



UNREASONABLE AND PERSISTENT BEHAVIOUR POLICY

Policy date:	March 2024
Version number:	1
Policy review date:	March 2025

1 Introduction

Manchester Jewish Housing Association (MJHA) is committed to investigating and responding to all complaints fairly, comprehensively, and in a timely manner. However, there are a minority of cases where a person complains in a way that:

- prevents MJHA staff from investigating the complaint
- takes up a disproportionate level of resources
- is considered to be unacceptable

We do not believe that raising legitimate queries or criticisms of our services or officers should in itself lead to a complaint being regarded as unreasonable or a complainant as unacceptably persistent. We accept that if a complainant is unhappy with the outcome of a complaint and seeks to challenge it, this should also not cause us to label the complaint as unreasonable.

However, if a complainant behaves in a way that is unreasonable, unacceptably persistent or abusive we will follow this policy. We do not expect our staff to tolerate unacceptable behaviour by complainants or any customer or member of the public and will take firm action to protect them from this and so aims to establish a working environment for our staff where their exposure to unnecessary stress or fear of harm due to the unacceptable behaviour of others is managed.

We define unreasonable and unacceptably persistent complaints as those that, because of the frequency or nature of a complainant's contact with our employees, hinder our consideration of their (or other people's) complaints. The description 'unreasonable' and 'unacceptably persistent' may apply separately or jointly to a particular complaint.

We will treat as abusive, any behaviour that seeks to harass, verbally abuse or otherwise intimidate our officers. This can include the use of foul or inappropriate language, verbal threats or the use of offensive and hateful language (such as that which is racist, homophobic or refers to another characteristic).

Any actual or perceived threat of violence, or actual violence, will also be reported to the Police.

2. Purpose

To have a process in place that is clear and simple and accessible so complaints are resolved promptly, consistently and fairly, in compliance with all regulatory and statutory requirements.

3. Equality and diversity, and reasonable adjustments

This policy will consider the requirements of the Equalities Act 2010 and the application of this policy will show due regard for an individual's medical condition and vulnerability such as mental health issues and learning disabilities.

Accordingly, any restrictions imposed on a customer's contact will recognise and be appropriate to an individual's circumstances.

4. Examples of Unreasonable or Persistent Behaviour

Features of an unreasonable or persistent complainant include the following (the list is not exhaustive, nor does one single feature on its own necessarily imply that the person will be considered as being in this category).

An unreasonable or persistent complainant may:

- Refuse to specify the grounds of a complaint despite numerous offers of assistance.
- Refuse to co-operate with the complaints investigation process while still wishing their complaint to be resolved.
- Refuse to accept that issues are not within the remit of the complaints policy and procedure despite having been provided with information about the scope of the policy and procedure.
- Refuse to accept that issues are not within the power of MJHA to change or influence (examples could be a complaint about a service delivered by another organisation or a decision made based on legislation or policy).
- Insist on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice (insisting, for instance, that there must not be any written record of the complaint).
- Make what appear to be groundless complaints about the officers dealing with the complaints, and seek to have the officer dismissed or replaced.
- Make an unreasonable number of contacts with us, by any means in relation to a specific complaint or complaints.
- Make persistent and unreasonable demands or expectations of officers and/or the complaints process after the unreasonable behaviour has been explained to the complainant (an example of this could be a complainant who insists on immediate responses to numerous, frequent and/or complex letters, faxes, telephone calls or emails).
- Introduce trivial or irrelevant new information whilst the complaint is being investigated and expect this to be considered and commented on.
- Change the substance or basis of the complaint without reasonable justification whilst the complaint is being addressed.
- Electronically record meetings and conversations without the prior knowledge and consent of the MJHA employee or any other person involved.
- Refuse to accept the outcome of the complaint process after its conclusion, repeatedly arguing the point, complaining about the outcome, and/or denying that an adequate response has been given.

- Make the same complaint repeatedly, perhaps with minor differences, after the complaints procedure has been concluded, and insist that the minor differences make these 'new' complaints which should be put through the full complaints procedure.
- Persist in seeking an outcome which we have explained is unrealistic for legal or policy (or other valid) reasons.
- Refuse to accept documented evidence as factual.
- Complain about or challenge an issue based on a historic and irreversible decision or incident.
- Combine some or all of these features
- Raise the same complaint separately with multiple officers

5. Dealing with abusive and threatening behaviour

In situations where the language and content become abusive or threatening to employees, it is acceptable for an MJHA employee to terminate a telephone conversation or meeting be that online or face to face.

In all cases the employee should remain polite and, wherever possible:

- Provide the complainant with the opportunity to modify their behaviour by informing the complainant that unless they do so, the call will be terminated.
- If a call needs to be terminated as a result of the complainant's conduct a file record must be kept and the complaints officer advised.

The personal safety of MJHA's employees is of paramount importance and if during face to face meetings the complainant's behaviour becomes aggressive, abusive or displays high levels of distress the meeting should be ended as quickly as possible.

The decision to end a meeting should (if possible) be explained clearly and politely, so that the complainant does not feel that they are being dismissed or their complaint ignored. Unless it is clearly inappropriate to do so, they should also be informed that it may be possible to continue the conversation at a future meeting when they are less distressed.

If an employee feels their personal safety is in immediate risk, they will end the meeting without explanation and if deemed necessary without warning. Where a meeting is terminated because of the conduct of the complainant a file note of the incident will be made and the matter brought to the attention of the complaints officer and the Executive Management Team (EMT) in writing.

Employees in receipt of abusive or threatening correspondence need not reply to this other than to acknowledge its receipt. All such correspondence should again be brought to the attention of the complaints officer and EMT.

The relevant member of EMT will review the case and may decide to respond to the complainant explaining that the tone of their correspondence is unacceptable and that no further correspondence will be entered into unless the complainant amends their tone. A copy of this correspondence will be held on the tenants file.

9. Imposing restrictions

In all cases where a complainant feels that the service they have received has fallen short of the high standards we set for our organisation, their complaint will be investigated in accordance with our published complaints policy.

If a complainant is persistently abusive when they contact our employees or persistently makes contact to discuss a complaint or make further complaints and this is proving time consuming and disruptive, the following steps will be taken to deal with this:

- The complaints officer will contact the complainant either by phone, in writing or by email to explain to the complainant why their behaviour is causing concern and ask them to moderate their behaviour. The complaints officer will explain the actions that we may take if the behaviour does not change.
- If the disruptive behaviour continues, a decision may be taken to apply restrictions to contact between the complainant and MJHA. This decision can only be made following consultation between the complaints officer and a member of EMT. The decision will be recorded, detailing the reason/s for the decision.
- If it is decided to impose restrictions, a member of EMT will write to the complainant (if appropriate) advising them of the restrictions to be imposed in relation to further contact with MJHA.
- Where a complainant continues to behave in a way which is unacceptable, a member of EMT may decide to refuse all contact with the complainant and stop any investigation into his or her complaint.
- All restrictions will be recorded and monitored by the complaints officer.

Any restriction that is imposed on the complainant's contact with us will be appropriate and proportionate and the complainant will be advised of the period of time the restriction will be in place for. Restrictions will be tailored to deal with the individual circumstances of the complainant and may include:

- Refusing to take further contact from the complainant by telephone except through a third party e.g. solicitor/councillor/friend acting on their behalf.
- Refusing to accept emails from the complainant insisting instead that they correspond by letter.
- Banning the complainant from accessing any of our offices except by appointment.
- Requiring contact to take place with one named member of staff only.
- Restricting telephone calls to specified days / times / duration.
- Requiring any personal contact to take place in the presence of an appropriate witness.

- Letting the complainant know that we will not reply to or acknowledge any further contact from them on the specific topic of that complaint (in this case, a designated member of staff should be identified who will read future correspondence).
- Restricting or even denying social media users access to our sites.
- Refusing to make home visits, or making these only by staff attending in pairs.
- Withdrawing access for the complainant to visit any MJHA site other than their own home

10. Informing process

When the decision has been taken to apply restrictions to a complainant, a member of EMT will contact the complainant in writing or email (and/or as appropriate) to explain:

- Why we have taken the decision
- What action we are taking
- The duration of that action, which would usually be 6 months
- The review process of this policy and the right of the complainant to contact the Housing Ombudsman about the fact that they have been treated as an unreasonable or persistent complainant

11. New issues from people who have been identified as abusive, unreasonable or persistent

New complaints from people who have who have been identified as abusive, unreasonable or persistent under this policy will be treated separately. The complaints officer, in conjunction with a member of EMT will decide whether any restrictions which have been applied before are still appropriate and necessary in relation to the new complaint. This decision would be confirmed to the tenant in writing. We do not support a “blanket policy” of ignoring genuine service requests or complaints where they are well founded.

The fact that a complainant is judged to be abusive, threatening, or unreasonably persistent and has had restrictions imposed on contact previously, will be recorded on MJHA’s Housing Management System.

12. Review arrangements

The complaints officer in conjunction with EMT will monitor restrictions and review notifications.

The status of a complainant judged to be unreasonably persistent or abusive will be reviewed by EMT at regular intervals as detailed to the tenant when restrictions are put in place.

13. Referring unreasonable or persistent complainants to the Housing Ombudsman

The Ombudsman will normally only consider complaints if the complainant has exhausted the two stages of MJHA’s complaints procedure.

In some cases, relations between MJHA and complainants break down completely while complaints are under investigation and we may not achieve a satisfactory outcome. In such circumstances, there may be little purpose in following all the stages of the complaints procedure. Where this occurs, the Ombudsman may be prepared to consider a complaint before the procedure has run its course.

Prior to approaching the Housing Ombudsman the tenant (including leaseholders) has the right under the Localism Act of 2011 to refer the matter to a “Designated Person” which currently is a Councillor or MP. The Designated Person may engage with the complainant and MJHA to try and resolve the complaint or referring the matter to the Housing Ombudsman after it has been considered at all stages of MJHA’s complaints procedures. The Housing Ombudsman has the right to insist on a cooling off period of 8 weeks after the final stage response before accepting the complaint, unless the tenant has already referred the matter to a Designated Person.

The contact details of the Ombudsman’s service are sent out with all final stage response letters.

Housing Ombudsman Service

Exchange Tower
Harbour Exchange Square
London, E14 9GE
Telephone: 0300 111 3000
Email: info@housing-ombudsman.org.uk
Website at: www.housing-ombudsman.org.uk

You may be required to wait until **8 weeks** have elapsed from the date of the final response letter.

14. Confidentiality

The relevant Data Protection legislation will be upheld at all times through the application of this policy with regards to collection, storage, access to, provision and disclosure of data.

15. The use of advocates

Residents may ask another person to act on their behalf in bringing their complaint to MJHA’s attention. This advocate may be a friend, relative or representative from an external organisation such as the Citizens Advice. An advocate may not be a solicitor or other legal professional unless they are acting in a ‘lay’ capacity i.e. not representing the complainant on a professional basis. If further support is needed contact can be made to enquire about them acting as an advocate on 0161 740 0001 or by email.