

Managing Unacceptable Behaviour from Complainants

Prepared by	Data Quality and Performance Manager Policy Officer
Approved by	Customer Services Committee of the Board Directors Group
Approved date	July 2023
Date of last review	Feb 2021
Date of Next Review	January 2023
Document Owner	Head of Governance, Risk & Assurance
Lines of Defence/how is the document audited?	1. Approval by Directors Group and Customer Services Committee 2. Review period and appeals process 3. Oversight and regular case review by Data Quality and Performance Manager

1. Scope and Aims

- 1.1. This policy applies to Hexagon's complaints process and should be read alongside Hexagon's Complaints Policy.
- 1.2. Hexagon wants you to have your views heard and for our staff to be able to do their jobs effectively. To achieve this, Hexagon occasionally needs to manage the demands put on our service by those who behave in an unacceptable manner. Hexagon will take action to manage unacceptable behaviour of any complainant that creates an unacceptable working environment for our staff, or that has an adverse impact on our staff's ability to deliver our services to other residents.
- 1.3. This policy applies to everyone using the complaints process, all Hexagon staff and those acting on Hexagon's behalf such as contractors and managing agents.
- 1.4. This policy aims to ensure that all residents using the complaints process are dealt with fairly, honestly, consistently and appropriately including those whose actions are considered unacceptable.
- 1.5. This policy does not supersede or infringe upon your statutory rights.

2. Equality and Diversity

- 2.1 An equality and diversity impact assessment has been carried out and is attached as an appendix to this Policy.
- 2.2 This Policy will be implemented in accordance with Hexagon's responsibilities and duties under relevant legislation, including the Equalities Act 2010. Hexagon show due regard for an individual's medical condition and vulnerabilities such as mental health issues and learning disabilities when implementing this Policy.
- 2.3 Hexagon will communicate to complainants using their preferred contact method and will adapt to any reasonable requests for different styles of communication to meet a complainants accessibility needs.

3. Consultation

- 3.1. Resident Groups were consulted on this policy from April to June of 2023 and their feedback has been incorporated into this policy.

4. Policy Statement

4.1. Hexagon recognises that there may have been distressing circumstances leading up to you making a complaint and that assertive and determined behaviour is to be expected. Examples of behaviours that Hexagon considers unacceptable include:

4.2. Unreasonable demands

4.2.1. This may include:

- Requesting large volumes of information
- Asking for responses within an unreasonably short space of time
- Refusing to speak to an individual or insisting on speaking with another individual

4.3. Unreasonable persistence

4.3.1. This may include::

- Insisting that the response is not adequate despite demonstrable correspondence addressing the concerns raised
- Continuing to raise the subject matter without providing any new evidence when the complaints procedures is exhausted
- Contacting different people or departments to try and get a different response
- Changing the substance of a complaint by persistently raising new issues whilst the first complaint is being dealt with (new issues will be dealt with as new complaints)
- Persistently demanding that someone should be fired when there is no reasonable basis for expecting this following our investigation

4.4. Harassment, verbal abuse, aggression, and violence

4.4.1. This may include:

- Offensive language, including of a racist, sexist, ableist, transphobic, or homophobic nature
- Derogatory or patronising remarks and rudeness
- Inflammatory allegations that individuals have committed criminal, corrupt or perverse conduct without any evidence
- Threats of violence

- Recording conversations without prior consent
- Contacting staff using their personal details or social media
- Publishing personal, sensitive or private information about staff online or in public domains

4.5. Overload of contact

4.5.1. This may include:

- Making an excessive number of telephone calls to us on the same issue
- Sending numerous emails or letters within a short space of time
- Telephone calls of an excessive length of time

4.6. Hexagon will consider your known vulnerabilities or support needs when determining our response to unacceptable behaviour. Where possible, Hexagon will request that a family member, friend, or support worker represents you in the handling of your complaint. Hexagon will consider if a multi-agency approach is necessary where you are receiving support from other bodies such as social services.

5. Actions Hexagon will take to manage unacceptable behaviour

5.1. Hexagon will try to reach an arrangement with you to resolve the issue, allowing you time to consider and adjust your behaviour. If you persist with unacceptable behaviour, Hexagon will issue you a formal warning.

5.2. The formal warning will include examples of where your behaviour has been considered unacceptable, and reference what steps may be taken if the behaviour continues.

5.3. There may be situations (such as threats, violence, harassment) where the behaviour requires instant action without a warning being issued.

5.4. Formal actions taken to manage unacceptable behaviour will be determined on a case-by-case basis, and may include:

5.4.1. Providing a single point of contact (other staff will be instructed not to engage or respond)

5.4.2. Limiting how or when you may contact us, for example limiting the frequency and duration of calls, emails and visits, and/or limiting contact to a single form, i.e. writing, email, or telephone only

5.4.3. Limiting contact to certain times or to a limited number of times per week or month

5.4.4. Declining to give any further consideration to an issue unless additional evidence or information is provided

5.4.5. Only considering a certain number of issues in a specific period

5.4.6. Responding to you only through a designated advocate or representative

5.4.7. In cases of violence or harassment, Hexagon may involve the police, take legal action or end direct contact with you.

5.5. You will be issued a letter explaining the actions taken in response to your behaviour, this will include information on the review period for the decision and how to appeal the decision.

5.6. Any restrictions set will be subject to a review period and this will be communicated to you. If your behaviour has improved at the point of review, consideration will be given to lifting the restrictions. If the unacceptable behaviour continues, the restrictions will continue and Hexagon will provide you with an explanation and a new review date.

5.7. If you do not feel our actions are reasonable in response to your behaviour, you may refer the matter to the Housing Ombudsman.

6. Related Hexagon policies, strategies and procedures

6.1. Complaints Policy and Procedure

Appendix 1: Equality Impact Assessment

Part one: Initial Screening

Name of policy, service or function	Managing Unacceptable Behaviour from Complainants Policy
Current or Proposed	Proposed
Persons completing Initial screening	Policy Officer
This policy applies to customers using Hexagon's complaints process and aims to ensure that Hexagon effectively manages unacceptable behaviour from complainants. This will benefit other customers using our complaints process as it manages unreasonable and excessive demands on Hexagon's complaints service, and this policy will benefit the safety and wellbeing of Hexagon staff. This policy also aims to provide a fair, proportionate, and reasonable response to customers who are demonstrating unacceptable behaviour.	

Analysis of relevant data

Data Type	Summary and Analysis
Organisational Statistics	Hexagon has not been keeping a clear record of when complainants have had action taken against them, or restrictions put in place, to manage unacceptable behaviour. This makes it difficult to analyse whether the previous version of this policy was being applied disproportionately against any of the protected characteristics groups.
National / Regional Statistics	I am not aware of any relevant national or regional statistics available for this policy.
Qualitative data from colleagues managing/delivering the service area	Changes in staffing make it difficult to gather feedback from colleagues who have had to implement aspects of the previous version of this policy.

Resident Involvement

Method	Data
Resident Groups	We consulted with our involved resident from April to June 2023 and they did not raise any concerns relating to the equality impact of this policy.

Screening

Protected Characteristic	Is impact is positive, negative, or none			Reason
	Positive	Negative	None	
Age			X	
Disability	X			This policy makes specific provisions for paying due regard to a complainant's disability when determining what actions should be taken. The policy emphasises collaboration with support workers and other agencies to facilitate the complainant's continued access to the complaints process.
Gender	X			This policy makes specific provisions for protecting staff from sexist abuse
Gender reassignment	X			This policy makes specific provisions for protecting staff from transphobic abuse
Race	X			This policy makes specific provisions for protecting staff from racist abuse
Religion or belief	X			The policy does not explicitly cite this, but protection against harassment against staff on religious/belief grounds is covered by the policy points about harassment and abuse.
Sexual orientation	X			This policy makes specific provisions for protecting staff from homophobic abuse
Socio-economic status			X	The complaints process is free for all to use, and this policy does not place any financial burdens or fines on any complainant.
Literacy			X	Hexagon will communicate to complainants using their preferred contact method and will adapt to any reasonable requests for different styles of communication to meet a complainants accessibility needs.
What are the arrangements for monitoring the policy and its impact on customers?				
Impact and learning from this policy are regularly reported to our governing body. This policy will be subject to review in three years time, or sooner if there are any changes to service delivery, regulations, or best practice.				