Unreasonable Communication Policy

1. Introduction

1.1 The vast majority of our customers are positive, polite and respectful and it is only a minority that behave in a way that could be considered unreasonable. Behaviour becomes unreasonable when it involves the abuse of our colleagues, a disregard for our procedures and when it takes up a disproportionate amount of our time, preventing us from dealing with the issue in question and providing a service to others. In line with the requirements of the Housing Ombudsman's Complaint Handling Code, this policy sets out what we consider to be unreasonable behaviour and the steps we will take to manage it.

1.2 This policy has links to some of our other documents, and we've thought about these when developing the policy.

1.3 This policy should be read in conjunction with the Unreasonable Communication Procedure or subsidiary equivalent. Other relevant documents include the:

- Complaints Policy and Procedure
- Vulnerable Persons Policy
- Hate Crime Policy
- Antisocial Behaviour Policy
- Social Media Policy
- Reasonable Adjustments policy
- Accident and Incident Reporting Procedure or subsidiary equivalent.
- Caution Alert Procedure or subsidiary equivalent.

2. Scope

2.1 This policy applies to the Peabody Group and all subsidiaries, including Town and Country Housing. It also applies to our contractors.

2.2 This policy applies to any communication received from our customers, users of our community centres, users of properties owned but not serviced by us, and any individual or group affected by the services that we provide.

2.3 This policy aims to ensure that we:

- are clear about behaviour that we consider to be unreasonable
- take appropriate and proportionate steps to manage such behaviour
- apply restrictions fairly and consistently
- respect our customers' right to be heard, regardless of any restrictions.

3. Examples of Unreasonable Behaviour

3.1 Although not an exhaustive list, we have split what we consider to be unreasonable behaviour into the following broad categories:

<u>Aggressive or abusive behaviour</u>

3.2 This includes physical aggression as well as language that is:

- intended to insult, degrade or intimidate

- intended to bully, victimise or harass
- threatening or verbally abusive
- making serious unfounded allegations
- motivated by prejudice on the basis of ethnicity, religion, sexual orientation, or similar grounds. We will consider the this in line with our Hate Crime Policy.

Unreasonable demands

3.3 This includes:

- repeatedly demanding a response within an unreasonable timescale
- insisting on dealing with a particular colleague or refusing to deal with another
- repeatedly changing the substance of a complaint or raising unrelated concerns
- repeatedly referencing and re-raising old complaints that have already been considered
- requesting large volumes of information without a good reason.

Unreasonable levels of contact

3.4 This includes:

- an excessive number of letters or emails
- an excessive frequency (and duration) of telephone calls
- copying several members of staff into the same message
- providing unnecessary levels of information
- repeatedly raising the same complaint through as many means as possible
- unreasonable persistence and refusing to accept a decision.

Refusal to co-operate

3.5 Examples include where a customer refuses to:

- provide further details, information or evidence
- summarise or clarify the concerns they have raised
- provide access to allow inspections or work to be completed that will resolve a complaint or service request.

Social media

3.6 We may also consider it unreasonable if a customer abuses social media in any way stated above and also if they:

- contact staff using their personal details or personal social media accounts
- publishes personal, sensitive, or private information about staff online.

4. Our Response

4.1 In making a fair judgement we will consider:

- that customers are entitled to raise legitimate queries or concerns about any aspect of our service.
- whether the behaviour is reasonable in proportion to any loss or wrongdoing experienced.
- the circumstances of the customer, i.e., any known health issues or language difficulties making it difficult for them to request a service.
- that customers can act out of character due to upsetting circumstances prior to them contacting us.

4.2 We recognise that someone who is upset, angry or emotional is not (necessarily) behaving unreasonably. We will also remember that customers exhibiting unreasonable behaviour may be raising a valid point.

4.3 In deciding the appropriate course of action to take, we will try to remain impartial and objective to ensure that the fair decision is reached. We understand that it is always useful to get a second opinion, particularly from someone who has had no direct involvement in the case.

4.4 We will always be mindful of context, and any restrictions that we decide to put in place must be appropriate for that person, recognising our responsibilities under the Equality Act 2010. For example, we would not restrict a customer's contact to writing if we are aware they have a disability which prevents them from communicating in this manner.

5. Informal Actions

5.1 It is worth spending time trying to reach an informal agreement with a customer in the first instance as it can prove less resource intensive compared to enforcing any formal restrictions. We may decide to explore reaching an informal arrangement with the customer as to how they will communicate with us. Examples could include: agreeing to call at a particular time; setting a limit on the length of telephone calls; agreeing to correspond once a week (or fortnight) and; limiting the number of issues raised.

5.2 We may also consider mediation, involving an advocate or representative, or engaging members of a resident group.

5.3 It will not always be possible to reach an informal agreement, or we may not consider it appropriate to attempt this in some circumstances. If no informal agreement can be reached, we will warn the customer before putting any formal restrictions in place. The warning will include clear examples of where we consider the customer's behaviour to be unreasonable. We will ask them to modify their behaviour and explain that we will consider taking formal action under this policy if they do not. We may also provide a copy of (or link to) this policy for their reference.

6. Formal Restrictions

6.1 If the behaviour persists, we will consider putting formal restrictions in place which can include:

- appointing a single point of contact
- limiting contact to a specific form, such as email, telephone, or letter
- communicating only via an advocate or representative
- restricting access and responses to certain times
- restricting access to our offices
- limiting the number of issues that can be raised and responded to
- drawing a line under closed complaints that we have already considered
- only responding on the provision of new information or evidence
- only responding on receipt of any clarification or summary requested.
- Other reasonable measures determined at the discretion of Peabody or its subsidiaries.

6.2 In exceptional circumstances, we may consider stopping all direct contact with a customer, taking legal action or notifying the Police.

6.3 A customer will be informed of any formal restrictions in writing, including the length of time they are to be in place. A note will also be placed on our records to reflect this.

6.4 Unreasonable communication can also fall under our Antisocial Behaviour policy if considered to be a breach of a customer's tenancy. In such cases, action may be taken simultaneously under both policies.

7. Appeal and Review

7.1 Customers will have the opportunity to appeal any decision to restrict their contact within ten working days. They will be informed of how to appeal in writing and will be notified of any appeal outcomes in writing. Subsidiaries may set their own appeal timescales as part of local procedures.

7.2 No restrictions should be in place indefinitely and will be for a set period (e.g., two, four or six months – depending on the severity of the behaviour). The situation will be reviewed after the set period (subsidiaries may set their own review timescales as part of local procedures). If the behaviour has improved, consideration will be given to removing any restrictions. If the behaviour continues, the restrictions will remain in place for another set period pending further review.

7.3 We will keep robust records to demonstrate the behaviours being experienced and the steps taken to try and address them before any formal action was taken.

7.4 Customers can contact the Housing Ombudsman Service at any time for advice regarding the application of this policy.

8. Equality, Diversity and Inclusion

8.1 We are committed to making our services and processes accessible and easy to use for all our customers in line with our statutory duties. If a customer needs support in putting their complaint in writing, they can tell us. All requests from customers to accommodate their needs will be considered and acted on where possible in accordance with our Reasonable Adjustments policy and the Equality Act 2010.

8.2 Customers can request a reasonable adjustment from us through the officer they are engaging with, or by contacting our Customer Hub. Examples of the support we can provide include supplying information in alternative formats, adapting our communication method, and allowing more time for a communication to be brought to our attention.

8.3 An Equality Impact Assessment has been carried out for this policy and ongoing monitoring of customers' protected characteristics will be conducted to identify any adverse impacts and guide future actions.

8.4 This policy aligns with our wider Equality Diversity and Inclusion strategy by supporting the vulnerable and creating places where people want to live and build resilience in people and communities (the Equality Diversity and Inclusion strategy may not apply to some subsidiaries).

9. Responsibilities

9.1 The Head of Customer Experience or subsidiary equivalent has responsibility for ensuring this policy is up to date, relevant and being delivered.

9.2 The Director of Digital Services and Customer Contact has overall responsibility for the policy.

Approval

Version number	*1.1*
Effective from	*04 September 2024*
Policy author	*Head of Customer Experience, Leander Mansell*