

MANAGING UNREASONABLY PERSISTANT CONTACT AND UNACCEPTABLE BEHAVIOUR

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1.1 Introduction and policy aim

The SCO deals with a large volume of correspondence and is committed to providing an efficient, effective and accessible service to the public. The majority of our service users maintain a reasonable approach and are courteous and respectful to our staff.

In a small number of cases, people choose to pursue matters in a way that is unreasonably persistent or otherwise unacceptable. This can have a negative impact on the health, welfare and productivity of our staff. It can make it challenging for staff to do their jobs effectively and to meet the needs of other members of the public. We understand that an individual might be frustrated or angry about a particular issue but when that crosses over into unreasonable persistence, obstructive behaviour, abuse, threats, intimidation, harassment or violence – that is unacceptable.

Whether an isolated incident or a pattern of behaviour that builds over time, unacceptable behaviour will not be tolerated. The SCO has a responsibility to provide a safe, healthy and productive working environment for our staff and we take that responsibility seriously.

This document is intended to provide SCO staff with guidance to ensure that they are empowered to:

-  effectively manage contact with individuals whose behaviour is unreasonable
-  confidently cease contact in relation to concluded matters, final decisions and issues outside our remit
-  provide a fair and consistent approach when considering contact strategies
-  ensure that accessibility to our services is maintained when restricting contact

This document should be considered alongside *IOPC Guidance on managing unacceptable and unreasonable complainant behaviour*. It does not aim to replace other relevant guidance or working practices, including our obligations under the Equality Act 2010.

1.2 How does the SCO define as unreasonable or unacceptable behaviour?

- Refusing to accept final decisions about a concluded review or complaint and continuing to pursue matters despite being advised of the legislated or appropriate route of challenge.
- Persistently calling, writing or emailing to demand updates or action despite being advised that matters are in hand, have been concluded or are not within the SCO's remit to address.
- Contacting different members of staff at the SCO to try to secure a different outcome.
- Making unreasonably excessive demands on the time and resources of staff, for example by excessive telephoning or emailing, writing lengthy complex letters every few days and demanding immediate responses.
- Submitting repeat complaints or correspondence after proper processes have been completed and which are substantially about the same issues.
- Persisting with a complaint or review application despite failing or refusing to provide requested evidence to support it.
- Refusing to accept that issues are not within the SCO's remit despite an explanation being provided.
- Repeatedly demanding responses within an unreasonable timescale.
- Insisting on speaking to a particular member of staff despite being advised that it is not possible or appropriate.
- Not following appropriate channels for engagement, despite receiving information about the correct route to use.
- Issuing demands about how a matter should be handled, despite being advised of the correct process.
- Demanding to speak to a senior manager at the outset, rather than allowing an appropriate member of the SCO to consider the matter being raised.
- Repeatedly copying the SCO into emails sent to other public bodies, agencies or individuals where there is no demonstrable reason to do so.
- Refusing to provide information needed to progress a matter despite the information being requested.
- Refusing to specify the purpose of correspondence despite being asked to clarify its purpose.
- Making unsubstantiated complaints against staff who are dealing with ongoing matters and demanding that they are replaced.
- Introducing irrelevant new information or raising large numbers of detailed questions after a matter has concluded, and demanding that they are fully answered.
- Verbal or written abuse such as derogatory, discriminatory or defamatory remarks.
- Harassment, intimidation or threats of harm to people or property.
- Oppressive or coercive behaviour.
- Stalking whether in person or online.
- Escalating agitation, intimidating body language or invasion of personal space.
- Psychological manipulation.

1.3 Managing unreasonable and unacceptable behaviour

Where a service user is behaving unreasonably, SCO staff are empowered to proactively manage further contact. Contact can be managed in a number of ways by SCO staff, on a case by case basis.

Where comments, material or actions are considered to be grossly offensive, threatening or intimidating, the SCO will not hesitate to report matters to the police. In such instances, staff should report the incident to their immediate line manager who will:

- offer support in terms of the welfare of that staff member and others affected.
- escalate to the Chief Executive who will contact Staffordshire Police.

All actions, contact and communication will be recorded against the relevant case on SCO systems.

Threatening or abusive telephone calls

Staff members have the right to terminate telephone calls where they feel that a caller is being aggressive, abusive, offensive or unreasonably obstructive.

Any such calls will be terminated after giving advice that the individual's behaviour is not acceptable and explaining why. A record will be made against the relevant case on SCO systems.

Repeated instances may result in a service user being disallowed from contacting the SCO by telephone. This may form all, or part of, a formal contact strategy.

Threatening or abusive written correspondence

Where threats are made or contact in writing is abusive, staff should consult with the Compliance Manager. An appropriate contact strategy will be considered, implemented and a record made against the relevant case on SCO systems.

The service user will be clearly informed in writing of the parameters of any contact strategy, the reasons why it has been created and how it will impact them in terms of future contact.

Threatening or abusive visits to our office

Our office is not routinely public facing and in-person visits can be made only by prior appointment with a member of staff from the SCO. Where a person visits our office and threats are made or the contact is considered to be abusive or threatening, staff will contact Staffordshire Police and record the visit. Causing alarm, harassment or distress to our staff will not be tolerated.

1.4 Factors to consider

Before restricting contact, SCO staff should consider a number of factors to satisfy themselves that the service provided by the SCO has been considered, comprehensive and fair:

- Individual circumstances - have any additional needs been identified that might need tailored support?
- Has the service user been signposted to our *Frequently Asked Questions* documents to clarify our remit in the police complaints/review process?
- Has an outcome or decision been clearly explained, where appropriate?
- Has a right of review or correct route to otherwise challenge been advised, where appropriate?
- Has the individual been correctly signposted, where appropriate?
- Has the individual been informed that their behaviour is unacceptable and the reasons why?

- What does the contact strategy need to achieve?
 - Will the strategy need to be reviewed and if so, when?
 - How will we ensure accessibility to our services in relation to fresh matters?
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1.5 Implementing a Contact Strategy

Different considerations will apply depending on whether the matter in question is ongoing or has been concluded and a final decision reached. Where a case remains ongoing, there needs to be continuing contact with the service user.

When persistent contact or unacceptable behaviour becomes oppressive and impacts our ability to provide a service to other members of the public, a contact strategy will be implemented. Contact strategies are created on a case by case basis and may include:

- Logging but not responding to continued demands to re-open a concluded matter or case.
- Refusing to register, process or discuss further correspondence about the same matter.
- Disallowing telephone contact or restricting the frequency and duration of telephone calls.
- Restricting contact to email or post only.
- Blocking of email addresses or other specified channels of communication.
- Recording or monitoring of telephone calls.
- Allocation of a dedicated single point of contact (SPOC) for future communication.

The member of staff should in the first instance consult with the Compliance Manager before creating a contact strategy. The staff member should then inform the individual in writing (both post and email) that a contact strategy has been implemented, with a clear explanation of:

- The reason for implementing the strategy.
- Any restrictions on the method and/or frequency of communication.
- How to pursue fresh matters – the right to complain and right of review are not affected.
- Any review period for the strategy, where applicable.
- A copy of this policy.

Details and a copy of the outgoing correspondence should be updated against the relevant case on SCO systems.

1.6 Breach of a Contact Strategy

Where a contact strategy is breached by an individual and unacceptable behaviour persists despite efforts to manage behaviour and/or restrict contact, it may be necessary to take further action.

Such situations should be reported to the Compliance Manager. In order to further protect staff welfare and SCO business continuity, the Compliance Manager may:

- Consider adjustment of the original strategy to further increase restriction on communication channels.
- Seek legal or professional advice to address the issue via a legal route.
- In extreme cases and where a criminal threshold is considered to be met, report the matter to Staffordshire police.