

## Persistent Complainants Policy

## Office of the Police and Crime Commissioner for Surrey

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### Introduction

The Office of the Police and Crime Commissioner for Surrey (OPCC) is committed to dealing with all complaints fairly and impartially and to providing a high quality service to those who make them. As part of this service it does not normally limit the contact complainants have with it.

However there are a small number of complainants who, because of the frequency of their contact with the OPCC, hinder the consideration of their or other people's complaints. The OPCC refers to such complainants as 'unreasonably persistent complainants' and exceptionally, will take action to limit its contact with them.

### Purpose of this Document

This document sets out the policy of the OPCC in relation to the above and is addressed to Members of the Public, Police Officers, Police and Crime Panel Members, the Commissioner, OPCC Staff and Contractors.

### Risk

If the OPCC does not have a policy and procedure that it adheres to in relation to complaints this could have a detrimental impact on the perception that the public and partners have of the Commissioner and the Force. This would impact on the ability to deliver against the strategic priorities.

### Persistent Complainants Definition

For the purpose of the policy;

- a) A 'persistent complainant' is a member of the public who complains about issues that the complainant considers to be within the remit of the OPCC and whose behaviour is characterised by:
  1. A person who makes the same complaint repeatedly (with minor differences), but never accepts the outcomes;
  2. A person who seeks an unrealistic outcome and persists in trying to reach it; or
  3. A person with a history of making other unreasonably persistent complaints.
- b) An 'unreasonably persistent complaint' is likely to include some or all of the following:
  1. The complaint arises from a historic and irreversible decision or incident;
  2. Contact with the OPCC is frequent, lengthy, complicated and stressful for staff;

3. The complainant behaves in an aggressive manner to staff when he/she presents his/her complaint or is verbally abusive or threatening;
4. The complainant changes aspects of the complaint partway through the investigation or review;
5. The complainant makes and breaks contact with the OPCC on an on-going basis; or
6. The complainant persistently approaches the OPCC through different routes about the same issue in the hope of getting different responses.

### **Persistent Complainants Policy**

The decision to restrict access will be taken by the Monitoring Officer in consultation with the Commissioner and will normally follow a prior warning to the complainant. Any restrictions imposed will be appropriate and proportionate.

In all cases where the OPCC decides to treat someone as an unreasonably persistent complainant, it will write to tell the complainant why it believes his or her behaviour falls into that category, what action it will take and the duration of that action. The OPCC will also tell them how they can challenge the decision if they disagree with it.

If the OPCC decides to carry on treating someone as an unreasonably persistent complainant and is still investigating their complaint six months later, it will carry out a review and decide if restrictions will continue.

Where a complainant whose case is closed persists in communicating with the OPCC about it, the OPCC may decide to terminate contact with that complainant. In such cases, the OPCC will continue to read all correspondence from that complainant, but unless there is fresh evidence which affects its decision on the complaint it will simply place it on the file with no acknowledgement.

New complaints from people who have come under the unreasonably persistent complainant policy will be treated on the merits of each new complaint.

In implementing this policy the OPCC will:

- a) Comply with legislative or regulatory requirements and associated advice on effectively managing persistent complainants, to ensure that all forms of complaints are dealt with properly and effectively;
- b) Provide clear information and guidance regarding the policies and procedures of the OPCC for managing persistent complainants;
- c) Ensure that the lessons from such matters are considered and assessed to inform the development of practice and procedure and the effectiveness of the OPCC.
- d) Promote an open and responsive complaints system.

## **How this Policy is Implemented**

In order that its policy regarding persistent complainants is adhered to, the OPCC has included a persistent complainant's procedure in the OPCC Complaints Policy.

## **Policy Principles**

The OPCC in establishing this policy and associated procedures is:

- a) Supporting the goal of the OPCC to be an organisation that inspires trust and confidence, listens, responds and meets the needs of individuals and communities;
- b) Embracing the principles of public life and supporting the proper use of public resources;
- c) Promoting equality and diversity within the Force and the OPCC to help eliminate discrimination, and promote equality of opportunity.

## **Human Rights and Equality**

In implementing this policy, the Commissioner's Office will ensure that its actions are in accordance with the requirements of the Human Rights Act 1998 and the Convention Rights embodied within it, in order to protect the human rights of complainants, other users of the police services and the Office of the Police and Crime Commissioner for Surrey.

## **GDPR Assessment**

The OPCC will only forward, hold or retain personal information where it is appropriate for it to do so, in line with the OPCC GDPR Policy, Privacy Statement and Retention Policy.

## **Freedom of Information Act Assessment**

This policy is suitable for access by the General Public.