



Cambridgeshire Police and Crime Panel

Guidance Note on the Management of Unreasonable Complainant Behaviour

1. Introduction

- 1.1. The Cambridgeshire Police and Crime Panel (hereafter referred to as “the Panel”) is committed to providing a high-quality service at all times to members of the public when dealing with complaints made against the Police and Crime Commissioner for Cambridgeshire (hereafter referred to as “the Commissioner”).
- 1.2. The Police Reform and Social Responsibility Act 2011 (and later regulations) set out the powers of the Panel in resolving or closing complaints made against the Commissioner. The legislation is clear that consideration of a complaint by the Panel should not amount to an investigation. As such, the Panel is limited in the steps it can take to review a complaint, and the recommendations it can make as a result.
- 1.3. It may be decided to dis-apply the informal resolution process agreed by the Panel, should the complaint fail to meet certain criteria.
- 1.4. There may be times when a member of the public may not be satisfied with the outcomes reached by the Panel. The Panel are committed to dealing with all complaints fully and in a timely manner but are mindful of the need to stay within legislation. Should any individual not be satisfied with the Panel’s conduct in relation to a complaint, an option open to them is to refer a case to the Local Government & Social Care Ombudsman.
- 1.5. Usually, complaints reviewed by the Panel are subject to a straightforward process, but in a small number of cases complainants may begin to pursue their cases in a way that can get in the way of reviewing the complaint or unfairly take officers supporting the Panel away from their other duties. Similarly, complainants who have had their complaints resolved by the Panel may continue to pursue their complaint, or request outcomes to their case that the Panel is not capable or is unwilling to grant.
- 1.6. The aim of this guidance is to let complainants know what the Panel considers to be unreasonable complainant behaviour, the options available to the Panel and the possible consequences to the individual.

- 1.7. This guidance will only be invoked 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.
- 1.8. Such complaints may rarely occur, but if a complainant's behaviour adversely affects our ability to do our work, or the work of any of our supporting officers, we may decide to restrict the contact that person has with the Panel.
- 1.9. If a decision is made to invoke this guidance, the individual concerned will be written to, to tell them why we believe his or her behaviour falls into that category, what action we are taking and the duration of that action.

2. What is meant by “unreasonable complainant behaviour”?

- 2.1. The definition used by the Local Government & Social Care Ombudsman has been adopted. Unreasonable complainant behaviour occurs where:
 - There is repeated pursuit of a complaint which appears to have no substance, or which has been investigated and determined.
 - The contact may be amicable but still place very heavy demands on officer or Member time or may be very emotionally charged and distressing for all involved.
 - There is an escalation of behaviour which is unacceptable, for example abusive, offensive, or threatening behaviour.

3. Considerations to be made before taking action to restrict access

- 3.1. The decision about whether to apply the Guidance Note on the Management of Unreasonable Complainant Behaviour is delegated to the Monitoring Officer to the Panel, in consultation with the Chair or, in their absence, the Vice Chair of the Panel. This will allow the guidance note to be applied and any restrictions put in place in a shorter timeframe, given the impact unreasonable behaviour may have on both Member and officer time.
- 3.2. Delegation of this power to the Monitoring Officer does not preclude a meeting of the Panel being called to determine a decision in respect of unreasonable complainant behaviour should it be deemed necessary by the Monitoring Officer.
- 3.3. All complainants have the right to have their complaint considered at an initial stage. The Chair of the Panel, Monitoring Officer (MO) and Democratic Services Officer (DSO) will ensure that the complaints procedure is exhausted – ended at a point that is appropriate to each case – and the complainant notified of the conclusion.
- 3.4. The Chair, MO and DSO will consider and ensure they understand a complainant's circumstances, how and why they feel as they do and what it is that would resolve the matter for them. The Chair, MO and DSO must be sure that the complainant

has been given the appropriate opportunity to express their views and opinions, and that they have been listened to. The Chair, MO and DSO must also give appropriate thought and effort to resolving and explaining to the complainant their conclusion and actions (if any).

- 3.5. Before deciding whether the guidance should be applied, the Chair, with the MO and DSO, will consider and satisfy itself that:
 - The complaint is being or has been reviewed properly, and any decision reached has been found to be appropriate based on the information presented to the Panel at the time.
 - Communications with the complainant have been adequate and within the Panel's policies.
 - Any decision reached has been reviewed and is found to be appropriate.
 - The complainant is not providing any significant additional information that might change the Panel's conclusion about the complaint.
 - There is not another, more specific path for the complainant to follow e.g., an appeal process to be followed, when they are complaining about a decision taken.

- 3.6. Some individuals that may be considered to be unreasonable complainants may be behaving this way because of a specific circumstance or difficulty. The DSO and MO will identify any mitigating circumstances and include this in the report. Where this is indicated, this will be taken into account in determining the reasonableness of the complaint made.

- 3.7. Any restrictive actions will be tailored to the circumstances and behaviour of the individual and their complaint.

4. Possible Actions

- 4.1. Actions that could be taken to restrict access and contact:
 - 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. Any emails will be forwarded to that person to respond to;
 - Onsetting an upper limit on the total amount of time the Panel and their officers will spend reviewing their complaints;
 - Letting the complainant know that the Panel will not reply to or acknowledge any further contact from them on the specific topic of that complaint;
 - Refusing to register and process further complaints about the same matter.

5. Process for the application of the Guidance Note on the management of unreasonable complainant behaviour

First Stage – Notification/Warning

- 5.1. The Monitoring Officer and Democratic Services Officer will review, in consultation with the Chair or, in their absence, the Vice Chair of the Panel, why the complainant's behaviour is causing a concern. They will provide the Chair or Vice Chair documented evidence of the behaviour, and how it needs to change to no longer to be deemed unreasonable.
- 5.2. The Monitoring Officer will write to the complainant explaining to them the actions that may be taken if their behaviour does not change, along with a copy of this guidance.

Second Stage – Application

- 5.3. Should the complainant continue to demonstrate unreasonable behaviour, following receipt of the notification, the Monitoring Officer, in consultation with the Chair or Vice Chair, will determine what further actions will be taken.
- 5.4. If the Monitoring Officer determines to apply the Guidance Note on the management of unreasonable complainant behaviour, they will write to the complainant explaining to them the actions to be taken. All letters will include:
 - Why this decision has been reached;
 - What specific action is being taken;
 - The duration of that action;
 - The date the decision will be reviewed;
 - The circumstances that the decision could be reviewed in advance of that date (e.g., new relevant information);
 - The right of the complainant to contact the Local Government and Social Care Ombudsman (LGSCO) about the fact that they have been treated as unreasonable.
- 5.5. Any decision taken to apply this guidance note will be formally reported to the Panel at the next appropriate ordinary Panel Meeting following the date of the determination.
- 5.6. A log of the 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 them to carry out their role at work
- 5.7. Key information to be recorded includes:
 - When a decision is taken not to apply the guidance, or
 - When a decision is taken to make an exception to the guidance once it has been applied, or
 - When a decision is taken not to put a further complaint from the complainant through the complaints procedure for any reason, and
 - When a decision is taken not to respond to further correspondence, unless and until they provide significant new information.

5.8. Any further contact from the complainant, for example on a new issue, will be treated on its merits.

6. Who will be informed about restrictions?

6.1. All officers and Members who have experienced unreasonable complainant behaviour relating to the specific complaint will be informed of the decision to impose contact restrictions.

7. Reviewing the decision to restrict access

7.1. When the review date is reached any restrictions will be lifted unless there are good grounds to extend the restriction and set a new review date.

7.2. The Panel's Monitoring Officer, in conjunction with the Chair and Vice-Chair, 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 the 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. Referring complainants to the Local Government and Social Care Ombudsmen (LGSCO)

8.1. A complainant who is not satisfied with the determinations of the Panel or its Monitoring Officer may make a complaint to the [LGSCO](#). Should they determine that the referral of a complaint warrants further consideration, they will review the process followed by the Panel or its Monitoring Officer in reaching any such conclusion.

9. Harassment and bullying

9.1. Unreasonable complainant behaviour may amount to bullying or harassment. All Panel members and officers have the right to be treated with respect and dignity in the workplace. Behaviour by third parties that bullies, harasses, or intimidates individuals is unacceptable and will not be tolerated. The Panel will take all reasonable steps to prevent such behaviour.

10. Contact information

10.1. For more help or information, please contact us via democratic.services@peterborough.gov.uk

10.2. More information on complaints can be found at “insertion of link”