



## Customer Conduct Policy & Procedure

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<b>Responsible director</b>	Paul Seymour
<b>Policy monitoring body</b>	Customer Experience Committee
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<b>Linked strategies/policies</b>	Complaints, Comments & Compliments Policy, Customer Access Strategy, Equality & Diversity Strategy, Safeguarding Policy, ASB Policy
<b>Legislative &amp; Regulatory Framework</b>	The Equality Act 2010 The General Data Protection Act 2018 The Human Rights Act 1998 The Housing Ombudsman's Service Complaint Handling Code
<b>Version/Date</b>	V1.1 - 1.4.2024

## **1. Introduction**

- 1.1 Wythenshawe Community Housing Group (WCHG or 'The Group') is committed to providing a fair, consistent and accessible service for all our customers. The Group recognises that occasionally our customers may behave in an unreasonable or unacceptable way. It is important for us as an organisation to manage customers who present such behaviours and to support and protect our colleagues who are subjected to these behaviours.
- 1.2 This policy supports the strategic priority set out in the Groups' Corporate Plan to make WCHG an attractive place to work, and where the health and wellbeing of colleagues is always supported.

## **2. Policy Statement**

- 2.1 This policy identifies situations where a customer's behaviour and or communication with the Group, may be considered unreasonable or unacceptable, and has a harmful impact on our colleagues or services. The policy will detail the approach and action that the Group may take depending on the type or extent of the behaviour presented.

## **3. Scope of Policy**

- 3.1 This policy applies to all customers, all areas of work undertaken by WCHG and all our colleagues, volunteers, contractors, or representatives. For the purposes of this policy, any reference to customers refers to tenants, leaseholders, applicants, residents, former tenants, visitors to WCHG premises, friends, relatives, or third-party representatives of customers.

## **4. Aims and Purpose**

- 4.1 This policy clarifies the type of conduct that will be considered unreasonable or unacceptable by WCHG. It also provides colleagues with a framework that enables them to feel confident and supported when deciding on a course of action in response to these behaviours.
- 4.2 WCHG's aim is to respond fairly, consistently, appropriately and proportionately to all customers including those whose actions we consider unreasonable or unacceptable. At the same time, it is important that WCHG recognises that all customers, regardless of their behaviour, are treated with respect and dignity and have the right to be heard.

- 4.3 WCHG will ensure colleagues and representatives are adopting a Customer First approach when communicating with customers in line with our Customer First Programme, utilising the tools and techniques available to them to ensure the positive delivery of service (e.g. aiming to keep customers in the black and not pushing them further into the red.)
- 4.4 WCHG recognise that when customers are angry or upset there is usually a valid reason. WCHG colleagues and representatives in applying Customer First principles will seek to listen, understand, show empathy and to respect customers and use this as an opportunity to hear feedback and enable WCHG to act on the issue.
- 4.5 Where the Group is considering applying this policy, due regard will be given to an individual's vulnerability or medical needs such as mental health or learning difficulties. This is to ensure that any restrictions proposed are appropriate and recognise an individual's needs. It is also important to adopt a multi-agency approach and consider whether prior to restricting contact there is a representative, relative, friend or support worker who can assist in the communication regarding the complaint.
- 4.6 WCHG will provide an accessible service to all customers but where unreasonable or unacceptable behaviour occurs, we will retain the right to restrict or change a customer's access to our services, whilst still meeting our landlord obligations. WCHG will endeavour to provide notice to customers of any restrictions however on occasion this may not be possible in ensuring the safety of WCHG colleagues or representatives.
- 4.7 WCHG will ensure that due regard is given to an individual's additional needs such as mental health or learning difficulties when applying this policy by completing Equality Impact Assessments where required.
- 4.8 WCHG will ensure that other customers or colleagues do not suffer a disadvantage from customers who behave in an unreasonable or unacceptable way.

## **5. Definitions of Unreasonable Behaviour**

- 5.1 WCHG fully acknowledges that customers may act in ways that are out of character when they are upset or distressed, and that this behaviour may be difficult for colleagues to deal with as it is not in line with expected standards. We do not consider an individual's behaviour to be unreasonable because a colleague finds the behaviour difficult to deal with or because a customer is forceful or determined.

5.2 Customer conduct or actions that will be considered unreasonable by the Group are –

- Aggressive or abusive behaviour
- Unreasonable conduct
- Unreasonable persistence
- Unreasonable demands
- Unreasonable levels of contact
- Unreasonable refusal to co-operate

5.3 **Aggressive, Intimidating or Abusive Behaviour:** We expect our colleagues to be treated courteously and with respect. Violence or abuse towards colleagues is unacceptable. Our colleagues should understand the difference between aggression and anger. The anger felt by many customers will involve the subject matter of their dissatisfaction or complaint but anger that escalates into aggression directed towards WCHG colleagues or representatives is unacceptable.

5.4 Examples of aggressive or abusive behaviours include:

- Threats
- Physical violence
- Personal verbal abuse
- Personal written abuse, texted abuse, or abuse via social media
- Derogatory remarks
- Excessive & unreasonable rudeness
- Inflammatory statements and unsubstantiated allegations
- Abuse of social media, contacting colleagues using their personal details or personal social media accounts and or publishing personal and private information about colleagues online.
- Harassment of any kind against any colleagues or representatives.
- Make false allegations regarding a WCHG officer or WCHG as a whole

5.5 In addition to the above, any threatening or violent behaviour and/or racist, homophobic, or discriminatory comments towards WCHG colleagues will be reported to the police. Discriminatory comments could include those related to the following protected characteristics – age, sex, marital status, disability, gender reassignment, sexual orientation, religion or belief, pregnancy, or race.

6. **Unreasonable Persistence:** We recognise that some customers will not or cannot accept that the Group is unable to assist them or provide a level of service other than that already provided. Customers may persist in disagreeing with the action or decision taken regarding their complaint or persist in contacting us about the same issue. Examples of unreasonable persistence include:

- Persistent refusal to accept a decision regarding a complaint or a service request
- Persistent refusal to accept explanations about what we can or cannot do
- Continuing to pursue an issue or complaint without presenting any new information for consideration
- Persist in pursuing a matter when they have already exhausted other statutory routes of appeal

6.1 The way in which these customers approach us may be entirely reasonable, but it is their persistent behaviour in continuing to do so that is not.

6.2 We consider the actions of persistent customers to be unreasonable when they take up what WCHG regards as being a disproportionate amount of time and resources.

6.3 **Unreasonable Demands:** Customers may make what we consider unreasonable demands through the amount of information they want from us, 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 customer. Examples of unreasonable demand include:

- Demanding a response within an unreasonable timescale
- Insisting on seeing or speaking to a particular colleague or refusing to speak to colleagues. In usual circumstances WCHG will accommodate a customer's request to only speak to a specific colleague or to not speak to a particular colleague, especially if they have had a poor experience. It would only be considered unreasonable if the customer demanded to only engage with a specific colleague on all matters (e.g. demanding to only speaking to a rent officer about a repair issue) or refusing to engage with a specific colleague without a valid reason (e.g. conflict of interest) as we are unable to ensure this happens in practice or manage this due to resources.
- Repeatedly changing the substance of a complaint
- Repeatedly raising unrelated concerns (when a customer is pursuing a complaint about one matter e.g. a delay with repairing a leak and they repeatedly raise unrelated concerns about their eligibility for a new kitchen which has already been responded to but is preventing the resolution of the leak.)
- Not clearly identifying the precise issues which they wish to be investigated, despite reasonable efforts to help them specify their concerns
- Denying receiving an adequate response despite correspondence specifically answering their questions. The Complaint policy & procedure allows customers to challenge responses through WCHG then to the Housing Ombudsman Service. It would be deemed unreasonable where

WCHG have issued a final response answering a customer's questions of which we have evidence, and the customer denies that we have answered those questions and continues to raise them to us.

- Continuing to pursue a complaint where the concerns identified are not the responsibility of WCHG. We will always seek to ensure that the customer has been signposted to the responsible organisation or person. This would only be deemed unreasonable if this has been communicated repeatedly and the customer continued to raise the same concern to us.

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

6.5 **Unreasonable Levels of Contact:** WCHG provide a range of services to customers including repairs, improvements, adaptations, tenancy management, income related service, support & advice, and complaints handling. Some of these services are planned and some are reactive. Most require interaction with customers. Sometimes, individual service users take up an inappropriate proportion of colleague time with unnecessary levels of contacts. We consider the level of contact unreasonable if our ability to provide the service to the individual or other service users has been compromised by:

- Excessive contact in writing, by email, by telephone or via social media and includes both frequency duration of calls, and volume of contact for example excessively long telephone calls
- The time required to read, review, and respond to email or letters from an individual

6.6 Discretion must be used in determining the precise number of "excessive contacts" applicable under this section, using judgement based on the specific circumstances of each individual case.

6.7 **Unreasonable Refusal to Co-operate:** In providing a service or handling a complaint it is necessary for the Group to engage with the customer. If the customer does not co-operate, we will consider further action appropriate to the circumstances.

6.8 Refusing to allow access to WCHG or contractors for essential works may result in the Group taking legal action to enforce access.

6.9 Refusing to allow access for non-essential works may result in cancellation of the service request.

6.10 WCHG will always seek to accommodate a customer's request not to engage with a specific colleague especially if they have reported a poor experience to us. It would be considered unreasonable if the customer demanded to never

engage with a specific colleague again as we are unable to ensure this in practice or manage this due to resources. In extreme circumstances refusing to engage with the Group's designated colleague may result in the cancellation of the service request or complaint.

## **7. Managing Customer Conduct or Unreasonable Behaviour**

7.1 Where a customer is presenting unreasonable behaviour described in section 5 or 6, the Group will take action to warn customers about this behaviour and/or restrict the contact of these customers.

7.2 WCHG will consider the context of a customer's conduct when considering whether it constitutes unreasonable behaviour and what steps to take. For example;

- A customer who is angry, upset, or emotional is not (necessarily) behaving unreasonably
- It is not unreasonable to raise legitimate queries or criticisms about the handling of a service request or complaint
- Customers may act out of character at times due to upsetting circumstances prior to contacting WCHG
- The customer's distress may be in reasonable proportion to the loss/wrong suffered. WCHG recognise that what may be deemed trivial to colleagues might not be trivial to customers
- The customer may have health issues or language/comprehension difficulties which is driving their behaviour or making it difficult to access or request a service

## **8. Responses to Unreasonable Behaviour**

8.1 **Immediate Decisions:** Any WCHG colleague who directly experiences aggressive or abusive behaviour from a customer has the authority to respond immediately to that behaviour in a manner they consider appropriate to the situation and in line with this Policy. The following list are examples but not limited to situations that may require immediate action such as applying for a without notice injunction to the courts to protect colleagues and/or reporting criminal behaviour directly to the police to pursue criminal charges:

- Racist or homophobic comments
- Threatening or violent behaviour
- Discrimination of any sorts
- Insulting or offensive comments

- 8.2 This type of incident must be reported as soon as possible by the colleague to their line manager, or an alternative manager if they are not available and be recorded on the Customer Conduct Reporting Form via the intranet. (Appendix A)
- 8.3 Based on the seriousness of the behaviour a decision will be made between the colleague and the line manager about reporting the behaviour to the police and/or WCHG pursuing legal action which may result in ending all contact with the customer for a period of time.
- 8.4 If the customer is a tenant, relative or visitor of a tenant the details of the incident will be referred to the Customer Conduct Panel/Community Safety Manager via the Customer Conduct Reporting Form to review the incident and legal remedies available through the Anti-Social Behaviour Policy. The Customer Conduct Panel/Community Safety Manager will recommend or advise an appropriate course of action based on the details of the information provided.
- 8.5 We will ensure that where colleagues' health and safety may be at risk that this is highlighted within the Housing Management system and provide the appropriate alerts to manage this risk for all WCHG colleagues. Colleagues and representatives would then be expected to assess any future risks based on the information recorded and where appropriate take steps to reduce the risk of any future contact or communication. [Lone Working Policy - March 2023 V1.pdf](#)
- 8.6 Where immediate action is required but the customer is not a tenant, relative or visitor of a tenant, incidents will be reported to the police and the Customer Conduct Panel/Community Safety Manager will consider other possible courses of WCHG action in line with this policy.
- 8.7 **First Stage Action:** Where a customer's behaviour is unreasonable but does not require an immediate decision, the Customer Conduct Panel will review the incident reporting form within 5 days and issue a first stage written warning.
- 8.8 The Panel will record the details of the incident and action taken on a central register to track unreasonable behaviour. Access to this register will be restricted to the Customer Conduct Panel.
- 8.9 The warning will set out the detail of the behaviour that has occurred and will outline the consequences of the behaviour continuing. The Panel should also provide a copy of this policy to the customer.
- 8.10 **Second Stage Action:** If a customer does not modify their behaviour and a further incident is reported within a 12-month period the Customer Conduct Panel will review the incident reporting form within 5 days and issue a second stage written warning. The Panel will update the central register accordingly.

8.11 The warning will set out the detail of the behaviour that has occurred during the latest incident and at the first stage and will outline the consequences of the behaviour continuing. The Panel should also provide a copy of this policy to the customer or complainant.

8.12 **Final Stage Action:** If a customer does not improve their behaviour and a further incident occurs within a 12-month period the Customer Conduct Panel will issue a final warning within 5 days. The Panel will update the central register accordingly.

8.13 The final warning will set out the detail of the behaviour that has occurred during the latest incident and at first/second stage and will outline the consequences of the behaviour continuing. The Panel should also provide a copy of this policy to the customer.

8.14 The Panel will ensure that any known or recorded vulnerabilities are considered at each warning stage and where appropriate refer customers to the appropriate support services.

8.15 In the first instance WCHG will try and reach an informal arrangement with the customer about how they will modify their behaviour. This will not always be possible and may not be an appropriate option in some circumstances however an arrangement with the approval of the Customer Conduct Panel could include;

- Appoint a mediator from an independent mediation service to liaise between WCHG & the customer
- Work through an agreed appointed 3rd party
- Agreeing to correspond once a week
- Agreeing to call at a particular time
- Setting a limit on the length of telephone calls
- Limiting the number of issues raised

8.16 **Restricting Contact:** A customer can only be deemed to be behaving unreasonably in line with this policy and have their contact formally restricted with the agreement and approval of WCHG Group Leadership Team (GLT).

8.17 The decision to designate someone as an unreasonable customer is onerous and could have consequences for the customer. Consideration will be given to ensure all points below have been satisfied before deeming a customer as unreasonable and formally restricting their contact:

- The complaint or service request the customer raised has been responded to/investigated properly
- We have followed all WCHG policies and procedures
- Any decisions we have reached are the right ones

- Communications with the customer have been adequate and reasonable
- The customer is not providing any significant new information that might affect the Group's view on the service request or complaint
- We have clear robust records to show excessive contact or unreasonable behaviour
- We have made referrals to external agencies where appropriate
- We have issued **a final warning** in writing to the customer or complainant regarding the unreasonable behaviour

8.18 If the Panel is satisfied that these points have been met, then they will complete a Request to Restrict Contact Form (Appendix B) and send to GLT for approval.

8.19 GLT will review the request, consider the evidence and consider what restrictions are appropriate to the individual's circumstances. Examples could be:

- Requesting contact in a particular form e.g. letter or e-mail
- Specify that contact to take place only through one specifically named manager
- Restrict telephone calls to specified days and times and/or asking the customer or complainant to enter into an agreement about future contacts with us
- Require the customer to communicate with us via an agreed third-party representative
- Where there have been serious incidents of unreasonable behaviour as referenced in 8.1, termination of all contact with WCHG for a period of time

8.20 In all cases where we decide to treat someone as behaving unreasonably, we will inform them in writing and verbally if necessary to advise them why, what actions we are taking, how long any restrictions will last and how they can have the decision reviewed. We should also include details of how the customer can appeal the decision made by GLT.

8.21 We will ensure that restricted contact is highlighted within the housing management system to ensure that all colleagues are aware of the restrictions in place.

## 9. Appeals

9.1 Requests to overturn a decision to restrict contact must be made in writing to the Customer Experience Manager stating the reasons why within 20 working days. The Customer Experience Manager will acknowledge the appeal request within 2 working days and confirm an expected appeal outcome date.

- 9.2 The Customer Experience Manager will use discretion on a case-by-case basis where late appeals are received to ensure customers are given a fair opportunity to appeal. The Customer Conduct Panel/Customer Experience Manager will ensure that support is provided to customers where required, to progress an appeal e.g. when the customer wants to appeal verbally over the telephone or with the use of a translator.
- 9.3 Requests to overturn a decision to restrict contact will be passed to GLT within 5 working days. The referral to GLT will request that the review takes place within a further 10 working days. The appeal will consider the customer reasons for the decision to be overturned and GLT will decide whether restricting the customer contact was reasonable and whether it should remain. GLT will notify the Customer Experience Manager within 2 working days of the appeal outcome.
- 9.4 The Customer Experience Manager will inform the customer of the outcome of the appeal in writing within 5 working days of the review by GLT. There is no further appeal after this review.
- 9.5 Where a customer continues to communicate with us about the same issue and where all other methods of restricted contact have been exhausted, we may decide to terminate all contact with the customer. In such cases, the Group will read all correspondence but unless there is new information or evidence which may affect the previous decisions of the Group, we will simply acknowledge the correspondence and place it on file.

## **10. Review**

- 10.1 All restricted customer contact will be reviewed every 6 months and a decision taken on whether the restrictions should be removed or not. The outcome of this review should be recorded on a Restricted Contact Review Form (Appendix C) and placed on file. The customer must be advised of the outcome in writing. If the behaviour which led to the original decision starts again then the restrictions can be reintroduced immediately.
- 10.2 The Customer Conduct Panel will monitor and review the central incidents register and all the actions associated on a regular basis. The Panel will also consider any recurring themes and escalate these to Business Influencers Group (BIG) and the Complaints Quality Network.
- 10.3 The Customer Conduct Panel through the Customer Experience Manager will report the number of incidents, number of actions & types issued, number of restrictions approved by GLT and the number of appeals to Customer Experience Committee and Health & Safety Committee every 6 months.

## **11. Method and Approach**

11.1 This policy will be applied in a fair, reasonable and consistent manner and due consideration will be given to the Equality Act 2010 in regard to unlawful discrimination and provision of services.

## **12. Equality, Diversity and Inclusion**

12.1 The Group will ensure that this policy will be applied fairly to all our customers. We will not directly or indirectly discriminate against any person or group of people because of their age, race, religion, gender, marital status, sexual orientation, disability, or other grounds set out in our Equality and Diversity Policy. All colleagues managing challenging behaviour must ensure that equality and diversity issues have been considered and reasonable adjustments made where appropriate.

## **13. Responsibility**

13.1 It is the responsibility of the Executive Director of Customer & Communities to ensure this policy complies with any legislative requirements.

13.2 Investigations and decisions in relation to unreasonable behaviour towards colleagues will be conducted by the Customer Conduct Panel.