

# UNREASONABLE/ UNACCEPTABLE BEHAVIOUR POLICY

**March 2024**

**V.4**

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# 1 PURPOSE AND AIMS OF THE POLICY

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- It is the purpose of our roles to deliver a high level of customer service to all our customers, whether that be residents, leaseholders, or clients.
- We understand that managing people's homes requires dealing with customers that have an emotional investment and this can sometimes cause distress and make dealing with customers difficult.
- Occasionally however, there may be instances when we deal with an individual whose behaviour is considered unreasonable or unacceptable.
- We have an expectation that customers will behave appropriately towards our staff; we do not expect our staff to be subjected to or tolerate unreasonable behaviour in the course of their work.
- In accordance with our health and safety obligations and our general responsibility to safeguard their health, safety, and welfare we have a duty to ensure that our staff are properly protected.
- This Unacceptable Behaviour Policy is necessary for the efficient management and administration of HES Estate Management Ltd (hereafter referred to as HESEML) now and in the future and has been designed to define behaviour which the Company deems to be unacceptable and how this will be managed.

## 2. LINKS TO THE RELEVANT LEGISLATION

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The Unacceptable Behaviour Policy is framed within the context of and complies with relevant legislation, which includes:

- [The Equalities Act](#) (2010)
- [The Human Rights Act](#) (1998)
- [The Data Protection Act](#) (2018)

This Policy also complies with the ARMA/IRPM guidance.

### 2.1. Equality and Diversity

HESEML 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.

### 3. POLICY AIMS

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The purpose of this policy is to ensure that we deal with all customer contact in ways which are demonstrably consistent, fair, and reasonable. The policy will help staff to understand what is expected of them, what options for action are available, and who can authorise these actions in relation to complaints. For the purpose of transparency to customers this policy will also be published on the [Company's website](#).

The aims of this policy are to

- To define what behaviour from residents and other customers we consider to be unacceptable.
- To make every effort to ensure that our staff, contractors, and those working on behalf of HESEML can carry out their duties safely without disadvantage, fear of discrimination or distress caused by unacceptable behaviour.
- To give a commitment to our staff and make it clear to lessees, residents, and other customers that unacceptable behaviour, by them will not be tolerated and will be dealt with robustly.
- To provide guidance when circumstances would mean that we would consider a decision to restrict or change access to our service.

### 4. DEFINITION OF UNREASONABLE BEHAVIOUR

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Unreasonable behaviour is any behaviour that is deemed unacceptable, the various forms of which are detailed below. We do not view behaviour as unreasonable just because a person is forceful or determined when making reasonable requests or complaints. We also appreciate that there may be circumstances where a customer is angry or upset and this will be taken into account when considering whether or not their actions are unacceptable. However, we do consider behaviour that results in unreasonable demands of our staff, or unreasonably distresses our staff, to be unacceptable.

Wherever possible, we will give the person the opportunity to change their behaviour or action before a decision is taken. In the event that action needs to be taken to deal with unreasonable behaviour, we will make a detailed note of events, including the unreasonable behaviour and any action taken to mitigate it. This will be recorded in a central register and will be done as soon as possible after the event. We may choose to record phone calls to company phones. When this is the case, we will give clear notice and subsequent reminders.

#### 4.1. Forms Of Unreasonable/Unacceptable Behaviour

We deem the following behaviour to be unacceptable when liaising with our staff:

- **Being unreasonably persistent**  
For example, ringing frequently to raise points already addressed; sending voluminous repetitive or irrelevant emails or letters; (Note that there is no set period for being

unreasonably persistent as the nature of the persistence will inevitably vary. However, depending on the circumstances, we will consider whether a person is being unreasonably persistent by assessing the frequency of persistence over a period of 3, 6 and 12 months).

- **Rudeness**  
Swearing (generally or directed at a member of staff), persistent interruption, name calling or general discourtesy.
- **Anger**  
In volume or tone of voice, such as shouting.
- **Aggressive behaviour**  
Threats of physical harm to person(s) or property; behaviour which indicates that physical harm to person(s) or property is imminent or actual physical aggression.
- **Insulting or disparaging remarks or comments**  
Especially on the grounds of an individual's sex, marital status, sexual orientation, disability, race, colour, national or ethnic origin, religion, belief or age.
- **Inflammatory remarks or personal remarks directed at staff.**
- **Making unjustified complaints about staff** who are trying to deal with an issue and requesting to have them replaced.
- **Vexatious behaviour**  
A complaint that is pursued, regardless of its merits, solely to harass, annoy or subdue somebody, and that is unreasonable, without foundation, frivolous, repetitive, burdensome or unwarranted.

These are examples and not a definitive list of unacceptable behaviours. There are other behaviours not included in the above which may constitute unacceptable behaviour.

## 5. MANAGING UNREASONABLE BEHAVIOUR

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In most instances before any action is taken under the Policy, we will explain to the customer in writing what aspects of their conduct has given cause for concern and ask them to change it.

The customer will be warned that if the conduct persists, their case may be considered under the Unreasonable Behaviour policy.

A copy of the Unreasonable Behaviour Policy will be included with the warning letter.

Where the behaviour is so extreme that it threatens the immediate safety and welfare of an employee, we will report the matter to the police and/or consider taking legal action.

In such cases, we may not issue a warning letter.

Good judgement and discretion must be used in applying the criteria to identify a potential unreasonable customer and in deciding what action to be taken in specific cases.

The policy can only be implemented following careful consideration by an HESEML Director.

## 5.1. Potential Actions To Be Taken Following Unreasonable Behaviour

We may choose to deal with unreasonable behaviour by any of the following means:

- **Call Termination**
  - ✓ Where a person behaves unreasonably during a telephone call to a member of staff, we will ask them to change their behaviour.
  - ✓ If they persist in behaving unreasonably, we will warn them that we will terminate the call. If they persist further, we will follow that through.
  - ✓ The staff member who terminates the call may report this to a senior figure within the company, and a written note of the telephone conversation will be made and logged.
- **Limiting Contact**
  - ✓ Where a person is unreasonably persistent, for example by telephoning us several times a day for a number of days in succession, or by sending us voluminous or repetitive emails or letters, we will ask them to reduce their contact with the office to that which is absolutely essential.
  - ✓ If our request is ignored, we will take steps to limit their contact with the office. Such steps might include requiring contact in a particular form – for example
    - by letter only;
    - requiring telephone contact on specified days or at specified times;
    - or insisting that contact is only made with specific staff member(s) or through a third party to contact us on the persons behalf.
- **Terminating Contact**
  - ✓ In exceptional circumstances, we may refuse to have further contact with individuals who are unreasonably persistent or abusive.
  - ✓ Where we put limitations on contact with the office, this will be sanctioned by a senior figure within the company.
- **Informing the Authorities**
  - ✓ Where we receive threats against individual staff members/voluntary advisers or office property, immediate action may be taken including informing the police or other emergency services.

Through the above measures, we have taken steps to recognise and safeguard our staff from unreasonable behaviour.

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.

## 5.2. Failure To Adhere To The Restrictions

If the customer continues to behave unreasonably or does not adhere to the restrictions placed on them, we may decide to take further action.

There are various possibilities depending on the nature and extent of the behaviour in question. This may include:

1. Preventing incoming calls into the Company by “blocking” their number, this will stop calls to a specific extension number(s).
2. Preventing incoming emails, to specific email addresses.
3. HESEML Directors may decide to end any form of contact with them. In this case, we will inform the customer of this.
4. Reporting to the police where the behaviour may be a criminal offence.

### **5.3. Right To Appeal**

A customer has the right to appeal against a decision to restrict contact. The customer should be advised in writing about this right and the contact details of the Director of HESEML to whom their appeal should be addressed. The Director will advise the customer in writing that either the restricted contact arrangements will remain in force, or a different course of action has been agreed.

### **5.4. Withdrawing The Unreasonable Status**

Once customers have been determined as unreasonable, there needs to be a mechanism for withdrawing this status later. Reasons for this might, for example, be where customers subsequently demonstrate a more reasonable approach.

Staff who have recommended the unreasonable behaviour status at the outset should similarly recommend that this status be withdrawn when appropriate.

The Administration/Health and Safety team will also have recorded the date for a review of the status of any customer categorised as unreasonable and will highlight the case for regular review as necessary.

Where staff has recommended the review of an unreasonable customer, or where the case is due for review, discussions will be held with the Directors and the relevant Property Manager and another independent colleague for objectivity. Subject to approval, normal contact with the customer and application of HESEML’s complaint procedure and services will then resume.

## **6. RAISING AWARENESS OF UNACCEPTABLE BEHAVIOUR**

- Our [website](#) and My Blockman will be used to raise awareness of the Unacceptable Behaviour Policy.
- Property Managers should take responsibility for ensuring contractors and others, as appropriate, are aware of our Unacceptable Behaviour Policy.

