

CAMBRIDGESHIRE POLICE AND CRIME PANEL

HABITUAL OR VEXATIOUS COMPLAINTS CONCERNING THE POLICE AND CRIME COMMISSIONER AND/OR DEPUTY POLICE AND CRIME COMMISSIONER

1. Introduction

- 1.1. This policy identifies situations where complainants, either individually or as part of a group, or a group of complainants, might be considered to be “habitual or vexatious” and outlines the ways the Panel will respond to these situations.
- 1.2. In this policy the term habitual means “done repeatedly or as a habit.” The term vexatious is recognised in the dictionary of law and means “an action brought for the purpose of annoying the opponent and with no reasonable prospect of success.” This policy is intended to assist in identifying and managing persons who seek to be disruptive through pursuing an unreasonable course of conduct.
- 1.3. Habitual or vexatious complaints create difficulties for officers and members as they are time consuming and wasteful of resources in terms of officer and member time, displacing scarce human resources that could otherwise be spent on other council priorities. Whilst the Monitoring Officer and Clerk to the Police and Crime Panel endeavour to process all complaints under the panel’s procedures, there are times when there is nothing further which can reasonably be done to assist or to rectify a real or perceived problem.

2. Habitual or Vexatious Complainants

- 2.1. For the purpose of this policy, the following definition of habitual or vexatious complainants will be used:

The repeated and/or obsessive pursuit of:
 - Unreasonable complaints and/or unrealistic outcomes; and/or
 - Reasonable complaints in an unreasonable manner.
- 2.2. Prior to considering its implementation, the Monitoring Officer will send a summary of this policy to the complainant to give them prior notification of its possible implementation.
- 2.3. Where complaints continue and have been identified as habitual or vexatious in accordance with the criteria set out in Schedule A, the Monitoring Officer will consult with the Chair or Vice-Chair of the Police and Crime Panel to seek agreement to treat the complaint as habitual or vexatious and agree an appropriate course of action to be taken. Schedule B details the options available for dealing with habitual or vexatious complaints.
- 2.4. The Monitoring Officer will notify complainants, in writing of the reasons why their complaint has been treated as habitual or vexatious and the action that will be taken. The Monitoring Officer will also notify the Commissioner, and Deputy, as appropriate, that a complainant has

been designated as a habitual and vexatious complainant, along with the Police and Crime Panel.

- 2.5. Once a complainant has been determined to be habitual or vexatious, their status will be kept under review for the period of one year and monitored by the Monitoring Officer, with reports taken to the Police and Crime Panel as required. If a complainant subsequently demonstrates a more reasonable approach, then their status will be reviewed with a view to removing the designation. If their behaviour continues, the period may be extended for further periods of up to one year before further review.

Schedule A – Criteria for determining habitual or vexatious complainants

Complainants (and/or anyone on their behalf) may be deemed to be habitual or vexatious where previous or current contact with them shows that they meet at least **one** of the following criteria:

Where a complainant:

- 1) Persists in pursuing a complaint where the procedure for handling complaints has been fully and properly implemented and exhausted.
- 2) Persistently changes the substance of the complaint or frequently raises new issues or seeks to prolong contact by frequently raising further concerns or questions whilst the complaint is being addressed.

(NB. Care must be taken however not to disregard new issues which are significantly different from the original complaint as they need to be addressed as a separate complaint.)
- 3) Is repeatedly unwilling to accept documented evidence given as being factual correct or denies receipt of an adequate response despite correspondence specifically answering their questions or does not accept that facts can sometimes be difficult to verify after a long period of time has elapsed.
- 4) Repeatedly does not clearly identify the precise issues which they wish to complain about despite reasonable efforts to help them specify their concerns and/or where the concerns identified do not fall within the remit of the Police and Crime Panel.
- 5) Regularly focuses on a trivial matter to an extent which is out of proportion to its significance and continues to focus on this point. It is recognised that determining what a “trivial matter” is can be subjective and careful judgement will be used in applying this criteria.
- 6) Has threatened or used physical violence towards employees any time. This will itself cause personal contact with the complainant and/or their representatives to be immediately discontinued and the complaint will only be continued by written communication. The Council will determine that any complainant who threatens or uses actual physical violence towards employees will be regarded as a vexatious complainant. The complainant will be informed of this in writing together with notification of how future contact with the Council is to be made.
- 7) Has, while addressing a complaint to the Monitoring Officer, had an excessive number of contacts with the Police and Crime Panel, placing unreasonable demands on officers. A

contact may be made in person, by telephone, letter, or email. Judgement will be used to determine excessive contact considering the specific circumstance of each individual case.

- 8) Has harassed or been verbally abusive on more than one occasion towards officers dealing with complaints. Officers recognise that complainants may sometimes act out of character in times of stress, anxiety or distress and will make reasonable allowances for this. Some complainants may have a mental health disability and there is a need to be sensitive in circumstances of that kind.
- 9) Are known to have recorded meetings or face-to-face/telephone conversations without prior knowledge and consent by the parties involved.
- 10) Makes unreasonable demands on the Council and its employees and fails to accept these may be unreasonable, for example insists on action being taken by the Police and Crime Panel which falls outside its remit.
- 11) Makes unreasonable complaints which impose a significant burden on the resources of the Police and Crime Panel and where the complaint:
 - a. Clearly does not have any serious purpose or value; or
 - b. Is designed to cause disruption or annoyance; or
 - c. Has the effect of harassing the Police and Crime Panel; or
 - d. Can otherwise fairly be characterised as obsessive or manifestly unreasonable
- 12) Makes repetitive complaints and allegations which ignore the replies which the Police and Crime Panel has supplied in previous correspondence.

Schedule B – Options for Dealing with Habitual or Vexatious Complainants

The options below can be used individually or in combination depending on the circumstances of the case and whether the complaint is ongoing or completed.

- 1) A letter to the complainant setting out responsibilities for the parties involved if the Monitoring Officer is going to assess the complaint. If terms are contravened, consideration will then be given to implementing other action as indicated below.
- 2) Decline any contact with the complainant, either in person, by telephone, by letter or by email or any combination of these provided that one form of contact is maintained. This may also mean that only one named officer will be nominated to maintain contact, as a single point of contact, and the complainant is notified of this person.
- 3) Notify the complainant in writing, that the Police and Crime Panel has responded fully to the points raised and has tried to resolve the complaint but there is nothing more to add and continuing contact on the matter will serve no useful purpose. The complainant will also be notified that the correspondence is at an end, advising the complainant that they are being treated as a habitual or vexatious complainant and as such the Police and Crime Panel does not intend to engage in further correspondence dealing with the complaint.

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