



Comisiynydd
yr Heddlu a
Throseddu
De Cymru

South Wales
Police
and Crime
Commissioner

The Policy of the Police and Crime Commissioner for South Wales for Dealing with Unreasonable Complaints and Communications

1. Introduction

The Police and Crime Commissioner for South Wales is committed to responding to and handling all complaints and correspondence fairly, effectively and in a timely manner.

In light of their responsibilities as an elected representative, the Commissioner does not want to seek to limit the contact that individuals have with their office; however, there may be occasions when this will be necessary, and they include the following:

- An individual's behaviour is such that it prevents the Commissioner or members of the Commissioner's team from effectively dealing with their complaint and/or query;
- An individual's behaviour causes alarm, harassment or distress to members of the Commissioner's team;
- An individual's complaint/query would take up a significant amount of the Commissioner's team's resources which cannot be taken as proportionate to the nature of the matter raised and hinders the proper



and proportionate handling of other people's complaints and correspondence.

In these cases, contact with the individual may be restricted or ceased altogether.

2. Scope of the Policy

This policy sets out the procedure to be used by members of the Commissioner's team when responding to unacceptable or unreasonable behaviour and extends to unacceptable and unreasonable demands by way of correspondence, telephone calls, face-to-face contact or complaints.

This policy does not cover complaints made against the Police and Crime Commissioner or the Commissioner's Deputy, which are handled by the South Wales Police and Crime Panel. It is also not intended to cover complaints made against the staff of the Police and Crime Commissioner, which are governed by a separate Complaints Policy.

Potentially vexatious requests made under the Freedom of Information Act 2000 are governed by guidance from the Information Commissioner's office. <https://ico.org.uk/>

This policy draws upon the Guidance on Managing Unacceptable and Unreasonable Complaint Behaviour issued by the Independent Office for Police Complaints.

3. Background Context

This policy is to be used as guidance when correspondence and/or complaints might have come to the point where they can be considered unreasonable or vexatious. This is also applicable to other contact with the Commissioner's team such as telephone calls or unscheduled visits to the offices of the Police and Crime Commissioner.

It is important to distinguish between those who make numerous complaints because they have a genuine grievance, and people who are abusing channels



of communication or processes through which to complain. It must be taken into account that complainants/correspondents may act out of character at times because of distress or anger at a situation and reasonable allowances should be made for this.

Raising legitimate queries or concerns regarding the complaints procedure as it progresses, for example failure to be kept updated, should not lead to a correspondent or complainant being regarded as an unreasonably persistent complainant. Also, the fact that a complainant is unhappy with the outcome of a complaint and seeks to review or challenge that decision more than once should not cause him or her to be labelled as unreasonable or vexatious.

However, there are certain times when persistence in pursuing an issue or a complaint becomes unreasonable and untenable. This policy gives examples of when this may be the case and sets out a procedure for dealing with contact with those complainants/correspondents that are deemed to have become unreasonable.

4. Actions and Behaviours of Unreasonable Complainants or Correspondents

Examples of the types of behaviour/actions or complaints that would be considered unreasonable, unreasonably persistent or vexatious under this policy are listed below (in this context a complaint or correspondence will be vexatious if it is without basis and would tend to or is being made with an intention to cause worry, upset, annoyance or embarrassment).

This list is for illustrative purposes only and is not exhaustive.

- On-going persistence with a complaint after being advised that there are insufficient grounds or no grounds for their complaint or that the Police and Crime Commissioner is not the appropriate authority.
- Repeatedly copying staff into emails sent to other public bodies or to other third parties where there is no demonstrable reason to do so.
- Refusing to co-operate with the complaints process without good reason whilst still wanting the complaint to be resolved, including refusing to specify the details of a complaint or being purposely vague, changing the



basis of the complaint as it is investigated, or introducing trivial or irrelevant information and expecting this to form part of the complaint investigation.

- Submitting repeat and constant complaints, after the complaints procedure has been exhausted, regarding the same issues but with variations which the correspondent and/or complainant insists on being treated as a new complaint matter.
- Harassing, verbally abusing, or otherwise seeking to intimidate staff dealing with their complaint or correspondence, by using foul, discriminatory, derogatory or offensive language, or behaving or speaking in an offensive or threatening manner, and/or making defamatory remarks and /or making apparently groundless complaints about those staff.
- Making an unreasonable amount of contact with the Police and Crime Commissioner’s office, whether by post, email or telephone, including making persistent and unreasonable demands or expectations on the Commissioner’s staff, such as insisting on immediate responses or insisting on speaking to a specific person.
- Refusing to accept the outcome of a complaint after its conclusion, complaining about the outcome through incorrect channels and/or denying that a proper response has been given.
- Recording meetings and/or conversations without the prior knowledge and consent of the person involved.
- Persistent and/or inappropriate use of statutory processes and procedures.

5. Dealing with Unreasonable Complainants

The South Wales Police and Crime Commissioner is fully committed to ensuring that all complaints and correspondence are dealt with, fairly, effectively and in a timely manner.

The South Wales Police and Crime Commissioner is fully committed to their obligations under the Equality Act 2010 and aims to make sure that the complaints and correspondence systems are accessible to all and, where appropriate, will make reasonable adjustments to help ensure accessibility. However, even where reasonable adjustments are made there may still be



occasions where it is necessary to put in place contact strategies to manage abusive, persistent or unreasonable behaviour. Where this is the case consideration will be given to whether any further reasonable adjustments can be made.

However, if at any point during the management of a complaint or correspondence, the Police and Crime Commissioner or a member of the Commissioner's team considers that a complaint or correspondence may be vexatious, persistent, and repetitive or otherwise an abuse of process, or the complainant or correspondent behaves in a manner which is unreasonable or unacceptable, then the following process will apply:

- Prior to treating a complaint or correspondence as unreasonable, a warning will be issued to the complainant/correspondent. The complainant will be asked to modify their behaviour. They will also be warned of any following actions should their behaviour persist.

- If the behaviour continues, a decision will be made whether to limit contact from the individual and to what extent. Any restriction that is imposed on contact with the Police and Crime Commissioner and their team members must be appropriate, proportionate to the contact and subject to review. The types of restriction which may be imposed are:
 - Limiting contact to a specific mailbox or one named member of staff
 - Only accepting email or written correspondence from the individual and/or refusing to accept telephone calls
 - Only accepting telephone contact through a third party e.g. a solicitor, councillor, Member of Parliament, or friend acting on their behalf
 - Refusing to register and / or process any further complaints about the same matter.
 - Indicating that correspondence will not be responded to unless specific and substantial new matters are raised.
 - Advising that no further correspondence will be recorded, unless substantially new matters are raised. Such correspondence will be



read, and a note made that correspondence on the matter is still being received but no further action will be taken in response to it.

- Blocking the individual's email address so that further correspondence cannot be received by the Police and Crime Commissioner or members of the Commissioner's team.
- Deleting any abusive posts, tweets or other communication submitted via social media after being recorded. Any further abuse of such forms of communication may result in the individual's social media accounts being blocked.

When the decision has been taken to apply this policy, the individual will normally receive a written communication telling them the reasons for the decision, what action is being taken by the Police and Crime Commissioner/ the Commissioner's team and how long it will last.

Where the behaviour reaches a point where it is deemed so extreme or threatens the immediate safety and welfare of the Commissioner's team or the Commissioner, the Commissioner and/or the Commissioner's team may consider other options, for example reporting the matter to the police or taking legal action. In such instances the complainant/correspondent will not be given prior warning that this will happen.

6. New Complaints

Any new complaints or correspondence raised by individuals to whom this policy has been applied will be treated as new correspondence and complaints and reviewed on their individual merits. Any imposed restrictions will not apply to new matters, although the individual can be warned not to repeat behaviours which led to those restrictions in the past.

7. Review of the Process

Any action taken in relation to the decision to treat a complainant or correspondent as unreasonable, unreasonably persistent or vexatious will be reviewed after six months and at the end of every six-month period.



