



# Unacceptable and Unreasonable Behaviour Policy

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MONITORING, APPROVAL AND REVIEW	
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# Unacceptable and Unreasonable Behaviour Policy

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## 1 Policy Purpose

This policy sets out FCHO's approach to managing behaviours or actions that are considered unacceptable and are having a harmful impact on FCHO colleagues and / or on their ability to provide a consistent level of service to other customers.

## 2 Policy Details

### 2.1 Unacceptable behaviour

FCHO understands that customers may act out of character in times of distress or due to frustration. However, if that frustration becomes aggression or abuse towards colleagues, it will not be tolerated.

Colleagues have the right to undertake their work free from aggression or abuse and customers are expected to treat them with courtesy and respect. Aggressive or abusive behaviour may include:

- threats of or actual physical harm
- behaviour or language (verbal or written) that may cause staff to feel offended, afraid, threatened or abused
- insulting or degrading language
- personal grudges toward certain staff
- making serious allegations against staff without any evidence

### 2.2 Unreasonable demands

A demand may be unreasonable if handling it could take up an excessive amount of colleague's time and prevent them from handling other customer enquiries within agreed timescales. Unreasonable demands may include:

- demanding responses within an unreasonable timescale
- insisting on seeing or speaking to someone more senior or a particular member of staff when that is not possible
- keep changing what the complaint is about
- keep raising new or unrelated concerns
- refusing to accept a decision following a full investigation
- making repeated contacts about the same issues even though a response has already been provided

### 2.3 Harassment

Colleagues have the right to carry out their duties free from harassment or threats of harassment. All customers are asked to respect that colleagues are delivering services and decisions on behalf of FCHO and therefore this may not reflect their own views or preferences. Examples of harassment may include:

- recording colleagues without consent.
- publishing information online such as through any social media channel, that is deemed to be unacceptable.
- contacting staff using their personal details or social media presence such as Facebook, Twitter, or LinkedIn.

- publishing personal, sensitive, or private information about staff online or other public domains such as noticeboards or newsletters.

## **2.4 Unreasonable frequency or duration of contact**

The number of times a customer may contact FCHO, or the duration of each contact, can cause problems for colleagues.

Customers may make what are considered unreasonable demands on colleagues through the amount of information they seek, the nature and scale of service they expect, or the number of approaches made. What amounts to unreasonable demands will be dependent on the circumstances surrounding the behaviour and the seriousness of the issues raised by the customer. Examples of unreasonable levels of contact include:

- making multiple unnecessary calls in one day
- persistent emails about the same issue or repeatedly sending emails with large amount of information attached that is not required when a matter is closed
- sending new complaints before there has been an opportunity to address earlier/existing complaints
- repeatedly asking colleagues to look at the same issue when it has already been addressed through the complaints process
- repeatedly making very long calls

## **2.5 Reasonable Adjustments**

We recognise that some customers may find it challenging to express themselves or communicate clearly, especially when they are anxious or upset. To address this, we ask that customers explain what adjustments they need and how these will help them access our services. We are committed to considering all reasonable adjustment requests.

FCHO acknowledges the diverse needs of our customers and always acts within the framework of our own Equality and diversity policy, the Human Rights Act 1998, and Equalities Act 2010. To help assist customers who may find it difficult to communicate clearly, we encourage them to inform us of the reasonable adjustments that would help.

Examples we can consider include:

- Providing written information in an alternative format i.e. braille, audio,
- Communicating in a way that meets an individual's needs i.e. in person, at a location that is accessible, with the person's representative or support, providing support through an interpreter.

## **2.6 Data protection**

In managing unacceptable behaviour in line with the General Data Protection Regulation (GDPR) 2018 and Data Protection Act 2018, we will adopt a fair and robust approach to recording and monitoring information about our customers while ensuring we maintain the safety of our colleagues.

## 2.7 Applying the Policy

If FCHO feel the behaviour is unacceptable or unreasonable, we advise the customer that this policy may be applied, what this could mean and, wherever possible, provided with the opportunity to change their behaviour before restrictions are applied. The actions will be proportionate and have due regard to the Equality Act 2010. Possible actions include:

- Placing the caller on hold or end the telephone call if the caller is aggressive, offensive, or abusive, or is making unreasonable demands
- Warning the customer about their behaviour and requesting that the customer modifies their immediate and future behaviour
- Appointing a specific point of contact for the customer at FCHO
- Contact on the matter is restricted or ended
- Contact is restricted on all matters
- Ask that all future contact is made through a third-party such as a family member
- Contact will be restricted to emergency contact only and all other correspondence should be in writing
- Incidents may be reported to the police (for example, if violence has been threatened)
- Take any other action that is considered appropriate (in extreme cases, this may include injunctions and seeking possession of a customer's tenancy)
- Other tenancy enforcement action

## 2.8 Continued Instances of Unreasonable Behaviour

Should the unreasonable behaviour continue despite this Policy being applied, this is likely to constitute as anti-social behaviour and therefore may be a reason for us to begin proceedings to terminate a customer's tenancy or lease.

In extreme cases such as physical violence or harassment, actions could include referrals to the police and taking legal action.

## 2.9 Reviews

Restrictions on a customer will be reviewed after an agreed period, usually six months, but no later than 12 months. If the customer's behaviour has improved, some or all restrictions may be lifted. This decision will be made by a Head of Service, and the customer will be informed in writing or other accessible formats.

If the behaviour has not improved, the customer will be told why the restrictions remain and a new review date will be set. FCHO may consider legal action at this point.

## 2.10 Support for colleagues

FCHO are committed to protecting the health and wellbeing of our colleagues. We will investigate, take appropriate and necessary action when incidents of unacceptable or unreasonable behaviour are reported to us. This policy supports colleagues and provides guidance on steps to take in different scenarios involving unreasonable behaviour – this guidance is supported by the Housing Ombudsman and can be found here [Advice Cards with bookmarks](#)

We will ensure that all colleagues and managers are familiar with this policy to ensure it is used appropriately.

### **2.11 Appeal Process**

A customer who has restrictions placed on them is entitled to appeal that decision. Should the customer wish to appeal, they must do so within 10 working days of the restriction(s) being imposed. Appeals will be reviewed by an impartial Head of Service or Director, and their decision is final. An unsuccessful appeal cannot progress through FCHO's complaints procedure, unless it is directly related to restrictions put in place regarding unacceptable behaviour relating to safeguarding or health and safety.

## **3 Policy Monitoring and Review**

Compliance with this Policy shall be monitored by the Head of Customer Services. FCHO will review the impact of this Policy on customers with protected characteristics.

This Policy shall be reviewed every three years or sooner in accordance with any legislative or regulatory changes.

The Head of Customer Services will be responsible for initiating a review of this Policy.

## **4 Legislative or other Guidelines**

This Policy has been developed in line with best practice guidance provided by the Housing Ombudsman. Other relevant legislation and regulation includes:

- The Human Rights Act 1998;
- Equality Act 2010;
- The Data Protection Act 2018;
- Tenant Involvement and Empowerment Standard.
- Housing Ombudsman guidance on unreasonable behaviour.

## **5 Equality, Diversity and Inclusion**

FCHO is committed to promoting equality, diversity and inclusion, based on protected characteristics. We will take account of the needs and differences of all colleagues, customers and other stakeholders which may arise in line with this policy. We believe that everyone should be treated fairly and equally regardless of their difference. The EIA found that there were no additional recommendations required.

## **6 Related FCHO Policies and Procedures**

- Vulnerability Policy
- Anti-Social Behaviour Policy
- Equality and Diversity Policy
- Health and Safety at Work Policy
- Lone Working Policy and Procedure

## Appendix 1 - Roles and Responsibilities

Person Responsible	Scope of Responsibility
Head of Customer Services	Updating this policy in line with legislative changes.
Head of Service / Managers	Responsible for evaluating instances of unacceptable behaviour and initiating contact with the customer to discuss the matter.  Additionally, accountable for issuing formal warning letters and reviewing.
All Staff	Responsible for reporting unacceptable and unreasonable behaviour as set out in this policy.