



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

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

Acronym	Meaning
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

Abbreviation	Meaning
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