



**POLICE
SCOTLAND**

Keeping people safe

**UNACCEPTABLE, PERSISTENT OR
UNREASONABLE ACTIONS BY COMPLAINERS**

Standard Operating Procedure

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APPENDICES

		In Use
Appendix 'A'	'C' Division	No
Appendix 'B'	'V' Division	No
Appendix 'C'	'P' Division	No
Appendix 'D'	'A' and 'B' Divisions	No
Appendix 'E'	'E' and 'J' Divisions	No
Appendix 'F'	'N' Division	No
Appendix 'G'	'G', 'U', 'Q', 'L' & 'K' Divisions	No
Appendix 'H'	'D' Division	No
Appendix 'I'	List of Associated Legislation	Yes
Appendix 'J'	List of Associated Reference Documents	No
Appendix 'K'	List of Associated Forms	No
Appendix 'L'	Glossary of Terms	No
Appendix 'M'	Template for considerations and actions	Yes

1. PURPOSE

- 1.1 This Standard Operating Procedure (SOP) provides guidance to staff when dealing with unreasonable or persistent complainers.
- 1.2 This document has been adapted from guidance provided to public service providers by the Scottish Public Services Ombudsman (SPSO) and articulates the Police Service of Scotland (PSoS) approach to the rare instances where persons who complain about the police do so in such circumstances that their actions or behaviour do not justify expending further resources or are otherwise unreasonable.
- 1.3 Such instances are very rare but typically involve persons who refuse to accept 'closure' and constantly write reiterating the same complaint thus impacting on police time and effort. Consequentially public monies are unnecessarily and/or disproportionately spent on such investigations. The term complainer includes anyone acting on behalf of a complainer or who contacts PSoS in connection with a complaint.
- 1.4 This SOP supports the [Professional Standards Policy](#).

2. PROCESS

- 2.1 To deal and respond fairly, honestly, consistently and appropriately with all complainers, including those whose actions PSoS consider unacceptable. All complainers have the right to be heard, understood and respected. All complainers should receive an appropriate response in line with our obligations to comply with [Article 10 of the European Convention on Human Rights \(ECHR\) - freedom of expression](#).
- 2.2 To advise all complainers, both at the point of initial contact and throughout their subsequent dealings with PSoS, of what PSoS can or cannot do in relation to their complaint. In doing so, PSoS aim to be open and not raise hopes or expectations that PSoS cannot meet, or that would not lead to a proportionate outcome.
- 2.3 To provide a service that is accessible to all complainers. However PSoS reserve the right, where complainer's actions have become unacceptable, to restrict or manage access to the service.
- 2.4 To ensure that other complainers and staff do not suffer any disadvantage from those complainers who act in an unacceptable manner.
- 2.5 To have a stated PSoS position, that explains how and why PSoS will disengage with complainers, who act in an unreasonable or unacceptable manner.

- 2.6 This procedure applies to all police officers and employees of PSoS but has particular significance to staff working within the Professional Standards Department (PSD) who manage unreasonable or persistent complainers.
- 2.7 This procedure applies on all occasions when a complainer's actions and persistence are deemed to be 'unreasonable'.

3. LEGAL REFERENCES

- 3.1 This SOP adheres to the provisions of the legislation that governs complaints about the police in Scotland as regulated by the [Police, Public Order and Criminal Justice \(Scotland\) Act, 2006](#).

4. COMPLAINER CONDUCT

4.1 DEFINING UNACCEPTABLE ACTIONS BY COMPLAINERS

People may act out of character in times of trouble or distress. There may have been upsetting or distressing circumstances leading to a complaint being received by PSoS, however, the actions of complainers who are 'unreasonable' and/or have unrealistic expectations places excessive demands on PSoS. It is only those actions that PSoS consider to be unreasonable or unacceptable that PSoS aim to manage under this procedure. For ease of reference these unreasonable actions are grouped under three broad headings:

4.2 AGGRESSIVE OR ABUSIVE BEHAVIOUR

- (a) Violence is not restricted to acts of aggression that may result in physical harm. It also includes behaviour or language (whether oral or written) that may cause staff to feel afraid, threatened, abused or adversely affects their dignity in the workplace. At the same time PSoS accept the requirements to treat all complainers with dignity and respect.
- (b) Examples of behaviours grouped under this heading include threats, physical violence, personal verbal abuse, derogatory remarks and calculated rudeness. PSoS consider that inflammatory statements and malicious allegations can be abusive behaviour.
- (c) Officers and staff are entitled to be treated courteously and with respect. Violence or abuse towards staff is unacceptable. The anger felt by many complainers involves the subject matter of their complaint, however, it is not acceptable when anger escalates into aggression directed towards any member of PSoS.

4.3 UNREASONABLE DEMANDS

- (a) Complainers may make what is considered to be / are unreasonable demands on PSoS through the amount of information they seek, the

nature and scale of service they expect or the number of approaches they make. What amounts to unreasonable demands will always depend on the circumstances surrounding the behaviour and the gravity of the issues raised by the complainer.

- (b) Examples of actions grouped under this heading include demanding responses within an unreasonable time-scale, insisting on seeing or speaking to a particular member of staff, excessively frequent phone calls or letters, repeatedly calling at offices seeking personal contact, repeatedly changing the substance of the complaint or raising unrelated concerns with the intention of prolonging the investigation or diverting enquiries.
- (c) PSoS consider these demands as unacceptable and unreasonable if they:
 - Unreasonably impact on the work of the PSD/PSoS or other Local Police Command / Departmental resources,
 - Take up an excessive and disproportionate amount of staff time,
 - Disadvantage other complainers or departmental functions,
 - Are judged as intended to disrupt, and
 - Deliberately exaggerate the impact of the conduct complained of.

It is acknowledged that some complaints will require substantial investigation and, in such cases, resources invested are entirely necessary and proportionate.

4.4 UNREASONABLE PERSISTENCE

- (a) PSoS recognise that some complainers will not or cannot accept that PSoS is unable to assist them further or provide a level of service other than that provided already. Complainers may persist in disagreeing with the action or decision taken in relation to their complaint or contact the office persistently about the same issue. The final letter to a complainer will include a signpost to the Police Investigation and Review Commissioner (PIRC) (Formerly known as the Police Complaints Commissioner for Scotland - PCCS). It is recognised that some complainers may have already sought a complaint handling review from the PIRC and received a response but continue to pursue the matter with PSoS.
- (b) Examples of actions grouped under this heading include:
 - Persistent refusal to accept a decision made in relation to a complaint,
 - Persistent refusal to accept explanations relating to what PSoS can or cannot do,
 - Continuing to pursue a complaint without presenting any new or relevant information,
 - Providing fictitious or manufactured evidence to pursue,

- Manufacturing complaints against members of PSoS who have corresponded with the complainer when the complainer disagrees with an outcome,
 - Endeavouring to pursue a complaint by multiple approaches to different functional areas of PSoS.
- (c) The decision of these complainers to approach PSoS may be entirely reasonable, but it is their persistent behaviour in continuing to do so that is not.
- (d) PSoS consider the actions of persistent complainers to be unacceptable when they take up what PSoS regards as being a disproportionate amount of time and resources.

5. MANAGING UNACCEPTABLE CONDUCT BY COMPLAINERS

- 5.1 There are relatively few complainers whose conduct PSoS consider unacceptable. How PSoS aim to manage this conduct depends on its nature and extent. If it adversely affects PSoS ability to do their work and provide a service to others, PSoS may need to restrict complainer contact in order to manage the unacceptable conduct.
- 5.2 PSoS aim to do this in a way, wherever possible, that allows a complaint to progress to completion through our complaints process. PSoS may restrict contact in person, by telephone, fax, letter or electronically or by any combination of these. PSoS will try to maintain at least one form of contact in these circumstances. In extreme cases and where it is appropriate, PSoS will advise the complainer in writing that their name is on a 'no personal contact' list. This means that they must restrict contact with the organisation in relation to any complaint matter to either written communication or through a third party. This will not impact upon their right to contact the police in an emergency situation or for any other policing purpose. It is acknowledged that any person, regardless of their previous history of making unfounded complaints may make entirely reasonable complaints at other times.
- 5.3 The threat or use of physical violence, verbal abuse or harassment towards any member of PSoS during the course of a complaint investigation, is likely to result in the ending of all direct contact with the complainer and may lead to criminal proceedings.
- 5.4 PSoS do not accept correspondence (letter, fax or electronic) that is abusive to staff. When this happens PSoS will tell the complainer that they will not respond to their correspondence. If they do not stop, the complainer will be advised that PSoS may require future contact to be through a third party.
- 5.5 Staff may end telephone calls if the caller becomes aggressive, abusive or offensive. The staff member taking the call has the right to make this decision, tell the caller that the behaviour is unacceptable and end the call if the behaviour does not stop. Staff may decide to cause a telephone call to be

recorded or instruct the caller to telephone via the Communications/Control Centre. The caller will be notified that their call may be recorded.

- 5.6 Where a complainer repeatedly phones, visits a police office, sends irrelevant documents or continually raises the same issues, PSoS may decide to:
- Only take telephone calls from the complainer at set times on set days and/or appoint a single point of contact (SPOC) to deal with calls or correspondence from the complainer in the future;
 - Require the complainer to make an appointment to see the appointed SPOC before visiting the office or restrict contact to written correspondence only;
 - Return 'irrelevant' documents to the complainer;
 - Take other action that PSoS consider appropriate. PSoS will always tell the complainer what action is being undertaken.
- 5.7 Where a complainer continues to correspond on a wide range of issues, and this conduct is considered unreasonably excessive, then the complainer may be told that only a certain number of issues will be considered in a given period and asked to limit, or focus their requests accordingly. PSoS response will be proportionate to the nature of the given allegations.
- 5.8 Complainer action may be considered unreasonably persistent if all internal review mechanisms have been exhausted and the complainer continues to persistently dispute the decision relating to their complaint. The complainer may be told that no future phone calls will be accepted or interviews granted concerning this complaint. Any future contact by the complainer on this issue must be in writing. Future correspondence may be read and filed, but only subject to further enquiry or review if the complainer provides significant new information relating to the complaint.
- 5.9 The complainer will receive a written acknowledgement that their correspondence has been read, assessed and placed in their file. Local Police Commanders or Heads of Department who propose this course of action to be taken locally should first consult with the Head of PSD or Territorial Superintendent PSD and the rationale leading to the decision being made is clearly recorded. Appendix 'M' provides an example of a template for documenting considerations and actions.

6. DECIDING TO RESTRICT COMPLAINER CONTACT

- 6.1 Staff who directly experience aggressive or abusive behaviour from a complainer have the authority to deal immediately with that behaviour in a manner they consider appropriate to the situation and in line with this procedure. Where such circumstances arise, the staff member should record the issues faced and actions taken by them. The circumstances should then be intimated to the appropriate supervisor.

- 6.2 With the exception of such immediate decisions taken at the time of an incident, decisions to restrict contact are only taken after careful consideration of the situation by the Head of PSD or Territorial Superintendent PSD.
- 6.3 The Head of PSD may elect to raise potential restrictions with the appropriate Lay Advisors.
- 6.4 Following these consultations, the Head of PSD liaise with the Deputy Chief Constable (DCC) who will make the final decision regarding any restriction of contact.
- 6.5 Wherever possible, PSoS will give a complainer the opportunity to modify their behaviour or action before a decision is taken. Complainers will be told in writing why a decision has been made to restrict future contact and what the restricted contact arrangements are. This will not exclude or restrict contact with the police for matters other than complaints.
- 6.6 Where a complainer is restricted in terms of this procedure, they will be given the opportunity to appeal this decision. The DCC, in consultation with a Lay Advisor, will consider such an appeal.
- 6.7 Where such a restriction has been placed upon any individual details of the restriction and the reasons for it will be communicated to the PIRC. The role and contact details for the PIRC will also be included in correspondence to the complainer intimating any restriction.

7. DISSATISFACTION ABOUT A DECISION TO RESTRICT CONTACT

- 7.1 If a complainer is dissatisfied with the final response to their complaint they may apply to the PIRC who may examine the manner in which the complaint was dealt with. As part of this, the PIRC may consider whether the decision to restrict contact with the complainer was reasonable.
- 7.2 In the event that the PIRC find in favour of the complainer, PSoS will endeavour to maintain contact with the complainer in line with the findings of the PIRC.
- 7.3 Subsequent correspondence from complainers once restriction of contact has been notified should be carefully considered to ensure that no new circumstances are being reported which should otherwise be subject to separate investigation or significantly affect any decision on the matter complained of.

8. RECORDING AND REVIEWING A DECISION TO RESTRICT CONTACT

- 8.1 PSoS will record all incidents of unacceptable actions by complainers. Where it is decided to restrict complainer contact, an entry will be made in the

relevant file on the CENTURION database and on appropriate paper records, setting out the decision and the revised contact arrangements.

- 8.2 A decision to restrict complainer contact may be reconsidered if the complainer is prepared to appropriately engage with PSoS procedure and protocols. The Head of PSD and, if appropriate, the DCC will review the status of all complainers with restricted contact arrangements on a regular basis should that person continue to correspond with PSoS.
- 8.3 Any complaints received by or intimated to PSD will be checked for any restrictions under this procedure. Where this is evident, the relevant investigating officer will be informed.

9. POLICY APPROVAL AND REVIEW

- 9.1 The contents of this document have been discussed with the PIRC and the Office of the Scottish Public Services Ombudsman and are entirely in line with guidance offered to all Scottish Public Authorities on such matters. The terms of this procedure also meet with the provisions of the [Police, Public Order and Criminal Justice \(Scotland\) Act, 2006](#), with particular reference to the ability of the police to disengage with persistent or unreasonable complainers and to refer such persons to the PIRC.

APPENDIX 'I'

LIST OF ASSOCIATED LEGISLATION

- [European Convention on Human Rights](#)
- [Police, Public Order and Criminal Justice \(Scotland\) Act, 2006](#)

APPENDIX 'M'

PERSISTENT, UNREASONABLE OR UNACCEPTABLE ACTIONS BY COMPLAINERS DECISION FRAMEWORK

Complainer:

File Reference Number: