



## Managing Unreasonable Customer Behaviour Policy

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## **1.0 Introduction**

1.1 Occasionally, the behaviour or actions of individuals using our services makes it very difficult for us to deal with their complaint or to provide a service / support. In a small number of cases the actions of individuals become unacceptable because they involve abuse of our staff or of our process.

1.2 When this happens, we must take action to protect our staff. CHS has a duty to protect the welfare and safety of our staff, and they should be able to come to work without fear of violence, abuse, harassment, or discrimination. This policy applies to all customer facing roles and includes employees and contractors. We also consider the impact of the behaviour on our ability to do our work and provide a service to others. This policy explains how we will approach these situations where CHS Group considers their actions or behaviour unacceptable.

1.3 People may act out of character in times of trouble or distress. There may have been upsetting or distressing circumstances leading to a customer approaching CHS. However, we consider actions that result in unreasonable demands on our service or unreasonable behaviour towards CHS staff to be unacceptable. It is these actions that we aim to manage under this Policy.

1.4 In our Community Support schemes, support is provided to people who may have experienced trauma and distress throughout their lives. At times, this may lead them to behave in challenging and destructive ways. Support is personalised to the individual and seeks to understand and manage challenging behaviour whilst minimising the risks to others. There is separate guidance, 'Our approach to promoting positive behaviour' setting out guidance for support staff with models and strategies for prevention, de-escalation and post-incident strategies.

## **2.0 Aggressive, violent or abusive behaviour and language**

2.1 This includes aggressive, violent or abusive behaviour and language in any form of communication between customers and CHS staff or operatives working on our behalf. We understand that customers may be angry about the issues they have raised with us. If that anger escalates into aggression, abuse or violence towards CHS staff, we consider that unacceptable. It is also a breach of tenancy conditions to commit any form of harassment, abuse, violent or aggressive behaviour towards CHS employees or contractors.

2.2 Violence is not restricted to acts of aggression that may result in physical harm. It also includes behaviour or language (whether verbal or written) that may cause staff to feel offended, afraid, threatened, attacked or abused. We will not tolerate any form of verbal abuse towards CHS staff, operatives working on our behalf or our contractors.

2.3 Such language may relate to protected characteristics defined by the Equality Act 2010; separately from the legislation, what is deemed offensive will be different for different employees and may include other references e.g. cultural.

2.4 Unacceptable language and behaviour includes, but may not be limited to the following directed towards our staff or contractors, in-person, verbally or in writing:

- Abusive language / behaviour
- Offensive language / behaviour
- Discriminatory or threatening language

- Prolonged shouting
- Threats or aggression
- Intimidation / Harassment
- Inflammatory, disrespectful statements and unsubstantiated allegations may also be considered abusive.

Harassing behaviours towards our staff or other customers include:

- sexual innuendos
- aggression including : micro-aggressions
- victimisation
- bullying

We expect our customers to treat our staff and other customers with respect – the very same way our customers expect to be treated by us.

We have a zero-tolerance approach to the following behaviours directed towards our staff:

- racist
- sexist
- homophobic
- transphobic
- any other discriminatory, abusive, and threatening behaviour

Examples include but are not limited to:

- sending rude, abusive, harassing, racist, phobic, discriminatory, or threatening correspondence or expressing related views
- Contacting staff outside working hours, stalking them or making unsolicited contact on social media
- making unsubstantiated allegations about a staff member's capabilities and/or asking for their employment to be terminated
- publication of abusive, harassing, racist, phobic, discriminatory, or threatening material about CHS or its employees including on the internet, or via social media
- acting in an abusive, aggressive, racist, phobic, discriminatory, harassing, or disruptive manner whilst attending our offices or other sites
- physical, verbal, and insinuated or implied threats of violence towards our staff and/ or other customers
- the use of animals to intimidate and threaten staff

2.5 We may also decide that comments aimed not at us but at third parties are unacceptable because of the effect that listening or reading them may have on our staff.

2.6 CHS is aware that some employees may have become used to a certain level of verbal abuse, depending on their own (personal or work) experiences or culture and see this as part of the job. However, we are clear that abuse should not be tolerated by any employee and must be reported to a manager and through the 'adverse incident' procedure. CHS recognises that aggressive or abusive behaviour can be physically or emotionally hurtful or harmful towards our staff, other customers or service users and CHS will not tolerate it. Even low levels of verbal abuse over time may have a negative effect on the employee's mental health.

### **3.0 Unreasonable demands**

3.1 A demand or series of demands becomes unacceptable when it starts to (or when complying with the demand would) impact substantially on the work of CHS.

3.2 Examples of this behaviour include but are not limited to:

- demanding responses within an unreasonable timescale
- insisting on seeing or speaking to a particular member of staff, when that is not possible or appropriate
- unreasonable persistence (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)
- excessive phone calls, e-mails, letters, social media posts
- repeatedly changing the substance of a complaint or raising unrelated concerns
- repeated refusal to accept an explanation or decision.

3.3 An example of such impact would be that the demand takes up an excessive amount of staff time and in doing so disadvantages other customers and prevents their own complaint or request from being dealt with within our service standards.

#### **4.0 Unreasonable levels of contact**

4.1 Sometimes the volume and duration of contact made to our service by an individual causes problems. This can occur over a short period, for example, a number of calls in one day or hour. It may occur over the lifespan of a complaint when a customer repeatedly makes long telephone calls to us or inundates us with copies of information that has been sent already or that is not relevant to the issue or complaint.

4.2 We consider that the level of contact has become unacceptable when the amount of time spent talking to a customer on the telephone, or responding to emails or written correspondence impacts on our ability to deal with them, or deliver services for other customers.

#### **5.0 Making recordings of meetings or conversations**

5.1 CHS regards the covert recording of conversations or meetings between customers and staff as unreasonable, particularly when shared elsewhere without the knowledge of all parties involved (for example on social media). Where CHS becomes aware of such a recording the customer may be written to, advising this is unacceptable and if necessary a manager may decide to restrict future contact to written correspondence only. If a customer overtly begins to record a meeting or conversation this can feel intimidating or uncomfortable to staff and the staff member involved is authorised to end the conversation unless the recording stops. If a customer makes a reasonable request in advance to record a meeting then this may be agreed and CHS reserves the right to make its own recording. CHS has a separate policy on use of doorbell cameras and on tenants' use of surveillance devices.

#### **6.0 Unreasonable use of the complaints process**

6.1 Individuals with complaints about CHS have a right to pursue their concerns through a range of means. They also have the right to complain more than once if subsequent incidents or problems occur.

6.2 This contact becomes unreasonable when the effect of the repeated or unreasonable complaints is to harass, or to prevent CHS from pursuing a legitimate aim or implementing a legitimate decision.

6.3 We consider access to a complaints system to be important and it will only be in exceptional circumstances that we would consider such repeated use is unacceptable –

however we reserve the right to do so in such cases. A decision to decline further involvement in a formal complaint for this reason will be explained in writing to the customer, making it clear that the customer may choose to refer their complaint to the Housing Ombudsman. Our complaints process is described in full in the separate Complaints Policy.

## **7.0 CHS responses to unreasonable behaviour**

7.1 Where a customer is behaving in a way that is unacceptable, CHS staff are authorised to warn the customer that the conversation or exchange will be ended if the behaviour continues. If the customer then continues the member of staff should end the call, contact or visit immediately. All such conversations and warnings will be logged so that there is protection for staff members and clarity in case a complaint is made.

7.2 Where CHS finds that unreasonable or excessive demands are being made we may confirm to the customer in writing that we will not engage with all or some of those demands and the reason e.g. that it would not be in line with a service delivery standard. Where the issues being raised are relevant we will signpost the customer to our Complaints process where it has not already been completed. Such decisions will consider any reasonable adjustments required as a result of support needs (see para 8 below)

7.3 Where written correspondence is abusive to employees or lacks evidence for allegations made about them, we will inform the customer that if they continue to use such language further correspondence will not be replied to.

7.4 Violence or threats will be reported to the police.

7.5 CHS may need to manage unacceptable behaviour by restricting the customer's contact with us e.g. limiting how often we reply to correspondence, appointing a named single point of contact, not permitting access to the CHS head office, permitting one method of contact only e.g. e-mail instead of phone. We will usually give a formal warning before making such a change, except in circumstances where we need to quickly protect staff. Other restrictions may also include no lone working i.e. all visits to be done in pairs. For serious issues a Police presence may be requested. A risk assessment will be completed in advance of any such visits to ensure that all hazards have been considered.

7.6 Any warnings about customer behaviour will be confirmed in writing by a CHS manager to confirm the implications of further such incidents e.g. tenancy action, refusal of consent to visit a scheme, visits by staff to the customer only in pairs restricted contact.

7.7 Decisions to restrict contact must be approved by the relevant Manager, recorded with the reasons and advised in writing to the customer. We will always try to maintain at least one point of contact with a customer and only in extreme cases may we respond to communication through a third party.

7.8 The customer is entitled to appeal a decision made by CHS under this policy (which should be submitted within 15 working days of the decision being given unless there are exceptional circumstances) which will be reviewed by a CHS Director. The appeal process will be included in any written confirmation of a decision made by CHS.

7.9 Any restrictions will not be imposed indefinitely and a review period will be agreed at the outset, typically every three months. The decision to lift any actions taken may be appropriate where a customer subsequently demonstrates a more reasonable approach or following a

successful appeal. If a decision is made to remove, reduce or extend any restrictions the customer will be notified in writing. If the decision is made to keep in place any actions/restrictions the customer will be provided with an explanation as to why this decision has been made and when the next review will take place.

7.10 CHS may begin legal tenancy enforcement proceedings where appropriate depending on the severity and/or persistence of unreasonable behaviour. For example we may consider obtaining an injunction, or start possession proceedings where other warnings or actions have not been effective. CHS may serve a Notice of Seeking Possession due to breach of tenancy conditions in order to make it clear to a tenant that their behaviour may lead to further action to end their tenancy if the unreasonable behaviour continues during the following 12 months.

## **8.0 Reasonable adjustments**

8.1 We understand that some customers have disabilities or health conditions which may make it difficult for them to express themselves or communicate clearly, especially when they are anxious or upset.

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

8.3 We will always consider making reasonable adjustments for a customer if we are asked to do so. For example:

- we could consider using different methods of communication;
- agree to give clear warnings when we feel that a customer's behaviour is unacceptable so that they have the opportunity to change it;
- Identify other support services or intervention.

8.4 However, we would not consider it to be reasonable to expect our staff to accept being subjected to aggressive, offensive or abusive actions, language or behaviour. This policy would still apply if there are actions or behaviours which are having a negative effect on our staff or our work.