

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

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3.0	October 2018	Update review	Alignment to new IOPC guidance and clarification between vexatious complaint handling and abusive, repetitive or unreasonable contact.
4.0	January 2019	Review by the Monitoring Officer	Updated to reflect best practice within other PCCs' offices
5.0	April 2020	Review by Strategic Head of Policy and Public Engagement	Alignment to new IOPC guidance on managing unacceptable and unreasonable complaint behaviour and new statutory guidance. Amended to reflect legal advice obtained on the previous version.

6.0	April 2020	Review by the Monitoring Officer	Updated to reflect restructuring of staff roles and responsibilities. Monitoring and review arrangements added.
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Introduction

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

The PFCC does not seek to limit contact that individuals have with their 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, 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 PFCC'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 PFCC's Office including telephone calls and emails to, and wider contact with, the office.

It does not cover complaints made against the PFCC or the Deputy PFCC. All complaints made against the PFCC and DPFCC are managed by the Police, Fire and Crime Panel (whose website can be found [here](#)) or the police.

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 PFCC'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 PFCC’s Office from dealing effectively with the concern;
- cause harassment, disruption or distress to the PFCC or their staff members, and / or
- create significant resource implications which are not assessed to be proportionate to the nature of the concern itself.

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 PFCC 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 PFCC'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) Contacting different people in the same organisation about the same issue to try to secure a different outcome
- j) Sending such a high volume of information to the PFCC's staff that it places an unreasonable burden on them and impedes their ability to carry out their duties effectively.
- k) 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 PFCC, when the same complaint has been made against Essex Police but not been upheld. In this case, the proper escalation route is the IOPC.
- l) Ongoing behaviour which suggests a campaign against the PFCC, 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 PFCC's Office is committed to ensuring that all contacts, correspondence and complaints made by the public are dealt with effectively, promptly and equitably (see 'compliments and concerns' [here](#)).

The PFCC 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 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.

Applying the policy

If it is agreed that the behaviour does fit within this policy, the appropriate Strategic Head will inform the person involved that this behaviour is unacceptable. The person will be contacted, in writing wherever possible, to explain why this behaviour is causing concern, and to ask them to change this behaviour. Wherever possible, they should be provided with a copy of this policy. They will also be notified of the actions that may be taken if the behaviour does not change.

If the behaviour continues, the appropriate Strategic Head will then decide whether to limit contact from the individual and to what extent. Any restriction that is imposed on contact with PFCC'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 PFCC 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 PFCC 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 PFCC's Office is taking, and when the decision / restriction(s) will be reviewed. 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 appropriate Strategic Head. 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 PFCC's Office 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 PFCC's Office may involve the police or institute legal proceedings. In such cases, the PFCC'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 a Strategic Head, or where there is a conflict of interest for the Strategic Head (for example, because the individual is known to them personally, or the Strategic Head has already been involved in dealing with them), the application of the policy will be considered and, if necessary, applied by the Chief Executive and Monitoring Officer, who will keep the application of this policy under review.

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 PFCC or the Deputy PFCC, who will nominate a Strategic Head to keep the application of this policy under review.

Records will be retained by PFCC'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 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.

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 appropriate Strategic Head 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.

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.