



## STANDARD OPERATING PROCEDURES: OFFICE OF THE BEDFORDSHIRE POLICE AND CRIME COMMISSIONER

<b>Title</b>	<b>Guidance on managing unacceptable and unreasonable complainant behaviour</b>
<b>Area of Compliance</b>	Compliance
<b>Version No.</b>	Version 1
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### Revision History

Date	Revision	Change	Section	Review Date
28/09/22	2.0	No Change		28/09/23
28/09/23	2.0	No Change		28/09/24

### Policy Statement

Bedfordshire Office of the Police and Crime Commissioner (OPCC) is committed to providing a high-quality service to everyone it deals with. We value all kinds of complainant feedback, and all expressions of dissatisfaction are treated seriously and recognised as a tool to identify and implement service improvements.

We are committed to dealing with all complainants fairly and impartially. As part of this service we do not normally limit the contact that our complainants have with us. However, in a minority of cases, complainants can pursue their dissatisfactions/complaints or queries in a way which can either impede the progress of their issue or can create serious resource issues. These actions can occur either while their complaint/concern is being dealt with, or once findings have been concluded.

This policy aims to guide PCC staff in the management of unreasonable or unreasonably persistent complainant complaints.

An unreasonable or unreasonably persistent complainant can take up a disproportionate amount of time that can hinder the other work of staff. We must therefore ensure that we use our resources wisely and limit the amount of time spent on queries that are considered to be unreasonable or unreasonably persistent.

Complainants demonstrating unreasonable behaviour and unreasonably persistent complainants may have justified complaints or grievances but are pursuing them in inappropriate ways; or, they may be intent on pursuing complaints that appear to have no content or which have already been dealt with and responded to.

The decision to restrict contact with the OPCC will be taken by the senior management team where appropriate and will normally follow a prior warning to the complainant. Any restrictions imposed will be appropriate and proportionate. Amongst the options that may be considered are:



- Requesting contact in a particular form (for example, written correspondence only)
- Requiring contact to take place with a named case manager
- Restricting telephone calls to specified days and times; and/or
- Asking the complainant to enter into an agreement about their future contact with us.

In all cases, where we decide to treat a complainant as an unreasonable or unreasonably persistent complainant, we will write to tell the complainant why we believe their behaviour falls into that category, what actions we are taking and the duration of that action. We will also tell them how they can challenge the decision if they disagree with it.

Where a complainant whose case is closed persists in communication with us about the same issue, we may decide to terminate contact with that complainant about the matter. In such instances, we will read all correspondence from that complainant, but unless there is fresh evidence or new information which affects our decision on the complaint, we will either acknowledge it without further comment, or place it on the file with no acknowledgement.

New complaints dealing with unrelated issues from people who have come under the unreasonably persistent complainant's policy will be treated on their merits.

### **What is unacceptable behaviour?**

Complainants have often experienced traumatic or distressing circumstances that lead them to make a complaint. Anger or frustration about the complaint is a common response, but it can become unacceptable if it escalates and/or becomes abusive, and/or is personally directed at complaint handlers.

In this context, unacceptable behaviour is defined as any behaviour that has the potential to cause harm, injury or negatively impact on the health and safety of complaint handlers. Unacceptable behaviour may be isolated to a single incident or form a pattern of behaviour over time. Even if a complaint has merit, a complainant's behaviour can still be unacceptable.

People communicate and express themselves differently depending on their background and a range of other factors. It is important to be aware that formality, pacing and emotion can vary significantly across cultures. Certain mental health conditions or disabilities may make it difficult for people to express themselves and/or to communicate clearly. Forces should always aim to make the complaints system accessible to all and, where appropriate, make reasonable adjustments if they are advised of access requirements. However, they may still need to put in place contact strategies in some circumstances.

### **Types of unacceptable behaviour**

#### **Violent, threatening, or abusive behaviour**

Complainants may be distressed or upset because of the circumstances leading to their complaint. The complainant's behaviour is considered unacceptable when these emotions lead to behaviour which is violent, threatening, or abusive.

Staff should not endure or tolerate violent, threatening, or abusive behaviour. The safety and wellbeing of staff should always be protected, even if the service provided to the complainant has fallen short of expected standards.



Violent, threatening, or abusive behaviour may involve any or all of the following:

- verbal abuse, derogatory, discriminatory, or defamatory remarks (verbal or written)
- escalating agitation, intimidating body language or invasion of personal space harassment, intimidation, or threats
- threats or harm to people or property
- stalking (in person or online)
- psychological manipulation
- oppressive or coercive behaviour

**Action to take if a caller is abusive:**

- the complaint/case handler should tell the complainant their behaviour is unacceptable, explaining why the behaviour is unacceptable
- warn them that if the behaviour continues, they will end the call
- report it to a *line manager* and seek advice on the appropriate steps to take
- a reference note should be made on the case file, setting out why a call was ended and what other actions were taken.

Any member of the OPCS team should be empowered to end telephone calls where they experience threatening, or abusive behaviour. Threatening and abusive correspondence is also unacceptable; in this instance an appropriate contact strategy should be created and recorded in the case file.

**What is unreasonable behaviour?**

Unreasonable persistence

A complainant's behaviour may be unreasonable if they continue to write, email or telephone about their complaint(s) excessively (and without providing new information) despite being assured that their complaint is being dealt with or being told their complaint has concluded.

While this behaviour may not appear to be as severe as violent, threatening, or abusive behaviour, it is considered unreasonable because of the impact it can have on the time and resources of staff, which in turn can impact on the capacity to manage other complainants.

Unreasonable persistence may consist of:

- persistently calling, writing, or emailing to demand updates, despite being assured that matters are in hand, and being given reasonable timescales for when an update can be expected
- refusing to accept reasonable explanations following the conclusion of a complaint, and/or failing to follow appropriate review channels
- contacting different people in the same organisation to try to secure a different outcome
- the volume or duration of contact impacting on the ability of complaint handlers to carry out their functions (this can include calling several times repeatedly on the same day)
- re-framing or re-wording a complaint that has already been finalised
- persisting with the complaint despite failing to provide any evidence to support it after numerous requests to do so



## **Unreasonable demands or obstructive behaviour**

This type of behaviour is considered unreasonable because of its impact on the time and resources of the organisation, its services, and staff, and on the ability to thoroughly investigate the complaint. It can include:

- repeatedly demanding responses within an unreasonable timescale, or insisting on speaking to a particular member of staff despite being told that it is not possible or appropriate
- not following appropriate channels for engagement, despite receiving information more than once about the appropriate channel/s to use
- issuing demands about how their complaint should be handled, despite being told about the process and receiving regular updates
- demands to speak to senior leaders/managers at the outset, before the call handler has fully considered the complaint
- repeatedly copying staff into emails sent to other public bodies where there is no demonstrable reason to do so
- refusing to provide information needed to progress an investigation

Unreasonable persistence and demands can impact on staff wellbeing, supervisors and managers should make sure appropriate support is in place to support.

## **Underlying causes**

There are many reasons why a person's behaviour may become unacceptable or unreasonable. Case handlers should not make assumptions about what is driving the behaviour. Understanding the reasons behind it is vital in deciding how best to manage it.

Frustration caused by poor communication and/or lack of timeliness when handling a complaint can cause a complainant's behaviour to escalate. When a complainant displays unacceptable or unreasonable behaviour, the case handler should consider the following questions:

- Have we explained the complaints process to the complainant and checked they understand it? i.e That the point of contact for Force complaints is Bedfordshire Police not the OPCC, or is it a Chief Constable complaint.

OPCC Oversight – Questions can be reviewed against Force action and rationale.

- Has the complaint been handled in a reasonable and proportionate manner?
- If the complaint is ongoing, has the communication been regular and effective with the complainant?
- Have we asked the complainant if they would benefit from additional support? If so, has the complainant received this?
- If a decision has been made on the complaint, has the complainant been given a clear rationale for the decision, in a way that they can understand how that decision has been reached?

If the case handler answers 'yes' to these questions and the behaviour of the complainant is still unacceptable or unreasonable, a decision needs to be made on how best to manage it. If these obligations have not been met, steps should be taken to address any shortcomings where appropriate. This may be enough to stop the behaviour.



## **Needs of individual complainants**

Throughout the complaints process, the case handler should be alive to the possibility a complainant may have additional needs, and if so, consider whether providing that complainant with additional tailored support would make it easier for them to make their complaint. Throughout the complaints process, all reasonable efforts should be made to make sure additional needs are identified and catered for as far as possible and practicable.

Where it is identified that a complainant requires additional support, appropriate steps should be taken to address their needs in a way that satisfies the requirements of the Equality Act. If unsure of these obligations, a call/case handler should seek advice from a colleague in their organisation who has responsibility or expertise for equality and diversity issues, or alternatively seek advice from an external organisation.

Case handlers must also be aware of other issues which may hinder a complainant's ability to effectively access the complaints system. For instance, complainants who lack proficiency in English may become frustrated if they are unable to understand the complaints process or updates regarding their complaint. Reasonable efforts should be made to make sure complainants have a clear understanding of the information communicated to them and, where their understanding is unclear, reasonable measures should be taken to help them.

Verbal abuse, threats or violent behaviour of any kind should not be tolerated by staff under any circumstances. However, the knowledge and understanding that a complainant has specific needs should influence the decision about the most appropriate course of action to take.

## **Approaches to managing unacceptable or unreasonable behaviour**

Before taking steps that reduce or restrict communication, any issues with behaviour should be addressed with the complainant. The case handler should have a clear idea about how they would like their behaviour to change.

The complainant should be informed about the issues with their behaviour and why it is considered unacceptable or unreasonable. They should be advised how they can adjust their behaviour. Some examples of ways to address the behaviour include:

- reminding the complainant that violent, threatening or abusive behaviour will not be tolerated
- summarising the complaint(s) and asking the complainant to confirm that all the issues they have raised have been understood correctly
- providing guidance to the complainant on the structure their correspondence should follow
- informing the complainant about where to send correspondence
- signposting the complainant to other sources of support if they raise matters that fall outside the Office of the Police and Crime Commissioner.



When communicating with complainants who are behaving in an unacceptable or unreasonable way, call handlers should be clear about the consequences if the behaviour continues. Wherever possible, a complainant should be given the opportunity to change their behaviour before a decision is taken to restrict contact.

A contact strategy may be implemented if unacceptable or unreasonable behaviour continues. A contact strategy will set out how and when further contact with the complainant will take place, any restrictions on communication, and the reason for introducing the strategy.

Before introducing a strategy, consider the following: 'what are we trying to achieve by implementing this strategy?' and 'is restricting contact in this way fair, reasonable and proportionate?'

The complainant should be notified in writing about the strategy (considering any specific needs and reasonable adjustments).

The explanation should emphasise the strategy has been implemented to make sure complaints are dealt with promptly and accurately, and that failure to comply with it could frustrate the handling of their complaint(s).

It must be made clear the strategy relates only to complaints, and that police assistance can still be requested through emergency or non-emergency routes if required.

Contact strategies can include:

- limiting duration of phone calls to specific times
- restricting contact to email or post only (taking into account any reasonable adjustments)
- using a dedicated email address and auto-diverting emails
- blocking email addresses or other communication channels if appropriate
- requiring the complainant to use an advocate for any contact with the complaint handling department
- requiring the complainant to communicate only with a single point of contact (SPOC)

### **Adhering to and reviewing/revising the contact strategy**

It is important the case handler adheres to the contact strategy once it is in place. Any breach of the strategy by the complainant must be dealt with swiftly. A clear reminder should be communicated to the complainant about the consequences of breaching the strategy. They should also be reminded about the reasons for the strategy being introduced.

Systems should be in place locally to review any contact strategies on a regular basis - for instance, every six months. These reviews should make sure the contact strategy is still appropriate and fit for purpose.

The complainant should be told about any changes to the contact strategy. Call handlers should seek advice from colleagues with expertise in equality and diversity issues when making any amendments to agreed reasonable adjustments.



In certain situations, it may be necessary to share details of the contact strategy with partner agencies. However, this should only be done when there are legitimate reasons for doing so and checks should be made to ensure compliance to General Data Protection Regulations (GDPR).

### **Further action**

It may be necessary to take further action to protect staff welfare if a contact strategy proves to be unsuccessful and the unacceptable behaviour continues despite numerous attempts to adjust the strategy.

In practice, this should rarely be necessary and should be reserved only for the most severe cases. In these circumstances, it is best to seek legal advice to see what avenues are available under the law to deal with the complainant's behaviour.

### **Staff welfare and protecting privacy**

Dealing with unacceptable behaviour from complainants can have a significant impact on staff welfare. The office needs to ensure the following:

- opportunities for complaint handlers to routinely report unacceptable or unreasonable behaviour to their supervisors and seek support
- encouraging complaint handlers subject to unacceptable or unreasonable behaviour to discuss their experience and signpost them to employee assistance programmes or other support networks

Although rare, there are cases where complainants have tried to find out about a complaint handler's private life and used that information to target the complaint handler (for example, the complaint handler's home address or other personal information).

There are several steps complaint handlers can take to preserve their privacy online. For example:

- conducting regular internet searches about themselves to check whether their name or any other personal information is available in the public domain (for example, their workplace, employer name, social media platforms, home address)
- check social media privacy settings regularly, bearing in mind platforms frequently update these settings
- consider family and friend connections online, and whether people could either use these connections as a means of identification or draw adverse inferences about these connections
- use directory enquiry websites to check whether home contact details are easily accessible (this information can be removed from directory enquiries services on request)



- check listings with Companies House or the Charity Commission (when a person holds a relevant position their full name and current address may be listed)
- take reasonable precautions online, such as:
  - not listing employment details or personal contact information on social media
  - consider using a different name on social media to that used at work, particularly if the name is distinctive
  - consider using a profile picture that does not show the face
  - consider removing colleagues from friends/connections on social media, particularly if they are using their real names
  - avoid following policing social media accounts or interacting with posts
  - consider the cumulative effect of information posted online and how it can be put together to locate officers and staff