



Office of the
**Police and Crime
Commissioner**
for Warwickshire

Policy: Managing Public Contact

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Security Classification	Official
Disclosable under Freedom of Information Act?	Yes
Risk Rating	Low
Equality Analysis	Medium

The Office of the Police and Crime Commissioner welcomes comments and suggestions from the public and staff about the contents and implementation of this policy. Please e-mail opcc@warwickshire.pnn.police.uk

1. Introduction

The Police and Crime Commissioner (PCC) is an elected representative and is publicly accountable for ensuring the Chief Constable's delivery and performance of the police service on behalf of the electorate. In exercising the role, the Commissioner will engage with the public in order to properly represent the views of the communities of Warwickshire.

The Office of the Police and Crime Commissioner (OPCC) deals with a significant volume of correspondence from the public each year and tries to ensure that the service provided is approachable, consistent, cost-effective and delivered fairly to all.

However, it must be noted that not all contact from the public can be dealt with by the OPCC as the PCC can only act within powers granted under legislation. For example, complaints against the police force are required to be dealt with by the Chief Constable. Furthermore, the PCC will wish to exercise caution in dealing with certain issues which may need to be brought to the OPCC on a future occasion and/or require independent scrutiny e.g. complaint reviews or following a civil claim. There may also be cases where the PCC cannot add value to an issue raised and pursuing a dialogue will not progress the matter. In cases where the PCC is unable to deal with a matter the OPCC will notify the member of the public and will provide signposting information where appropriate.

In the majority of cases interactions with the public are dealt with satisfactorily and without concern. However, in a small number of cases, people pursue their issues or complaints with us in a way that is not acceptable. They may behave unacceptably and / or be unreasonably persistent in their contact. This can have an impact on the health and safety or wellbeing of the members of staff who are responsible for managing such communication.

This policy sets out our approach in managing contact from members of the public in circumstances where their behaviour is considered unacceptable or unreasonable, thereby adversely impacting on the work and welfare of the members of OPCC staff.

2. Key Principles

Whilst we consider that all members of the public have the right to be heard, understood and respected; members of staff of the OPCC also have those same rights and the Commissioner must provide staff with a safe working environment. As set out in Appendix A, support mechanisms will be available to staff to protect their welfare and guidance provided to staff on how they can protect their privacy online.

Unacceptable or unreasonable behaviour towards OPCC staff will not be tolerated. We consequently reserve the right to manage access to our services in circumstances where it's considered such behaviour adversely impacts on our work, or the welfare of its staff.

The purpose of this policy is to provide guidance and information to determine what constitutes such unacceptable and unreasonable behaviour. It also enables some of

the underlying causes of this behaviour to be identified and provides guidance as to how a fair and consistent approach can be applied.

3. Implications of the policy

It is understood that people may have experienced frustrating or distressing circumstances that may have led them to make contact with the office, this can manifest itself in intolerance, irritation and anger. Where such behaviour becomes excessively demanding or persistent then it may result in unacceptable, or unreasonable demands being placed on the OPCC. It is these situations that the OPCC aims to manage under this policy, and they are grouped into two broad headings: unacceptable behaviour and unreasonable behaviour.

3.1 Unacceptable behaviour

Unacceptable behaviour is considered to be any behaviour that has the potential to cause harm, injury or negatively impact on the health and safety of OPCC staff.

This behaviour may be isolated to a single incident, or form a pattern of behaviour over time. Even if the issue sought to be raised by the member of the public with the Commissioner has merit, the behaviour can still be unacceptable.

It is recognised that people communicate and express themselves differently depending on their background and a range of other factors. It is important to be aware that formality, pacing and emotion can vary significantly across cultures. Certain mental health conditions or disabilities may make it difficult for people to express themselves clearly.

We will always aim to make sure that people are able to communicate with us, and where appropriate, we will make reasonable adjustments.

Unacceptable behaviour is not restricted to acts of aggression that may result in physical harm. It also includes behaviour or language that may cause staff to feel distressed or threatened. It may involve:

- Abuse, derogatory, discriminatory or defamatory remarks
- 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

We will not endure or tolerate such behaviour. The safety and wellbeing of staff should always be protected, even if the service provided to the member of the public has fallen short of expected standards.

3.2 Unreasonable behaviour

Unreasonable behaviour is considered to be any behaviour that impacts on the ability of staff to effectively do their jobs, and goes beyond someone being assertive or expressing their dissatisfaction.'

Members of the public may make what we consider unreasonable demands on our service through the amount of information they seek, the nature and scale of service they expect, or the number and persistent nature of the demands made. The approach to our office may be entirely reasonable, however the persistent behaviour in continuing to do so is not.

Types of unreasonable behaviour may include:

Unreasonable persistence

The behaviour of a member of the public may be unreasonable if they continue to write, email or telephone about their particular issue or complaint excessively (and without providing new information), despite being assured that their matter is being dealt with, or being told that it's been concluded. It may involve:

- Persistently calling, writing or emailing to demand updates.
- Refusing to accept reasonable explanations following the conclusion of a public complaint, and / or failing to follow appropriate appeal / review channels.
- Contacting different people in the same organisation to try to secure a different outcome.
- The volume or duration of contact impacting on the ability of our staff to carry out their functions. This can include calling a number of times repeatedly on the same day.
- Re-framing or re-wording of a complaint that has already been finalised.
- Persisting with the issue or complaint despite failing to provide any evidence or information to support it after numerous requests to do so.

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 responsibilities.

Unreasonable demands or obstructive behaviour

This type of behaviour is considered unreasonable because of its impact on the time and resources of the office, its services and staff. It may involve:

- 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.

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- Not following appropriate channels for engagement, despite receiving information more than once about the appropriate channel to use.
- Issuing demands about how their complaint should be handled, despite being told about the process and receiving regular updates.
- Demands to speak to managers at the outset, before the OPCC staff member has fully considered the matter raised.
- Repeatedly copying OPCC staff into emails sent to other public bodies where there is no demonstrable reason to do so.

Unreasonable persistence and demands can impact on staff wellbeing and managers should make sure appropriate support is in place to support the member(s) of staff affected.

What amounts to unreasonable behaviour or demands will always depend on the circumstances surrounding the behaviour and the seriousness of the issues raised. It will be unreasonable if they begin to impact substantially on the work of the office by taking up a disproportionately excessive amount of staff time and resources to the disadvantage of other members of the public.

4. Underlying causes

There are many reasons why a person's behaviour may become unacceptable or unreasonable and we cannot make assumptions about what is driving such behaviour. Understanding the reasons behind it are vital in deciding how best to manage it.

Poor communication and / or lack of timeliness by the OPCC when handling contact from a member of the public can cause frustration and inappropriate behaviour to escalate. When a member of the public displays unacceptable or unreasonable behaviour, OPCC staff should consider the following questions: -

- Have we explained processes and checked they understand it?
- Have we handled the matter raised in a reasonable and proportionate manner?
- Have we communicated regularly and effectively?
- Have we asked if they would benefit from additional support? If so, has it been provided? If an outcome has been reached on the matter raised, has a clear rationale for the decision been provided in a way that they can understand?

If there are satisfactory answers to these questions and the behaviour of the member of the public is still unacceptable or unreasonable, then we must make a decision how best to manage it. However, if these obligations have not been met then steps should be taken to address any shortcomings where appropriate and this may be enough to stop the inappropriate behaviour.

5. Needs of individual members of the public

We are aware of our legal responsibilities in respect of the Equality Act 2010, and in particular the obligation to make reasonable adjustments.

The Commissioner and the OPCC should be accessible to all, with proactive work done to support those with any disabilities that may impact on their ability to effectively communicate. 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. Members of the public should be asked at the outset if they require additional assistance to communicate.

Staff are discouraged from making assessments about the health and well-being of a member of the public. However, if we are informed of specific health concerns or disabilities, then this should be taken at face value. We will also be alive to the possibility of an individual having additional needs, and what support requirements might be appropriate.

Where it is identified that additional support is required, appropriate steps will be taken to address these in a way that satisfies the requirements of the Equality Act, taking advice from experts where required.

We must also be aware of other issues that may hinder an individual's ability to communicate with us. For instance, a lack of proficiency in English may cause frustration and reasonable efforts should be made to make sure that members of the public have a clear understanding of the information communicated to them and reasonable measures should be taken to help them when needed.

Unacceptable or unreasonable behaviour of any kind will not be tolerated by OPCC staff under any circumstances. However, the knowledge and understanding that a member of the public has specific needs should influence the decision about the most appropriate course of action to take.

6. Managing behaviour

The approach taken to manage unacceptable or unreasonable behaviour depends on its nature and extent. If it adversely affects our ability to do our work and provide a fair service to others, we may need to restrict contact with the member of the public. Wherever possible, we aim to do this in a way that still allows access to our services and we will advise the individual prior to putting any restrictions in place.

We may report to the police any threats or use of physical violence, verbal abuse or harassment made towards its staff. We will always do this if physical violence is used or threatened and in such cases we may not give the individual prior warning of this action.

Before taking steps that reduce or restrict communication, any issues with behaviour will be addressed with the individual. We will be clear about how we would like the behaviour to change. The member of the public should be informed about the issues with their behaviour and why it is considered unacceptable or unreasonable. They

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should be advised how they can adjust their behaviour. Some examples of ways to address the behaviour include:

- Reinforcing that violent, threatening or abusive behaviour will not be tolerated
- Summarising the matter under consideration and asking for confirmation that all the issues raised have been understood correctly
- Providing guidance on the structure their correspondence should follow
- Providing information on where to send correspondence
- Signposting to other sources of support
- Appointing a Single Point of Contact (SPOC) in the office

Wherever possible, a member of the public should be given the opportunity to change their behaviour before a decision is taken to restrict contact.

Staff are empowered through this policy to make decisions based on the circumstances that are presented, but once having taken action in line with the guidance below, they should inform their manager, seek guidance on next steps and ensure details are recorded on the case management system. It may also be appropriate to discuss any incidents with colleagues to ensure a consistent response and collective efforts to maintain wellbeing in the office. Where a member of the public raises a complaint in relation to an action that a staff member has taken which is wholly in line with this policy, no wrong doing will be found.

Staff will be trained on customer service skills as part of their induction to the organisation, and regularly thereafter, and must continue to display behaviours in line with the Nolan Principles, as outlined in the Code of Conduct. Staff should at all times remain, polite and calm with members of the public, and if they are unable to do so, should remove themselves from the situation and seek support from their manager, or another colleague.

The following approaches should be used for the different ways that contact is made:

- Telephone – if staff experience unacceptable or unreasonable behaviour from a caller, they should warn them that the behaviour is falling short and ask them to change their approach. If the caller continues to be aggressive, abusive or offensive then the staff member can disengage from the call, either by putting the caller on hold or hanging up, and letting the caller know they are going to do this.
- Written Communication - if any written communication meets the criteria of being unacceptable or unreasonable, including if it is threatening or abusive towards a member of staff, then the author will be given a written warning that this is unacceptable, and asked to desist. If they continue, their correspondence will be read, but no action will be taken, subject to any legislative requirements.
- Electronic Communication – any abusive posts, tweets, or other communication via social media or networks will be deleted after being recorded. Further abuse will lead to the person being blocked.

7. Contact strategy

A contact strategy may be implemented if unacceptable or unreasonable behaviour continues. This will set out how and when further contact with the member of the public will take place, any restrictions on communication, and the reason for introducing the strategy. With the exception of ending a telephone call, decisions to restrict contact with our office can only be authorised by the Head of Business Services and Assurance (or another senior member of staff nominated by the Chief Executive) after careful consideration of the circumstances of the particular situation, namely that:

- The matter raised is being, or has been, considered and addressed properly
- Communication with the member of the public has been adequate and the member of the public is not providing any significant new information that might affect the consideration of matter raised
- Any specific access requirements and appropriate solutions have been considered to ensure that the member of the public is not being denied access to the OPCC
- All efforts have been made with the member of the public to dispel any misunderstandings and move matters towards a resolution
- Consideration has been given to whether this approach is fair, reasonable and proportionate and whether any reasonable adjustments are required.

The decision to restrict contact must be recorded in the case file, with the reasons for doing so clearly articulated. A review date should also be agreed, when the restrictions may be continued, altered or ended. We will then advise a member of the public in writing (or an alternative accessible format) that their behaviour is considered to be unacceptable or unreasonable and will provide information as to what action is being taking to manage the restricted future contact. The explanation should emphasise the strategy has been implemented to make sure that their concerns are being dealt with promptly and correctly and that failure to comply with the contact strategy could frustrate the effective and efficient handling of their matter. It must also be made clear the strategy relates only to contact with our office, and that police assistance can still be requested through emergency or non-emergency routes if required. A copy of this policy will be provided to give further explanation.

Where the behaviour in question is considered to constitute a criminal offence, or in situations where it threatens the safety of staff, then police involvement or legal action may be necessary. In such cases, we may not give the member of the public prior warning of this action and we reserve the right to seek legal redress if necessary or refer any communication to the police.

The most appropriate contact strategy should be decided on a case-by-case basis, and can include: -

- Limiting duration of phone calls

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- Restricting contact to one method of contact (taking into account any reasonable adjustments)
- Using a dedicated email address and auto-diverting emails
- Blocking email addresses or other communication channels
- Requiring the member of the public to use an advocate for any contact with us
- Requiring the member of the public to communicate only with only one specific point of contact (SPOC) member of staff

7.1 Monitoring the contact strategy

If a restriction has been put in place and a member of the public breaks its conditions, staff have the right not to engage in conversation or respond to requests as appropriate.

It is important the staff also adhere to the contact strategy once it is in place. Any breach of the strategy by the member of the public must be dealt with swiftly. A clear reminder should be communicated to the member of the public about the consequences of breaching the strategy. They should also be reminded about the reasons for the strategy being introduced.

Systems should be in place locally to review any contact strategies on a regular basis. These reviews should make sure the contact strategy is still appropriate and fit for purpose. The member of the public should be told about any changes to the contact strategy.

In certain situations, it may be necessary to share details of the contact strategy with partner agencies. However, this should only be done when there are legitimate reasons for doing so (such as safeguarding concerns or a risk to life). For instance, if social services or NHS services have regular contact with the member of the public, getting the support of these agencies will be important in making sure the contact strategy is successful. To make sure they are complying with Data Protection legislation, OPCC staff should consult a senior manager before sharing details with another agency without consent from the individual concerned.

7.2 Further contact

It must be made clear the member of public concerned should not be deterred nor prevented from contacting the OPCC in relation to other matters, or be left unsure about this due to unclear or incomplete contact arrangements.

It may be necessary to take further action to protect staff welfare and their ability to support other members of the public if a contact strategy proves to be unsuccessful and the unacceptable behaviour continues despite numerous attempts to adjust the strategy.

In practice, this should rarely be necessary and should be reserved only for the most severe cases. In these circumstances, a senior manager may need to seek legal

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advice to see what avenues are available under the law to deal with the unacceptable behaviour.

Irrespective of any contact strategy employed, all contact must be reviewed to identify matters including any new information or complaints, criminal matters or safeguarding issues.

7.3 Disputing a decision to restrict contact

A member of the public can raise any concerns or disagreements against a decision to restrict contact by writing to the Chief Executive. After such concerns have been considered, the member of the public will be informed in writing that either the restricted contact arrangements still apply or a different course of action has been determined.

8. Links to other policies

In situations where a member of OPCC staff feels unsafe or unfairly treated by a member of the public the Health and Safety Policy, Dignity at Work Policy and the Diversity and Equal Opportunities schemes are applicable.

9. Rights in requesting information

The OPCC is committed to meeting and responding to information rights and therefore any action taken in relation to this policy will not inhibit an ability to exercise these rights. This includes:

- **Freedom of Information Act 2000** – the right to access to information held by the OPCC. This is subject to a number of exemptions under the Act including in relation to vexatious and repeated requests. When considering how to respond to an FOI request the OPCC will take into account, as it is permitted to do so under the Act, the context and history of a request, including the identity of the requester and any previous contact with them.
- **Data Protection Act 2018** - your right to access and receive a copy of your personal information held by the OPCC. The OPCC will adhere to its responsibilities set out in the Data Protection Act 2018 in respect of the storage and retention of personal data.

13. Revision record

Date of change	Nature of revision
November 2011	Creation of policy

Appendix A: Staff welfare and protecting privacy

Dealing with unacceptable behaviour from member of the public can have a significant impact on staff welfare, and support mechanisms are available to assist including:

- Opportunities to report unacceptable or unreasonable behaviour to managers and seek support
- Encouraging staff subject to unacceptable or unreasonable behaviour to discuss their experience and signpost them to employee assistance programmes or other support networks

There are a number of steps that staff can take to preserve their privacy online. For example: -

- Conducting regular internet searches about themselves to check whether their name or any other personal information is available in the public domain
- Checking social media privacy settings regularly, bearing in mind platforms frequently update these settings
- Considering family and friend connections online, and whether people could either use these connections as a means of identification or draw adverse inferences about these connections
- Taking reasonable precautions online, such as:
 - Not listing employment details or personal contact information on social media
 - using a different name on social media to that used at work
 - using a profile picture that does not show the face
 - removing colleagues from friends on social media, particularly if they are using their real names
 - Avoiding following policing social media accounts or interacting with posts
 - Considering the cumulative effect of information posted online and how it can be put together to locate staff
 - asking to be removed from the public electoral register