

Policy on dealing with abusive, persistent or vexatious correspondence and complaints

1. Introduction

- 1.1** The Mayor's Office for Policing And Crime (MOPAC) is committed to dealing with all correspondence and complaints in a fair, timely and comprehensive manner. MOPAC will not normally limit contact that individuals have with us. There are however 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.
- 1.2** This policy is intended to deal with those individuals who persist 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 (FOIA). The Information Commissioner's Office (ICO) guidance on this can be found on their website (<https://ico.org.uk/>).
- 1.3** To enable consistency this policy does however follow the same definition of 'vexatious' as the FOIA, 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, irritation or distress.
- 1.4** This policy sets out guidance on when correspondence and/or complaints might be vexatious. It is important to distinguish between people who make multiple complaints because they really think things have gone wrong, and people who are simply being difficult or intentionally obstructive. It must be recognised that complainants may sometimes act out of character at times of anxiety or distress and reasonable allowances should be made for this.
- 1.5** Raising legitimate queries or criticisms of a complaints procedure as it progresses, for example if agreed timescales are not met, should not in itself lead to someone (or their complaint) being regarded as a vexatious or an unreasonably persistent complainant. Similarly, the fact that a complainant is unhappy with the outcome of a complaint and seeks to challenge it once, or more than once, should not necessarily cause him or her to be labelled vexatious or unreasonably persistent. 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.
- 1.6** 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.

2. Vexatious, persistent or abusive

- 2.1** Features of the types of complaint and behaviour that this policy covers can include the following (the list is not exhaustive, nor does one single feature on its own necessarily imply that the person will be considered as being in this category):
 - Persisting in 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 completed, about what are essentially the same issues, with additions/variations which the complainant then 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 or 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 after the unreasonableness has been explained (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, persistently 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 Independent Office for Police Conduct (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, investigated properly according to the appropriate procedure. MOPAC recognises 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** Different processes will apply depending on whether the issue is a potential or actual complaint against the MPS Commissioner or whether the individual is raising some other issue. Where an individual is seeking to complain about the MPS Commissioner, MOPAC must first decide whether it constitutes a legitimate complaint and is being made to the Appropriate Authority. If a decision is made that it is not a complaint or is not being made to the Appropriate Authority, subsequent contact falls under the correspondence procedure and NOT the formal Commissioner Complaints procedure. This decision is made by the Head of Workforce and Professional Standards.
- 3.3** Prior to any decision to treat a complaint or correspondent as vexatious the relevant member of staff will issue a warning to the complainant. The complainant will be contacted either by phone, in writing or by email to explain why this behaviour is causing concern, and ask them to change this behaviour. They will also be warned of the actions that may be taken if the behaviour does not change.
- 3.4** 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
- Refusing to accept telephone calls
- Only accepting telephone contact through a third party for example via a solicitor/Assembly Member/friend acting on their behalf
- Indicating that correspondence will not be responded to unless substantially new matters are raised (this implies that all incoming correspondence will be read)
- Blocking the individual's e mail address so that it is not received by MOPAC (this should only be done in extreme cases after all other avenues have been tried)

3.5 When the decision has been taken to apply this policy, the individual will be written to 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.

3.6 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. In such cases MOPAC are not required to give the individual prior notification of that action.

4 New complaints from individuals who are (or whose complaints are) treated as abusive, vexatious or persistent

4.1 New issues raised by people who have come under this policy will be treated on their merits. Any imposed restrictions will not apply to new matters although the individual may be warned not to repeat behaviours which led to those restrictions.

5 Review

5.1 The status of an individual judged to be unreasonably persistent or vexatious will be reviewed by MOPAC's Head of Workforce and Professional Standards after six months and at the end of every subsequent six months.

5.2 The individual will be informed of the result of this review if the decision to apply this policy to them has been changed or extended.

6 Record keeping

6.1 Adequate records will be retained by the appropriate service manager of the details of the case and the action that has been taken. The Head of Private Office will retain a record of:

- The name and address of each individual who is (or whose complaint has been) treated as abusive, vexatious or persistent;
- When the restriction came into force and ends;
- What the restrictions are;
- When the individual and members of staff were advised.

Last Review Date: April 2018