

# Unreasonable, abusive or otherwise vexatious complainants

## 1. Introduction

- 1.1 This policy forms part of the suite of policies in relation to complaints and sets out the approach to be adopted when the behaviour of a correspondent or complainant to the Mayor's Office for Policing And Crime is considered to be unreasonable, including persistent or unacceptable behaviour whether it be written, oral or other means of contact.
- 1.2 MOPAC is committed to dealing with all correspondence and complaints in a fair, consistent and timely manner. Accordingly, MOPAC will not usually seek to limit contact that individuals have with us. However, there are some instances where the behaviour of the individual inhibits the capacity of MOPAC to effectively deal with their concerns. There are also, on occasion, circumstances whereby addressing items of public correspondence can cause significant and disproportionate resourcing issues for MOPAC which are not justified by the nature of the concern.
- 1.3 It is for the Head of Private Office determine whether this policy should be applied, and action taken. Or in their absence the appropriate Director.

## 2. Guidance

- 2.1 The following guidance is intended to deal with those individuals who are abusive or persistent in making unreasonable demands either by way of correspondence or complaints. It does NOT cover dealing with potentially vexatious requests under the Freedom of Information Act 2000 (FOIA). The Information Commissioner's Office (ICO) guidance on this can be found on their website (<https://ico.org.uk/>).
- 2.2 To enable consistency MOPAC do, however, follow the same definition of 'vexatious' as the Freedom of Information Act 2000, that being of a 'manifestly unjustified, inappropriate or improper use of a formal procedure'. The key question under consideration is whether the complaint (or other contact) is likely to cause a disproportionate or unjustified level of disruption, distress or disproportionate strain on resource.
- 2.3 We have set out guidance on the circumstances whereby correspondence and/or complaints might be considered vexatious. It is important to distinguish between people who make multiple complaints because they believe things have genuinely gone wrong, and people who are simply being difficult or intentionally obstructive. However, we must acknowledge that complainants may sometimes act out of character at times of anxiety, their lived experience or distress.
- 2.4 Raising legitimate queries or criticisms of a complaints procedure, (including a Police Complaints Review) as it progresses should not in itself lead to someone being regarded as a vexatious or an unreasonably persistent complainant. However, there are occasions when reasonable persistence in pursuing an issue, or a complaint becomes unreasonable. This policy gives examples of when this might be the case and sets out a process for dealing with contact that has become unreasonable.

- 2.5 The core purpose of this policy is to ensure that MOPAC deal with all public contact in a way that is demonstrably fair, consistent and reasonable.

### **Examples of vexatious and/or reasonable behaviour on the part of complainants**

Whilst this list is not exhaustive some of the primary types of complaint and behaviour that this policy covers can include the following:

- Persisting with a complaint after being advised that there are insufficient grounds for their complaint or that MOPAC is not the Appropriate Authority.
- Refusing to co-operate with the complaints process without good reason whilst still wanting their complaint to be resolved. This includes a failure or refusal to specify the grounds of a complaint despite offers of assistance, changing the basis of the complaint as inquiries are made and introducing trivial and/or irrelevant new information and expecting this to be considered.
- Submitting repeat complaints after the complaints procedure has been exhausted about the same issues with minor additions/variations which the complainant insists on being treated as new complaints.
- Refusing to accept the outcome of the complaint procedure after its conclusion. Repeatedly arguing the point, complaining about the outcome and/or denying that an adequate response has been given.
- Harassing, verbally abusing or otherwise seeking to intimidate staff dealing with their complaint or correspondence, by using foul or inappropriate language, using offensive and/or racist language and/or making what would appear to be groundless complaints about those members of MOPAC staff.
- Making an unreasonable number of contacts with us, by any means, in relation to a specific complaint or correspondence including making persistent and unreasonable demands or expectations of staff and/or the procedure (such as insistence on immediate responses to numerous, frequent and/or complex letters, telephone calls or emails).
- Recording meetings and conversations without the prior knowledge and consent of the other person involved.
- Unreasonably pursuing multiple lines of enquiry regarding the same issue. For instance, pursuing a complaint not only with MOPAC, but at the same time with a Member of Parliament, the Metropolitan Police Service (MPS), Assembly Members, the Mayor, the IOPC, solicitors or the Home Office.
- Persistent and inappropriate use of procedures such as making a complaint against the Commissioner against a decision of the Metropolitan Police Directorate of Professional Standards (DPS) and thereby disregarding the formal appeal process.

## **3. Imposing restrictions**

- 3.1 MOPAC will firstly ensure that correspondence and/or complaints are being or have been fully investigated according to the appropriate procedure. MOPAC recognise that failing to deal with an issue promptly or accurately can lead people to behave in ways we might otherwise characterise as vexatious.

- 3.2 Prior to any decision to treat a complaint or correspondent as vexatious the Secretariat Manager will firstly issue a Stage One written warning to the complainant. The complainant will be contacted to explain why their behaviour is causing concern and be asked to change this behaviour. They will also be warned of the actions that may be taken if the behaviour does not change.
- 3.3 If the behaviour continues, the Head of Private Office will decide whether to limit contact from the individual and to what extent. Any restriction that is imposed on contact with MOPAC will be appropriate and proportionate and may be subject to review. The kinds of restriction which may be imposed are:
- Limiting contact to a specific mailbox or one named member of staff
  - Telephone contact only through a third party for example via a solicitor/Assembly Member/friend acting on their behalf
  - Confirming that correspondence will not be responded to unless substantial new matters are raised (this implies that all incoming correspondence will be read)
  - Blocking the individual's email address so that it is not received by MOPAC (this should only be done in extreme cases after all other avenues have failed)
  - If telephone contact (due to accessibility issues) this should be made through a third party for example via a friend or someone acting on their behalf
- 3.4 When the decision has been taken to apply this policy, the individual will be written to by Head of Private Office (Stage Two) with reasons for the decision and what action MOPAC is taking. That decision may be amended if the individual continues to behave in a way which is unacceptable.
- 3.5 Where the behaviour is sufficiently extreme that it threatens the immediate safety and welfare of staff MOPAC may consider other options, for example reporting the matter to the police or taking legal action. MOPAC are not required to give the individual prior notification of that action.

#### **4. Equalities Implications**

- 4.1 MOPAC is committed to dealing with all correspondents and complainants in a fair and impartial manner and in line with our policies and procedures, whilst considering any specific needs of the complainant or correspondent. This should include where relevant, consideration of any access challenges, reasonable adjustments or protected characteristics under the Equalities Act 2010 and our responsibilities under the Public Sector Equalities Act.

#### **5. Safety and Welfare of staff**

- 5.1 Where a correspondent's behaviour is sufficiently unreasonable or extreme that it threatens the immediate safety and welfare of a member of staff or their family, MOPAC may consider other options, for example reporting the matter to the police or taking legal action. MOPAC are not required to give the individual prior notification of that action. Similarly, where a complainant behaves in such a way that it appears they may be committing a criminal offence, they will be reported to the Police.

#### **6. New complaints from individuals previously identified as abusive, vexatious or persistent**

- 6.1 New issues raised by people where this policy has already been applied will be treated on their own merits. Imposed restrictions may not apply to new matters although the individual will be warned not to repeat behaviours which led to those restrictions.