



Police, Fire and Crime Commissioner for Cumbria

MANAGING SERVICE USER CONTACT POLICY

Document control

This policy applies to all employees of the Office of the Police, Fire and Crime Commissioner for Cumbria.

Date of last review	1 February 2020
Date of next review	March 2023
Owner	Head of Communications and Business Services
Equality Impact Assessment	January 2023

Version Control

1.1 Plan Approval	
Approved By	OPCC Executive Team
Signature	Vivian Stafford, OPCC Chief Executive
Date	25 March 2020
Equality Impact Assessment reviewed	Date: 09.03.2020

Version .01	Created March 2018
Department	Office of the Police and Crime Commissioner
Contact	

Version.02	Created March 2020
Department	Office of the Police and Crime Commissioner
Contact	

Version.03	Created March 2023
Department	Office of the Police and Crime Commissioner
Contact	

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Introduction and Aim

- 1.2 The Office of the Police, Fire and Crime Commissioner for Cumbria (OPFCC) is committed to providing a fair, consistent and accessible service to all its service users. This policy sets out the OPCC's approach to managing service user contact (ie anyone that comes into contact with the organistaion) with a small minority of service users whose actions or behaviour are considered unacceptable and/or are impacting on the work of its staff. The OPCC deals with a large volume of correspondence and communication each year. In the majority of cases these interactions are dealt with satisfactorily and without concern.
- 1.3 The OPFCC has a responsibility to provide a safe working environment for its staff, ensure that its service is cost effective and delivered fairly to all. It therefore reserves the right to manage service user contact where necessary.
- 1.4 In a small number of cases, people pursue their complaints or issues in a way that is unacceptable. They may behave unacceptably, be unreasonably persistent in their contact, or make unreasonable demands. This can have an impact on the health and safety of staff within the OPCC. It can also have an impact on investigating their complaint or issues, or other areas of business.
- 1.5 The OPFCC recognises that certain health conditions, forms of mental illness or disability may make it difficult for people to express themselves or communicate clearly. The OPCC always aims to make reasonable adjustments to meeting the needs of the individual if it is advised of any requirements – but it may still need to manage contact in these circumstances when considered necessary.
- 1.6 The OPFCC aims to deal fairly, honestly, consistently and appropriately with all service users. It believes they have a right to be heard, understood and respected. It also believes that OPFCC staff have the same rights, therefore we will not tolerate what is considered to be unacceptable behaviour towards staff. Where it considers service users' behaviour impacts upon its work, it reserves the right to manage access in order for it to provide a fair and accessible service to all users.

Needs of Individual Complainants

- 1.7 The OPCC and the police complaints system must be accessible to all, with proactive work done to support those with disabilities which may impact on their ability to effectively access the complaints system. People with additional needs may not always understand information given to them in certain forms, or they may have difficulty communicating their concerns clearly and/or effectively. All contact users should be asked at the outset if they require additional assistance to support them.
- 1.8 It is accepted that OPCC staff are not health professionals. It would be inappropriate for them to make assessments about the health and well-being of a person. However, where a person informs a member of staff that they have specific health concerns or disabilities, this should be taken at face value.

- 1.9 Throughout dealing with the individual, staff should be alive to the possibility the person may have additional needs, and if so, consider whether providing them with additional tailored support would make it easier for them to raise their issues or concerns. Throughout the process, all reasonable efforts should be made to make sure additional needs are identified and catered for as far as possible and practicable.
- 1.10 The OPCC should be aware of the legal responsibilities to all complainants, in accordance with the provisions of the [Equality Act 2010](#) and in particular, the positive obligation on them under the Equality Act 2010 to make reasonable adjustments for disabled people.
- 1.11 Where it is identified that a contact user requires additional support, appropriate steps should be taken to address these needs in a way that satisfies the requirements of the Equality Act. Where unsure of these obligations, staff should seek advice from a colleague who has responsibility or expertise for equality and diversity issues, or alternatively seek advice from an external organisation, for example, the [Equality and Human Rights Commission](#).
- 1.12 Staff should also be aware of other issues which may hinder a person's ability to effectively access the complaints system or OPCC services. For instance, lack of proficiency in English may cause frustration if they are unable to understand the complaints process or updates regarding their complaint. Reasonable efforts should be made to make sure complainants have a clear understanding of the information communicated to them, and where their understanding is unclear, reasonable measures should be taken to help them.
- 1.13 Verbal abuse, threats or violent behaviour of any kind should not be tolerated by staff under any circumstances. However the knowledge and understanding that a contact user has specific needs should influence the decision about the most appropriate course of action to take.

Managing Unacceptable or Unreasonable Behaviour

Communicate with the person

- 1.14 Before taking steps that reduce or restrict communication any issues with behaviour should be addressed with the person. Staff should have a clear idea about how they would like the behaviour to change.
- 1.15 The individual should be informed about the issues with their behaviour and why it is considered unacceptable or unreasonable. They should be advised how they can adjust their behaviour, some examples include:
 - Reminding them that violent, threatening or abusive behaviour will not be tolerated.
 - Summarising the complaint(s) or matter(s) and asking them to confirm that all the issues that they have raised have been understood correctly.
 - Providing guidance to the contact user on the structure of their correspondence should follow.

- Informing them where to send correspondence to.
 - Signposting the individual to other sources of support if they raise matters that fall outside the OPFCC's areas of business.
 - Appointing a single point of contact responsible for reviewing all their issues to ensure consistency.
- 1.16 When communicating with someone who is behaving in an unacceptable or unreasonable way, staff should be clear about the consequences if the behaviour continues. Where possible they should be given the opportunity to change their behaviour before a decision is taken to restrict contact.

If Necessary, Implement a Contact Strategy

- 1.17 A contact strategy may be implemented if unacceptable or unreasonable behaviour continues. A contact strategy will set out how and when further contact with the individual will take place, any restrictions on communication and the reason for introducing the strategy.
- 1.18 Before introducing a strategy, staff should consider what they are trying to achieve by implementing the strategy; and is restricting contact in this way fair, reasonable and proportionate.
- 1.19 The individual should be notified in writing about the strategy (considering any specific needs and reasonable adjustments). If possible, the agreement of the individual should be sought, although this may not be possible if the relationship is already difficult.
- 1.20 The explanation should emphasise the strategy has been implemented to make sure their issues are dealt with promptly and accurately and that failure to comply with it could frustrate the handling of their issues or complaint(s).
- 1.21 It must be clear the strategy relates only to that particular complaint or matter and that assistance in relation to other issues can still be requested as appropriate.
- 1.22 Contact strategies can include:
- Limiting duration of phone calls to specific times (eg one call on one specified morning or afternoon of any week or month).
 - Restricting contact to email or post only (taking into account any reasonable adjustments).
 - Record of monitor telephone calls.
 - Using a dedicated email address and auto-diverting emails.
 - Blocking email addresses or other communication channels if appropriate.
 - Requiring the individual to use an advocate for any contact with the OPFCC.
 - Requiring the complainant to communicate only with a single point of contact (SPOC).
 - Refuse to consider demands to re-open a closed matter or decision.
- 1.23 Regardless of any contact strategy employed, all contact must be reviewed to identify any genuine complaints, issues, criminal matters or safeguarding issues.

Adhering to and Reviewing/Revising the Contact Strategy

- 1.24 It is important that staff adhere to the contact strategy once it is in place. Any breach of the strategy by the individual must be dealt with swiftly. A clear reminder should be communicated to them about the consequences of breaching the strategy. They should also be reminded about the reasons for the strategy being introduced.
- 1.25 Systems should be in place to review any contact strategies on a regular basis, eg maximum every three months. These reviews should make sure the contact strategy is still appropriate and fit for purpose.
- 1.26 Where reasonable adjustments are already in place, efforts should be made to adhere to these. If these adjustments are being abused, it may be necessary to adjust them to allow access to other areas of OPCC business, but also manage the unacceptable or unreasonable behaviour.
- 1.27 The individual should be told about any changes to the contact strategy. Staff should seek advice from colleagues with expertise in equality and diversity issues when making any amendments to agreed reasonable adjustments.
- 1.28 In some circumstances, it may be necessary to share details of the contact strategy with partners, such as Cumbria Constabulary. However this should only be done when there are legitimate reasons for doing so. To ensure they are complying with General Data Protection Regulations (GDPR), staff should consult senior managers before sharing details with another agency.

Defining Unacceptable Behaviour

- 1.29 Unreasonable behaviour is any behaviour that impacts on the ability of staff to effectively do their jobs and goes beyond someone being assertive or expressing their dissatisfaction. It may be isolated to a single incident, or form a pattern of behaviour over time. Even if a complaint or issue has merit, such behaviour can still be unreasonable.
- 1.30 The OPCC understands that people may have experienced frustrating or distressing circumstances leading up to making contact with the organisation. We do not view behaviour to be unacceptable just because a service users may be frustrated or angry.
- 1.31 However, the behaviour of service users who are angry, demanding or persistent may result in unreasonable demands being placed on staff, or in staff bearing the brunt of unacceptable behaviour. Unacceptable behaviour may be isolated to a single incident, or form a pattern of behaviour over time. Even if a complaint has merit, a complainant's behaviour can still be unacceptable.
- 1.32 It is these actions that the OPCC aims to manage under this guidance.

Types of Unreasonable Behaviour

Unreasonable Persistence

- 1.33 A persons behaviour may be unreasonable if they continue to write, email or telephone about their complaint(s) excessively (and without providing new information) despite being assured that their complaint or matter is being dealt with, or being told that it has been concluded.
- 1.34 While this behaviour may not appear to be as severe as violent, threatening or abusive behaviour, it is considered unreasonable because of the impact it can have on the time and resources of staff, which in turn can impact on the capacity to manage other business.
- 1.35 Unreasonable persistence may consist of:
- Persistently calling, writing or emailing to demand updates or answers, despite being assured that matters are in hand and being given reasonable timescales for when an update can be expected.
 - Refusing to accept reasonable explanations following the conclusion of a complaint or matter and/or failing to follow appropriate appeal or review channels where appropriate.
 - Contacting different people in the same organisation to try and secure a different outcome.
 - The volume or duration of contact impacting on the ability of staff to carry out their functions (this can include calling a number of times repeatedly on the same day).
 - Reframing or re-wording a complaint or raised issue that has already been finalised.
 - Persisting with the complaint or issue despite failing to provide any evidence to support it after numerous requests to do so.

Unreasonable Demands or Obstructive Behaviour

- 1.36 This type of behaviour is considered unreasonable because of its impact on the time and resources of the organisation, its services and staff and on the ability to thoroughly investigate the complaint. It can include:
- Repeatedly demanding responses within an unreasonable timescale, or insisting on speaking to a particular member of staff despite being told that it is not possible or appropriate.
 - Not following appropriate channels for engagement, despite receiving information more than once about the appropriate channel(s) to use.
 - Issuing demands about how their complaint or matters should be handled, despite being told about the process and receiving information or regular updates.
 - Demands to speak to senior managers at the outset, before the member of staff has fully considered the matter.
 - Repeatedly copying staff into emails sent to other public bodies where there is no demonstrable reason to do so.
 - Refusing to provide information needed to conduct enquiries or investigation (eg providing relevant information, contact details of witnesses, privately owned CCTV).

- 1.37 Unreasonable persistence and demands can impact on staff wellbeing. Where a member of staff is required to deal with this type of behaviour, line managers should make sure appropriate support is in place to support staff's welfare.

Violent, Threatening or Abusive Behaviour

- 1.38 Complainants may be distressed or upset because of the circumstances leading to their complaint. The complainant's behaviour is considered unacceptable when these emotions lead to behaviour which is violent, threatening or abusive.
- 1.39 Staff should not endure or tolerate violent, threatening or abusive behaviour. The safety and wellbeing of staff will always be protected, even if the service provided to the complainant has fallen short of expected standards.
- 1.40 Violent, threatening or abusive behaviour may involve any or all of the following:
- Verbal abuse, derogatory, discriminatory or defamatory remarks (verbal or written)
 - Escalating agitation, intimidating body language or invasion of personal space
 - Harassment, intimidation or threats
 - Threats or harm to people or property
 - Stalking (in person or online)
 - Psychological manipulation
 - Oppressive or coercive behaviour
- 1.41 When unacceptable behaviour takes place during a telephone call, the member of staff will tell the caller their behaviour is unacceptable, set out explicitly why the behaviour is unacceptable, and warn them that if the behaviour continues they will end the call. Staff at all levels are empowered to end telephone calls where they experience threatening or abusive behaviour.
- 1.42 If staff are forced to end a call due to unacceptable behaviour, they should report it to their line manager and seek advice on the appropriate steps to take. A file note should be made and where appropriate attached to a case file; setting out why a call was ended and what other actions were taken.
- 1.43 Threatening and abusive correspondence is also unacceptable and can have a similarly negative effect on the wellbeing of complaint handlers. Where such correspondence is received, an appropriate contact strategy should be created, recorded and the complainant advised.

Underlying Causes

- 1.44 There are many reasons why a person's behaviour may become unacceptable or unreasonable. Staff should not make assumptions about what is driving the behaviour. Understanding the reasons behind it are vital in deciding how best to manage it.

1.45 Frustration caused by poor communication and/or lack of timeliness when handling complaints or issues can cause a person's behaviour to escalate. When unacceptable or unreasonable behaviour is displayed, staff should consider the following:

- Has the OPCC explained the process and checked that they understand it?
- Has the matter been handled in a reasonable and proportionate manner?
- If the matter is ongoing, has the OPCC communicated regularly and effectively with them?
- Has the OPCC asked if they would benefit from additional support? If so, have they received this?
- If a decision has been made on the matter, have they been given a clear rationale for the decision, in a way that they can understand about how the decision was reached?

1.46 If the answer is Yes to any of the above questions and the behaviour of the complainant is still unacceptable or unreasonable, staff must decide how best to manage it. If these obligations have not been met, steps should be taken to address any shortcomings where appropriate. This may be enough to stop the behaviour.

Vexatious and Repeated Complaints

1.47 Whilst all complaints will be managed, there may be occasions when staff feel it is appropriate to put certain restrictions on contact, or to disengage with a complainant.

1.48 Identified below are some instances where this may be the cause, but is not an exhaustive list:

- The same complaint is made repeatedly, especially in cases where a disapplication has been carried out (Please see section 4 of the IOPC's Statutory Guidance)
- The complaint relates to matters outside of Cumbria Police and Crime Commissioner's jurisdiction;
- The complaint has been fully investigated, and all avenues and appeals exhausted, but the complainant will not accept the outcome;
- The complaint is offensive, or simply contains the individual's views about another person with no evidence to support them.
- The level of contact or amount of information being sent to the Commissioner's office is such that it places an unreasonable burden on staff and affects their ability to carry out their duties.

1.49 Where a member of staff feels that a case meets any of these (or similar) criteria, they will raise it with the Deputy Chief Executive, who will make a decision based on the evidence.

- 1.50 In these cases, the Deputy Chief Executive will write to the individual and place parameters around their contact, or request that they desist entirely. (There may be a legitimate reason an individual is unable to communicate with the OPCC in writing. If this is the case alternative methods of communication can be used. Reasonable adjustments should be made for anyone with a disability to ensure that they are not disadvantaged in line with Section 20 of the Equalities Act 2010.
- 1.51 Any decisions about restrictions on contact will be shared with staff, who will be empowered to handle that individual as set out (eg. in relation to frequency or type of contact).
- 1.52 If the individual persists in contacting the Office when they have been told that there is no further action possible, then the Deputy Chief Executive will inform them in writing that they will no longer receive a response from the Office of the Police and Crime Commissioner (OPCC). All correspondence will be read to ensure that it does not include any new, viable allegations, but will be placed on file.
- 1.53 The OPCC will continue to read any and all future correspondence and action any new or valid complaints in accordance with its own policies and the relevant legislation.

Further Action

- 1.54 It may be necessary to take further action to protect staff welfare and their ability to support the business of the OPCC if a contact strategy proves to be unsuccessful and the unacceptable behaviour continues despite numerous attempts to adjust the strategy.
- 1.55 In practice this should rarely be necessary and should be reserved only for the most severe cases. In these circumstances, it is best to seek professional or legal advice to see what avenues are available under the law to deal with the individual's behaviour.