

# **Cleveland Police and Crime Panel**

## **Complaints about the Cleveland Police and Crime Commissioner**

### **Guidance Note on unreasonable complainant behaviour**

#### **1. Introduction**

- 1.1 The Cleveland Police and Crime Panel (“the Panel”) is committed to providing a high-quality service at all times when dealing with complaints made against the Police and Crime Commissioner for Cleveland (“the Commissioner”).
- 1.2 The Panel has delegated part of its role in handling complaints to a Complaints Sub- Committee (“the Sub-Committee), which is made up of Local Authority and Independent Co-opted Panel Members.
- 1.3 The Sub-Committee aims to consider all complaints made about the Commissioner within four weeks of recording a complaint, and to give complainants the opportunity to make further comments in support of their complaint.
- 1.4 The Police Reform and Social Responsibility Act 2011 set out the powers of the Sub- Committee in dealing with complaints made about the Commissioner. The Legislation is clear that consideration of a complaint by the Panel should not amount to an investigation. The Panel is therefore limited in the steps it can take to review a complaint, and the recommendations it can make as a result.
- 1.5 The Sub-Committee may decide not to apply the informal resolution process agreed by the Panel, should the complaint fail to meet certain criteria.
- 1.6 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 as timely a manner as reasonably practical but are mindful of the need to abide by legislation. Should any individual not be satisfied with the Sub-Committee’s handling of a complaint, an option open to them is to refer the matter to the Local Government Ombudsman.
- 1.7 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 way that detrimentally affects the handling of the complaint. Similarly, complainants who have had their complaints resolved by the Sub-Committee may continue to pursue their complaint, or request outcomes to their case that the Sub- Committee is unable or unwilling to grant.
- 1.8 The aim of this guidance is to advise complainants what the Panel consider to be unreasonable complainant behaviour, the options available to the Sub-Committee and the possible consequences to the individual.
- 1.9 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.

- 1.10 Such complaints may rarely occur, but if a complainant's behaviour becomes unreasonable it may be decided to restrict the contact that person has with the Sub-Committee.
- 1.11 If the Sub-Committee decide to invoke this guidance, the individual concerned will be advised why it is considered his or her behaviour falls into that category, what action is being taken and the duration of that action.

## **2. What is meant by “unreasonable behaviour”?**

2.1 The Sub-Committee has adopted the definition used by the Local Government Ombudsman. Unreasonable complainant behaviour occurs where: -

- There is repeated or 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 places significant demands on officer or Member time, or may be very emotional and distressing for all involved.
- There is an escalation of behaviour which is unacceptable, for example abusive, offensive or threatening behaviour.

2.2 Examples include the manner in which or frequency that complainants raise their complaint with the Sub-Committee, or how complainants respond when they are told of decisions regarding their complaint.

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

- Having insufficient or no grounds for their complaint, or be making the complaint only to annoy.
- Refusing to specify the grounds of a complaint despite a request to do so.
- Refusing to co-operate with the complaints process while still wishing their complaint to be resolved.
- Refusing to accept that issues are not within the power of the Committee to review, change or influence
- Insisting on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice
- Making what appear to be groundless complaints about those dealing with the complaints, and seeking to have them dismissed or replaced.
- Making an unreasonable number of contacts with the Sub-Committee.
- Making persistent and unreasonable demands or expectations of staff and/or the complaints process
- Harassing or verbally abusing or otherwise seeking to intimidate Members or Officers dealing with their complaint by use of offensive or racist language.

- Raising subsidiary or new issues whilst a complaint is being addressed that were not part of the complaint at the start of the complaint process.
- Introducing trivial or irrelevant new information whilst the complaint is being reviewed outside of the period given for additional comments, and expecting this to be taken into account and commented on.
- Changing the substance or basis of the complaint without reasonable justification whilst the complaint is being addressed.
- Denying statements he or she made at an earlier stage in the complaint process.
- Electronically recording conversations without the prior knowledge and consent of the other person involved.
- Refusing 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.
- Making the same complaint repeatedly, perhaps with minor differences, after the complaints procedure has been concluded, and insisting that the minor differences make these 'new' complaints which should be put through the full complaints procedure.
- Complaining about or challenging an issue based on a historic and irreversible decision or incident.
- A combination of some or all of the above features.

### **3. Considerations before taking action to restrict access**

- 3.1 All complainants have the right to have their complaint considered at an initial stage by the Sub-Committee. The Sub-Committee will ensure that the complaints procedure is ended at a point that is appropriate to each case – and the complainant notified as such.
- 3.2 The Sub-Committee will consider all complaints carefully and come to a view about what it is that should resolve the matter for a complainant.
- 3.3 Before deciding whether the guidance should be applied, the Sub-Committee will determine whether:-
- A complaint is being or has been reviewed properly, and whether the decision reached was appropriate based on the information presented to the Sub-Committee at the time.
  - Communications with the complainant have been adequate
  - The complainant is providing any significant new information that might affect the Sub-Committee's previous view on the complaint.
  - There is another, more specific route the complainant can follow e.g. an appeal process to be followed when they are complaining about a decision taken.
- 3.4 Some individuals that may be considered to be unreasonable complainants may be behaving that way because of a specific circumstance or difficulty. Where this is indicated the Sub-Committee will take this into account in determining the reasonableness of the complaint made.
- 3.5 Any actions taken will be tailored to the circumstances and behaviour of the individual and their complaint.

## **4. Possible Actions**

### **4.1 Actions that could be taken 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 one named member of staff;
- Placing restrictions on the amount of time the Sub-Committee and officers will spend reviewing a complaint;
- Letting the complainant know that the Sub-Committee will not reply to or acknowledge any further contact from them;
- Refusing to register and process further complaints about the same matter.

## **5. First Stage**

5.1 The Sub-Committee will discuss why the complainant's behaviour is causing a concern, and outline how the behaviour needs to change.

5.2 Officers will write to the complainant explaining the actions that the Sub-Committee may take if their behaviour does not change. Letters will include:-

- Why the Sub-Committee has taken the decision it has;
- What specific action it is taking;
- The duration of that action;
- The date the decision will be reviewed;
- The right of the complainant to contact the Local Government Ombudsman (LGO) about the fact that they have been treated as unreasonable.

5.3 A log of that 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 for them to carry out their role at work.

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

6.1 All those who have experienced unreasonable complainant behaviour relating to the specific complaint.

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

7.1 When imposing a restriction on access a specified review date will be given. Once that date has been reached the restriction will be lifted unless there are good grounds to extend the restriction.

7.2 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 a restriction is to continue, the reasons for the continuation of the restriction will be given to the complainant along with the next review date.

## **8. Harassment and bullying**

- 8.1 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. Behaviour by third parties that bullies, harasses or intimidates individuals is unacceptable.

## **9. Contact information**

- 9.1 For more help or information, the PCP or Sub-Committee can be contacted via telephone: 01642 774774 (request Democratic Services) or email: [democracy@redcar-cleveland.gov.uk](mailto:democracy@redcar-cleveland.gov.uk)