



## **Protocol for the Informal Complaint Resolution Procedure**

*N.B. A list of Acronyms and Abbreviations used within this Protocol can be found at Appendix 1*

The Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012 (the Regulations) mandate the statutory responsibility for the Police and Crime Panel (PCP) to handle non-criminal complaints about the conduct of the Police and Crime Commissioner (PCC) and Deputy Police and Crime Commissioner (DPCC), where appointed.

Conduct in this regard may include, but is not limited to, actions and omissions, statements or procedures of, or undertaken by the PCC/DPCC, including the way decisions are taken. The PCP does not have the power to review the merits of any decisions taken by the PCC/DPCC, only whether the decision was taken properly in accordance with relevant procedures and any statutory requirements or complaints against officers of the Office of the Police and Crime Commissioner (OPCC)

All complaints made to the PCP should clearly identify where the conduct of the PCC/DPCC has not met the complainant's expectations. The published code of conduct for the PCC can be accessed on the PCC's website <https://www.hampshire-pcc.gov.uk/transparency/policy-and-governance/code-of-conduct>

The PCP have, in accordance with paragraph 28(3) of the regulations, appointed a Complaints Sub-Committee (the Sub-Committee) who have delegated powers and responsibility, on behalf of the Panel, to secure the informal resolution of complaints. The regulations further provide that the complaint may be remitted at any time to the Panel as a whole (whether at the request of the appointed sub-committee or authorised person, the complainant or the person complained against, or otherwise) if the Panel is of the opinion that this will lead to a more satisfactory resolution of the complaint.

At all stages of the process, from initial receipt and assessment through to recording and conclusion, all communication with the PCC / DPCC (or their officers), the complainant or any other party, will make clear who it is intended for, the purpose of that communication and any associated timescales.

### ***Police complaint review process***

Under the Police (Complaints and Misconduct) Regulations 2020 the PCC has responsibility for carrying out reviews, where they are the relevant review body for complaints against Hampshire and Isle of Wight Constabulary (the Constabulary) that are initiated and undertaken pursuant to the Police Reform Act 2002.

The PCP does not have the power to review individual decisions reached by the PCC and/or their office in respect of applications made to review the outcome of complaints undertaken, as stated above under the Police Reform Act 2002, and is not the correct body of recourse to challenge such decisions made by the PCC and/or their office. Any complainant dissatisfied with the decision reached in the review of their complaint may only seek to address this through a Judicial review and they are encouraged to seek independent legal advice from a qualified legal professional.

Complaints which are identified to be expressing dissatisfaction about the outcome of the complaint review process will not be recorded, in accordance with regulation 10(2) of the Regulations. For further information about the complaint review process please visit the PCCs website <https://www.hampshire-pcc.gov.uk/>

### ***Recording and acknowledgement of complaints***

#### ***Initial receipt of complaints***

Upon receipt of a complaint the Democratic Services Officer to the Panel (DSO) will, in consultation with the Chairman of the Sub-Committee consider whether:

- a. the complaint is complete, and clearly identifies the alleged conduct matter. Further information will be sought from the complainant, by the DSO, for any incomplete or unclear complaints.
- b. the complaint is a complaint against the PCC or DPCC for Hampshire and the Isle of Wight;
- c. it is a complaint for which the Hampshire and Isle of Wight Police and Crime Panel is the relevant PCP;
- d. the complaint indicates the commission of a criminal offence by the PCC/DPCC, in which case the complaint would be referred to the Monitoring Officer to the PCP (MO) to determine referral to the Independent Office of Police Conduct (IOPC), as a potential serious complaint;
- e. the complaint is a complaint at all;
- f. it is a complaint relating to an operational matter of Hampshire and Isle of Wight Constabulary, in which case it would be referred, with the complainant's

consent, to Hampshire Constabulary's Professional Standards Department to be resolved in accordance with the complaint procedures of the Constabulary.

- g. consider whether the complaint has been satisfactorily dealt with and if so, consulting with the complainant, treat the complaint as withdrawn;

A notification will be sent to the PCC/DPCC upon receipt of a complaint against them, which will include a copy of the complaint and the name of the complainant, except where a request is made to treat a complaint, or part thereof anonymously (see below).

#### *Requests for Confidentiality/Suppression of complaint details*

The regulations allow for complaints made against the PCC/DPCC to be handled anonymously by the Panel. All complainants, when submitting a complaint, will have the opportunity to request that their identity be treated with anonymity.

Requests for anonymity or requests for suppression of complaint details will not automatically be granted. All such requests will be considered by the MO, who will determine whether keeping anonymous the identity of the complainant would impact upon the Sub-Committee's ability to determine the complaint under the protocol. The MO will write to the complainant to confirm whether the request for anonymity is granted.

When a request for anonymity cannot be granted, the complainant will usually be offered the opportunity to amend or withdraw their complaint, before any notification is made to the PCC/DPCC.

Any decision taken to not provide a copy of a complaint to the PCC/DPCC or to provide anonymity to the complainant or any other person, will be reported to the Sub-Committee.

#### *Recording of Complaints*

In consideration of points a-g above, and within 10 clear working days of receipt of the complaint, the DSO will, in consultation with the Chairman of the Sub-Committee determine whether the complaint should be recorded as a complaint in accordance with regulation 9(5) of the Regulations. The DSO may request information from the PCC and their office to clarify matters raised in the complaint, where it would assist the recording decision and may also seek legal advice from the MO.

Where the decision has been made to record a complaint that will not subsequently be referred to the IOPC, the DSO will:

- record the date of receipt of the complaint;
- send a record of the complaint, to the complainant, inviting them to make further comments in support of their complaint (with 10 clear working days to respond). Where the DSO believes that the circumstances of the case are such that the Sub-Committee may decide to treat the complaint as having been resolved, the complainant will be asked to provide their representations in this regard for the Sub-Committee to take into account:
- send a copy of the complaint (subject to any decision taken not to supply a copy of the complaint or to supply the complaint in a form which keeps anonymous the identity of the complainant or of any other person) to the PCC/DPCC, setting out timescales and providing details about the informal resolution procedure and inviting them to make comments in response to the complaint (with 10 clear working days to respond).

### *Non-Recording of Complaints*

If, in consideration of points a-g (above), the DSO, reaches the view that action should not be taken under regulation 9 of the Regulations for notifying or recording the whole or any part of the complaint received, as it does not properly fall within the responsibility of the PCP, they will refer the matter to the MO.

The MO, in consultation with the Chairman of the Sub-Committee, will determine whether the complaint should be recorded as such. If it is agreed that action shall not be taken under regulation 9, the MO shall notify the complainant and PCC/DPCC in writing, of the following:

- the decision to take no action and, if that decision relates to only part of what was received, the part in question; and
- the grounds on which the decision was made.
- Any decision taken not to record a complaint, or part thereof, will be formally reported to the first meeting of the Sub-committee following the date of the determination.

### *Potentially Serious Complaints*

Serious complaints are those which allege the commission of a criminal offence by the PCC/DPCC. If, at any stage, the IOPC informs the PCP that they require the complaint to be referred to them, or if the MO, in consultation with the Chair of the Sub-Committee, determines that the complaint should be referred to the IOPC as a potentially serious complaint, the informal resolution process must be discontinued.

### ***Disapplication of the Regulations***

In some cases, the informal resolution procedure may be disapplied in respect of a complaint in accordance with Part 2, paragraph 15 of the Regulations. If the DSO identifies that a complaint may be suitable for consideration for disapplication under part 2 of the Regulations, they will refer it to the MO.

- The MO, in consultation with the Chair of the Sub-Committee, will consider the suitability of the complaint for disapplication under part 2 of the Regulations.
- In the event that disapplication is determined to be appropriate in relation to a complaint, the MO will write to the complainant and the PCC/DPCC, notifying them of this decision and the complaint will be recorded as complete.
- In the event that only part of a complaint is determined to be suitable for disapplication, this will be notified to the complainant and the PCC/DPCC in the notification letter, outlining those parts of the complaint to which disapplication will apply.

Any decision taken to disapply the informal resolution procedure in respect of a complaint, or part thereof, will be formally reported to the first meeting of the Sub-Committee following the date of the determination.

### ***Meetings of the Sub-Committee***

The DSO will convene a meeting of the Sub-Committee, normally to be held within 15 clear working days after the deadline for receipt of all comments to a recorded complaint. The DSO will compile a brief report for the Sub-Committee, setting out the pertinent details of complaint and recording any failure by the person complained about to comment on the complaint.

These meetings will be held in public, with the Sub-Committee to agree at each meeting to any exclusion of the press and public, in accordance with Part 1 of Schedule 12A of the Local Government Act 1972.

At its meeting, the Sub-Committee will first consider whether the complaint has been satisfactorily dealt with and, subject to any representations by the complainant, may decide to treat the complaint as having been resolved. In such a case, the Sub-Committee's reasons will be recorded and notified to the parties.

- While the Sub-Committee is prohibited from conducting an open investigation of the complaint, it does have the power to ask the PCC/DPCC for documents relating to the matters referred to in the complaint and may require the PCC/DPCC or an officer of the OPCC to attend a meeting of the Sub-Committee

to answer questions. The Sub-Committee may also invite the complainant to provide further information for the purpose of clarity. In exercising these powers, the Sub-Committee will seek to ensure fairness and transparency within its proceedings and, following legal advice, will focus on matters which substantiate or clarify a point relating to the complaint, or response to the complaint.

- In determining the complaint, the Sub-Committee shall have regard to:
  - The Code of Conduct of the PCC/DPCC;
  - Whether the complaint discloses a specific conduct failure on the part of the PCC/DPCC, identifiable within the Code of Conduct, or whether it relates to operational matters of the constabulary or operational policing matters within which the PCP has no authority;
  - The remedies available to it;
  - Any other relevant considerations.
- If, on considering the report, the Sub-Committee feels that the matter may be determined under the informal resolution procedure, it will decide its course of action, with regard to the limits on investigation referred to above.
- The Sub-Committee will consider whether to devise an action plan and in so doing will take into account any applicable guidance issued by the Secretary of State and may also consider any guidance issued by the IOPC pursuant to section 22 of the Police Reform Act 2002 . Any such action plan will include an indicative timeframe.
- Any such action plan may include a number of recommendations (for example):
  - An explanatory letter being written by the DSO (on behalf of the Sub-Committee),
  - An explanatory letter being written by the PCC (or by an officer of the OPCC on their behalf),
  - A suggested change to OPCC policy; or
  - A request that an apology is tendered (no apology may be tendered on behalf of the PCC/DPCC unless that person has admitted the alleged conduct and agreed to the apology).
- The Sub-Committee will also decide whether it wishes to:
  - reconvene to take any steps identified in the action plan,

- delegate authority to any named individual (who may not be the PCC, DPCC or the Chief Executive of the OPCC) to take any steps in accordance with the action plan; or
  - refer the matter to the full PCP with recommendations regarding the action plan.
- Once the actions from the plan have been completed, the matter may be referred back to the Sub-Committee or an authorised individual to determine whether the matter has been resolved. The DSO must make a record of the outcome of the informal resolution as soon as practicable after the process is completed, normally within three clear working days, and provide copies to the complainant and the PCC/DPCC. The matter will then be closed.
  - No part of the record may be published by the Sub-Committee, other than that required under the Local Government (Access to Information) Act 1985, unless, having given the parties an opportunity to make representations about the proposed publication and having considered any such representations, the Sub-Committee considers that publication is in the public interest.
  - A record of all complaints received by the PCP will be kept until 12 months after the PCC or DPCC, to whose conduct the complaint related, leaves the post.
  - The DSO will prepare an update report to each annual general meeting of the Panel providing an overview of all complaints activity in the preceding 12 months, outlining any action taken (including any obligations to act, or refrain from acting, that have arisen under the regulations, but have not yet been complied with or have been contravened).
  - At any stage, the DSO may seek legal advice from the MO/legal adviser.

### ***Unreasonable complainant behaviour***

The PCP is committed to providing a high-quality service at all times to members of the public when dealing with complaints made against the PCC/DPCC.

Usually, complaints reviewed by the Sub-Committee are subject to a straightforward process, but in a small number of cases complainants may begin to pursue their cases in a way that can impact on the Sub-Committee's ability to review the complaint or unfairly take officers supporting the Sub-Committee away from their other duties. Similarly, complainants who have had their complaints resolved by the Sub-Committee may continue to pursue their complaint, or request outcomes that the Sub-Committee is not capable or is unwilling to grant.

Where the Sub-Committee considers a complainant's behaviour to be unreasonable in may be necessary to apply the [Guidance note on the management of unreasonable complainant behaviour](#).

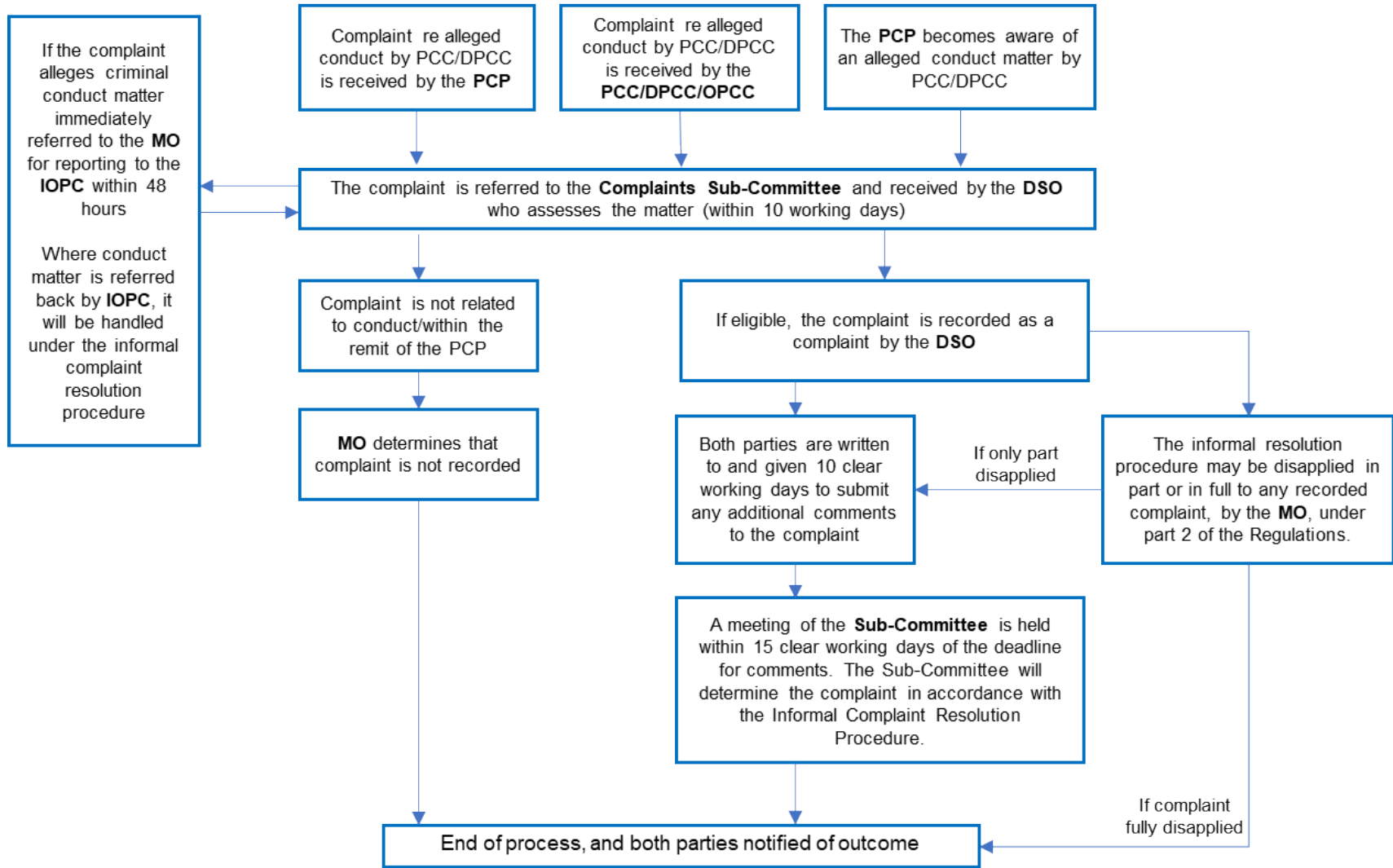


***Acronyms and Abbreviations used within this protocol***

<b><i>Acronym</i></b>	<b><i>Meaning</i></b>
DPCC	Deputy Police and Crime Commissioner (for Hampshire and the Isle of Wight)
DSO	Democratic Support Officer to the PCP
IOPC	Independent Office of Police Conduct
MO	Monitoring Officer to the PCP
OPCC	Office of the Police and Crime Commissioner
PCC	Police and Crime Commissioner (for Hampshire and the Isle of Wight)
PCP	(Hampshire and Isle of Wight) Police and Crime Panel

<b><i>Abbreviation</i></b>	<b><i>Meaning</i></b>
The Constabulary	Hampshire and Isle of Wight Constabulary
The Regulations	The Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012
The Sub-Committee	(PCP) Complaints Sub-Committee

**Informal Complaint Resolution Procedure – Flow Chart**





## **Guidance note on the management of unreasonable complainant behaviour**

*N.B. A list of Acronyms and Abbreviations used within this guidance note can be found at Appendix 1*

The Hampshire and Isle of Wight Police and Crime Panel (PCP) is committed to providing a high-quality service at all times to members of the public when dealing with complaints made against the Police and Crime Commissioner, (PCC) or the Deputy Police and Crime Commissioner, for Hampshire and the Isle of Wight (DPCC).

The PCP has delegated part of its role in handling complaints to a Complaints Sub-Committee (the Sub-Committee).

The Sub-Committee aims to consider all complaints made against the Commissioner in accordance with its [Protocol for the Informal Resolution Procedure](#). A flowchart setting out the correct process for making a complaint against the Commissioner can be found at Appendix 1 of the protocol.

The Police Reform and Social Responsibility Act 2011 (and later regulations) set out the powers of the PCP in resolving or closing complaints made against the PCC/DPCC. The legislation is clear that consideration of a complaint by the PCP should not amount to an investigation. As such, the PCP is limited in the steps it can take to review a complaint, and the recommendations it can make as a result.

The Sub-Committee recognises that there may be times when a complainant may not be satisfied with the outcomes reached by the Sub-Committee. The Sub-Committee are committed to dealing with all complaints fully and in a timely manner but are mindful of the need to stay within legislation. Should any individual not be satisfied with the Sub-Committee's conduct in relation to a complaint, an option open to them is to refer a case to the [Local Government Ombudsman \(LGO\)](#)

Complaints reviewed by the Sub-Committee are subject to a straightforward process, but in a small number of cases complainants may begin to pursue their cases in a way that can impact on the Sub-Committee's ability to review the complaint, or unfairly take officers supporting the Sub-Committee away from their other duties. Similarly, complainants who have had their complaints resolved by the Sub-Committee may

continue to pursue their complaint, or request outcomes that the Sub-Committee is not capable or is unwilling to grant.

The aim of this guidance is to let complainants know what the Sub-Committee considers to be unreasonable complainant behaviour, the options available to the Sub-Committee and the possible consequences to the individual.

The Sub-Committee will only invoke this guidance after careful consideration, and in exceptional circumstances. Individuals may have justified complaints but may be pursuing them in an inappropriate way, or they may be intent on pursuing complaints which appear to have no substance, or which have already been investigated and determined.

Such complaints may rarely occur, but if a complainant's behaviour adversely affects the Sub-Committee's ability to perform its duties, or the work of any of its supporting officers, it may be determined to restrict the contact that person has with the Sub-Committee and its supporting officers.

Other than in exceptional circumstances, where the behaviours being displayed are, in the view of the Monitoring Officer to the Panel (MO), in consultation with the Chairman of the Sub-Committee (the Chairman) , such that would warrant immediate application of restrictions on contact, the Sub-Committee will implement the First Stage (Notification/Warning) under this guidance note and write to any individual displaying unreasonable behaviours, outlining why the Sub-Committee believes that their behaviour falls into that category and bringing their attention to this guidance note.

Should the unreasonable behaviours continue, and the Sub-Committee decide to invoke contact restrictions, we will write to the individual concerned to tell them what action will be taken and the duration of that action.

### **What is meant by “unreasonable complainant behaviour”?**

The Sub-Committee have adopted the LGO's definition of unreasonable complainant behaviour, which occurs where:

- There is repeated and obsessive pursuit of a complaint which appears to have no substance, or which has been investigated and determined.
- The contact may be amicable but still place very heavy demands on officer or Member time or may be very emotionally charged and distressing for all involved.
- There is an escalation of behaviour which is unacceptable, for example abusive, offensive or threatening behaviour.

Examples of unreasonable behaviour include the way or frequency that complainants raise their concerns, or how complainants respond when they are told of the outcome of their complaint. Appendix 2 lists a range of behaviours the Sub-Committee may consider to be unreasonable, this list however is not exhaustive.

### **Considerations to be made before taking action to restrict access**

All complainants have the right to have their complaint considered in accordance with the Protocol for the Informal Complaint Resolution Procedure. All complainants are offered the opportunity to express their views and opinions and the Sub-Committee will consider an individual's circumstances, how and why they feel as they do and what they feel would resolve the matter for them. The Sub-Committee will ensure that the complaints procedure is exhausted and ended at a point that is appropriate to each case and the complainant notified, and will seek to demonstrate how they have listened and given appropriate thought and effort to resolving the complaint.

Before deciding whether this guidance should be applied, the Sub-Committee, with legal advice, will consider and satisfy themselves that:

- The complaint is being or has been fully reviewed, and any decision reached has been found to be appropriate based on the information presented to the Sub-Committee at the time.
- Communications with the complainant have been adequate and within the PCP's policies.
- The complainant is not now providing any significant new information that might affect the Sub-Committee's determination of the complaint.
- There is not another, more specific path for the complainant to follow

Some individuals that may be considered to be unreasonable complainants may be behaving this way because of their specific circumstances. Where this is indicated, the Sub-Committee will take this into account in determining the reasonableness of the behaviour. Any restrictive actions that may be taken will be tailored appropriately, based on the circumstances and behaviour of the individual and their complaint.

### **Possible Actions**

Actions that could be taken to restrict access and contact may include:

- Restricting telephone calls to specified days/times/duration (for example, one call on one specified morning/afternoon of any week);

- Limiting the complainant to one medium of contact (telephone, letter, email etc.) and/or requiring the complainant to communicate only with a named single point of contact;
- Placing restrictions on the amount of time the Sub-Committee and their officers will spend reviewing future correspondence;
- Not responding to or acknowledging any further contact from the complainant on the specific topic of their previous complaint/s, including refusing to register and process further complaints about the same matter.
- In some circumstances, the Sub-Committee may decide that it is appropriate to severely reduce or completely stop responding to a particular complainant.

## **Process for the application of the Guidance Note on the management of unreasonable complainant behaviour**

The application of the Guidance Note on the management of unreasonable complainant behaviour is delegated to the MO, in consultation with the Chairman. This delegation enables the guidance note to be applied and any restrictions put in place in a shorter timeframe, given the impact unreasonable behaviour may have on both Member and officer time. Delegation of this power to the Monitoring Officer does not preclude a meeting of the Sub-Committee being called to determine a decision in respect of unreasonable complainant behaviour, should it be deemed necessary by the MO.

### **First Stage – Notification/Warning**

The MO will, in consultation with the Chairman, review why the complainant's behaviour is allegedly of concern, consider any relevant evidence, including documented evidence (if any) to support the MO's view and outline in (if engaged to do so) how the behaviour needs to change.

The MO will write to the complainant explaining to them the actions that may be taken if their behaviour does not change, along with a copy of this guidance explaining:

- the issues that their actions and/or behaviour may be causing,
- why their actions and/or behaviour may be considered unacceptable or unreasonable with reference to this guidance note, and
- what consequences may follow should the complainant/correspondent behave in an unreasonable or unacceptable manner

If the MO is of the view that no warning is necessary, this will also be recorded.

For the avoidance of doubt whilst the MO will consult the decision to warn or not is a matter for the MO within the scope of the above delegation.

### **Second Stage – Application**

Should the complainant continue to demonstrate unreasonable behaviour, following receipt of the notification, the MO, in consultation with the Chairman, will determine whether to apply the unreasonable complainant policy and what actions will be taken.

If the MO determines to apply this Guidance note, they will write to the complainant explaining the actions to be taken. This explanation will clarify:

- Why this decision has been reached;
- What specific action is being taken;
- The duration of that action;
- The date the decision will be reviewed;
- The circumstances that could cause the decision to be reviewed in advance of that date (e.g. new relevant information);
- The right of the complainant to contact the LGO regarding the decision to apply this guidance note.

Any decision taken to apply this guidance note will be formally reported to the Sub-Committee at its first meeting following the date of the determination.

Any further contact from the complainant, for example on a new issue, will be treated on its merits.

### **Who will be informed about restrictions?**

All officers and Members who have experienced unreasonable complainant behaviour relating to the specific complaint will be informed of the decision to impose contact restrictions.

A log of the decision made and records of all contacts with the complainant will be kept. This information will be treated as confidential and only shared with those who may be affected by the decision in order them to carry out their role at work.

Key information to be recorded may include:

- When a decision is taken whether or not to apply the guidance, or
- When a decision is taken to make an exception to the guidance once it has been applied, or
- When a decision is taken not to put a further complaint from the complainant through the complaints procedure for any reason, and
- When a decision is taken not to respond to further correspondence. In such circumstances any correspondence will be reviewed to ensure it does not contain any significant new information or complaints which the Sub-Committee may need to consider.



## **Reviewing the decision to restrict access**

When imposing a restriction on access a specified review date is given. Once that date has been reached it is anticipated that any restrictions will be lifted and relationships returned to normal unless there are good grounds to extend the restriction.

The Sub-Committee will review the restriction at the agreed time. If the decision is made to lift the restriction the complainant will be informed of that decision. If restriction is to continue, the reasons for the continuation of the restriction will be given to the complainant along with the next review date.

For the avoidance of doubt if the complainant's behaviour continues within the period of initial restriction, then the Sub-Committee in conjunction with the Panel's legal advisor may extend the restriction and or substitute such other sanction as is deemed appropriate in the circumstances.

## **Referring complainants to the Local Government Ombudsmen (LGO)**

A complainant who is not satisfied with the determinations of the Sub-Committee or its Monitoring Officer, or any decision to designate their behaviour as unreasonable may make a complaint to the LGO, who will consider the case. Should the LGO determine that the referral of a complaint warrants further consideration, they will review the process followed by the Sub-Committee and its Monitoring Officer in reaching any such conclusion. It should be noted that the Ombudsman is unlikely to be critical of the Sub-Committee and its MO actions, if it can show that it acted proportionately and in accordance with its adopted guidance.

## **Harassment and bullying**

Unreasonable complainant behaviour may amount to bullying or harassment. All Sub-Committee members and officers have the right to be treated with respect and dignity in the workplace. Behaviour by third parties that bullies, harasses or intimidates individuals is unacceptable and will not be tolerated. The Sub-Committee will take all reasonable steps to prevent such behaviour.

In extreme cases, where a complainant's behaviour is such that it is reasonably perceived that it could threaten the immediate safety and/or welfare of Members of the PCP, its supporting officers or their families, or causes the recipient of the behaviour to feel threatened or alarmed, the PCP may 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, including the offence of harassment within the terms of the Protection from Harassment Act 1997, they will be reported to the Police.

## **Contact information**

For more help or information, the Complaints Sub-Committee can be contacted via [hampshire.iow.pcp@hants.gov.uk](mailto:hampshire.iow.pcp@hants.gov.uk)

Further information on how complaints are approached by the PCP can be found at <https://www.hants.gov.uk/aboutthecouncil/governmentinhampshire/police-crime-panel/complaints/complain-police-crime-commissioner>

**Appendix 1 - Acronyms and Abbreviations used within this protocol**

<b>Acronym</b>	<b>Meaning</b>
DPCC	Deputy Police and Crime Commissioner (for Hampshire and the Isle of Wight)
LGO	Local Government Ombudsmen
MO	Monitoring Officer to the PCP
PCC	Police and Crime Commissioner (for Hampshire and the Isle of Wight)
PCP	(Hampshire and Isle of Wight) Police and Crime Panel

<b>Abbreviation</b>	<b>Meaning</b>
The Chairman	The Chairman of the (PCP) Complaints Sub-Committee
The Sub-Committee	(PCP) Complaints Sub-Committee

## **Appendix 2 - Examples of unreasonable behaviour of complainants**

Unreasonable complainant behaviour includes what is listed below. The list is not exhaustive, nor does one single feature on its own necessarily imply that the person will be considered as being in this category. It may include:

- Have insufficient or no grounds for their complaint, or be making the complaint only to annoy (or for reasons that he or she does not admit or make obvious)
- Refuse to specify the grounds of a complaint despite a request to do so
- Refuse to co-operate with the complaints process while still wishing their complaint to be resolved
- Refuse to accept that issues are not within the remit of the complaints policy and procedure despite having been provided with information about the scope of the policy and procedure.
- Refuse to accept that issues are not within the power of the Complaints Sub-Committee to review, change or influence (for example a complaint about something that is the responsibility of another organisation)
- Insist on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice (insisting, for instance, that there must not be any written record of the complaint)
- Make what appear to be groundless complaints about the those dealing with the complaints, and seek to have them dismissed or replaced
- Make an unreasonable number of contacts with the Sub-Committee, by any means, in relation to a specific complaint or complaints
- Make persistent and unreasonable demands or expectations of staff and/or the complaints process after the unreasonableness has been explained to the complainant (an example of this could be a complainant who insists on immediate responses to numerous, frequent and/or complex letters, faxes, telephone calls or emails)
- Harass or verbally abuse or otherwise seek to intimidate Members or officers dealing with their complaint, in relation to their complaint by use of foul or inappropriate language or by the use of offensive and racist language
- Raise subsidiary or new issues whilst a complaint is being addressed that were not part of the complaint at the start of the complaint process
- Introduce trivial or irrelevant new information whilst the complaint is being reviewed outside of the period given for additional comments, and expect this to be taken into account and commented on
- Change the substance or basis of the complaint without reasonable justification whilst the complaint is being addressed
- Deny statements he or she made at an earlier stage in the complaint process

- Electronically record conversations without the prior knowledge and consent of the other person/s involved
- Refuse to accept the outcome of the complaint process after its conclusion, repeatedly arguing the point, complaining about the outcome, and/or denying that an adequate response has been given
- Make the same complaint repeatedly, perhaps with minor differences, after the complaints procedure has been concluded, and insist that the minor differences make these 'new' complaints which should be put through the full complaints procedure
- Complain about or challenge an issue based on a historic and irreversible decision or incident
- A combination of some or all of the above features

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