



Police and Crime Commissioner for Cumbria

Delivering to the Public

MANAGING SERVICE USER CONTACT POLICY

Document control

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

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1 Introduction

- 1.1 The Office of the Police and Crime Commissioner for Cumbria (OPCC) 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 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.

*by the term 'service user' the OPCC means anyone that comes into contact with the organisation.
- 1.2 The OPCC has a responsibility to provide a safe working environment for its staff and ensure that its service is cost effective and delivered fairly to all. It therefore reserves the right to manage service user contact where necessary.
- 1.3 The OPCC recognises that certain 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 access requirements – but it may still need to manage contact in these circumstances when considered necessary.

2 Aims

- 2.1 The OPCC aims to deal fairly, honestly, consistently and appropriately with all service users. It believes service users have the right to be heard, understood and respected. It also considers that OPCC staff have the same rights. Therefore, the OPCC will not tolerate what it considers to be unacceptable behaviour towards its staff. Where it considers service users' behaviour to impact on its work, it reserves the right to manage access to its services in order for it to provide a fair and accessible service to all service users.

3 Defining Unacceptable Behaviour

- 3.1 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.
- 3.2 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.
- 3.3 It is these actions that the OPCC aims to manage under this policy. It has grouped such actions under three broad headings:

❖ Aggressive or Abusive Behaviour

Violence is not restricted to acts of aggression that may result in physical harm. It also includes behaviour or language (oral or written) that may cause staff to feel distressed, threatened or abused. Examples of such behaviours include threats, physical violence, personal and verbal abuse, derogatory remarks and rudeness.

Violence or abuse towards staff is unacceptable and the OPCC understands the difference between aggression and anger. The anger felt by many service users involves the subject matter of their case or query. However it is not acceptable when anger escalates into aggression directed towards OPCC staff.

❖ **Unreasonable Behaviour**

Service users may make what the OPCC considers unreasonable demands on its service through the amount of information they seek, the nature and scale of service they expect or the number of approaches they make. What amounts to unreasonable behaviour or demands will always depend on the circumstances surrounding the behaviour and the seriousness of the issues raised by the service user.

Examples of such behaviour would include: demanding responses within unreasonable timescales or insisting on dealing with or speaking to particular members of staff, seeking to have staff replaced, continual phone calls, letters and emails that adopt a 'scattergun approach', and pursuing issues with numerous staff.

The OPCC considers these demands and behaviour to be unacceptable and unreasonable if they begin to impact substantially on the work of the OPCC. For example, taking up an excessive amount of staff time to the disadvantage of other service users or functions.

❖ **Unreasonably Persistent**

The OPCC recognises that some service users will not, or cannot, accept that the OPCC is unable to assist beyond a level of service already provided. Service users may persist in disagreeing with the action or decision taken in relation to their case and contact the OPCC repeatedly about the same issue.

Examples of behaviour under this heading include: persistent refusal to accept a decision made in relation to a case or issue, persistent refusal to accept explanations relating to what the OPCC can or cannot do despite having information explained and clarified to them. The way in which these service users initially approach the OPCC may be entirely reasonable, however their persistent behaviour in continuing to do so is not.

4 Managing Unacceptable Behaviour

- 4.1 The approach taken to manage unacceptable behaviour depends on its nature and extent. If it adversely affects the OPCC's ability to do its work and provide a fair service to others, it may need to restrict contact with the service users. Wherever possible the OPCC aims to do this in a way that still allows access to its service and advises service users prior to putting any restrictions in place.

- 4.2 For Example, the OPCC may provide advice or make a decision which a complainant disagrees with. The OPCC endeavours to clearly explain the reasons for its decision or rationale, but any decisions will be final. Despite attempts to explain the decision or rationale the service user refuses to accept explanations and proceeds to contact the OPCC excessively via telephone. The high volume of communication will be managed by ceasing to accept calls from the service user and request that all contact be in writing or via email.
- 4.3 The OPCC may report threats or use of physical violence, verbal abuse or harassment towards OPCC staff to the police. This will always be the case if physical violence is used or threatened and in such cases the OPCC may not give the service user prior warning of this action.

5 Accountability for Restricting Service User Contact

- 5.1 OPCC staff who experience unacceptable behaviour over the phone have the right to either place callers on hold or end telephone calls if the call is considered aggressive, abusive or offensive.
- 5.2 Staff are accountable for their actions and are required to log all instances where calls have been terminated, noting the reason for ending the call. Staff also have the responsibility to report any instances of unacceptable behaviour to their manager in order to ensure fairness and consistency of approach when a decision to manage contact is taken.
- 5.3 With the exception of ending a telephone call, decisions to restrict contact with the OPCC can only be authorised by a Head of Department with careful consideration given to the circumstances of the situation.
- 5.4 A service user will be advised in writing (or an alternative accessible format) that their behaviour is considered to be unacceptable. They will also be advised that the OPCC may take steps to manage communication in order to handle their contact with the OPCC – if required a copy of the policy will be provided to give further explanation. Wherever possible, the OPCC will give a service user the opportunity to adapt their behaviour or action before a decision is taken.
- 5.5 It may be necessary to apply restrictions if all internal review mechanisms have been exhausted and the service user continues to display unacceptable behaviour that is impacting on the work of the OPCC staff.
- 5.6 A member of staff can request authorisation to restrict contact from the Deputy Chief Executive. However, the Deputy Chief Executive should be satisfied the following criteria has been considered before any action is taken:
 - The matter – whether it is a complaint/enquiry/request – is being, or has been considered and addressed properly.
 - Any decision reached or explanation provided is the right one.
 - Communication with the service user has been adequate and the service user is not providing any significant new information that might affect the consideration of the matter.
 - All efforts have been made with the service user to dispel misunderstandings and move matters towards a resolution.

- Any specific access requirements and appropriate solutions have been considered to ensure that the service user is not being denied access to the OPCC.
- Putting the service user in touch with a suitable gateway organisation, such as a Citizens Advice Bureau, has been considered – or the service user has been urged to seek legal advice.

5.7 Where a service user continues to display unacceptable behaviour the OPCC will exercise its right to restrict contact. The precise nature and action will be appropriate and proportionate to the nature of the unacceptable behaviour. It may decide to do the following, although this list is not exhaustive:

- Place time limits on telephone conversations and personal contacts (for example, one call on one specified morning/afternoon of any week).
- Restrict communication to one method of contact (telephone, letter, email, etc)
- Arrange for the service user to communicate with one specific point of contact only – where appropriate to do so.
- Record or monitor telephone calls.
- Read and file future correspondence, but acknowledge or respond to it only if the service user provides new information, raises a new issue or makes a new complaint.
- Refuse to consider demands to re-open a closed matter or decision.
- Take other action that it considers appropriate – in severe circumstances this may include blocking telephone numbers and/or email addresses.

5.8 It will, however, always tell service users what action it is taking and why. It will write to them (or an alternative accessible format) explaining the reasons for managing future contact, describing the restricted contact arrangements and, if relevant, clarifying how long these restrictions will be in place.

5.9 Service users will also be told how they can dispute the decision to restrict contact.

5.10 Where the behaviour in question is considered to be harassment/aggressive, or in situations where it threatens OPCC staff safety and welfare, police involvement or legal action may be necessary. In such cases, the OPC may not give the service user prior warning of this action.

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

6 Disputing a Decision to Restrict Contact

6.1 A service user can raise any concern or disagreements against a decision to restrict contact through the OPCC internal complaints procedure. After such concerns have been considered, the service user will be informed in writing that either the restricted contact arrangements still apply or a different course of action has been agreed.

7 Record Keeping and Reviewing a Decision to Restrict Contact

- 7.1 The OPCC will record all decisions to restrict contact with service users. Accurate details will be noted on the relevant file and any limits put in place will be reviewed as a minimum annually.
- 7.2 A decision to restrict service user contact may be reconsidered if the service user demonstrates a more acceptable approach. The annual review should indicate whether the restriction still applies or advise otherwise.

8 How the policy links to other policies/Acts

- 8.1 In situations where a member of OPCC staff feels unsafe or unfairly treated by a service users, this and other OPCC polices such as equality and diversity strategy and health and safety will apply.
- 8.2 The Freedom of Information Act (Section 14) covers vexatious and repeated requests for information. Section 14 of the Act should be referred to in conjunction with this policy. The Act gives the OPCC the right to refuse information to members of the public on the grounds that the request is vexatious or unnecessarily repeated. The OPCC will adhere to its responsibilities set out in the Data Protection Act in respect of the storage and retention of personal data.