



BAT-POL-02-01
Excessive Use and Unreasonable
Behaviour Policy

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1. Scope

This policy is owned by the Chief Executive and is subject to approval by TORUS Senior and Operational Leadership teams.

This policy applies to everyone who receives a service or requests information from Golden Gates Housing Trust (GGHT), Helena Partnerships (HP), or the TORUS Group, and to people acting on their behalf.

This policy deals with those rare occasions where a customer or complainant, either individually or as part of a group, might be considered to be acting excessively or is behaving in an unacceptable manner and as a result has become resource intensive.

We consider the term excessive to mean 'exceeding a normal, usual, reasonable, or proper limit'. That is customers who seek to be disruptive to the business by pursuing an unreasonable course of action.

2. Policy Statement

We recognise that people may act out of character in times of trouble or distress. A complainant, for instance, may have experienced upsetting or distressing circumstances before making a complaint. We do not view behaviour as unacceptable just because someone is forceful or determined. However, the actions of customers who are angry or overly persistent may put unreasonable demands on our business or result in inappropriate behaviour towards our staff. We consider these actions unacceptable and we aim to manage them using this policy.

Similarly customers who repeatedly make excessive demands on our time and resources will also be managed using this policy. This could include but is not limited to, lengthy telephone calls, emails to staff, expecting an immediate response, refusing to accept a decision or repeatedly arguing the point with no new evidence.

The TORUS Group does not operate a blanket exclusion policy. Any customer who has sanctions imposed against them (for instance restricted access to officers or services) will have the right to review, usually after a period of 6 months. If we are sufficiently satisfied that the conduct that led to sanctions being imposed has ceased and is not likely to re-occur then said sanctions will be lifted with immediate effect. If however this is not the case, sanctions will continue for a further 3 months after which we will carry out another review, and so on.

Unacceptable behaviour usually falls within 3 broad categories;

2.1 Unreasonable Demands

Customers may make what we consider are unreasonable demands either as a result of the amount of information they want from us, the nature and scale of service they expect from us or the number of times they contact us. What amounts to unreasonable demands will always depend on the circumstances surrounding the behaviour and the seriousness of the issues raised by the customer. It is therefore important to treat each case on its merits.

Examples of unreasonable demands include:

- Demanding a response within an unreasonable timescale
- Insisting on seeing or speaking to a particular member of staff
- Continual phone calls or letters

- Repeatedly changing the substance of a complaint
- Repeatedly raising unrelated concerns
- Not clearly identifying the precise issues which they wish to be investigated, despite reasonable efforts to help them to specify their concerns.
- Denying receiving an adequate response in spite of having received correspondence specifically answering their questions.
- Continuing to seek to pursue a complaint or service where the concerns identified are not within our remit to investigate.

We consider these demands as unacceptable and unreasonable if they start to substantially impact on our work, for example, taking up an excessive amount of staff time to the disadvantage of other customers.

2.2 Unreasonable Persistence

We recognise that some customers will not or cannot accept that we are unable to assist them or provide a level of service other than that provided already. Customers may continue to disagree with the action or decision taken or persist in contacting us about the same issue. Again, it's important to treat each case on its merits.

Examples of unreasonable persistence include:

- Persistent refusal to accept a decision
- Persistent refusal to accept explanations about what we can or cannot do
- Continuing to pursue a complaint without presenting any new information
- Persistence in pursuing a matter when they have already exhausted other statutory routes of appeal.

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. We consider the actions of persistent customers to be unacceptable when they take up what we regard as being a disproportionate amount of time and resources.

2.3 Aggressive or Abusive Behaviour

Violence is not restricted to acts of aggression that result in physical harm. Violence also includes behaviour or language (whether oral or written) that may cause our staff to feel afraid, threatened or abused. This type of behaviour can be presented in person, face to face, but equally also on-line, by e mail or via social media. Examples of aggressive or abusive behaviours include:

- Threats
- Physical violence
- Personal verbal abuse
- Personal written or texted abuse
- Derogatory remarks
- Rudeness
- Inflammatory statements or unsubstantiated allegations

We expect our staff to be treated courteously and with respect. Violence or abuse directed at members of staff is unacceptable and will not be tolerated. Whilst guidance already exists on how staff should deal with aggressive or threatening behaviour the use of harsh and insulting language or insults **directed at*** one or more individuals can often go unchallenged as staff are unsure how to deal with it (* we consider unacceptable comments directed at members of staff constitutes verbal abuse).

Where customers make unreasonable demands on the service **(2.1)** or are being unreasonably persistent **(2.2)** it is important to treat them with the same courtesy and consideration given to all other customers. Their case should be carefully reviewed to ensure that no factor has been overlooked which might explain the persistent nature of their behaviour. Once reviewed and if there is no further case to answer we will bring the case to a close in writing. Where a customer has been verbally abusive towards member(s) of staff **(2.3)** our concerns should be brought to their immediate attention, advising them that their behaviour is unacceptable and will not be tolerated.

3. Implementation

We will:

- Make it clear to all customers, at initial contact and throughout their dealings with us, what we can or cannot do with regard their service request. In this way, we aim to be open and not raise hopes or expectations that we cannot meet.
- Deal fairly, honestly, consistently and appropriately with all customers, including those whose actions we consider unacceptable. We believe that all customers have the right to be heard, understood and respected and that our staff have the same rights.
- Provide a service that is accessible to all customers. However, we retain the right, where we consider customer actions to be unacceptable, to restrict or change access to our service.
- Make sure that other customers and staff do not suffer any disadvantage from the few customers who act in an unacceptable manner.
- Identify vulnerable customers who, because of underlying circumstances or illness, may behave towards staff in a way that is unacceptable.

By taking simple precautions we can mitigate against or completely avoid unreasonable behaviour or acts of aggression.

The Excessive Use and Unreasonable Behaviour Procedure provides instructions on what to do if any of the behaviours outlined in sections 2.1, 2.2 or 2.3 apply.

4. Consultation/Resident involvement

This policy has been shared with and received the support of the Community Consultation Forum.

5. Responsibility

In cases of verbal abuse the officer against whom the abuse was directed is responsible for bringing their concerns to the immediate attention of their line (service) manager.

Service Managers will be responsible for;

- identifying, imposing and reviewing sanctions.
- writing to the customer to inform them that they have had sanctions imposed against them (see section 3. Implementation).
- liaise with any appropriate colleagues within the business to ensure that any risks are identified and mitigated against.

Heads of Service or Operational Directors will authorise the application of sanctions on a case by case basis.

Newly imposed sanctions will be reported to the Performance & Assurance Advisor (PAA) and the Sustainable Communities Director.

The PAA will offer advice, based on president, on which sanctions are appropriate and in what circumstances. The PAA will report on all sanctions activity on a monthly basis in the Strategic, Operational and Financial Review (SOFR) report.

6. Diversity & Inclusion

A key aim of the TORUS approach to Diversity and Inclusion is to ensure that Equality and Diversity is embedded in our service delivery and the underlying policies and procedures.

- In recognition we aim to deliver services that are relevant and fully accessible to all
- Deal fairly, honestly, consistently and appropriately with all customers, including those whose actions we consider unacceptable.
- Tailor services to meet both the specific needs of the individual, including those with additional support needs, and the diverse needs of the wider community
- Provide services that are compliant with all aspects of Equality and Diversity legislation.

7. Monitoring & Review

We will review this policy after two years and carry out interim reviews in light of legislative, policy or procedural changes.

This will be next be subject to a full review in August 2019.