

PFCC Decision Report

Report reference number: 054/2020

Classification: Not protectively marked

Title of report: Policy for Dealing with Abusive, Persistent or Unreasonable Contact, Correspondence and Complaints

Area of county / stakeholders affected: All PFCC staff

Report by: Darren Horsman (Strategic Head of Policy and Public Engagement)

Date of report: 29 April 2020

Enquiries to: Darren Horsman (Strategic Head of Policy and Public Engagement)

1. Purpose of the report

To approve the updated Policy for Dealing with Abusive, Persistent or Unreasonable Contact, Correspondence and Complaints.

2. Recommendations

That the updated Policy for Dealing with Abusive, Persistent or Unreasonable Contact, Correspondence and Complaints attached at Appendix 1 is approved for adoption.

3. Benefits of the proposal

The Police, Fire and Crime Commissioner's Office (PFCC's Office) for Essex is committed to dealing with all contact, correspondence and complaints equitably, effectively and in a timely manner.

The PFCC's Office does not seek to limit contact that individuals have with the Office, or with the Police, Fire and Crime Commissioner (PFCC) or his / her Deputy. However, there may be occasions when:

- the behaviour of an individual is such that it prevents the PFCC's Office from dealing effectively with their concern;
- an individual's behaviour causes harassment or distress to the PFCC or their staff members, 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, it is important to have clear and transparent processes for managing contact with the individual concerned to reduce the impact on staff, maintain the statutory rights of the individual and ensure resources are used effectively.

This policy clearly sets out the process for handling abusive, persistent or unreasonable contact, correspondence and complaints.

This revised policy also adopts a stronger reference to the Equality Act 2010 and the new guidance developed by the Independent Office for Police Conduct (IOPC).

4. Background and proposal

The Policy for Dealing with Abusive, Persistent or Unreasonable Contact, Correspondence and Complaints has been reviewed and updated as part of the PFCC's ongoing policy review plan. In particular, the policy has been updated to cover the recently published IOPC guidance on [Managing Unacceptable or Unreasonable Complaint Behaviour](#) and to provide greater prominence to the PFCC's obligations under the Equality Act 2010. The revisions to the policy also reflect the recommendations arising from a legal opinion obtained on the current version.

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

5. Alternative options considered and rejected

The PFCC could chose not to adopt the updated Policy for Dealing with Abusive, Persistent or Unreasonable Contact, Correspondence and Complaints, and therefore effectively to "hold over" on the existing policy. This course of action is not recommended as the current policy does not take into consideration the newly published IOPC guidance on [Managing Unacceptable or Unreasonable Complaint Behaviour](#) or provide increased clarity as to how the PFCC will comply with their Public Sector Equality Duty under the Equality Act 2010.

The PFCC cannot implement the recommendations arising from a legal opinion obtained on the current policy without updating it accordingly.

6. Police and Crime Plan

Communication and Engagement forms an important enabling priority within the Police and Crime Plan. Ensuring that resources are deployed effectively in this area so that the Commissioner can hear from all communities across Essex is important to helping deliver against the Police and Crime Plan priorities.

Having a clear and efficient policy for dealing with abusive, persistent or unreasonable contact, correspondence and complaints supports the appropriate allocation of resources to support engagement with communities across Essex.

7. Police operational implications

The policy has been reviewed alongside statutory guidelines and legislation which are relevant to operational policing. While this policy will have no direct impact on operational policing its alignment with Essex Police policies and procedures will help to provide a coherent system for the public.

8. Financial implications

There are no financial implications associated with this decision.

9. Legal implications

The PFCC has a statutory responsibility to oversee and scrutinise the Essex Police complaints system, to consider certain types of complaints against the Chief Constable and to review certain types of complaints against Essex Police or its officers.

Under the Equality Act the PFCC also has a legal duty to promote and support equality of access to public services and, where appropriate, to make reasonable adjustments so people with a protected characteristic can exercise their statutory rights, such as the right to complain about the Chief Constable.

These legal responsibilities must be balanced against the need to pursue a legitimate aim such as protecting staff from abusive and threatening behaviour and ensuring the efficient and effective policing of Essex. This policy draws together these statutory obligations to set out a clear process and policy for dealing with abusive, persistent or unreasonable contact, correspondence and complaints and how the various legal obligations will be considered through this process.

10. Staffing implications

This policy applies to all PFCC staff and is especially relevant to those staff with direct engagement with the public. Care has been taken to support staff who are faced with dealing with challenging situations and this policy is designed to offer clear guidance to the public and staff in how abusive, persistent or unreasonable contact will be managed.

11. Equality and Diversity implications

As stated above, the PFCC has a statutory duty under the Equality Act 2010 to promote and support equality of access to public services and, where appropriate, to make reasonable adjustments so people with a protected characteristic can access these services and exercise their statutory rights, such as the right to complain about the Chief Constable.

Consideration of whether any reasonable adjustment is required is now undertaken at a very early stage in any engagement with the public. This early consideration, where possible, is designed to support equality of access to the service provided by the PFCC's Office. In respect of complaints, this early consideration should be undertaken before any official complaint is recorded. This is set out in our [Complaints or Expression of Dissatisfaction Policy](#).

However, in line with the IOPC guidance on [Managing Unacceptable or Unreasonable Complaint Behaviour](#) this policy also recognises that in certain circumstances where abusive, unreasonable or persistent behaviour exists it may still be necessary to put in place contact strategies. In this case consideration will be given as to whether the impact on the individual is proportionate to the legitimate aim of managing contact and whether reasonable adjustments can be made.

12. Risks

This policy sets out a clear process to manage abusive, unreasonable or persistent behaviour and provides clear direction to the staff of the PFCC's Office in what can and cannot be done to manage behaviour. This will mitigate the risk that action is taken that is not properly balanced or in line with the Commissioner's legal obligations. This policy also considers the most up-to-date guidance available from the IOPC.

13. Governance Boards

The updated policy attached for approval at Appendix 1 was discussed at the PFCC's SMT on 29 April 2020 and approved in principal for adoption by the PFCC.

14. Background papers

Appendix 1 – Policy for Dealing with Abusive, Persistent or Unreasonable Contact, Correspondence and Complaints V6.0

Report Approval

The report will be signed off by the OPFCC Chief Executive and Treasurer prior to review and sign off by the PFCC / DPFCC.

Chief Executive / M.O.

Sign:



Print: P. Brent-Isherwood

Date: 29 April 2020

Chief Finance Officer / Treasurer

Sign:



Print: Elizabeth Helm

Date: 29 June 2020

Publication

Is the report for publication?

YES

NO

If 'NO', please give reasons for non-publication (Where relevant, cite the security classification of the document(s). State 'None' if applicable)

.....
.....N/A.....

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

2. Of Appendix?

YES

NO

NO

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

.....
.....N/A.....

Date redaction carried out:

Treasurer / Chief Executive Sign Off – for Redactions only

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

Sign:

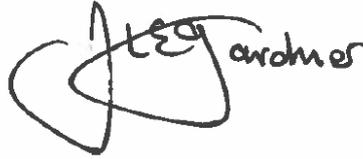
Print:

Chief Executive/Treasurer

Date signed:

Decision and Final Sign Off

I agree the recommendations to this report:



Sign:

Jane Gardner

Print:

Deputy PFCC

Date signed: 30 June 2020

I do not agree the recommendations to this report because:

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.....
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Sign:

Print:

PFCC/Deputy PFCC