information is provided. This will be at the discretion of a Director.
- Limiting access to council buildings or banning access fully.
- Requiring any personal contact to take place in the presence of an appropriate witness chosen by the Council.
- In extreme cases, if an Uttlesford resident has acted in breach of their tenancy agreement, taking action under the terms of the tenancy injunction or possession proceedings may be sought.

10.2 Any action taken under this policy will be communicated to the resident or customer promptly. This letter will cover the following issues,

- Why the council has taken the decision, what action the council is taking,
- The duration of that action,
- The review process of this policy, and
- The right of the complainant to contact the Local Government Ombudsman or other relevant Ombudsman about the fact that their complaint has been treated as an unreasonable/persistent.

11. Counter allegations

11.1 If the customer raises counter allegations about the behaviour of an employee, these should be investigated properly, even where they may appear to be solely raised in retaliation.

12. Appeals

12.1 A right of appeal exists if the complainant disagrees with the restrictions.

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

Appeals should be sent to appealsunacceptablebehaviour@uttlesford.gov.uk

12.3 The appeal will be considered by a Director not previously involved in the previous decision.

12.4 Appeals will be acknowledged in 5 working days and a full response will be sent within a further 20 working days of the acknowledgement.

12.5 The officer(s) will write to the complainant with their decision which will be final.

12.6 When writing to the complainant with the decision, the officer will share contact details for the relevant Ombudsman service.

13. Record Keeping, Monitoring and Review

13.1 The appropriate service manager will manage the unacceptable behaviour log. This will be shared with the Customer Service Centre.

13.2 Cases logged will record:

- The name and address of each customer who has behaved in an abusive, unreasonable, or persistent.

- What arrangement is in place, informal or formal and when the arrangement needs to be reviewed and comes to an end.
- When the customer and departments were advised

13.3 A review of cases will be conducted by the relevant service manager before the end of the restriction period. Any decision as to whether to continue or end the arrangement will be agreed with a Director. If a longer period of restriction has been put in place, this will be reviewed every three months.

ROLES AND RESPONSIBILITIES

Role:	Responsibilities:
Strategic Directors	<ul style="list-style-type: none"> ▪ Oversight and monitoring of the policy ▪ Ensuring that this Policy is operationally effective.
Service Director	<ul style="list-style-type: none"> ▪ Responding to residents' requests to appeal a decision to restrict contact.
Service Manager	<ul style="list-style-type: none"> ▪ Recording and investigation of incidents of unacceptable behaviour. ▪ Determining the appropriate course of action when dealing with unacceptable behaviour. ▪ Reviews of cases on the Unacceptable Behaviour record log. ▪ Conducting a review of contact restrictions at the specified review date and inform the resident(s) of the outcome.
Staff	<ul style="list-style-type: none"> ▪ Supporting and dealing with residents fairly and in a professional manner. ▪ Delivering a high standard of customer service and taking all reasonable steps to mitigate against difficult situations from escalating. ▪ Ensuring that incidents of unacceptable behaviour are recorded on the register where appropriate. ▪ Reporting any incidents of unacceptable behaviour to their line manager. ▪ Responding to any incident of unacceptable behaviour reported to them by a contractor.
Line Managers	<ul style="list-style-type: none"> ▪ Ensuring that staff understand and comply with this policy. ▪ Where required, carrying out risk assessments as a result of unacceptable behaviour carried out by a resident(s). ▪ Identifying if any staff have training needs for dealing with unacceptable behaviour.

	<ul style="list-style-type: none"> Staff welfare including reminding staff of the free and confidential Employee Assistance Programme (EAP).
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KEY CONTACT

- Lead Officer:
- Service Area/Directorate:
- Lead Member:

LINK TO CORPORATE PLAN PRIORITIES

Corporate Priorities	Yes/No
Putting residents first	Yes
Active place-maker for our towns and villages	No
Progressive custodian of our rural environment	No
Champion for our district	Yes

Document History			
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<i>Reviewed By</i>			
<i>Approval Body</i>			
<i>Date Adopted</i>			
<i>Next Review Date</i>			

CONTEXTUAL INFORMATION

Update Overview

This policy updates the previous policy of 'Abusive, Persistent or Vexatious complaints.

The Housing Ombudsman Service encourages Councils to have an Unacceptable Behaviour Policy in place to manage behaviours that can impact a fair provision of services to all

residents and that take up an unreasonable amount of time and resources. This has

This policy will be reviewed every 3 years or if there are any major changes in legislation that may impact on this policy.

Legislative Context

Equalities Act 2010
Data Protection Act 2018
Coronavirus Act 2020

Local Government Context

UDC Policy History

An Abusive, persistent, or vexatious complaints policy exists presently at UDC. The Housing Ombudsman has advised specifically that the word vexatious should not be included in review and reiteration of the policy.

Policy Scope: Resident and/or Internal

The policy provides guidance for residents on how unacceptable behaviour will be managed by the housing service.

Related Policies & Corporate Governance Matters

Complaints Policy
Data Protection Policy
Equalities Policy

POLICY MONITORING

The policy will be monitored by the Strategic Director, Housing, Environment and Communities

The policy should be reviewed on an annual basis to ensure that compliance is achieved. A report on the register being made to the CMT.

COMPLAINT, CHANGE & MODIFICATION

Complaint

Complaints made in relation to this policy, or its application shall follow the Council's corporate complaint policy

Modification

Minor changes will be signed off by the appropriate service Director following CMT approval.

Substantial changes will be referred to the CMT for approval.

The decision on what changes will constitute minor or substantial change will be determined by CMT

Change

The Strategic Director, Housing, Environment and Communities shall be responsible for reviewing /updating the policy in accordance with changes to best practice, statutory guidance and legislation.

Substantial changes made shall be presented to CMT for formal approval.

Reference Section.

Housing Ombudsman Code for Complaints Handling

APPENDIX A – Equality Impact Assessment

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