

PCC Decision Report

Please ensure all sections below are completed

Report reference number:

PCC 059-17

Classification Not protectively marked

Title of report:

The Office of the Police and Crime Commissioner for Essex policy on dealing with abusive, persistent or vexatious calls, contact, correspondence and complaints: review and recommendation

Area of County/Stakeholders affected:

Countywide / the Public

Report by : Carly Fry, AD Performance and Scrutiny

Date of report: 11 July 2017

Enquiries to: Carly Fry, AD Performance and Scrutiny

1. Purpose of report

- 1.1. In Sept 2014, the OPCC adopted a policy for dealing with abusive, persistent or vexatious calls. This policy has now been reviewed in line with OPCC procedures, with two additions made to section four of the policy where features of the types of complaints and /or behaviours in respect of what may be 'vexatious' are set out.
- 1.2. This report seeks approval for the adoption of the revised policy for dealing with abusive, persistent or vexatious calls, contact, correspondence and complaints. The revised policy is attached at Annex A.

2. Recommendations

- 2.1. To approve the OEPCC policy for dealing with abusive, persistent or vexatious calls, contact, correspondence and complaints

3. Benefits of Proposal

- 3.1 The overall aim of the policy is to articulate the grounds on which the Office of the Police and Commissioner for Essex (OEPCC) would cease contact with members of the public. By giving these grounds clarity, members of the public will be able to understand how and when the professional office may cease or restrict contact with some members of the public.

4. Background and proposal

- 4.1 The OEPCC endeavours to provide a professional and prompt service to the public. There are times when the frequency, or nature or content of contact made by some members of the public might give rise to the OEPCC considering use of this policy.

5. Police and Crime Plan

- 5.1 This proposal has no implications for the Police and Crime Plan.

6. Police Operational Implications

- 6.1 There are no operational police implications.

7. Financial Implications

- 7.1 There are no financial implications arising from the policy.

8. Legal Implications

- 8.1 There are no legal implications arising from the adoption of the policy.

9. Staffing and other resource implications

- 9.1 The Chief Executive has a duty of care towards the staff of the professional office. Where some members of the public are persistent or abusive, or make contact that can be described as vexatious, this has negative implications for those members of staff. By adopting the policy, the Chief Executive will be able to exercise that care of duty with more clarity to those members of the public that do not engage with the office in a reasonable manner.

10. Equality and Diversity implications

[NOT PROTECTIVELY MARKED]

- 10.1 The continued use of the policy will enable to office to engage in a fair and transparent way with the public.
- 10.2 The OEPCC and the PCC/DPCC have duties under the Equality Act 2010 to ensure that services are accessible and to make reasonable adjustments especially for those with disabilities. These duties arise from the public sector equality duty (PSED). The PSED is a continuing duty.
- 10.3 When making a decision to restrict contact, the OEPCC will need to give consideration to the PSED and to the particulars of the case in hand. The PSED and duties under the Equality Act 2010 do not require the OEPCC to meet those needs but to: consider them; to consider ways of meeting them; and to be mindful of them at all times in case reasonable adjustments are required. In such cases, the resources of the OEPCC will also need to be taken into account.

11. Background papers

- 11.1 There are no background papers.

Report Approval

The report will be signed off by the OPCC Chief Executive and Treasurer, prior to review and sign off by the PCC / DPCC .

Chief Executive/M.O

Sign: [Signature]

Print: S. Hancock

Chief Financial Officer/Treasurer

Sign: [Signature]

Print: CHARLES A. LARSEN

Publication

Is the report for publication?

YES

NO

If 'NO', please give reasons for non-publication (state 'None' if applicable)

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If the report is not for publication, the Chief Executive will decide if and how the public can be informed of the decision.

Redaction

If the report is for publication, is redaction required:

1. Of Decision Sheet YES
NO

2. Of Appendix YES
NO

If 'YES', please provide details of required redaction:

.....

Date redaction carried out:

Treasurer / Chief Executive Sign Off – for Redactions only

If redaction is required, Treasurer or Chief Executive are to sign off that redaction has been completed.

Sign:

Print:

Chief Executive/Treasurer

Date signed:

Decision and Final Sign Off

I agree the recommendations to this report;

Sign: Jane Gardner

Print: JANE GARDNER

PCC/Deputy PCC

Date signed: 14/09/2017

I do not agree the recommendations to this report because;

.....
.....
.....

Sign:

Print:

PCC/Deputy PCC

Date signed:

Police and Crime Commissioner **for Essex**

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

Version Control	Version 2.0	September 2017
Reviewed By	C Fry	July 2017
Policy owner	S Hancock	
First Published	J Drewett	November 2012
Next Review Date	S Hancock	September 2018

Version history

Version Number	Date	Reason for review	Comments
1.0	November 2012		First publication
1.0	February 2016	Update review	No amendment required
2.0	September 2017	Update review	Minor amendments

The Office of the Police and Crime Commissioner for Essex policy on dealing with abusive, persistent or vexatious calls, contact, correspondence and complaints

1. Introduction

The Office of the Police and Crime Commissioner for Essex (OEPCC) is committed to dealing with all correspondence and complaints equitably, effectively and in a timely manner.

The OEPCC does not seek to limit contact that individuals have with the Office, or with the Police Crime Commissioner and his Deputy. However, there may be occasions when:

- the behaviour of an individual is such that it prevents the OEPCC from effectively dealing with their concern;
- a complainant's behaviour causes harassment or distress to OEPCC staff members, or
- where dealing with an individual's concerns 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, stopped altogether.

2. The Policy:

This Policy sets out the processes and procedures adopted by the OEPCC in responding to abusive, persistent, or vexatious complaints made against OEPCC staff by members of the public. It is intended to deal with those individuals who persist in making what are considered to be vexatious or unreasonable demands either by way of correspondence or complaints.

It does not cover complaints made against the PCC or the Deputy PCC. All complaints made against the PCC and DPCC are managed by the Police and Crime Panel (website can be found [here](#)).

It 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 [here](#).

This policy is supported by national guidance including the Independent Police Complaints Commission (IPCC) Guidance on dealing with complaints against the police which states that where a complaint is vexatious or repetitive, the relevant authority (in this case OEPCC) does not need to investigate it.

3. Scope:

This policy sets out guidance on when correspondence and/or complaints might be vexatious. This is also applicable to other contacts with OEPCC such as telephone calls to, and wider contact with, the office.

It is important to distinguish between people who make a number of complaints because they really think things have gone wrong, and people who are abusing channels or opportunities of communications. 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 procedure as it progresses, for example if agreed timescales are not met, should not lead to someone (or their complaint) being regarded as a vexatious or an unreasonably persistent complainant. Similarly, the fact that a complainant is unhappy with the outcome of a complaint and seeks to challenge it once, or more than once, should not cause him or her to be labelled vexatious or unreasonably persistent.

There are however times when reasonable persistence 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.

4. Definition of vexatious:

For the purposes of this policy, vexatious is defined as:

'manifestly unjustified, inappropriate or improper use of a formal procedure or manifestly unjustified, inappropriate and improper contact'

In order to assess whether a behaviour or complaint is vexatious, the key question is whether the complaint or contact is likely to cause a disproportionate or unjustified level of disruption, irritation or distress to an OEPCC staff member(s).

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 vexatious, abusive, or persistent:

- On-going persistence with a complaint after being advised that there are insufficient or no grounds for their complaint or that OEPCC is not the appropriate authority
- Refusing to co-operate with the complaints process without good reason whilst still wanting the complaint to be resolved, including a failure or refusal to specify the grounds of a complaint despite offers of assistance, changing the basis of the complaint as inquiries are made and / or introducing trivial or irrelevant new information and expecting this to be taken into account and commented on.
- Submitting repeat complaints, after the complaints procedure has been completed, essentially about the same issues, with additions/variations which the customer insists on being treated as new complaints and put through the full complaints procedure again.
- Refusing to accept the outcome of the complaint procedure after its conclusion, repeatedly making the same or similar points, complaining about the outcome, and/or denying that an adequate response has been given.
- Harassing or 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 what would appear to be groundless complaints about those staff (the Chief Executive makes the final decision on whether a complaint is groundless).
- Making an unreasonable number of contacts with the OEPCC, by any means, in relation to a specific complaint or correspondence including making persistent and unreasonable demands or expectations on OEPCC staff such as insistence on immediate responses to numerous and / or frequent and / or letters, faxes, telephone calls or emails).
- Recording meetings and conversations without the prior knowledge and consent of the other person involved.

- Persistent and inappropriate use of statutory processes or procedures. For example, making a complaint against the Chief Constable, when the same complaint has been made against Essex Police but not been found. In this case, the proper escalation route is the IPCC.
- Ongoing behaviour which suggests a campaign against the OEPCC, its staff or an individual member of staff prompted by the complainant's personal views on a particular issue and/or prompted by personal animosity.
- Ongoing persistence with a complaint made in retaliation against the OEPCC, its staff or an individual member of staff for action taking in delivering the OEPCC's functions.

5. Dealing with vexatious complaints:

OEPCC is committed to ensuring that all correspondence and/or complaints made by the public are dealt with effectively and promptly (see 'compliments and concerns' [here](#)).

However, if at the point of recording or managing a complaint, the OEPCC considers that a complaint may be vexatious, persistent, repetitive or otherwise an abuse of process, then the following processes will apply:

- Prior to any decision to treat a complaint or correspondent as vexatious, abusive or persistent, the relevant member of OEPCC staff will issue a warning to the complainant. The complainant will be contacted either by phone, in writing or by email to explain why this behaviour is causing concern, and ask them to change this behaviour. They will also be warned of the actions that may be taken if the behaviour does not change.
- If the behaviour continues, the complainant will be referred to the OEPCC Chief Executive, who will then decide whether to limit contact from the individual and to what extent. Any restriction that is imposed on contact with OEPCC will be appropriate, proportionate and subject to review. The kinds of restriction which may be imposed are:
 - Limiting contact to a specific mailbox or one named member of staff
 - Only accepting email or written correspondence from the individual and / or refusing to accept telephone calls
 - Only accepting telephone contact through a third party e.g. solicitor/councillor/friend acting on their behalf
 - Indicating that correspondence will not be responded to unless substantially new matters are raised (this implies that all incoming correspondence will be read)
 - Blocking the individual's e mail address so that it is not received by OEPCC (this should only be done in extreme cases after all other avenues have been tried)
- When the decision has been taken to apply this policy, the individual will be written to with reasons for the decision and what action OEPCC is taking. That decision may be amended if the individual continues to behave in a way which is unacceptable.
- Where the behaviour is so extreme or it threatens the immediate safety and welfare of staff, OEPCC may consider other options, for example reporting the matter to the police or taking legal action. In such cases, OEPCC may not give the individual prior warning of that action.

- If the employee in question is the Chief Executive, the application of the policy will be considered and applied by the PCC or the Deputy PCC, who will nominate another member of staff to keep the application of this policy under review.

Records will be retained by OEPCC Chief Executive of all cases assessed to be vexatious, persistent, repetitive or abusive, including the action that has been taken in relation to these cases and the review dates.

6. Appeal:

The complainant has right to appeal to the IPCC (for contact details, please see [here](#)).

7. New complaints from individuals who are (or whose complaints are) treated as abusive, vexatious or persistent:

Any new issues or complaints raised by individuals who have come under this policy will be treated as new complaints and reviewed on their individual merits. Any imposed restrictions will not apply to new matters, although the individual may be warned not to repeat behaviours which led to those restrictions.

8. Review Process:

The status of an individual judged to be unreasonably persistent or vexatious will be reviewed by the Chief Executive after six months and at the end of every subsequent six month period. The individual will be informed of the result of this review if the decision to apply this policy to them has been changed or extended.

July 2017