

Unreasonable Behaviour Policy

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Document Control

Governance

Table 1 – Policy information

Item	Response
Title	H&N Unreasonable Behaviour Policy
Responsible officer	Head of Housing Governance & Assurance
Author	H&N Customer Experience Manager
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Regulatory framework	Regulator of Social Housing Consumer Standards - Transparency, Influence and Accountability Standard. Housing Ombudsman's Complaint Handling Code.

Revision history

Table 2 – Revision details

Date	Version	Author	Authorised by	Revision details
08/09/26	V1.0	ET & CR	Cabinet	First publication

1 Introduction

1.1 Purposes of this policy

- 1.1.1 Homes & Neighbourhoods is committed to providing a fair, consistent and accessible service for all tenants and other residents. All have a right to be heard, understood and respected.
- 1.1.2 We expect our employees to treat people with courtesy, respect and fairness at all times, and for our employees to be treated in the same way. Most residents are polite and respectful but, occasionally, individuals behave unreasonably towards employees.
- 1.1.3 Unreasonable behaviour can sometimes place disproportionate demands on our services. As well as potentially causing distress to staff, unreasonable demands from a few individuals can prevent us from providing a good quality service to others.
- 1.1.4 This policy sets out how we will identify and manage different types of unreasonable behaviour, and how we will communicate with residents about this.

1.2 Legal context

- 1.2.1 The Social Housing (Regulation) Act 2023 legislates that social housing landlords must comply with the [Housing Ombudsman's Complaint Handling Code](#).
- 1.2.2 The Housing Ombudsman's Complaint Handling Code requires landlords to publish a policy setting out how they will respond to and manage unreasonable behaviour.
- 1.2.3 The Local Government and Social Care Ombudsman publishes a guide for organisations - [Managing unreasonable actions by complainants](#), which recommends that councils adopt a proportionate and fair approach to managing unreasonable actions or behaviour by complainants.
- 1.2.4 This policy supports Kirklees Council in complying with the following legislation and guidance:
 - Housing Ombudsman's Complaint Handling Code 2024
 - Social Housing (Regulation) Act 2023
 - Building Safety Act 2022
 - Data Protection Act 2018
 - General Data Protection Regulations 2016
 - Equality Act 2010
 - Communications Act 2003 (Section 127)
 - Protection from Harassment Act 1997

- Housing Act 1996
- Health and Safety at Work etc. Act 1974

1.2.5 For H&N tenants, the Tenancy Agreement sets out that tenants are expected to be considerate and respectful towards their neighbours, their community and to council staff. Additionally, the Tenancy Agreement states that tenants are responsible for the behaviour of people who live with or visit them (including partners, children, friends and family).

1.3 General definitions

1.3.1 For the purposes of this policy, the following definitions apply:

Table 3 – List of definitions used in this policy

Term	Definition
Homes & Neighbourhoods; H&N; we; us	Kirklees Council's housing management services, inclusive of all departments and teams.
Resident	A person who comes into contact with H&N for any reason, including tenants, past tenants, household members, leaseholders and other people that interact with H&N.
Staff, officer, employee	A person that works for H&N.
Contractor	A company or person that works on behalf of Kirklees Council.

2 Objectives and scope

2.1 Policy objectives

- 2.1.1 This policy aims to provide clarity for residents by explaining what constitutes unreasonable behaviour and setting out clear expectations around this.
- 2.1.2 The policy also serves as a clear framework for staff, enabling them to feel confident and supported when deciding upon the most appropriate course of action when dealing with unreasonable behaviour.
- 2.1.3 The policy aims to ensure a consistent approach to dealing with unreasonable behaviour which is appropriate and proportionate to each situation, preventing escalation where possible and ensuring fairness for all residents.
- 2.1.4 As part of the council's pledge to become a Trauma Informed Workplace by 2030, this policy will be implemented in accordance with trauma-informed principles including

safety, trustworthiness and transparency, collaboration, empowerment, voice and choice, and cultural humility.

- 2.1.5 Being trauma-informed does not mean that unreasonable behaviour is accepted or excused. Rather, it means that council officers will, where appropriate, seek to understand the context of behaviour, use respectful and non-stigmatising language, and prioritise de-escalation and constructive engagement wherever possible.
- 2.1.6 The council recognises that some staff may have experienced trauma themselves. Staff wellbeing and support will be considered when managing unreasonable behaviour, including access to supervision, debriefing, and wellbeing resources.

2.2 Policy scope

- 2.2.1 This policy is relevant to all residents who interact with H&N staff or contractors.
- 2.2.2 This policy applies to all services and activities of H&N and to all methods of contact including telephone, face-to-face, letters, e-mails, social media and other digital channels.

2.3 Definition of Unreasonable Behaviour

- 2.3.1 It is not unreasonable to raise legitimate queries or criticisms about the handling of a request, enquiry or complaint.
- 2.3.2 We understand that upsetting and distressing circumstances can sometimes result in people acting out of character and we do not view behaviour as unreasonable just because a resident is assertive or determined. However, the actions of an individual who is angry, demanding or excessively persistent may sometimes lead to unacceptable behaviour towards staff or disproportionate demands on the service.
- 2.3.3 We will consider the context of a resident's behaviour when considering whether it constitutes unreasonable behaviour and what steps are appropriate to take.
- 2.3.4 Set out in 2.3.5-2.3.10 below are categories of behaviour that H&N considers to be unreasonable. Unreasonable behaviour may involve the abuse of colleagues, a disregard for processes, or actions by a service user that take up a disproportionate amount of staff time, preventing others from accessing and receiving a service.
- 2.3.5 **Aggressive, abusive or threatening behaviour** – including physical acts of aggression, threats and behaviour or language (verbal, written or face to face). This category includes derogatory remarks (including about a member of staff's performance), rudeness, inflammatory allegations and threats of violence or escalation that are intended to insult, degrade or bully, or are otherwise derogatory or discriminatory. As an employer, we pay regard to whether it is reasonable to conclude that a staff member should accept the behaviour, as part of their working day.

- 2.3.6 **Unreasonable demands** – including demanding responses within an unreasonable timescale; insisting on dealing (or not dealing) with a specific member of staff without good reason; repeatedly changing the substance of a complaint; requesting old complaints be revisited; seeking to dictate how their complaint should be considered and by whom, and requesting large volumes of information which does not practically assist them to progress their concerns.
- 2.3.7 **Unreasonable persistence** - including refusing to accept the answer that has been provided; asking the same questions of a number of different staff in the hope they might receive a different response; continuing to raise the same subject matter without providing any new evidence; continually adding to or changing the subject matter of the complaint.
- 2.3.8 **Unreasonable levels of contact** – including an overload of correspondence, emails or telephone calls; copying in several members of staff or elected members who are unconnected to the issue at hand; repeatedly raising the same complaint and refusing to accept a decision.
- 2.3.9 **Unreasonable refusal to co-operate** – including refusing to provide further details, evidence, clarity or a summary of the concerns raised, or not co-operating with normal procedures and making unreasonable demands before they may enable a matter to progress.
- 2.3.10 **Abuse of social media** – this can include contacting staff using their personal details or personal social media accounts, publishing personal and private information about staff online and threatening to post negative stories about individual staff online to “name and shame” them.

3 Our Response

3.1 Informal Action

- 3.1.1 Whilst applying this policy, staff should consider the context and any potential vulnerabilities of the service user, without excusing unacceptable behaviour. Staff should communicate clearly, respectfully, and in a non-stigmatising way, and ensure all interactions are proportionate and documented.
- 3.1.2 Where allegations are made about staff conduct these will be investigated appropriately in line with relevant policies and procedures. Any repeated, unsubstantiated allegations against staff may result in informal or formal action being taken under this policy.
- 3.1.3 When staff experience unreasonable behaviour from a resident, the first step will be to point this out and explain to the person why the behaviour is considered unreasonable, including impacts on staff and other residents.
- 3.1.4 We will work with the resident to understand their point of view and will try to reach an informal agreement as to how they will modify any unreasonable behaviour and

communications. As part of this process we will consider the service user's specific communication needs and any potential vulnerabilities they may have.

3.1.5 Examples of informal arrangements may include:

- Agreement to communicate with the resident through one particular method;
- Communicating on one particular day/time on a weekly or fortnightly basis;
- Setting a time limit on the length of telephone calls;
- Involving an advocate or representative that can act on the resident's behalf;
- Offering mediation;
- Advising the resident to seek external review where relevant (such as the Housing Ombudsman or Local Government and Social Care Ombudsman);
- Considering a multi-agency approach when the individual is receiving support from other bodies;
- Limiting face-to-face access to council premises only, or visiting with staff in pairs, or with police in attendance.

3.1.6 If the unreasonable behaviour continues after an informal agreement is in place, we will warn the resident that formal action may be taken and restrictions put in place if the behaviour is not modified. We will provide examples of the unreasonable behaviour and will explain why the behaviour is unreasonable, including impacts on staff and other residents.

3.1.7 In considering an appropriate formal action we will consider the individual's circumstances, the services they receive, and the impacts that any restriction might have on the individual. We recognise that some residents may have a medical condition or some other reasonable cause, which impacts upon their interaction with the council, but we need to also balance that with our responsibility to ensure our staff work in a safe and reasonable environment.

3.1.8 Managers should consider the wellbeing of staff involved, particularly if they have experienced trauma, and provide opportunities for reflection, debrief, or additional support as needed.

3.2 Formal Action

3.2.1 If attempts to reach an informal arrangement are unsuccessful, we may need to consider putting formal restrictions in place. Formal restrictions might include:

- A single point of contact;
- Limiting contact to a single method, such as email, letter or telephone;
- Restricting contact to certain times;
- Only liaising through an advocate or representative;
- Limiting the number of issues that will be considered;

- Drawing a line under closed complaints;
 - Only responding on the provision of new information or evidence, or further clarity on the issues being raised;
 - Limiting face-to-face access to council premises only, or visiting with staff in pairs, or with police in attendance.
- 3.2.2 There may be serious instances where we may consider involving the police, taking legal action or ending any direct contact.
- 3.2.3 If the resident is a H&N housing tenant, legal action following serious instances could include eviction, as stated in the Tenancy Agreement.
- 3.2.4 If restrictions are put in place or direct contact is ended, the resident will be made aware of how and where to report any emergency incidents (such as a gas leak or flood).
- 3.2.5 For audit purposes, any decision to restrict access will be made in writing and we will clarify how service requests and complaints can be raised during the course of any restrictions. We will also set out if there will be a single point of contact in place and when the restriction will be reviewed.
- 3.2.6 The resident will be informed that they can contact the Housing Ombudsman Service at any time for advice about how to raise a complaint with the Council or if they think the Council the landlord has applied its policy unreasonably.
- 3.2.7 We recognise that behaviours may change over time and so we will set a period to monitor and review the ongoing contact with the council and/or its contractors. Should the reasonableness of contact improve we will remove the restriction (although it may be reapplied if the unreasonable behaviour returns).
- 3.2.8 To help ensure that services are delivered consistently, we may share information about the restriction on a need-to-know basis with frontline staff. Data will be handled in line with UK GDPR legislation, Kirklees Council's Data Protection Policy and service-wide privacy notices.

3.3 Equality Act 2010

- 3.3.1 We understand that some residents exhibiting unreasonable behaviour may have an underlying condition, vulnerability or communication need that could directly impact their ability to understand boundaries or manage their behaviour.
- 3.3.2 We will work sensitively with residents, recognising and taking account of their individual characteristics and situations when deciding on the best course of action.
- 3.3.3 We will ensure that informal and formal actions taken are proportionate and based on evidence, and that all residents are dealt with fairly, respectfully and appropriately.

3.4 Appeals and Reviews

- 3.4.1 If a resident wishes to have their formal action reviewed, this will be considered by a senior colleague who has not been involved with the case to date. This should be done within 2 weeks of receipt of the notification of the action. The resident will receive a written response within 20 working days of receipt.
- 3.4.2 Restrictions will be kept under regular review with the frequency varying depending on the severity of the unreasonable behaviour e.g. one, three or six months. The review period will be set out from the outset.
- 3.4.3 The situation will then be reviewed and restrictions removed or relaxed if the unreasonable behaviour has improved. If the behaviour has persisted, the restrictions will remain in place for another set period, followed by a further review.
- 3.4.4 The resident will be informed of this in writing.

4 Policy review

- 4.1.1 This policy will be reviewed on an annual basis as part of our regular self-assessment, or in response to relevant changes in legislation, regulation or organisational structures.
- 4.1.2 Any significant changes will be consulted on prior to implementation. Relevant approvals will be sought from Homes & Neighbourhoods' Senior Leadership Team and the Cabinet Member for Housing in their capacity as MRC.
- 4.1.3 This policy will be published the council's website and will be made available to residents on request.
- 4.1.4 This policy will be publicised through a range of communication channels e.g. letters, tenant publications and social media.

5 Associated policies and strategies

5.1 Homes & Neighbourhoods policies

- 5.1.1 The following Homes & Neighbourhoods policies and documents are relevant:
 - [Homes & Neighbourhoods Tenancy Agreement](#)
 - [Homes & Neighbourhoods Service Standards](#)
 - [Homes & Neighbourhoods Complaints Policy](#)
 - [Homes & Neighbourhoods Vulnerable Tenant Policy](#)

- [Homes & Neighbourhoods Anti-Social Behaviour \(ASB\) Policy](#)
- [Homes & Neighbourhoods Redress Policy](#)
- [Homes & Neighbourhoods Repairs and Maintenance Policy](#)
- [Homes & Neighbourhoods Privacy Notice](#)

5.2 Kirklees Council policies

5.2.1 The following wider Kirklees Council policies and strategies are relevant:

- [Kirklees Council Complaints Procedure](#)
- [Kirklees Council Access Strategy](#)
- [Kirklees Council Inclusion and Diversity Strategy](#)
- [Kirklees Council Corporate Safeguarding Policy](#)
- [Kirklees Council Data Protection Policy](#)