



**Policy on dealing with unacceptable contact,
correspondence and complaints**

Policy / Procedure Title	Policy on dealing with unacceptable contact, correspondence and complaints
Responsible officer	Chief Executive and Monitoring Officer

Security Classification	Public
Disclosable under the Freedom of Information Act 2000	Yes

Implementation date	March 2015
Next review date:	April 2023

Revision record	
Date:	Nature of revision
February 2020	Amended following implementation of new complaints and conduction regulations from 01/02/2020

1. Introduction

- 1.1. The Office of the Police and Crime Commissioner for West Mercia (OPCC) is committed to dealing with all correspondence and complaints equitably, effectively and in a timely manner.
- 1.2. The OPCC does not seek to limit contact that individuals have with the Office, or with the Police Crime Commissioner and his Deputy. However, there may be occasions when:
- the behaviour of an individual is such that it prevents the OPCC from effectively dealing with their concern;
 - a complainant's behaviour causes harassment or distress to OPCC staff members; or
 - where dealing with an individual's concerns has significant resource implications which are not assessed to be proportionate to the nature of the concern itself.
- 1.3. In these cases, contact with the individual complainant may be limited or, in more extreme cases, stopped altogether.

2. The Policy

- 2.1. This Policy sets out the processes and procedures adopted by the OPCC in responding to abusive, persistent, or vexatious complaints or correspondence received by OPCC staff from members of the public. It is intended to deal with those individuals who persist in making what are considered to be vexatious or unreasonable demands either by way of correspondence or complaints.
- 2.2. It does not cover complaints made against the PCC or the Deputy PCC. All complaints made against the PCC and DPCC are managed by the West Mercia Police and Crime Panel, hosted by Worcestershire County Council (www.worcestershire.gov.uk).
- 2.3. It does not cover dealing with potentially vexatious requests under the Freedom of Information Act. The guidance from the Information Commissioner's Office on this (and on dealing with repeat FOI requests) can be found at the Information Commissioners website www.ico.org.uk.
- 2.4. This policy reflects national guidance¹ on dealing with complaints against the police which states that all complaints should be dealt with in a manner that is deemed reasonable and proportionate by the relevant authority (in this case, the OPCC). Where a complaint is abusive, persistent or vexatious, this could include taking no further action. .

3. Scope

- 3.1. This policy sets out guidance on when correspondence and/or complaints might be persistent or vexatious. This is also applicable to other contacts with the

¹ Statutory Guidance on the Police Complaints System , IOPC, 2020

OPCC such as telephone calls to, and wider contact with, the office including via social media.

- 3.2. It is important to distinguish between individuals who make a number of complaints because they really think things have gone wrong, and individuals who are abusing channels or opportunities of communications. It must be recognised that individuals may sometimes act out of character at times of anxiety or distress and reasonable allowances should be made for this.
- 3.3. Raising legitimate queries or criticisms of a policing or complaints procedure as it progresses, for example if agreed timescales are not met, should not lead to someone (or their complaint) being regarded as a vexatious or an unreasonably persistent complainant. Similarly, the fact that a complainant is unhappy with the outcome of a complaint and seeks to challenge it once, or more than once, should not cause him or her to be labelled vexatious or unreasonably persistent.
- 3.4. There are however times when reasonable persistence in pursuing an issue or a complaint becomes unreasonable. This policy gives examples of when this might be the case and sets out a process for dealing with contact that is considered to have become unreasonable.

4. Definition of Persistent and Vexatious

4.1. For the purposes of this policy, persistent is defined as:

'members of the public who, because of the frequency or nature of their contact with the OPCC, hinder the OPCC's consideration of their or other people complaints / correspondence, or require a disproportionate level of resource to handle their complaints / correspondence.'

4.2. For the purposes of this policy, vexatious is defined as:

'correspondence or a complaint which is without basis AND would tend to, or is being made with an intention to cause worry, upset, annoyance or embarrassment.'

- 4.3. In order to assess whether a behaviour or complaint is persistent or vexatious, the key question is whether the complaint or contact is likely to cause a disproportionate or unjustified level of disruption, irritation or distress to an OPCC staff member(s).
- 4.4. Features of the types of complaints and / or behaviours that this policy covers are set out below. The list is not exhaustive and is used for illustrative purposes only. It should be noted that one single feature on its own does not necessarily imply that the person or their complaint or behaviour will be considered as being vexatious, abusive, or persistent:
 - On-going persistence with a complaint after being advised that there are insufficient or no grounds for their complaint or that OPCC is not the appropriate authority.

- Refusing to co-operate with the complaints process without good reason whilst still wanting the complaint to be resolved, including: a failure or refusal to specify the grounds of a complaint despite offers of assistance, changing the basis of the complaint as inquiries are made and / or introducing trivial or irrelevant new information and expecting this to be taken into account and commented on.
- Submitting repetitive complaints that concern substantially the same conduct as a previous complaint, where there is no new substantive evidence which was not reasonably available at the time the previous complaint was made, or where the previous complaint has been or is being dealt with.
- Misuse of the complaints system by raising complaints with the OPCC in order to initiate, progress or escalate a complaint which, in all circumstances should not have been made or should not be allowed to continue.
- Persistent and inappropriate use of statutory processes or procedures. For example, making a complaint against the Chief Constable when the same complaint has already been made against West Mercia Police.
- Refusing to accept the outcome of the complaint procedure after its conclusion, repeatedly making the same or similar points, complaining about the outcome, and/or denying that an adequate response has been given.
- Harassing or verbally abusing or otherwise seeking to intimidate staff dealing with their complaint or correspondence, by using foul or inappropriate language, by the use of threatening, offensive or discriminatory language and/or making what would appear to be groundless complaints about those staff. The Chief Executive makes the final decision on whether a complaint is groundless.
- Making an unreasonable number of contacts with the OPCC, by any means, in relation to a specific complaint or correspondence including making persistent and unreasonable demands or expectations on OPCC staff such as insistence on immediate responses to numerous and / or frequent letters, faxes, telephone calls or emails.
- Recording meetings and conversations without the prior knowledge and consent of the other person involved.

5. Dealing with Persistent and Vexatious Complaints

5.1. The OPCC is committed to ensuring that all correspondence and/or complaints made by the public are dealt with effectively and promptly.

5.2. However, if at the point of recording or managing correspondence or a complaint, the OPCC considers that it is vexatious, persistent, repetitive or otherwise an abuse of process, then the following processes will apply:

- Prior to any decision to treat a complaint or correspondent as vexatious, abusive or persistent, the relevant member of OPCC staff will issue a warning

to the complainant. The complainant will be contacted either by phone, in writing or by email to explain why this behaviour is causing concern, and ask them to change this behaviour. They will also be warned of the actions that may be taken if the behaviour does not change.

- If the behaviour continues, the complainant will be referred to the OPCC Chief Executive. They will then decide whether to limit contact from the individual and to what extent. Any restriction that is imposed on contact with the OPCC will be appropriate, proportionate and subject to review. The kinds of restriction which may be imposed are:
 - Limiting contact to a specific mailbox or one named member of staff;
 - Only accepting email or written correspondence from the individual and / or refusing to accept telephone calls.
 - Only accepting telephone contact through a third party e.g. solicitor/councillor/friend acting on their behalf.
 - Only reviewing and responding to correspondence at set intervals e.g. once a month.
 - Indicating that correspondence will not be responded to unless substantially new matters are raised. All incoming correspondence will be read.
 - Blocking the individual's email address, so that it is not received by OPCC. This should only be done in extreme cases after all other avenues have been tried.
 - Blocking the individual's social media accounts such as (but not limited to) Twitter or Facebook, so that they are unable to create posts that are immediately directed towards OPCC accounts.

- When the decision has been taken to apply this policy, the individual will be written to with reasons for the decision and what action OPCC is taking. That decision may be amended if the individual changes their behaviour, or continues to behave in a way which is unacceptable.

- Where the behaviour is so extreme or it threatens the immediate safety and welfare of staff, OPCC may consider other options, for example reporting the matter to the police or taking legal action. In such cases, OPCC may not give the individual prior warning of that action.

- If the employee in question is the Chief Executive, the application of the policy will be considered and applied by the Deputy Chief Executive, who will nominate another member of staff to keep the application of this policy under review.

5.3. Records will be retained by OPCC Chief Executive of all cases assessed to be vexatious, persistent, repetitive or abusive, including the action that has been taken in relation to these cases.

6. New Correspondence or Complaints from Individuals who are (or whose complaints are) treated as Abusive, Vexatious or Persistent

6.1. Any new issues or complaints raised by individuals who have been dealt with under this policy will be treated as new matters and will be reviewed on their individual merits. Any imposed restrictions will not apply to new matters, although the individual may be warned not to repeat behaviours which led to those restrictions.