



SCOTTISH POLICE
AUTHORITY
ÙGHDARRAS POILIS NA H-ALBA

Unacceptable, Persistent or Unreasonable Actions by Complainers Policy

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Version Control

Document Owner	Version Number	Date Issued	Comments
SPA Complaints Team	1.00	October 2013	Approved by the Authority at its meeting on 2 October 2013.
SPA Complaints Team	2.00	December 2018	<p>Version 2.00 introduces guidance on dealing with complainers who refuse to engage with the complaints process. Other changes include clarification on restricting complainant contact; appealing a decision to restrict contact; and reviewing a decision to restrict contact.</p> <p>Approved by SPA Complaints and Conduct Committee at its meeting on 13 December 2018.</p>
SPA Complaints Team	3.00	August 2021	<p>Version 3.00 introduces a process to record "Removed Persons"; and provides improved clarity on actions that are considered unacceptable.</p> <p>Approved by SPA Complaints and Conduct Committee at its meeting on 19 August 2021.</p>

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Introduction

This Policy has been developed to provide guidance to staff when dealing with unreasonable or persistent complainers.

The document has been adapted from guidance provided to public service providers by the Scottish Public Services Ombudsman (SPSO) and articulates the Scottish Police Authority's (the Authority) approach to the rare instances where persons who complain do so in such circumstances that their actions or behaviour do not justify expending further resources or are otherwise unreasonable.

Such instances are very rare but typically involve persons who refuse to accept closure and constantly write reiterating the same complaint. Consequently public monies are unnecessarily and/or disproportionately spent on such investigations. The term complainant includes anyone acting on behalf of a complainer or contacts the Authority in connection with a complaint

Intention

To make it clear to all complainants, both at initial contact and throughout their dealings with our office, what the Authority can or cannot do in relation to their complaint. In doing so, we aim to be open and not raise hopes or expectations that we cannot meet.

To deal and respond fairly, honestly, consistently and appropriately with all complainants, including those whose actions the Authority consider unacceptable. We believe that all complainants have the right to be heard, understood and respected. We also consider that Authority staff have the same rights.

To provide a service that is accessible to all complainants. However, the Authority retain the right, where we consider the actions of the complainant to be unacceptable, to restrict or change access to our service.

To ensure that complainants and Authority staff do not suffer any disadvantage from unacceptable actions from a complainant.

Definitions

Complainant Conduct - Defining Unacceptable Actions

People may act out of character in times of trouble or distress. There may have been upsetting or distressing circumstances leading up to a complaint being submitted to the Authority. The Authority will not view forceful or determined

behaviour as unacceptable. However, the actions of complainants who are demanding or persistent may place unreasonable excessive demands on the Authority. It is these actions that are considered unacceptable and they have been grouped under five broad headings:

Unacceptable Behaviours

The Authority expect their Staff to be treated with courtesy and respect. Behaviour which may cause them to feel distressed, threatened or abused is unacceptable. The Authority understands the difference between anger and aggression. The anger felt by many complainers involves the subject matter of their complaint. However it is not acceptable when anger escalates into aggression towards Authority Staff.

There are a range of behaviours which is considered to be unacceptable and which, if they occur, will be proactively and robustly managed by Authority Staff.

Examples of which include:

- Derogatory and abusive remarks whether verbally or in writing
- Calculated rudeness and swearing
- Inflammatory statements
- Malicious, manipulative or unsubstantiated allegations
- Attempts to discuss the private lives of Authority Staff or contact them off duty
- Harassing or stalking behaviours, including through social media
- Threatening to attend at Authority premises or refusing to leave the premises when requested
- Physical violence

Unreasonable Demands

The Authority consider demands to be unacceptable if they significantly impact on the functionality of Authority Staff and the Organisation. Such demands often relate to the amount of information individuals seek, the nature and scale of the service expected and the number of approaches made. What amounts to unreasonable demands will depend on the circumstances surrounding the behaviour and gravity of the issues raised.

Examples include:

- Demanding responses within an unreasonable timescale
- Demanding contact with a particular Authority Staff member
- Demands about how the Authority deal with a complaint
- Demands to respond to a trivial matter or deal with issues not within the remit of the complaint

- Demands complaints which are already dealt with are reviewed again
- Demands for unrealistic outcomes
- Demanding a review of our decisions

Unacceptable Persistence

It is recognised some individuals will not or cannot accept that the Authority is unable to assist them further or provide a level of service other than already provided. Individuals may persist in disagreeing with the action or decision taken in relation to their complaint and persistently contact the Authority about the same issue.

It can occur in the short term or over the life-span of complaint investigation, for example when an individual makes repeated telephone calls or inundates the Authority with unnecessary and irrelevant written correspondence.

It is considered unacceptable when an inordinate amount of time is spent speaking to the individual on the telephone, or responding to emails or written correspondence to the extent it impacts significantly on the ability to deal with other individuals.

Examples include:

- Persistent refusal to accept a final outcome in relation to a complaint
- Continuing to pursue a complaint without presenting any new or relevant information
- Repeatedly changing the substance of an issue or raising unrelated concerns
- Unduly frequent or excessively long telephone calls or written correspondence
- Attempting to contact different Authority Staff in the organisation in the hope of a different outcome
- Repeatedly questioning the competency or integrity of the Authority and its Staff

Unreasonable Lack of Cooperation

Individuals with complaints have the right to pursue their concerns through a range of means. They also have the right to complain more than once about the organisation if subsequent incidents occur.

Along with these rights comes responsibility for the individuals to cooperate in the complaint and investigation process to allow enquiries to progress as effectively and efficiently as practicable.

An individual's lack of cooperation becomes unacceptable when it prevents the Authority from pursuing a legitimate aim or implementing a legitimate decision.

Examples include:

- Repeatedly failing to define a complaint
- Failing to reply to repeated requests for information
- Providing excessive, disorganised or irrelevant information
- Withholding information which is material to the enquiry
- Providing misinformation or acting dishonestly
- Failure to meet with the investigating officer without good reason
- Failure or refusal to answer or return telephone calls without good reason
- Failure to reply to written correspondence without good reason
- Behaving in an abusive or offensive manner

The enquiry officer will make all reasonable efforts to secure a complainer's cooperation. If they are satisfied the investigation cannot proceed without the complainer's further cooperation, consideration may be given to abandoning the complaint investigation (within 14 days). The decision to abandon a complaint should be communicated to the complainer in writing.

Unreasonable Arguments

The Authority can only investigate and respond to competent complaints for which there is a practical purpose in pursuing. It is expected that individuals provide a reasonable argument and evidence for their complaint.

An individual's argument may be deemed unreasonable if it is clearly groundless or if it is based on a misunderstanding or misinterpretation of the law, regulations or policies of the Authority.

Examples include:

- Making spurious allegations with little or no supporting evidence
- Pursuing trivial matters
- Raising incomprehensible complaints
- Insisting an erroneous interpretation of the facts or law is correct
- Refusing to accept personal responsibility or blaming others for their misfortune
- Alleging corruption or conspiracy theories on the part of the Authority or partner agencies

Managing Unacceptable Actions

There are relatively few complainants whose actions the Authority consider unacceptable. How we aim to manage these actions depends on their nature and extent. If it adversely affects the Authority's ability to do our work and provide a

service to others, we may need to restrict complainant contact in order to manage the unacceptable action.

Wherever possible, the Authority aims to do this in a way that allows a complaint to progress to completion through the process. We may restrict contact in person, by telephone, letter or electronically or by any combination of these. The Authority will try to maintain at least one form of contact. In extreme cases, where it is appropriate, the Authority will tell the complainant in writing that their name is on the 'Unacceptable Actions' list. This means that the complainant must restrict contact with the Authority to either written communication or through a third party.

The threat or use of physical violence, verbal abuse or harassment towards Authority staff during the complaints investigation, is likely to result in the ending of all direct contact with the complainant and may lead to criminal investigations.

The Authority do not deal with correspondence (telephone, letter, or electronic) that is abusive to staff or contains allegations that lack substantive evidence. When this happens we tell the complainant that we will not respond to their correspondence. If they do not stop the Authority may require future contact to be through a third party.

Authority staff will end telephone calls if the caller is considered to be aggressive, abusive or offensive. The staff member taking the call has the right to make this decision, tell the caller that their behaviour is unacceptable and end the call if the behaviour does not stop.

Where a complainant repeatedly phones, visits Authority offices, sends irrelevant documents or raises the same issues, we may decide to:

- Restrict telephone calls from the complainant to set times on set days or put an arrangement in place for only one member of staff to deal with calls or correspondence from the complainant in future
- Request that the complainant makes an appointment to see a named member of staff before visiting Authority offices or that the complainant contacts the Authority in writing only
- Return documents to the complainant or, in extreme cases, advise the complainant that future irrelevant documents will be destroyed
- Take other action that the Authority consider appropriate. The Authority will always advise the complainant of the actions that we are taking and why

Where a complainant continues to correspond on a wide range of issues, and this action is considered to be unreasonably excessive, then the complainant will be advised that only a certain number of issues will be considered in a given period and asked to limit or focus their requests accordingly.

Complainant action may be considered unreasonably persistent if all internal review mechanisms have been exhausted and the complainant continues to dispute the Authority decision relating to their complaint. The complainant is told that no future phone calls will be accepted or interviews granted concerning this complaint. Any future contact by the complainant on this matter must be in writing. The Authority will read and file any future correspondence, but we will only acknowledge or respond to the complainant if significant new information relating to the complaint is provided.

Deciding to Restrict Contact

Authority staff that directly experience aggressive or abusive behaviour from a complainant have the authority to deal immediately with that behaviour in a manner they consider appropriate to the situation and in line with this Policy.

With the exception of such immediate decisions taken at the time of an incident, decisions to restrict contact are only taken after consideration of the situation by the Authority Complaints and Conduct Manager, and in discussion with the Deputy Chief Executive (Resources). Wherever possible, the Authority may give a complainant the opportunity to modify their behaviour or action before a decision is taken. Complainants are told in writing why a decision has been made to restrict future contact, the restricted contact arrangements and, if relevant, the length of time that these restrictions will be in place. Notification will thereafter be made to the Complaints and Conduct Committee. An option to appeal the decision will be included.

Appealing a Decision to Restrict Contact

A complainant can appeal a decision to restrict contact. A member of the Complaints and Conduct Committee who was not involved in the original decision considers the appeal. They advise the complainant in writing of the outcome.

The Authority will only consider arguments that relate to the restriction and not to either the complaint made to us or to our decision to close a complaint.

Recording and Reviewing a Decision to Restrict Contact

The Authority will record all incidents of unacceptable actions by complainants. Where it is decided to restrict contact, the Authority will keep a note on the

relevant paper and/or electronic file and will record restrictions on a centralised log.

A decision to restrict complainant contact may be reconsidered if the complainant demonstrates a more acceptable approach. The status of all restricted complainants will be reviewed twelve months from the date of restriction or continued restriction was imposed.

Any individuals to be removed from the Unacceptable Actions list will be retained on a 'Removed Persons' page on the file.

Compliance

The contents of this document have been based on the Office of the Scottish Public Services Ombudsman (SPSO) best practice guidance, and are in line with guidance offered to all Scottish Public Authorities on such matters. It is intended that this document will be subject to regular review and amendment, as appropriate.