

# **CUMBRIA POLICE AND CRIME PANEL**

## **Habitual or vexatious complaints concerning the police and crime commissioner**

### **1. Introduction**

- 1.1. This protocol 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 appropriate ways of responding.
- 1.2. In this protocol the term habitual means "done repeatedly or as a habit" and, the term vexatious means "an action brought for the purpose of annoying the opponent and with no reasonable prospect of success".
- 1.3. This protocol is intended to assist in identifying and managing persons who seek to be disruptive through pursuing an unreasonable course of conduct.
- 1.4. Habitual or vexatious complaints can be a problem for officers and members. The difficulty in handling such complaints is that they are time consuming and wasteful of resources in terms of officer and member time and displace scarce human resources that could otherwise be spent on Police and Crime Panel priorities. Whilst the Lead Officer to the Police and Crime Panel (Monitoring Officer of the lead authority) endeavours to process all complaints under procedure 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 Before relying on this protocol in relation to a particular complaint, the Lead Officer will send a summary of this protocol to the complainant to give them prior notification of its possible implementation.
- 2.2 Where complaints continue and have been identified as habitual or vexatious in accordance with the criteria set out in Schedule A the Lead Officer will consult with the Chair and Vice-Chair of the Police and Crime Panel to seek agreement to treat the complaint as habitual or vexatious and for an appropriate course of action to be taken. Schedule B details the options available for dealing with habitual or vexatious complaints.
- 2.3. The Lead 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.
- 2.4 The Lead Officer will also notify the Police and Crime Commissioner as appropriate, that the complainant has been designated as a habitual and vexatious complainant to 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 by the Lead Officer with reports being taken to Police and Crime Panel as required. If a complainant subsequently demonstrates a more reasonable approach then the Lead Officer will reconsider their status in consultation with the Chairman and Vice Chairmen of the Panel.

### **3. Schedule A - Criteria for determining habitual or vexatious complainants**

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

3.2. Where complainants:

- Persist in pursuing a complaint where the procedure for handling complaints has been fully and properly implemented and exhausted;
- Persistently change the substance of a complaint or frequently raise new issues or seek to prolong contact by frequently raising further concerns or questions whilst the complaint is being addressed. (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);
- Are repeatedly unwilling to accept documented evidence given as being factual or deny receipt of an adequate response in spite of correspondence specifically answering their questions or do not accept that facts can sometimes be difficult to verify after a long period of time has elapsed;
- Repeatedly do 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;
- Regularly focus on a trivial matter to an extent which is out of proportion to its significance and continue 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;
- Threaten or use physical violence towards employees at any time. This will itself cause personal contact with the complainant and/or their representative to be discontinued and the complaint will, therefore, only be continued by written communication. The Panel must determine that any complainant who threatens or uses actual physical violence towards employees will be regarded as an unreasonable complainant. The complainant will be informed of this in writing together with notification of how future contact with the Panel is to be made;

- Have in the course of addressing a complaint to the Lead 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, email or fax. Judgment will be used to determine excessive contact taking into account a specific circumstance of each individual case;
- Have 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;
- Are known to have recorded meetings or face to face/telephone conversations without prior knowledge and consent by the parties involved;
- Make unreasonable demands on the Panel and its support staff and fail to accept these may be unreasonable, for example insist on an action being taken by Police and Crime Panel which falls outside of its remit;
- Make unreasonable complaints which impose a significant burden on the human resources of the Police and Crime Panel and where the complaint:
  - clearly does not have any serious purpose or value; or
  - is designed to cause disruption or annoyance; or
  - has the effect of harassing the Police and Crime Panel; or
  - an otherwise fairly be characterised as obsessive or manifestly unreasonable.
- Make repetitive complaints and allegations which ignore the replies which the Police and Crime Panel has supplied in previous correspondence.

#### **4. Schedule B - Options for dealing with habitual or vexatious complainants**

- 4.1. The options below can be used singularly or in combination depending on the circumstances of the case and whether the complaint is on-going or completed.
- A letter to the complainant setting out responsibilities for the parties involved if the Lead Officer is going to assess the complaint. If terms are contravened, consideration will then be given to implementing other action as indicated below.
  - Decline any contact with the complainant, either in person, by telephone, by fax, by letter, 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 and the complainant is notified of this person.

- 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.
- Notify the complainant that correspondence is at an end and that they are being treated as a habitual or vexatious complainant; as such the Police and Crime Panel do not intend to engage in further correspondence.