

OFFICIAL



**POLICE & CRIME
COMMISSIONER**
for Leicester,
Leicestershire & Rutland
Your Communities - Your Commissioner

**OPCC Policy for dealing with unreasonable and
unreasonably persistent complainants and
vexatious complainants.**

*Version December 2023
Review Date: December 2024*

Policy Owner:	Chief Executive Officer
Role Responsible:	Reviews and Complaints Officer
Senior Manager Review:	Director of Governance and Performance
Date of next review:	07 December 2024

Review log

Date	Minor / Major / No change	Section	Author
07 December 2023	First Issue	All	Nupur Chamund

Important

Once you have completed the document, please delete the comment boxes on the right, as these are for guidance in completing the fields above.

Contents

1. Overview	4
2. Scope of the Policy	4
3. Actions and behaviour of unreasonable/unreasonably persistent complainants and in relation to vexatious complaints	5
4. How the PCC will deal with such complaints	6
5. Actions which may be taken in relation to unreasonable/unreasonably persistent complainants and vexatious complaint	6
6. Vexatious compliants in relation to the PCC	7
7. Future dealings wth person who have been deemed to have behaved in an unreasonable, unreasonably persistent or vexatious manner	7
8. Safety and welfare of staff	8
9. Monitoring	9

1. Overview

- 1.1. The Police and Crime Commissioner for Leicester, Leicestershire and Rutland (the PCC) 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.
- 1.2. The PCC's 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.
- 1.3. However, there are times when the complainant is not satisfied with the resolution offered by the PCC 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 PCC's business or the investigation of others complaints. This may lead to significant resource implications for the PCC which are neither proportionate or reasonable. The PCC defines such behaviour as 'unreasonable', 'unreasonably persistent' or 'vexatious'.
- 1.4. This policy is designed to guide the PCC and their staff to identify and deal with unreasonable and unreasonably persistent complainants and vexatious complaints in a demonstrably consistent and fair way. It assists the PCC, any Deputy Police and Crime Commissioner (the DPCC) and staff to understand clearly what is expected of them, what options are available, and who can authorise these actions.

2. Scope of the Policy

- 2.1 Complainants and correspondents are usually courteous and respectful, whatever the outcome of their issue is. However, there are occasions when a complainant or correspondent conducts themselves in an unacceptable or unreasonable way towards the PCC, the OPCC and/or its staff. Whilst reasonable efforts will be made to understand any underlying cause of the behaviour, some conduct can be detrimental to complaint investigations, the normal running of the OPCC's business, the resources of the OPCC and the welfare of its staff. The aim of this policy is to create a transparent framework for dealing with such behaviour.
- 2.2 This policy may be applied to any complainant or correspondent interacting with the PCC or the OPCC irrespective of the person or organisation who is the subject of the complaint/correspondence.
- 2.3 Where appropriate, this policy may be taken into account in responding to an individual who may be acting unreasonably or unacceptably in pursuing issues and/or complaints that are made through formal processes governed by legislation, such as formal complaints against the PCC and Chief Constable. The policy may also be considered in respect of behaviour associated with requests for information under the Freedom of Information Act 2000, Data Protection Act 2018 or the General Data Protection Regulation.
- 2.4 This policy and guidance applies to any complaint made in relation to:

- the level or quality of service in respect of complaints about the PCC, the DPCC, a member of the PCC's staff or a contractor engaged on behalf of the PCC;
- the conduct of a member of the PCC's staff or of a contractor engaged on behalf of the PCC;
- complaints in relation to the work of the Independent Custody Visitors;
- complaints in relation to the work of the Independent Panel Members;
- complaints about the conduct of the PCC or any DPCC.

2.5 This policy does not cover the process by which complaints will be investigated. Complaints will always be investigated in line with the complaints process outlined on our website and, in relation to complaints about the Chief Constable, 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.

3. Actions and behaviour of unreasonable/unreasonably persistent complainants and in relation to vexatious complaints

3.1 Certain behaviour is considered to be unreasonable because it impedes the proper investigation of complaints and impacts the ability of OPCC staff to carry out their jobs effectively. This type of behaviour is detrimental to OPCC operations and will include conduct that is unreasonably persistent in nature.

3.2 Listed below are some of the actions and behaviours that the PCC considers to be unreasonable, unreasonably persistent and vexatious. The list below is not exhaustive:

- Refusing to specify clearly the grounds of their complaint, despite offers of assistance from staff or the PCC or any DPCC.
- Refusing to use or accept the application of the relevant PCC 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 PCC's 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 member of staff, PCC or the DPCC, who are 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 PCC and, at the same time, with others e.g. the Independent Office of Police Conduct, a Member of Parliament, local Councillor, the local police or solicitors.
- Making unnecessarily excessive demands on the time and resources of staff or the PCC or DPCC whilst a complaint is being looked into, for example by submitting repeated complaints, by excessive telephoning or sending of emails to staff or the PCC, sending regular letters/emails, persistent messaging on social media platforms 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 PCC's decision – repeatedly arguing the point and complaining about the decision.
- Using abusive or threatening language including swearing, at the PCC, DPCC or their staff, either in writing or verbally.
- Using bullying, physical or psychological threats as a means to gain leverage with the PCC, DPCC or a member of their staff.

4. How the PCC will deal with such complainants

- 4.1 Each complaint submitted to the PCC 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 Officer (the CEO) for consideration.
- 4.2 The CEO 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.
- 4.3 Having considered the circumstances of the case, the CEO may come to the view that the behaviour of the complainant falls within the scope of this policy and that the complainant should be treated as unreasonable, unreasonably persistent and/or vexatious.
- 4.4 The decision to treat a complaint as unreasonable, unreasonably persistent and/or vexatious and to determine what action is to be taken will be made by the PCC or DPCC, following consultation with the CEO. Decisions will be made having regard to the full circumstances of each case.

4.5 The CEO will make a record of the decision and the reasons for it.

5. Actions which may be taken in relation to unreasonable/unreasonably persistent complainants and vexatious complaints

5.1 Any action taken in relation to the decision to treat a complainant as unreasonable, unreasonably persistent or vexatious, should be appropriate and proportionate. The possible options are:

- a. use of mediation by inviting the complainant to a face-to-face meeting either held in person or virtually. At least two of the PCC's staff will meet with the complainant and the complainant may be accompanied.
- b. continuing to proceed with the complaint under the relevant policy/ procedure and providing the complainant with one point of contact, who will keep a record of all contacts made.
- c. 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.

5.2 The types of terms of behaviour or restrictions put in place with regard to this police may include but are not limited to:

- a. Limiting the number and duration of contacts with staff (per week/ per month)
- b. Limiting the duration of calls to specific times.
- c. Requesting contact to be in a particular form (for example, letters or emails only).
- d. Restricting contact to a named person as a single point of contact.
- e. Using a dedicated email address and auto diverting emails.
- f. Refusing to register and / or process any further complaints about the same matter.
- g. Asking the complainant or correspondent to enter into an agreement about their future contact with the office or PCC.
- h. Requiring the complainant to use an advocate for any contact with the complaints handling department.
- i. Blocking email addresses or other communication channels, if appropriate.
- j. Limiting or denying access to OPCC offices or buildings.

5.3 If any terms and conditions imposed are contravened by the complainant or if any mediation fails and the unreasonable or vexatious behaviour persists, then the CEO 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 PCC will serve no useful purpose.
- The complainant will also be notified that their complaint is being treated as an unreasonable, unreasonably persistent or vexatious 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, e-mail, fax or through social media channels 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 an unreasonable, unreasonably persistent or vexatious behaviour continues the PCC reserves the right to suspend all contact with the complainant whilst legal advice is sought.

6. Vexatious complainants in relation to the PCC

- 6.1 The Police & Crime Panel for Leicestershire is responsible for handling complaints against the PCC and any DPCC. Where a complaint is being handled by the Police and Crime Panel, the decision as to whether a complainant is behaving in an unreasonable, unreasonably persistent and/or vexatious way, should be taken by the Police & Crime Panel taking into account its own guidance. Any such decision must be communicated to the PCC through the CEO. The decision of the Police & Crime Panel is final.

7. Future dealings with persons who have been deemed to have behaved in an unreasonable, unreasonably persistent or vexatious manner

- 7.1 Even though an individual has made complaints that were pursued in an unreasonable, unreasonably persistent and/or vexatious manner in the past, it must not be assumed that any future complaints or contact from them will also be unreasonable or vexatious. If a new complaint, on a separate matter, is received it must be treated on its own merits.
- 7.2 However, dependent on the nature and severity of behaviour outlined from 3.2 and notified to the complainant in 5.1c the CEO may deem in necessary for new complaints to be pursued by a recognised third-party organisation.

8. Safety and welfare of staff

- 8.1 Where a complainant's behaviour is so extreme that it is reasonably perceived that it could threaten the immediate safety and/or welfare of the PCC, DPCC or the PCC's staff or their families, or causes the recipient of the behaviour to feel threatened or alarmed, the PCC or the CEO may consider other options, for example reporting the matter to the Police or taking legal action. Such incidents should 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

9. Monitoring

- 9.1 The CEO will closely monitor the implementation of this policy on an on-going basis. No policy or procedure will be published on the OPCC website without compliance with the guidance and legislative requirements. Monitoring will also include gaining feedback from policy / procedure owners and authors, and undertaking a formal review annually.

Office Contact details

Office of the Police and Crime Commissioner for Leicestershire
Police Headquarters
St Johns
Enderby
Leicester
LE19 2BX
T: 0116 229 8980

E: OPCC@leics.police.uk

Agreed: 13th December 2023

Date of Review

This policy will be reviewed in December 2024