

Policy for Dealing with Persistent, Abusive or Unreasonable Contact, Correspondence and Complaints

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Introduction

The Police and Crime Commissioner (PCC) for Suffolk is committed to dealing with all contact, correspondence and complaints equitably, effectively and in a timely manner.

The PCC does not seek to limit contact that individuals have with their office, or with the Police and Crime Commissioner (PCC). However, there may be occasions when:

- the behaviour of an individual is such that it prevents the PCC's office from dealing effectively with their concern;
- an individual's behaviour causes harassment or distress to the PCC or their staff, and / or
- where dealing with an individual's contact, correspondence and / or complaints has significant resource implications which are not assessed to be proportionate to the nature of the concern itself.

In these cases, contact with the individual complainant may be limited or, in more extreme cases and while protecting their statutory rights, stopped altogether.

Scope

This policy sets out the processes and procedures adopted by the PCC's office in responding to what is considered to be abusive, persistent or unreasonable contact, correspondence and complaints. It is applicable to all types of contact with the PCC's office including telephone calls and emails to, and wider contact with, the office. It does not cover complaints made against the PCC. It also does not cover dealing with potentially vexatious requests under the Freedom of Information Act. The guidance from the Information Commissioner's Office on this (and on dealing with repeat FOI requests) can be found on the Information Commissioner's website at www.ico.org.uk

This policy is supported by national guidance including Independent Office of Police Conduct (IOPC) [Guidance on Managing Unacceptable or Unreasonable Complaint Behaviour](#).

In applying this policy, consideration will be given to the PCC's obligations under the Equality Act 2010. In particular, it will be considered whether the application of the policy may have an unfavourable impact on an individual, whether any impact is proportionate to a legitimate aim and whether reasonable adjustments can be made to allow the individual to engage with the office in an appropriate way.

Definition of abusive, persistent or unreasonable behaviour

It is important to distinguish between people who raise a number of concerns or complaints because they really think things have gone wrong, and people who are abusing channels or opportunities for communication. It must be recognised that customers may sometimes act out of character at times of anxiety or distress and reasonable allowances should be made for this.

Raising legitimate queries or criticisms of a complaints or correspondence procedure as it progresses, for example if agreed timescales are not met, should not lead to someone (or their

issue) being regarded as abusive, persistent or unreasonable. Similarly, the fact that somebody is unhappy with the outcome of a complaint or their issue and seeks to challenge it should not cause him or her to be treated as abusive, persistent or unreasonable.

There are however times when persistent behaviour in pursuing an issue or a complaint becomes unreasonable. This policy gives examples of when this might be the case and sets out a process for dealing with contact that is considered to have become unreasonable.

For the purposes of this policy, **abusive, persistent or unreasonable behaviour** is defined as:

‘manifestly unjustified, inappropriate or improper use of a formal procedure or manifestly unjustified, inappropriate or improper contact’.

In practice, abusive, persistent and unreasonable complainants and correspondents are those who, through the frequency and nature of their contact, impede the proper and proportionate investigation of their own and / or other people’s issues.

In order to assess whether a behaviour or complaint is **abusive, persistent or unreasonable**, the key question is whether the complaint or contact is likely to:

- prevent the PCC’s Office from dealing effectively with the concern;
- cause harassment, disruption or distress to the PCC or their staff members; and / or
- create significant resource implications which are not assessed to be proportionate to the nature of the concern itself, and / or
- deliberately fail to follow the correct procedure and points of contact for the outcome that is being sought.

Features of the types of complaints and / or behaviours that this policy covers are set out below. The list is not exhaustive and is used for illustrative purposes only. It should be noted that one single feature on its own does not necessarily imply that the person or their complaint or behaviour will be considered as being abusive, persistent or unreasonable:

- a) Ongoing persistence with a complaint after being advised that there are insufficient or no grounds for the complaint or that the PCC is not the appropriate authority to deal with it.
- b) Refusing to co-operate with the complaints process or correspondence procedure without good reason whilst still wanting the complaint to be resolved or correspondence to be answered. Such behaviour might include failing or refusing to specify the grounds of a complaint despite offers of assistance; changing the basis of the complaint as inquiries are made; denying statements made at an earlier stage of the investigation, and / or introducing trivial or irrelevant new information during the process and expecting this to be taken into account and commented on.
- c) Refusing to accept the outcome of the complaint procedure after its conclusion, repeatedly making the same or similar complaints without following the correct statutory appeal process.
- d) Adopting false identities and / or forging identity documents in order to submit multiple requests and / or complaints.
- e) Raising large numbers of detailed but unimportant questions and insisting that they are each responded to in full.
- f) Actions that are obsessive, persistent, prolific, repetitious and / or otherwise unreasonable.

- g) Harassing, verbally abusing or otherwise seeking to intimidate staff dealing with their complaint or correspondence, by using foul or inappropriate language, by the use of threatening, offensive or discriminatory language and / or making groundless complaints, inflammatory remarks and / or unsubstantiated allegations about those staff (the Chief Executive makes the final decision on whether a complaint is groundless).
- h) Making an unreasonable number of contacts with the PCC's Office, by any means, in relation to a specific complaint or correspondence including through insistence on immediate responses to numerous and / or frequent letters, faxes, telephone calls or emails, possibly sent to a multitude of staff.
- i) Requesting or demanding that a response be provided in a timeframe which is not compliant with the policies of the PCC's Office, is unfairly advantageous compared to the service provided to others and/or is not justified or supported by any special circumstances.
- j) Contacting different people in the same organisation about the same issue to try to secure a different outcome
- k) Sending such a high volume of information to the PCC's staff that it places an unreasonable burden on them and impedes their ability to carry out their duties effectively.
- l) Persistent and inappropriate use of statutory processes or procedures, or unreasonably pursuing multiple lines of enquiry regarding the same issue. For example, making a complaint to the PCC, when the same complaint has been made against Suffolk Police but not been upheld. In this case, the proper escalation route is the IOPC.
- m) Ongoing behaviour which suggests a campaign against the PCC, their staff or an individual member of staff prompted by the individual's personal views on a particular issue and / or prompted by personal animosity.

Dealing with abusive, persistent or unreasonable contacts, correspondence and complaints

The PCC's office is committed to ensuring that all contacts, correspondence and complaints made by the public are dealt with effectively, promptly and equitably.

The PCC is committed to their obligations under the Equality Act 2010 and aims to make sure that the complaints and correspondence systems are accessible to all and, where appropriate, will make reasonable adjustments to help ensure accessibility. However, even where reasonable adjustments are made there may still be occasions where it is necessary to put in place contact strategies to manage abusive, persistent or unreasonable behaviour. Where this is the case consideration will be given to whether any further reasonable adjustments can be made.

Staff should not endure or tolerate violent, threatening or abusive behaviour. The safety and wellbeing of staff should always be protected. If at the point of managing a contact, correspondence or complaint, the staff member considers that it is abusive, persistent or unreasonable then the following processes will apply:

Verbal contact

Staff are not expected to tolerate verbal abuse or excessive volumes of contact either over the telephone or face-to-face. If an individual is abusive or excessively persistent either over the telephone or face-to-face, staff should advise them that they are not prepared to continue with the call or appointment if the abuse continues.

If the individual continues to be abusive or to make repeated telephone calls to the office without giving staff adequate opportunity to respond to their concerns, staff should state “I am ending this call” and put the telephone down. If an individual is abusive during an interview or makes repeated visits to the office, demanding to be seen by staff after having been warned that this is not acceptable then the interview should be terminated and the individual asked to leave.

If an individual continues to be persistent and / or abusive on the telephone and / or in person, staff should not accept or continue with the call or interview once the caller is identified and should notify the Strategic Head of Performance and Resources (in the case of a complainant) or the Strategic Head of Policy and Public Engagement (in the case of a correspondent), so that consideration can be given to managing the individual’s contact with the office in line with this policy.

Written contact

Staff do not have to tolerate abusive and / or excessively voluminous emails, letter or faxes when processing complaints or enquiries, or in general. Such contact can be particularly frustrating for the recipient, can be resource intensive and at times can give cause for distress.

If a staff member receives what they consider to be abusive and / or excessively voluminous written communications from an individual, they should notify the Chief Executive so that consideration can be given to managing the individual’s contact with the office in line with this policy.

Applying the policy

If a member of staff feels that contact is persistent or abusive, and / or the individual is refusing to follow the correct procedures which have been outlined, they, or another member of staff, will refer to the Chief Executive and seek agreement to inform the individual that this behaviour is considered unacceptable and explain why this is causing concern. They will ask the individual to change their behaviour and will advise that further correspondence on the same topic / issue will render the individual subject to restrictions under this policy. Wherever possible, they should be provided with a copy of this policy. They will also be notified of the possible actions that may be taken if the behaviour does not change.

If the behaviour continues, the appropriate Chief Executive will then decide whether to limit contact from the individual and to what extent. Any restriction that is imposed on contact with PCC’s office will be appropriate, proportionate and subject to review. The restrictions imposed will also be in line with the IOPC’s [Guidance on managing unacceptable and unreasonable complainant behaviour](#). It must be kept in mind that, where the investigation of legitimate correspondence or a genuine complaint is ongoing, there will need to be some continuing contact with the complainant or correspondent.

Before deciding whether the policy should be applied and what action to take, the relevant officer should satisfy themselves that:

- The original complaint or correspondence is being, or has been, properly investigated and responded to;
- Any decision reached in this regard is / was an appropriate one;
- Communications with the individual have hitherto been adequate and appropriate;
- The complainant or correspondent is not raising a substantially new matter, or providing additional evidence in relation to an ongoing matter, and

- The complainant continues to have a way to exercise their statutory right to complain about issues where the PCC is the appropriate authority.

Any restrictions applied should offer a proportionate and appropriate response to the particular issues that the complainant or correspondent brings. The kinds of restrictions which may be imposed are:

- (i) Limiting contact to a specific mailbox or one named member of staff
- (ii) Placing time limits on telephone conversations and meetings
- (iii) Restricting the number of telephone calls or visits that will be taken from the individual each day / week
- (iv) Only accepting email or written correspondence from the individual
- (v) Only accepting telephone contact through an agreed third party e.g. solicitor / advocate / councillor or friend acting on behalf of the individual
- (vi) Offering to facilitate mediation between the complainant / correspondent and the relevant member(s) of staff and / or the Commissioner
- (vii) Indicating that no further correspondence will be responded to unless substantially new matters are raised. Such information will be read and placed on file but no further action will be taken in response to it
- (viii) Requiring any personal contact to take place in the presence of a witness
- (ix) Deleting any abusive posts, tweets or other communication submitted via social media after being recorded. Any further abuse of such forms of communication may result in the individual's social media accounts being blocked.
- (x) Blocking the individual's e-mail address so that emails from this address are not received by the PCC or their staff. This should only be done in extreme cases after all other avenues have been exhausted.

Where the decision is taken to apply such restrictions, the individual will be written to, detailing the reasons for the decision; what action the PCC's Office is taking, and when the decision / restriction(s) will be reviewed or lifted. This decision will be shared with all staff in the office, all of whom will be empowered to deal with that individual as determined by the Chief Executive. The decision may be amended at a later date, and further restrictions applied, if the individual continues to behave in a way which is unacceptable. Equally, restrictions will be lifted or eased if behaviour improves.

Where the behaviour is so extreme that it threatens the immediate safety and welfare of staff and / or their families, or causes the recipient of the behaviour to feel threatened or alarmed, the PCC's staff may consider other options, for example reporting the matter to the police or taking legal action. Where material, comments or actions are grossly offensive or threatening and may be construed as an offence under the Public Order Act 1986, the Protection from Harassment Act 1997 or the Malicious Communications Act 1998, the PCC may involve the police or institute legal proceedings. In such cases, the PCC's office may not give the individual prior warning of that action and reserves the right to share any relevant communication with the police and / or to suspend all contact with the complainant / correspondent whilst legal advice is sought.

If the employee subject to abusive, persistent or unreasonable contact, correspondence or complaints is the Chief Executive and Monitoring Officer, or where there is a conflict of interest for the Chief Executive and Monitoring Officer (for example, because the individual is known to them personally, or they have already been involved in dealing with them), the application of the policy will be considered and, if necessary, applied by the PCC, , who will nominate a representative to keep the application of this policy under review.

Records will be retained by PCC's Office of all cases assessed to be abusive, persistent or unreasonable, including the action that has been taken in relation to these cases and the review / end dates.

Right of appeal

If the behaviour is related to a complaint, the complainant has the right to appeal to the IOPC (for contact details, please see [here](#)) and will be informed of this.

If the behaviour relates to a complaint review which has been finalised, there is no provision within the statutory police complaints process to further these reviews, and no means exist within the complaints process whereby the outcomes may be challenged further. In law the decision of this office is as 'Functus Officio' which means that its decisions can only be overturned by a Judicial Review. In such instances the complainant will be informed of this.

New issues

Even where an individual may have behaved in a manner that is abusive, persistent or unreasonable in the past, it must not be assumed that any future contact from them will also be unreasonable. Any new issues or complaints raised by individuals managed under this policy will be treated as new and reviewed on their individual merits. Any imposed restrictions will not apply to substantially new matters, although the individual may be reminded not to repeat behaviours which led to those restrictions.

Review process

The status of an individual judged to be abusive, persistent or unreasonable will be reviewed by the Chief Executive no less than every six months. The individual will be informed of the result of this review, and if the decision to apply this policy to them has changed, been extended or lifted. Where restrictions are lifted, immediate consideration will be given to re-introducing them should the behaviour which led to the original restrictions return.

Should the restrictions be issued with a time limit, the restrictions are lifted at the end of the period stated, unless a review determines otherwise, in which case the individual will be informed.

Monitoring and review of this policy

This policy will be reviewed again in two years' time, or sooner if required by changes in legislation, regulations or best practice.