

Unreasonable Complainant Policy

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Document location			
\\ousvr\users\Office of the Police & Crime Commissioner\OPCC Policy and Procedures			
Version history			
Ver No.	Version date	Requester of change	Summary of change(s)
v1.1	Apr-18	n/a – first draft	n/a – first draft
V1.2	Apr- 19	Enzo Riglia	Various proposed amendments
V1.3	Apr-19	Richard Andrews	Adoption of proposed amendments and final adjustments
V2.0	July-19	Richard Andrews	Published
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1 Introduction

- 1.1 This policy sets out the approach to be adopted when the behaviour of a complainant or correspondent with the Police and Crime Commissioner (PCC) or with staff in the Office of the Police and Crime Commissioner (OPCC) is deemed to be behaviour of an 'unreasonable', 'unreasonably persistent' or vexatious nature, be this through written, oral or other means of contact. This policy is based on the Local Government and Social Care Ombudsman guidance.
- 1.2 It is for the Chief Executive to determine whether this policy should be applied, either in consultation with another senior manager if deemed appropriate in the circumstances.
- 1.3 If there is a conflict of interest for the Chief Executive to act under 1.2 the matter is to be referred to the Police and Crime Commissioner.

2 Aims and scope of the policy

- 2.1 The OPCC is committed to dealing with all complainants and correspondents fairly and impartially. OPCC staff are committed to respond to complaints and correspondence with patience and understanding following established policies and procedures, taking into account any specific needs of the complainant or correspondent to help conclude their issue in the most proportionate way possible. This includes, where relevant, taking into account any disability or other protected characteristic under equalities legislation.
- 2.2 However, there are times when the complainant or correspondent is not satisfied with the resolution offered by the OPCC and they then continue to pursue their original point or complaint in what can be deemed an unreasonable way. If as a consequence of their actions or behaviour, the proper investigation of their complaint is or may be impeded, or their actions or behaviour impede or may impede the normal running of the OPCC's business, or the actions or behaviour have or may have a disproportionate negative impact on OPCC resources or the actions and behaviour may lead to significant resource implications for the OPCC which are out of proportion with the nature/seriousness of the complaint, such behaviour will be deemed as 'unreasonable', 'unreasonably persistent' or 'vexatious'.
- 2.3 This policy applies to any complaint or correspondence received by the PCC, a member of the PCC's staff, regardless if it relates to the activities of the PCC or OPCC or which relates to the Chief Constable and/or other members of Hampshire Constabulary or the police service as a whole.
- 2.4 This policy does not cover complaints that are made through formal processes governed by legislation, such as formal complaints against the PCC and Chief Constable, and complaints arising from a request for information under the Freedom of Information Act 2000, Data Protection Act 2018 or the General Data Protection Regulation.

3 Actions and behaviours of unreasonable complainants or correspondents

3.1 Listed below are some of the actions/behaviours that the OPCC consider to be unreasonable, unreasonably persistent or vexatious. The list is not exhaustive.

- Refusing/failing to specify the grounds of a complaint, despite offers of help.
- Refusing/failing to cooperate with the complaints investigation process.
- Refusing/failing to accept that certain issues are not within the scope of a complaints procedure or the remit of the OPCC.
- Insisting on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.
- Making unjustified or repeated complaints about staff who are trying to deal with the issues, and seeking to have them replaced.
- Changing the basis of the complaint as the investigation proceeds.
- Denying or changing statements he or she made at an earlier stage.
- Introducing trivial or irrelevant new information at a later stage.
- Raising many detailed but unimportant questions, and insisting they are all answered.
- Submitting falsified documents from themselves or others.
- Adopting a 'scatter gun' approach: pursuing parallel complaints on the same issue with various organisations.
- Making excessive demands on the time and resources of staff with lengthy phone calls, emails to numerous OPCC staff, or detailed letters every few days, and expecting immediate responses.
- Submitting repeat complaints with minor additions/variations the complainant insists make these 'new' complaints.
- Refusing to accept the decision; repeatedly arguing points with no new evidence.
- using offensive language when corresponding.

4 Applying the policy

4.1 The decision to designate someone as an unreasonable, unreasonably persistent or vexatious will be taken following careful consideration of the facts in respect of that complainant/correspondent.

4.2 Prior to taking action under this policy, the Chief Executive must be satisfied that:

- the complaint or correspondent is being, or has had their issue, investigated properly and in accordance with the statutory or state procedure;
- the outcome of the investigation is fair or the decision being reached appears proportionate;
- communication with the complainant or correspondent has been adequate;

- the complainant or correspondent is not now providing any significant new information that might affect the OPCC's view of the complaint/issue.

4.3 If the Chief Executive is satisfied on these points, he should consider whether further action is required before making the decision to designate the complainant or correspondent as unreasonable, unreasonably persistent or vexatious.

4.4 Before applying this policy, the Chief Executive will normally send a written warning to the individual in question, telling them:

- why we believe his/her behaviour falls into this category;
- what action we are taking and how long it will last;
- when the decision will be reviewed.

5 Options for action

5.1 Any action taken in relation to the decision to treat a complainant or correspondent as unreasonable, unreasonably persistent or vexatious, should be appropriate and proportionate. The possible options are:

- requesting contact in a particular form (for example, letters or emails only);
- restricting contact to a named officer;
- restricting telephone calls to specified days and times;
- asking the complainant or correspondent to enter into an agreement about their future contact with the office or PCC.

5.2. If a complainant continues to complain, the Chief Executive may instruct the OPCC to terminate contact with them. In such cases, the OPCC will read all correspondence from the complainant but unless it relates to a fresh complaint with no bearing on previous complaints, the OPCC will simply place it on file with no acknowledgement.

5.3 New complaints from people who have come under the unreasonably persistent complainants' policy will be treated on their merits.

6 Safety and welfare of staff

6.1 Where a complainant's behaviour is such that it is reasonably perceived that it could threaten the immediate safety and/or welfare of the PCC or the PCC's staff or their families, or causes the recipient of the behaviour to feel threatened or alarmed, the Chief Executive may for example report the matter to the Police or take legal action. Similarly where a complainant behaves in such a way that it appears they may be committing a criminal offence, they will be reported to the Police.