

## **Policy for dealing with unacceptable, unreasonable and unreasonably persistent complainant and correspondent behaviour**

### **Introduction**

- 1.0.** The Police and Crime Commissioner for Norfolk (the Commissioner) is committed to dealing with complaints fairly, thoroughly, impartially and in a timely way. Generally, dealing with a complaint is a straightforward process following established policies and procedures. The Office of the Police and Crime Commissioner's (OPCCN) staff are committed to respond with patience and understanding to the needs of all complainants and to seek to resolve their complaints. This includes, where relevant, considering any disability or other protected characteristic under equalities legislation which may make the process more difficult for any particular complainant.
- 2.0.** In addition, any correspondence which does not fall within the definition of complaint is also subject to this policy. This includes all face to face contact, postal or electronically written correspondence as well as telephone calls into the OPCCN. Further details for all general correspondents can be found in Appendix A of this policy.
- 3.0.** There are times however, when the complainant is not satisfied with the resolution offered by the Commissioner and they may attempt to pursue their complaint in an unreasonable way. Their actions and behaviour may impede the proper investigation of their complaint or may impede the normal running of the Commissioner's business. This may lead to significant resource implications for the Commissioner which are out of proportion with the nature/seriousness of the complaint. The Commissioner defines such behaviour as 'unacceptable', 'unreasonable' and 'unreasonably persistent'.
- 4.0.** This policy is designed to help the Commissioner and OPCCN staff to identify and deal with unacceptable, unreasonable and unreasonably persistent complainant behaviour in a demonstrably consistent and fair way. It assists the Commissioner, any Deputy Commissioner and OPCCN staff to understand clearly what is expected of them, what options are available, and who can authorise these actions.

### **5.0. Scope of the Policy**

5.1. This policy and guidance applies to any complaint made in relation to:

- The level or quality of service in respect of complaints about the Commissioner, the Deputy Commissioner, a member of the OPCCN

staff or a contractor engaged on behalf of the Commissioner;

- The conduct of a member of the OPCCN staff or of a contractor engaged on behalf of the Commissioner;
- Complaints in relation to the work of the Independent Custody Visitors;
- Complaints about the conduct of the Police and Crime Commissioner or any Deputy Commissioner.
- Complaints about the conduct of the Chief Constable of Norfolk

5.2. This policy does not cover complaints about employees of Norfolk Constabulary. All matters relating to complaints made against employees of Norfolk Constabulary, including any actions and behaviours by someone who has made such a complaint, will be dealt with in accordance with the legislation governing conduct complaints against Police Officers, namely the Police Reform Act 2002 and any associated secondary legislation.

5.3. This policy does not cover complaints or any actions and behaviours by someone arising from a request for information under the Freedom of Information Act. Such matters will be considered on a case by case basis in accordance with the Freedom of Information Act 2000, taking account of the Information Commissioners Office guidance.

#### **6.0. Actions and behaviours in relation to unacceptable, unreasonable and unreasonably persistent complainant behaviour**

6.1. Listed below are some of the actions and behaviours that the Commissioner considers to be unacceptable, unreasonable and unreasonably persistent. The list is not exhaustive.

- Refusing to specify clearly the grounds of their complaint, despite offers of assistance from OPCCN staff or the Commissioner or any Deputy Commissioner.
- Refusing to use or accept the application of the relevant Commissioner complaints policy/procedure despite being advised to do so.
- Refusing to accept that issues are not within the remit of a complaints policy/procedure despite having been provided with information about the scope of the policy or procedure.
- Refusing to co-operate with the complaints investigation process whilst still wishing their complaint to be resolved.
- Insisting on the complaint being dealt with in ways which are incompatible with the Commissioners adopted complaints policies and procedures or with good practice or which are unlawful or not in accordance with legislation.
- Making what appear to be groundless complaints about the OPCCN

staff or the Commissioner or the Deputy Commissioner dealing with the complaint.

- Changing the basis of the complaint as the investigation proceeds and/or denying statements the complainant made at an earlier stage.
- Introducing irrelevant new information into a complaint which the complainant expects to be considered and commented on, or raising detailed but materially irrelevant questions or comments and insisting they are fully answered
- Electronically recording meetings and conversations without the prior knowledge and consent of the other persons involved.
- Adopting a 'scattergun' approach; pursuing a complaint or complaints with the Commissioner and, at the same time, with others e.g., the Independent Police Complaints Commission, a Member of Parliament, local Councillor, the local police or solicitors.
- Making unnecessarily excessive demands on the time and resources of OPCCN staff or the Commissioner or Deputy Commissioner whilst a complaint is being looked into, for example by submitting repeated complaints, by excessive telephoning or sending of emails to OPCCN staff or the Commissioner, sending regular letters/emails and expecting unreasonably quick responses e.g., more quickly than the timescales set out in the relevant policy/procedure
- Submitting repeated complaints after the complaints processes have been completed, which are essentially about the same issues.
- Refusing to accept the Commissioners decision – repeatedly arguing the point and complaining about the decision.
- Using abusive or threatening language including swearing, to the Commissioner, Deputy Commissioner or OPCCN staff, either in writing or verbally.
- Using bullying, physical or psychological threats as a means to gain leverage with the Commissioner, Deputy Commissioner or a member of OPCCN staff.

## **7.0. How the Commissioner will deal with such complaints**

- 7.1. Each complaint submitted to the Commissioner will be assessed on its own merits. Where a member of staff who is dealing with a complaint has grounds for concern that a complainant may be pursuing their complaint in an unreasonable way, they shall refer the complaint to the Chief Executive for consideration.
- 7.2. The Chief Executive will consider the complaint fully and ensure that the relevant policy/procedure has been correctly followed and that each element

of the complaint has been addressed. They will also check whether any new issues are raised which are significantly different from the original complaint

7.3. Having considered the circumstances of the case, the Chief Executive may come to the view that the behaviour of the complainant falls within the scope of this policy and that the complainant's behaviour should be treated as unacceptable, unreasonable and/or unreasonably persistent.

7.4. The decision to treat a complaint as unacceptable, unreasonable and/or unreasonably persistent and to determine what action is to be taken will be made by the Commissioner or Deputy Commissioner, following consultation with the Chief Executive. Decisions will be made having regard to the full circumstances of each case.

7.5. The Chief Executive will make a record of the decision and the reasons for it.

#### **8.0. Actions which may be taken in relation to unacceptable, unreasonable and unreasonably persistent complainant behaviour**

8.1. Any action taken in relation to the decision to treat a complainant's behaviour as unacceptable, unreasonable and/or unreasonably persistent should be appropriate and proportionate. The possible options are:

- Use of mediation by inviting the complainant to a face-to-face meeting either held in person or virtually. At least two of the OPCCN staff will meet with the complainant and the complainant may be accompanied.
- Continuing to proceed with the complaint under the relevant policy/procedure and providing the complainant with one point of contact within the OPCCN, who will keep a record of all contacts made.
- Issuing the complainant in writing with terms of behaviour to be adhered to and setting out expected mutual responsibilities upon which the continued investigation of the complaint will be conditional.

8.2. If any terms and conditions imposed are contravened by the complainant or if any mediation fails and the unacceptable and unreasonable behaviour persists, then the Chief Executive may consider implementing one or more of the following actions:

- Advise the complainant that they have exhausted the complaints procedure and that there is nothing more to add to the points raised.
- Explain to them that further contact with the Commissioner will serve no useful purpose.
- The complainant will also be notified that their complaint is being treated as an unacceptable and unreasonable complaint and, as such, correspondence is at an end and that no further correspondence about

the same matter will be acknowledged.

- Decline contact with the complainant either in person, by telephone, by letter or email in relation to that complaint.
- A record of all contacts made by the complainant thereafter must be kept.
- The correspondence will be read but, where it contains no fresh evidence which affects the decision, it need not be acknowledged but merely placed on the file.
- Where unacceptable, unreasonable or unreasonably persistent behaviour continues the Commissioner reserves the right to suspend all contact with the complainant whilst legal advice is sought.

## **9.0. Unreasonable complaints in relation to the Commissioner**

- 9.1. The Norfolk Police & Crime Panel provides delegated authority to the Chief Executive of the OPCCN to manage the initial handling of complaints. Details of this process and the complaints procedure adhered to by the Panel can be found on the [Norfolk County Council website](#). The process further sets out how the Chief Executive of the OPCCN may decline to record a complaint.

## **10.0. Future dealings with persons who have been deemed to have behaved in an unacceptable, unreasonable and unreasonably persistent manner**

Even though an individual has made complaints that were pursued in an unacceptable, unreasonable or unreasonably persistent manner in the past, it must not be assumed that any future complaints or contact from them will also be unacceptable or unreasonable. If a new complaint, on a separate matter is received, it must be treated on its own merits.

## **11.0. Safety and welfare of staff**

- 11.1. Where a complainant or correspondent's behaviour is so extreme that it is reasonably perceived that it could threaten the immediate safety and/or welfare of the Commissioner, Deputy Commissioner or the OPCCN staff or their families, or causes the recipient of the behaviour to feel threatened or alarmed, the Commissioner or the Chief Executive may consider other options, for example reporting the matter to the Police or taking legal action. Such incidents will be logged on the register of complaints. Similarly, where a complainant behaves in such a way that it appears they may be committing a criminal offence, such behaviour will be reported to the Police.



## **Actions which may be taken in relation to unacceptable, unreasonable and unreasonably persistent correspondent behaviour**

1. The Commissioner is committed to ensuring correspondence received by the OPCCN is responded to in adherence with our Service Standards which can be found on our website here [Contact us | Norfolk PCC \(norfolk-pcc.gov.uk\)](https://www.norfolk-pcc.gov.uk/contact-us).
2. Correspondence can be in the form of email, post or telephone.
3. There are times when a correspondent is not satisfied by service they have received, circumstance or possible incidents and they may attempt to correspond with the OPCCN in an unreasonable way. Their actions and behaviour may impede the normal running of the Commissioner's business or negatively impact staff of the OPCCN endeavouring to assist them. The Commissioner defines such behaviour as 'unacceptable', 'unreasonable' and 'unreasonably persistent'.
4. This policy appendix is designed to help the Commissioner and OPCCN staff to identify and deal with unacceptable, unreasonable and unreasonably persistent correspondent behaviour in a demonstrably consistent and fair way. It assists the Commissioner, any Deputy Commissioner and OPCCN staff to understand clearly what is expected of them, what options are available, and who can authorise these actions.
5. **Actions and behaviours in relation to unacceptable, unreasonable and unreasonably persistent correspondent behaviour**
  - Refusing to specify clearly the grounds of their concerns, despite offers of assistance from OPCCN staff or the Commissioner or any Deputy Commissioner.
  - Refusing to accept that issues are not within the remit of the OPCCN despite having been provided with information about the scope of the office.
  - Refusing to co-operate with the OPCCN whilst still wishing their concerns to be resolved.
  - Changing the basis of the concerns as a method of continuing correspondence with the OPCCN.
  - Electronically recording meetings and conversations without the prior knowledge and consent of the other persons involved.



- Adopting a ‘scattergun’ approach; pursuing a complaint or concerns with the Commissioner and, at the same time, with others e.g. the Independent Police Complaints Commission, a Member of Parliament, local Councillor, the local police or solicitors.
- Making unnecessarily excessive demands on the time and resources of OPCCN staff or the Commissioner or Deputy Commissioner whilst a correspondence is being looked into, for example by excessive telephoning or sending of emails to OPCCN staff or the Commissioner, sending regular letters/emails and expecting unreasonably quick responses e.g., more quickly than the timescales set out in the relevant policy/procedure.
- Submitting repeated emails, letters or phone calls after the processes have been completed, which are essentially about the same issues.
- Refusing to accept the Commissioners decision or response – repeatedly arguing the point and complaining about the response given.
- Using abusive or threatening language including swearing, to the Commissioner, Deputy Commissioner or OPCCN staff, either in writing or verbally.
- Using bullying, physical or psychological threats to gain leverage with the Commissioner, Deputy Commissioner or a member of OPCCN staff.
- Communicating with the Commissioner, Deputy Commissioner or OPCCN in an aggressive or rude manner.

## **6. How the OPCCN will deal with such behaviours**

6.1. All correspondence submitted to the OPCCN will be assessed on its own merits.

6.2. Where it is deemed that a correspondent’s behaviour is unacceptable, unreasonable or unreasonably persistent, a decision will be made as to the actions of the OPCCN using the following guidelines:

- Should a correspondent use bullying, physical or psychological threats, act aggressively, use abusive or threatening language as outlined above, they will be informed that the OPCCN will no longer be engaging with them until the correspondent chooses to engage in a reasonable manner and that their correspondence is not repetitive in nature. Telephone calls will be immediately terminated should the member of OPCCN staff experience any of the aforementioned.
- Should a correspondent continually contact the OPCCN regarding an issue they have been responded to on two previous occasions without providing

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new information or without raising new concerns, the OPCCN will advise the correspondent that they will not be responding further unless new information is provided or new concerns raised.

- Where a correspondent refuses to accept the response given by the OPCCN, after having been advised on two previous occasions, they will be informed that the OPCCN will no longer be responding unless new information is provided or new concerns raised.
- A correspondent will be informed when this policy is being put into place and reasons given e.g., repetitive or abusive behaviour.

#### **7.0. Future dealings with persons who have been deemed to have behaved in an unacceptable, unreasonable and unreasonably persistent manner**

7.1. Even though an individual has pursued contact with the OPCCN in a way that was unacceptable, unreasonable or unreasonably persistent, it must not be assumed that any future complaints or contact from them will also be unacceptable or unreasonable. If a new concern or complaint on a separate matter is received, this will be treated on its own merits.

7.2. Should a member of OPCCN staff require clarity or support on any aspects of this policy regarding a correspondent, they must raise this with their manager or the Complaints and Compliance Officer who will look to assist them or raise the issue with the Chief Executive.