

# Operational Policy



<b>Title: Unreasonable Customer Behaviour Policy</b>
<b>Originator: Interim Customer Director</b>
<b>Approval body and date approved: Executive Leadership Team, 11 February 2022</b>
<b>Date for review: February 2025</b>

## 1. Introduction

We usually have a good relationship with our customers, however this policy outlines how we will respond to the small number of customers who display unreasonable customer behaviour.

Unreasonable behaviour occupies the time of colleagues who are unable to then support other customers. Without a clear policy Magenta Living cannot consistently manage customer behaviour and could be at risk of reprisal from the Housing Ombudsman should action be disproportionate.

This policy explains how Magenta Living will manage unreasonable behaviour when it is demonstrated by a customer.

## 2. Statement of Intent

This policy will explain what unreasonable behaviour is and what actions are available to manage such behaviour when demonstrated by a customer.

This policy is applicable to all customers of Magenta Living and Bamboo (a subsidiary of Magenta Living). A customer is anyone who interacts with Magenta Living, for example, a person entered into a rental agreement with us, a customer's representative, a member of the public, or anyone who has a relationship with Magenta Living. This policy applies to customers contacting Magenta Living or partner organisations operating on our behalf.

Unreasonable behaviour is commonly seen in the complaints process, and therefore Magenta Living will comply with the Housing Ombudsman Complaints Handling Code as detailed in the following link;

- [Housing Ombudsman Complaint Handling Code](#)

### 3. Definitions

#### 3.1 Unreasonable Behaviour

Magenta Living has adopted the Housing Ombudsman definition of unreasonable behaviour as:

***‘Behaviour may become unreasonable if it is so demanding or persistent that it places unreasonable demands on the landlord and impacts the level of service that can be offered to others’.***

Examples of unreasonable behaviour are:

- Unreasonable demands e.g., asking for large volumes of information, asking for responses within a short timeframe (excluding statutory timescales e.g., Subject Access Requests), refusing to speak to an individual (without valid reason), insisting on always speaking to the same person or making repeat contact regarding issues that are outside of Magenta Living’s area of responsibility
- Unreasonable persistence e.g., refusing to accept the answer provided, continuing to raise the same subject matter without providing new evidence, continuously adding to, or changing the subject of a complaint
- Verbal abuse, aggression and/or violence – e.g., derogatory remarks, rudeness, inflammatory allegations, or threats of violence – instances should be reviewed in line with the Anti-Social Behaviour Policy
- Unreasonable volume e.g., overload of letters, emails or contact via social media, including the length of messages or phone calls

As a rule, the time spent assisting a customer or investigating and resolving a complaint should be proportionate to the nature of the query or complaint, and consistent with the outcome being sought. If the time required is disproportionate due to the behaviour of the customer, appropriate restrictions may be introduced.

#### 3.2 Complaints

All customers have the right to raise concerns or complain to Magenta Living about an interaction they have had with us that has fallen short of their expectations and/or has not complied with our policies. All

complaints will be reviewed in line with our Complaints Policy and Process, available here:

- [Complaints Policy](#)
- [Complaints Process](#)

In most cases, complaints are processed in line with our policy and resolved, however in a minority of cases, the complainant may act in a way that is deemed unreasonable.

### 3.3 Subject Access Requests

In some circumstances, repeated Subject Access Requests are made by the same customer. Although we will always comply with the Information Commissioners Office (ICO), they have released guidance on when we can refuse to comply with a SAR due to behaviour of the subject making the request. Full guidance can be found here [Manifestly unfounded and excessive requests | ICO](#).

Refusal to comply with a SAR can be due to it being:

- a. Manifestly Unfounded** – the request is malicious in intent or being used to harass the organisation. E.g., the customer makes a request and offers to withdraw it in return for a benefit, the customer makes unsubstantiated accusations against Magenta Living, targeting of a particular colleague, regularly submits a SAR with the intention of causing disruption
- b. Manifestly Excessive** – requests are clearly or obviously unreasonable. This can be determined by balancing the burden or cost involved in processing the SAR with the customer's desired outcome.

If a Magenta Living colleague believes a SAR is manifestly unfounded or excessive, they should contact the Data Protection Officer for advice.

### 3.4 Social Media

Customers interact with Magenta Living through its social media channels. These channels are regularly monitored and any direct messages or comments on posts are responded to as and when deemed appropriate. Magenta Living will not respond to all individual posts.

Customers who refuse to accept answers provided through other Magenta Living communication platforms and who consistently use social media to persist with grievances by posting publicly or via direct message may be blocked. This action could be taken due to an unreasonable volume, 'spamming' over several social media accounts or posting or commenting

on unrelated posts on Magenta Living's accounts.

We aim to protect all colleague's reputation from any form of personal abuse. Customers who mention colleagues by name in a derogatory manner on social media may be blocked. We will not tolerate offensive, abusive, or unreasonable posts mentioning Magenta Living colleagues by name.

We aim to answer all queries raised on our social media channels where possible within a suitable timeframe. This can sometimes take time while collecting information from colleagues within the organisation, to answer the query correctly and as with all social media platforms, we often do not know the name or address of the person making contact. Where customer contact via social media is deemed unreasonable due to the volume or withholding of details so a response is impossible, Magenta Living has the right to cease communications via social media and block the user if appropriate.

### **3.5 Recording Magenta Living Colleagues**

Customers are prohibited from:

- Filming colleagues without their consent when they visit their homes or are carrying out their duties in the community
- Recording conversations with colleagues without notifying them that they are being recorded

Colleagues will disengage with customers who record them without notification.

## **4. Management of Unreasonable Complainants**

### **4.1 Mitigating Factors**

When considering unreasonable behaviour, it is important to consider each case individually as there could be underlying mental or physical health triggers that have led to the behaviour. The colleague determining whether behaviour is unreasonable should work with other partner agencies (where known) to resolve the customer query or complaint before using the unreasonable behaviour process.

### **4.2 Informal Action**

Reasonable attempts should be made to discuss the situation with the customer. Informal action could include temporary measures such as terminating a phone call or walking away from a face-to-face interaction. The use of an advocate or representative should be discussed with the customer. An explanation of the formal steps that could be taken if their

behaviour does not improve should be provided. The message can be delivered verbally, by letter or by email.

### **4.3 Formal Action**

Where informal action fails and the customer continues to demonstrate unreasonable behaviour, Magenta Living will issue a formal letter explaining why their behaviour is unreasonable in line with this policy. The letter will include examples of their unreasonable behaviour and what restrictions will now be in place. Any limits on contact with a customer will not impact on the delivery of essential services e.g., periodic electrical testing, annual gas servicing and essential repairs.

Examples of restrictions Magenta Living may introduce are:

- Providing a single point of contact for all communication
- Limiting contact to a single format e.g., writing, email or phone only
- Limiting the number of occasions, they can contact Magenta Living per week/month (unless it is an emergency)
- Limiting contact to a certain time of day
- Declining to give any further consideration to the issue unless additional evidence is provided
- Only considering a specific number of issues in each period
- If the customer is not contractually tied to Magenta Living (e.g., they are a member of the public or a customer's representative) direct communication could be ended
- Deletion of posts made on social media where offensive language is used or a colleague targeted in a derogatory manner
- Imposing a block on offending associated social media accounts
- Reporting customers to the Information Commissioner's Office if they breach data protection law by recording colleagues without their consent
- Requesting customers remove social media footage or images posted without the consent of those included
- Referral to Tenancy Enforcement who could seek an injunction against the customer in extreme circumstances

In extreme cases where a customer shows or threatens physical violence or harassment against a Magenta Living colleague or representative, Magenta Living may report the incident to the police or seek legal action via the Tenancy Enforcement Team.

All restrictions will last for 12 months and will be reviewed annually. If behaviour has improved, the restrictions will be lifted, and the customer informed. If the behaviour has persisted, the period of restriction will be extended, and the customer informed as to why this decision has been made. Any decision to extend the period of restriction will require approval by an Assistant Director.

#### **4.4 Approval of Action**

Prior to formal action being taken, independent approval must be gained from a Director or Executive Director. They must review the information relating to the case and approve or decline the recommended formal action. This must be documented and recorded alongside evidence to support the decision.

Formal action will never restrict access to emergency repairs or essential services required by the customer to live safely in their home.

#### **4.5 Right of Appeal**

Where restrictions are placed on a customer, they will be entitled to one instance of appeal against that decision. The appeal will be heard by an Assistant Director who has not previously been involved with the customer.

If the appeal relates to a Subject Access Request (SAR), customers have the right to complain to the Information Commissioners Officer (ICO) who will consider the case.

#### **4.6 Data**

If a restriction is placed on a customer, the information will be recorded on our systems and shared where necessary with internal colleagues and external contractors. Data will only be shared where it is necessary to manage the unreasonable behaviour exhibited.

### **5 Implementation**

The policy will be effective from March 2022 following Executive Leadership Team approval.

Colleagues will be made aware of the policy and a copy will be available on the intranet. The policy will be uploaded to the Magenta Living web site for customer reference.

### **6 Consultation**

Feedback was sought from the following customers:

- Umbrella Group members
- ASB Focus Group members
- COMPASS members
- Customers who had complained during the period April-June 2021
- Shared on Social Media platforms

## 7 Equality Analysis (EA)

The overall EA rating is considered low.

Anyone contacting Magenta Living will be dealt with fairly, honestly, consistently, and appropriately including those whose behaviour is considered unacceptable.

We believe all people should be treated with dignity and respect regardless of their age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race (including, nationality, ethnic or national origins), religion, belief or non-belief, sex, or sexuality or by association with someone with any of these characteristics or perception of having any of these characteristics.

The Equality Impact Assessment was completed by:

- Transformation Director
- Housing Services Director
- Customer Experience Manager
- Equality, Diversity, and Inclusion Officer

The findings of the EA indicated that the process designed to support this policy must include approval prior to any formal action being taken against a customer. This is to ensure the action is fair and is not based on the personal bias or discrimination of an individual. This policy has been amended to reflect this.

## 8 Scheme of Delegation

The responsible authority for approving this policy is the Executive Leadership Team of Magenta Living.

The Interim Customer Director is responsible for ensuring the effective implementation of this policy.

## 9 Policy Review

The policy will be reviewed every 3 years or earlier if deemed necessary though the performance monitoring process.

## 10 Amendment Log

Date:	Record of amendments:	Reason for revision:
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## Unreasonable Customer Behaviour Policy – August 2021

May 2021	New policy created	Policy requirement identified.
July 2021	Addition of approval by a Director or Executive Director for formal action added.	Customer feedback incorporated into the policy following consultation.
July 2021	Addition of section 3.4 Recording Magenta Living Colleagues	Additions made following incident report highlighting recording as a form of unreasonable behaviour.