



## CLHA Managing Unacceptable Behaviour Policy

# Camden Living Housing Association Managing Unacceptable Behaviour by Complainants

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## 1. Introduction

This policy explains the approach Camden Living Housing Association (CLHA) will take when residents who are making a complaint behave in a way which we consider to be unacceptable.

This policy can be used by residents to understand how CLHA will deal with unacceptable behaviour. The policy can also be used by CLHA and its service provider, Camden Council as a guide for dealing with unacceptable behaviour.

CLHA always aims to provide a high-quality service. We welcome all feedback about the services we provide and how they could be improved.

We believe that residents have a right to be heard, understood, and respected when making a complaint or when requesting or using our services. Occasionally, the behaviour or actions of a small number of our residents makes it difficult for us to deal with their complaint. When this happens, we will consider taking action to protect our staff and contractors delivering services on our behalf.

CLHA tenants and other residents affected by services should expect our staff and contractors to show empathy, courtesy and respect. In return, we ask that residents interact with us in a respectful and courteous way, so that we can provide services effectively and efficiently.

We understand that complaints will arise. In a minority of cases, complainants pursue their complaints in a way that either hinders the investigation or demands considerable time and resource. We will respond professionally and sympathetically to residents, but

there will be times when alternative measures will need to be put in place to manage the level of contact or the complaint.

## 2. Legal and regulatory requirements

The Regulator of Social Housing's Transparency, Accountability and Accountability Standard (2024) states that 'registered providers must ensure complaints are addressed fairly, effectively and promptly'.

The Social Housing (Regulation) Act 2023 has given powers to the Housing Ombudsman to issue guidance on complaints handling and monitor compliance with the guidance. The guidance is included within the Housing Ombudsman's Statutory Complaints Handling Code, last updated in 2024. The Housing Ombudsman encourages landlords to have a policy in place to help manage complainants who present unacceptable behaviour.

The Equality Act 2010 requires CLHA to understand the impact of its service on people living in the community with protected characteristics as defined in the Act, and to make reasonable adjustments which take these into account.

## 3. Scope of Policy

This policy covers CLHA tenants and any other resident who may need to contact us or make a complaint. We refer to any of the above as 'residents' in this policy.

The policy applies to Camden Living Housing Association staff and Board Members. The policy also applies to third parties, including Camden Council staff who provide services on behalf of CLHA, or any other contractor or representative of CLHA.

## 4. How we define 'unacceptable behaviour'

CLHA does not consider behaviour to be unacceptable just because a person is assertive or determined. We recognise that residents may have a valid reason to complain.

Behaviour may become unacceptable however if it is so demanding or persistent that it places unreasonable demands on landlords and impacts the level of service that can be offered to others.

Behaviour will also be considered unacceptable if it makes staff feel threatened or abused.

Each case will be looked at on its individual merits and circumstances.

In defining unacceptable behaviour, we have used the examples given by the Housing Ombudsman. Unacceptable behaviour can include, but is not limited to, any one or a combination of the following:

- Aggressive, threatening or abusive behaviour
- Unreasonable demands
- Unreasonable levels of contact
- Unreasonable refusal to co-operate.
- Abuse of social media

## 5. Examples of unreasonable behaviour

### 5.1. Making unreasonably persistent or unreasonable complaints

For example, refusing to accept the answer that has been provided, continuing to raise the same subject matter without providing any new evidence, continuously adding to, or changing the subject matter of the complaint.

### 5.2. Any actual or threatened violence or abuse

This is not just limited to actual physical or verbal abuse but can include derogatory remarks, rudeness, inflammatory allegations, and threats of violence. Behaviour or language that would be likely to lead to someone feeling upset, offended, afraid, threatened or abused, including racist, sexist, or homophobic language.

### 5.3. Making untrue allegations

Stating that individuals have committed abusive, criminal, corrupt, negligent or perverse conduct without any evidence.

### 5.4. Unreasonable levels of contact/overload of communications

Making excessive contact with staff. This could be multiple phone calls, emails, letters or visits to the CLHA/ Camden Council offices, and include the frequency of contact as well as the volume of correspondence received. This may include the frequency or length of phone calls.

### 5.5. Unreasonable demands or expectations, including:

- Requesting large volumes of information
- Asking for responses within an unreasonable time scale
- Refusing to speak to an individual or insisting on speaking with another officer when that is not possible
- Continuously raising issues that CLHA or its service providers cannot control or where the same or similar issues has already been responded to
- Submitting complaints of a frequency and nature that hinder our consideration of their or other people's complaints.

## 5.6. Unreasonable refusal to cooperate

Refusing to provide further details, evidence, clarity, or a summary of the concerns raised, or not co-operating with normal procedures.

## 5.7. Abuse of social media

This can include contacting staff using their personal details or personal social media accounts and publishing personal and private information about staff online.

## 5.8. Unreasonable use of CLHA's complaints process, such as:

- There are insufficient or no grounds for the complaint.
- The complainant insists on the complaint being dealt with in ways which are incompatible with CLHA's Complaints Policy or good practice (for example, insisting the complaint is only dealt with by the Chair of the Board)
- When a complaint is made about the condition of a property, but then access is denied persistently for staff and/or contractors to investigate or make good.
- The complainant electronically records meetings/conversations without consent.
- The complaint is sent to excessive multiple other parties in a 'scattergun' approach.
- The complainant refuses to accept the outcome of the complaint process and continues complaining after the complaints process has been exhausted
- The same complaint is made repeatedly, with minor differences.
- The complaint outcome sought is unrealistic for legal, policy or other valid reasons.

This list is illustrative rather than exhaustive.

## 6. Individual Circumstances and Reasonable Adjustments

CLHA and others delivering services on our behalf will comply with the terms of our Equality and Diversity policy when dealing with incidents of unacceptable behaviour.

We understand that some customers have disabilities or other protected characteristics as defined by the Equality Act (2010), which may make it difficult for them to express themselves or communicate clearly, especially when they are anxious or upset.

We have a commitment to identify where possible 'protected characteristics' that may impact on a customer's ability to communicate with us effectively and/or appropriately.

We also recognise that some disabilities can make it difficult for customers to assess the impact that their behaviour might have on other people.

So that we can find the most effective way of communicating to enable a positive resolution of issues, we ask that residents explain what adjustments are needed.

Where a resident is finding it difficult to communicate directly with us, we encourage them to ask a friend, carer or advocate to communicate with us on their behalf.

We will also work together with other agencies where this will help resolve a matter. This will always be with the agreement of the residents.

## 7. Actions we may take to deal with unacceptable behaviour

CLHA and its service provider will take action to protect the health and wellbeing of staff and Board Members who have a right to do their jobs without fear of being abused or harassed. We also consider the impact of the unacceptable behaviour on our ability to do our work and provide a service to others.

Staff, contractors and Board Members are instructed to end telephone calls if the caller is being aggressive, abusive, or offensive. The CLHA representative taking the call has the right to make this decision, tell the caller that the behaviour is unacceptable and end the call if the behaviour does not stop.

Where there is a risk of violence or abuse which could constitute a criminal offence, (e.g. assault or a hate crime), we will inform the police.

When we believe a complainant or tenant to be unreasonably persistent or unacceptable in their behaviour, we will contact them to tell them why and ask them to change their behaviour.

In all cases where unacceptable behaviour is reported this will be investigated and if necessary, adjustments to our model of service may be made for a set period.

### 7.1. Informal Action

Our approach will be in the first instance to seek to reach a voluntary (informal) arrangement before taking any formal action. We will tell the resident that if we cannot reach an informal agreement and/or the behaviour does not stop, then we will take formal action.

We will agree a period with the tenant or customer to allow for them to adjust their behaviour before we take formal action.

Applying this policy will be a last resort and we will always try to find a way to foster

a more positive relationship where possible.

The options for informal action will be:

- Asking for contact to be only by letter or to a single point of contact.
- Restricting telephone calls to specific days, times and durations.
- Only considering a certain number of issues in a specific period.

## 7.2. Formal Action

If attempts to reach an informal arrangement with the customer are unsuccessful, we or our service provider will consider putting formal restrictions in place. Any such restrictions will be evidence based, appropriate and proportionate, and require the permission of CLHA's Complaints Officer or their representative.

Formal restrictions may include:

- Providing a single point of contact.
- Communication only via a third-party representative (e.g. solicitor/advocate/friend).
- Limiting contact to a single form i.e. to writing, email or telephone only.
- Declining to give any further consideration to an issue or complaint unless any additional evidence or information is provided. This will be at the discretion of CLHA's Complaints Officer or their representative.
- Limiting access to CLHA/council buildings or banning access fully.
- Requiring any personal contact to take place in the presence of an appropriate witness chosen by CLHA or the service provider.
- In extreme cases, if a resident has acted in breach of their tenancy agreement, taking action under the terms of the tenancy injunction or possession proceedings may be sought.

Any action taken under this policy will be communicated to the resident promptly, giving the following information:

- Why CLHA has taken the decision.
- What action CLHA/the service provider is taking.
- The duration of that action.
- When the situation/case will be reviewed.
- The right of the complainant to contact the Housing Ombudsman about the fact that their complaint has been treated as an unreasonable.

## 8. Counter allegations

If the resident raises counter allegations about the behaviour of an employee or contractor, these will be investigated by CLHA's Complaints Officer or their

representative.

## 9. Right to appeal

Residents have a right of appeal they believe the decision to take formal action/put restrictions in place is unfair or unjustified.

### 9.1. The appeal process

1. The complainant or their representative will be asked to outline in writing or in a different way if they prefer, explaining why they are appealing against the restrictions placed upon them. Appeals should be made to Complaints Officer [camdenlivinghousingassociationtenantsenquiries@camden.gov.uk](mailto:camdenlivinghousingassociationtenantsenquiries@camden.gov.uk).
2. The appeal will be considered by a senior officer or Board Member of CLHA not previously involved in the decision.
3. Appeals will be acknowledged in 5 working days and a full response will be sent within a further 20 working days of the acknowledgement.
4. CLHA will write to the complainant with their decision, which will be final. When writing to the complainant with the decision, we will provide contact details for the Housing Ombudsman. The Housing Ombudsman's contact details can also be found at the end of this document.

## 10. Record Keeping, Monitoring and Review

### 10.1 Record keeping

We will keep information about the case in the unacceptable behaviour log. This will be shared with CLHA's service providers.

Cases logged will record:

- The name and address of each resident who has behaved in an abusive, unreasonable, or persistent way.
- What arrangement is in place, informal or formal and when the arrangement needs to be reviewed.
- When the resident and service teams were advised.

We will also put information about the case on the resident's tenancy file.

More details on how information about residents is processed and shared can be found in our Data Protection Policy and Data Privacy Notice.

## 10.2 Case review

A review of cases will be conducted by the relevant service manager before the end of the restriction period. Any decision as to whether to continue or end the arrangement will be agreed with CLHA's Complaints Officer, or their representative. If the period of restriction is longer than three months, the case will be reviewed every three months.

## 11. Policy Management

The Board is responsible for ensuring this policy is kept up to date, implemented, monitored and evaluated.

The Board is responsible for appointing a Complaints Officer and Member Responsible for Complaints.

The policy will be reviewed every two years or more frequently when there is a change in circumstances, in work practices, the introduction of new legislation or updates to the Housing Ombudsman's requirements.

## 12. Links to other Policies

CLHA Complaints Policy

CLHA Adjustments to Services Policy

CLHA Equality, Diversity and Inclusion Policy

CLHA Data Protection Policy

## 13. How to contact the Housing Ombudsman

Residents can contact the Housing Ombudsman at any time to ask for advice either before or after they have made a complaint, or if they are unhappy with how a complaint has been managed by CLHA, including about the use of this policy.

The Housing Ombudsman can be contacted by visiting their website at [Housing Ombudsman Service](#), by calling 0300 111 3000 or in writing to The Housing Ombudsman Service, PO Box 1484, Unit D, Preston, PR2 0ET.

## Document Control





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