

Guidance on managing unacceptable and unreasonable complainant behaviour

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Introduction

An effective police complaints system must be visible and accessible to all. Complainants have the right to be heard, understood and respected, as do complaint handlers, who must make sure all complaints are considered fairly.

In a small number of cases, people pursue their complaints in a way that is unacceptable. They may behave unacceptably, be unreasonably persistent in their contact, or make unreasonable demands. This can have an impact on the health and safety of complaint handlers. It can also have an impact on investigating their complaint, or complaints by others.

This guidance provides complaint handlers with a fair and consistent approach to managing unacceptable or unreasonable behaviour by complainants, while making sure access to the police complaints system is maintained for all. It is not intended to replace existing policies that forces or police and crime commissioners (PCCs) have in place at a local level. It aims to build on, and consolidate, existing guidance and policies, including obligations under the *Equality Act 2010*.

What is unacceptable behaviour?

Complainants have often experienced traumatic or distressing circumstances that lead them to make a complaint. Anger or frustration about the complaint is a common response, but it can become unacceptable if it escalates and/or becomes abusive, and/or is personally directed at complaints handlers.

In this context, unacceptable behaviour is defined as any behaviour that has the potential to cause harm, injury or negatively impact on the health and safety of complaint handlers. Unacceptable behaviour may be isolated to a single incident, or form a pattern of behaviour over time. Even if a complaint has merit, a complainant's behaviour can still be unacceptable.

People communicate and express themselves differently depending on their background and a range of other factors. It is important to be aware that formality, pacing and emotion can vary significantly across cultures. Certain mental health conditions or disabilities may make it difficult for people to express themselves and/or to communicate clearly. Forces should always aim to make the complaints system accessible to all and, where appropriate, make reasonable adjustments if they are advised of access requirements. However, they may still need to put in place contact strategies in some circumstances.

Types of unacceptable behaviour

Violent, threatening or abusive behaviour

Complainants may be distressed or upset because of the circumstances leading to their complaint. The complainant's behaviour is considered unacceptable when these emotions lead to behaviour which is violent, threatening or abusive.

Staff should not endure or tolerate violent, threatening or abusive behaviour. The safety and wellbeing of staff should always be protected, even if the service provided to the complainant has fallen short of expected standards.

Violent, threatening or abusive behaviour may involve any or all of the following:

- verbal abuse, derogatory, discriminatory or defamatory remarks (verbal or written)
- escalating agitation, intimidating body language or invasion of personal space
- harassment, intimidation or threats
- threats or harm to people or property
- stalking (in person or online)
- psychological manipulation
- oppressive or coercive behaviour

When unacceptable behaviour takes place during a telephone call, the complaint handler should tell the complainant their behaviour is unacceptable, set out explicitly why the behaviour is unacceptable, and warn them that if the behaviour continues, they will end the call. Complaint handlers at all levels should be empowered to end telephone calls where they experience threatening, or abusive behaviour.

If staff are forced to end a call due to unacceptable behaviour, they should report it to their supervisor and seek advice on the appropriate steps to take. A reference note should be made on the case file, setting out why a call was ended and what other actions were taken.

Threatening and abusive correspondence is also unacceptable, and can have a similarly negative effect on the wellbeing of complaint handlers. Where such correspondence is received, an appropriate contact strategy should be created and recorded in the case file.

What is unreasonable behaviour?

Unreasonable behaviour is any behaviour that impacts on the ability of staff to effectively do their jobs, and goes beyond someone being assertive or expressing their dissatisfaction. It may be isolated to a single incident, or form a pattern of behaviour over time. Even if a complaint has merit, a complainant's behaviour can still be unreasonable.

Types of unreasonable behaviour

Unreasonable persistence

A complainant's behaviour may be unreasonable if they continue to write, email or telephone about their complaint(s) excessively (and without providing new information) despite being assured that their complaint is being dealt with, or being told their complaint has concluded.

While this behaviour may not appear to be as severe as violent, threatening or abusive behaviour, it is considered unreasonable because of the impact it can have on the time and resources of staff, which in turn can impact on the capacity to manage other complainants.

Unreasonable persistence may consist of:

- persistently calling, writing or emailing to demand updates, despite being assured that matters are in hand, and being given reasonable timescales for when an update can be expected
- refusing to accept reasonable explanations following the conclusion of a complaint, and/or failing to follow appropriate appeal/review channels
- contacting different people in the same organisation to try to secure a different outcome
- the volume or duration of contact impacting on the ability of complaint handlers to carry out their functions (this can include calling a number of times repeatedly on the same day)
- re-framing or re-wording a complaint that has already been finalised
- persisting with the complaint despite failing to provide any evidence to support it after numerous requests to do so

Unreasonable demands or obstructive behaviour

This type of behaviour is considered unreasonable because of its impact on the time and resources of the organisation, its services and staff, and on the ability to thoroughly investigate the complaint. It can include:

- repeatedly demanding responses within an unreasonable timescale, or insisting on speaking to a particular member of staff despite being told that it is not possible or appropriate
- not following appropriate channels for engagement, despite receiving information more than once about the appropriate channel/s to use
- issuing demands about how their complaint should be handled, despite being told about the process and receiving regular updates
- demands to speak to senior leaders/managers at the outset, before the complaint handler has fully considered the complaint
- repeatedly copying staff into emails sent to other public bodies where there is no demonstrable reason to do so
- refusing to provide information needed to conduct an investigation (such as providing access to privately owned CCTV footage, providing witness contact information, or facilitating access to family members so their accounts can be obtained)

Unreasonable persistence and demands can impact on staff wellbeing. Where a complaint handler is required to deal with this type of behaviour, supervisors and managers should make sure appropriate support is in place to support complaint handlers' welfare.

Underlying causes

There are many reasons why a person's behaviour may become unacceptable or unreasonable. Complaint handlers should not make assumptions about what is driving the behaviour. Understanding the reasons behind it are vital in deciding how best to manage it.

First ask, 'how was our service?'

Frustration caused by poor communication and/or lack of timeliness when handling a complaint can cause a complainant's behaviour to escalate. When a complainant displays unacceptable or unreasonable behaviour, the complaint handler should consider the following questions:

- Have we explained the complaints process to the complainant and checked they understand it?
- Have we handled the complaint in a reasonable and proportionate manner?
- If the complaint is ongoing, have we communicated regularly and effectively with the complainant?
- Have we asked the complainant if they would benefit from additional support? If so, has the complainant received this?
- If a decision has been made on the complaint, has the complainant been given a clear rationale for the decision, in a way that they can understand how that decision has been reached?

If the complaint handler answers 'yes' to these questions and the behaviour of the complainant is still unacceptable or unreasonable, the complaint handler must decide how best to manage it. If these obligations have not been met, steps should be taken to address any shortcomings where appropriate. This may be enough to stop the behaviour.

Needs of individual complainants

The police complaints system must be accessible to all, with proactive work done to support those with disabilities which may impact on their ability to effectively access the complaints system. People with additional needs may not always understand information given to them in certain forms, or they may have difficulty communicating their concerns clearly and/or effectively. All complainants should be asked at the outset if they require additional assistance to support their complaint.

It is accepted that police, PCCs and IOPC staff are not health professionals. It would be inappropriate for them to make assessments about the health and well-being of a complainant. However, where a complainant informs the complaint handler that they have specific health concerns or disabilities, this should be taken at face value.

Throughout the complaints process, a complaint handler should be alive to the possibility a complainant may have additional needs, and if so, consider whether providing that complainant with additional tailored support would make it easier for them to make their complaint. Throughout the complaints process, all reasonable efforts should be made to make sure additional needs are identified and catered for as far as possible and practicable.

Organisations should be aware of their legal responsibilities to all complainants, in accordance with the provisions of the [Equality Act 2010](#), and in particular, the positive obligation on them under the *Equality Act 2010* to make reasonable adjustments for disabled people.

Where it is identified that a complainant requires additional support, appropriate steps should be taken to address these needs in a way that satisfies the requirements of the Equality Act. Where unsure of these obligations, a complaint handler should seek advice from a colleague in their organisation who has responsibility or expertise for equality and diversity issues, or alternatively seek advice from an external organisation, for example, the [Equality and Human Rights Commission](#).

Complaint handlers must also be aware of other issues which may hinder a complainant's ability to effectively access the complaints system. For instance, complainants who lack proficiency in English may become frustrated if they are unable to understand the complaints process or updates regarding their complaint. Reasonable efforts should be made to make sure complainants have a clear understanding of the information communicated to them and, where their understanding is unclear, reasonable measures should be taken to help them.

Verbal abuse, threats or violent behaviour of any kind should not be tolerated by staff under any circumstances. However, the knowledge and understanding that a complainant has specific needs should influence the decision about the most appropriate course of action to take.

Further guidance on access to the complaints system can be found in Chapter 2 of the IOPC Statutory Guidance on the police complaints system.

Case study: complainant with schizophrenia

A woman with schizophrenia was living on her own safely and independently, supported by her GP and support worker. The woman made a complaint about police attendance at her home when she reported a burglary. She said she felt the officers did not take her seriously. While her complaint was being looked into, she started calling the complaint handling department outside office hours and leaving voicemails for the complaint handler. These messages became more and more frequent. Each one was listened to in full to make sure nothing new was being raised, and that the messages did not contain information about welfare issues that needed to be addressed.

To understand how best they could support the woman to make her complaint, the complaint handler arranged to meet her to find out more about her communication needs. The complaint handler explained their role, set out a clear timetable for updates, and agreed the format of the updates. During the meeting, the complaint handler learned that the complainant had a support worker. They agreed all updates would be copied to the support worker. The complainant was also provided with a summary sheet. This explained who to contact if her query was about the live complaint, and what to do if it was about something else.

Approaches to managing unacceptable or unreasonable behaviour

Communicate with the complainant

Before taking steps that reduce or restrict communication, any issues with behaviour should be addressed with the complainant. The complaint handler should have a clear idea about how they would like the behaviour to change.

The complainant should be informed about the issues with their behaviour and why it is considered unacceptable or unreasonable. They should be advised how they can adjust their behaviour. Some examples of ways to address the behaviour include:

- reminding the complainant that violent, threatening or abusive behaviour will not be tolerated
- summarising the complaint(s) and asking the complainant to confirm that all the issues they have raised have been understood correctly
- providing guidance to the complainant on the structure their correspondence should follow
- informing the complainant about where to send correspondence
- signposting the complainant to other sources of support if they raise matters that fall outside the police complaints system
- appointing a single point of contact responsible for reviewing all their complaints to ensure consistency

When communicating with complainants who are behaving in an unacceptable or unreasonable way, complaint handlers should be clear about the consequences if the behaviour continues. Wherever possible, a complainant should be given the opportunity to change their behaviour before a decision is taken to restrict contact.

If necessary, implement a contact strategy

A contact strategy may be implemented if unacceptable or unreasonable behaviour continues. A contact strategy will set out how and when further contact with the complainant will take place, any restrictions on communication, and the reason for introducing the strategy.

Before introducing a strategy, the complaint handler should ask themselves: 'what are we trying to achieve by implementing this strategy?', and 'is restricting contact in this way fair, reasonable and proportionate?'

The complainant should be notified in writing about the strategy (considering any specific needs and reasonable adjustments). If possible, the agreement of the

complainant should be sought, although this may not be possible if the relationship is already difficult.

The explanation should emphasise the strategy has been implemented to make sure complaints are dealt with promptly and accurately, and that failure to comply with it could frustrate the handling of their complaint(s).

It must be made clear the strategy relates only to complaints, and that police assistance can still be requested through emergency or non-emergency routes if required.

Contact strategies can include:

- limiting duration of phone calls to specific times
- restricting contact to email or post only (taking into account any reasonable adjustments)
- using a dedicated email address and auto-diverting emails
- blocking email addresses or other communication channels if appropriate
- requiring the complainant to use an advocate for any contact with the complaint handling department
- requiring the complainant to communicate only with a single point of contact (SPOC)

Common scenarios and example contact strategies

The following scenarios are examples of suggested contact strategies. The most appropriate contact strategy should be decided on a case-by-case basis. Regardless of any contact strategy employed, all contact must be reviewed to identify any genuine complaints, criminal matters or safeguarding issues.

Case study: complainant submits high-volume and complex correspondence

A man wrote to a police force on a weekly, sometimes daily, basis. Although the letters were long and often complex, the specific nature of the complainant's dissatisfaction was not clear. The complainant followed-up each letter with a lengthy email.

Despite repeated efforts to engage with the complainant, he continued to send unclear complaint-related correspondence. Following discussions with colleagues, the complaint handler decided to create a simplified complaint form for the man to submit his complaints.

The complaint handler shared the form with the complainant and explained that using it would help make sure all his complaints were clearly understood and addressed in a timely manner. The complainant agreed to use the form to submit his complaints.

Case study: complainant makes unacceptable demands / targets individual complaint handlers

A woman continually made complaints about complaint handlers because she was dissatisfied with the outcomes of her previous complaints. She was repeatedly told the appropriate way to challenge the decisions about her complaints was to exercise her right to a review. She continued to make more complaints. The woman also demanded that only certain staff members responded to her complaints.

The complaint handler implemented a strategy for managing the woman's contact with the organisation. They told the complainant the organisation would not reply to correspondence from the complainant about matters unrelated to open complaints, or closed matters where the complainant had been advised to seek legal advice.

The complaint handler also told the woman her demand that only specific members of staff respond to her complaints was unreasonable, and would not be acted on. The complaint handler assured the complainant any genuinely new matters she raised would be addressed.

Case study: complainant adopts a 'scattergun' approach

A man sent several emails each week about previous and ongoing complaints to a police force. Some emails were sent to the complaint handling department's central inbox and were copied to several other complaint handlers, the legal department and the freedom of information (FOI) team. Other emails raising similar matters would be sent only to the legal department and the FOI team. Those emails would be forwarded to the complaint handling department, which reviewed every email to check the correspondence did not include additional matters to the messages they had already received. This caused unnecessary additional work.

The complaint handler explained to the complainant several times why he only needed to send his complaint correspondence to the professional standards department (PSD). However, he continued to copy numerous people into his emails, or send separate complaint emails to the force's legal and FOI teams. The complaint handler contacted the complainant and explained a filter had been applied to his emails. They would all automatically be directed to the PSD in-box - regardless of the force address he used.

Adhering to and reviewing/revising the contact strategy

It is important the complaint handler adheres to the contact strategy once it is in place. Any breach of the strategy by the complainant must be dealt with swiftly. A clear reminder should be communicated to the complainant about the consequences of breaching the strategy. They should also be reminded about the reasons for the strategy being introduced.

Systems should be in place locally to review any contact strategies on a regular basis - for instance, every six months. These reviews should make sure the contact strategy is still appropriate and fit for purpose.

Where reasonable adjustments are already in place, efforts should be made to adhere to these. If these adjustments are being abused, it may be necessary to adjust them to allow access to the complaints system, but to also manage the unacceptable or unreasonable behaviour.

The complainant should be told about any changes to the contact strategy. Complaint handlers should seek advice from colleagues with expertise in equality and diversity issues when making any amendments to agreed reasonable adjustments.

In certain situations, it may be necessary to share details of the contact strategy with partner agencies. However, this should only be done when there are legitimate reasons for doing so. For instance, if social services or NHS services have regular contact with the complainant, getting the support of these agencies will be important in making sure the contact strategy is successful. To make sure they are complying with General Data Protection Regulations (GDPR), complaint handlers should consult senior management before sharing details with another agency.

Further action

It may be necessary to take further action to protect staff welfare and their ability to support other complainants if a contact strategy proves to be unsuccessful and the unacceptable behaviour continues despite numerous attempts to adjust the strategy.

In practice, this should rarely be necessary and should be reserved only for the most severe cases. In these circumstances, it is best to seek legal advice to see what avenues are available under the law to deal with the complainant's behaviour.

Staff welfare and protecting privacy

Dealing with unacceptable behaviour from complainants can have a significant impact on staff welfare. Forces may wish to consider putting in place support mechanisms to assist complaint handlers. This could include:

- opportunities for complaint handlers to routinely report unacceptable or unreasonable behaviour to their supervisors and seek support
- encouraging complaint handlers subject to unacceptable or unreasonable behaviour to discuss their experience and signpost them to employee assistance programmes or other support networks

Although rare, there are cases where complainants have tried to find out about a complaint handler's private life and used that information to target the complaint handler (for example, the complaint handler's home address or other personal information).

Many forces produce internal guidance for officers and staff about how they conduct themselves online and how this can influence the public's confidence in the police. Forces may wish to consider providing guidance to complaint handlers about how they can protect their personal privacy to help mitigate the risk of receiving direct personal contact.

There are a number of steps complaint handlers can take to preserve their privacy online. For example:

- conducting regular internet searches about themselves to check whether their name or any other personal information is available in the public domain (for example, their workplace, employer name, social media platforms, home address)
- check social media privacy settings regularly, bearing in mind platforms frequently update these settings
- consider family and friend connections online, and whether people could either use these connections as a means of identification or draw adverse inferences about these connections
- use directory enquiry websites to check whether home contact details are easily accessible (this information can be removed from directory enquiries services on request)
- check listings with Companies House or the Charity Commission (when a person holds a relevant position their full name and current address may be listed)
- take reasonable precautions online, such as:

- not listing employment details or personal contact information on social media
- consider using a different name on social media to that used at work, particularly if the name is distinctive
- consider using a profile picture that does not show the face
- consider removing colleagues from friends/connections on social media, particularly if they are using their real names
- avoid following policing social media accounts or interacting with posts
- consider the cumulative effect of information posted online and how it can be put together to locate officers and staff
- consider asking to be removed from the public electoral register

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