

# Unacceptable Actions by Complainers

Standard Operating Procedure (SOP)

This SOP provides clear direction and procedural instruction to provide a consistency of response in accordance with force policy. It is recognised that policing is a dynamic profession and the standard response may not be appropriate in every circumstance. In every situation, your decisions and actions should be supported by the National Decision Model and based on the values and ethics of Police Scotland. You may be expected to provide a clear and reasonable rationale for any decision or action which you take.

## Notice:

This document has been made available through the Police Service of Scotland Freedom of Information Publication Scheme. It should not be utilised as guidance or instruction by any police officer or employee as it may have been redacted due to legal exemptions

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## Introduction/purpose

This Standard Operating Procedure (SOP) supports the Police Service of Scotland (hereafter referred to as Police Scotland) Professional Standards Policy.

This SOP provides instruction to officers and staff and informs them of their role and responsibilities with regards to the approach to the rare instances where a relatively small number of individuals whose actions or behaviour Police Scotland consider unreasonable or unacceptable. This relates to individuals, organisations and others acting on behalf of organisations who have contact with Police Scotland.

This document is underpinned by, and should be considered in conjunction with, the Complaints about the Police SOP.

It should be noted however that this document is not intended solely for complaint purposes only and should be used by any Division or Department who are dealing with individuals whose actions are deemed to be unacceptable, persistent and / or unreasonable, i.e. a member of the Force Executive or an Area Commander who are experiencing unacceptable, persistent and / or unreasonable contact from a member of the public. It is also not intended for use in relation to Health and Safety compliance matters, nor matters which are dealt with under Police Scotland People and Development procedures.

Officers and staff should be mindful that any action taken in relation to imposing conditions on individuals following their actions being deemed unacceptable do not breach their rights in relation to other legislative or regulatory processes.

### Aims

Police Scotland are committed to providing a visible, fair, consistent, and accessible service to all users. We believe individuals have the right to be heard, understood and respected and consider Police Scotland staff and officers to have the same rights. However, we retain the right, where we consider an individual’s actions to be unacceptable, to restrict, or change access to our service.

### Equality, Diversity, and Inclusion

The work of Police Scotland is underpinned by our commitment to equality, diversity and inclusion in our interactions with the communities we serve as well as our own staff and officers. It is recognised that there can be a danger of unconscious bias when dealing with members of the public with protected characteristics, and these should be fully considered by those undertaking the processes included within this document.

This SOP is subject to an Equalities and Human Rights Impact Assessment (EqHRIA) in compliance with the Scottish Public Sector Equality Duty and these documents should be read in conjunction to ensure all considerations are undertaken.

## Definition of Unacceptable Actions

Unacceptable actions are those which, because of their nature and / or frequency, raise health, safety, welfare, resource, or equality issues for the individuals involved.

Police Scotland recognise people may act out of character in times of adversity or distress. There may be upsetting or distressing circumstances leading to a complaint or correspondence being received. Forceful or determined behaviour is not considered to be unacceptable unless it is deemed to have become excessive.

The five categories under the terms of unacceptable actions are:

### Unacceptable Behaviours

Police Scotland expect their staff and officers to be treated with courtesy and respect. Behaviour which may cause them to feel distressed, threatened or abused is unacceptable. Police Scotland understands the difference between anger and aggression. The anger felt by many complainers involves the subject matter of their complaint or correspondence.

However, it is not acceptable when anger escalates into aggression towards staff and officers.

There are a range of behaviours which are considered to be unacceptable and which, if they occur, will be proactively and robustly managed by staff and officers, for example:

* Derogatory and abusive remarks whether verbally or in writing. Rudeness and swearing when in a manner to deliberately cause harm, distress or hindrance.
* Inflammatory statements.
* Malicious, manipulative or unsubstantiated allegations.
* Attempts to discuss the private lives of staff and officers or contact them off duty.
* Threatening or attempting to threaten or harm staff and officers’ families and personal property.
* Harassing or stalking behaviours, including through social media.
* Threatening to attend at Police Scotland premises or refusing to leave the premises when requested, or;
* Physical violence.

### Unacceptable Demands

Police Scotland consider demands to be unacceptable if they significantly impact on the functionality of staff, officers and the organisation. Such demands often relate to the amount of information individuals seek, the nature and scale of the service expected, and the number of approaches made. What amounts to unreasonable demands will depend on the circumstances surrounding the behaviour and gravity of the issues raised, for example:

* Demanding responses within an unreasonable timescale.
* Demanding contact with a particular member of staff or officer.
* Demands about how Police Scotland deal with a complaint or correspondence.
* Demands to respond to a trivial matter or deal with issues not within the remit of the complaint or correspondence.
* Demands complaints which are already concluded are reviewed again.
* Demands for unrealistic outcomes.
* Demanding a review of our decisions.
* Ignoring instruction to contact another public agency for further assistance, such as a Local Authority, Police Investigation and Review Commissioner (PIRC) or Crown Office and Procurator Fiscal Service (COPFS).

### Unacceptable Persistence

It is recognised some individuals will not or cannot accept Police Scotland is unable to assist them further or provide a level of service other than already provided. Individuals may persist in disagreeing with the action or decision taken in relation to their complaint or enquiry and persistently contact Police Scotland about the same issue.

It can occur in the short term or over the lifespan of an investigation, for example when an individual makes repeated telephone calls or inundates Police Scotland with unnecessary and irrelevant written or electronic correspondence.

It is considered unacceptable when an inordinate amount of time is spent speaking to the individual on the telephone, or responding to emails or written correspondence to the extent it impacts significantly on service delivery, for example:

* Persistent refusal to accept a final outcome in relation to a complaint or enquiry.
* Continuing to pursue a complaint without presenting any new or relevant information.
* Repeatedly changing the substance of an issue or raising unrelated concerns.
* Unduly frequent or excessively long telephone calls or written correspondence.
* Attempting to contact different staff or officers in the organisation in the hope of a different outcome.
* Manufacturing complaints against members of Police Scotland who have corresponded with the complainer when the complainer disagrees with an outcome.
* Repeatedly questioning the competency or integrity of Police Scotland and its staff or officers.

### Unreasonable Lack of Cooperation

Individuals with complaints about the Police have the right to pursue their concerns through a range of means. They also have the right to complain more than once about the organisation if subsequent incidents occur.

Along with these rights comes responsibility for the individuals to cooperate in the complaint and investigation process to allow enquires to progress as effectively and efficiently as practicable.

An individual’s lack of cooperation becomes unacceptable when it prevents Police Scotland from pursuing a legitimate aim or implementing a legitimate decision, for example:

* Repeatedly failing to define a complaint or enquiry.
* Failing to reply to repeated requests for information.
* Providing excessive, disorganised or irrelevant information.
* Withholding information which is material to the enquiry.
* Providing misinformation or acting dishonestly.
* Failure to meet with the investigating officer without good reason.
* Failure or refusal to answer or return telephone calls without good reason.
* Failure to reply to written correspondence without good reason.
* Behaving in an abusive or offensive manner.

In relation to complaints against the Police, the enquiry officer should make reasonable efforts to secure a complainer’s cooperation, taking cognisance of any potential vulnerabilities, disabilities and/ or protected characteristics. If they are satisfied the investigation cannot proceed without the complainer’s further cooperation, consideration may be given to abandoning the complaint investigation (within 14 days). The decision to abandon a complaint should be communicated to the complainer in writing.

The consideration to abandon a complaint is underpinned by the Complaints about the Police SOP.

### Unreasonable Arguments

Police Scotland can only investigate and respond to relevant complaints for which there is a practical purpose in pursuing. It is expected that individuals provide a reasonable argument and evidence for their complaint.

An individual’s argument may be deemed unreasonable if it is clearly groundless or if it is based on a misunderstanding or misinterpretation of the law or policies of Police Scotland, for example:

* Making numerous allegations with little or no supporting evidence.
* Pursuing trivial matters.
* Raising incomprehensible complaints.
* Insisting an erroneous interpretation of the facts or law is correct.
* Making complaints where Police Scotland have no jurisdiction, such as civil matters, and refusing to accept this.
* Refusing to accept personal responsibility or blaming others for their misfortune, or;
* Alleging corruption or conspiracy theories on the part of Police Scotland or partner agencies.

### Underlying Causes

There are many reasons why an individual’s behaviour may become unacceptable, persistent and / or unreasonable. It is important to not make assumptions about what is driving this behaviour and understanding the reasons behind it are vital in making a decision on how best to manage it.

Frustration can be caused by poor communication, and / or lack of timeliness when dealing with an individual’s correspondence or complaint. This can cause an escalation.

Throughout any contact or complaints process, officers and staff should be mindful to the possibility that the individual may have additional needs and if so, consider whether providing the individual with additional tailored support would make it easier for them to continue their contact with Police Scotland.

Where it is identified that an individual requires additional support, appropriate steps should be taken to address these needs in a way that satisfies the requirements of the Equality Act 2010. Officers and staff should also be aware of other barriers which may hinder an individual’s ability to effectively access the Police or the complaints process, for example, individuals whose first language is not English may become frustrated if they are unable to understand Police processes or updates provided to them. Reasonable efforts should be made to ensure individuals have a clear understanding of the information communicated to them and, where their understanding is unclear, reasonable measures should be taken to help them. Consideration should also be given to providing information in an accessible format tailored to an individual’s needs.

It is important to conduct an objective assessment when considering an individual’s behaviours. Officers and staff should be mindful if the individual has a neurodiverse condition such as Tourette’s, Autism Spectrum Disorder (ASD) and / or Attention Deficit Hyperactivity Disorder (ADHD) whilst assessing an individual’s behaviour, as this should not become a barrier to an individual’s ability to contact Police Scotland. Officers and staff should mitigate this by ensuring additional support is provided wherever possible. Further guidance can be found in the Appropriate Adults SOP.

Querulous paranoia is a condition where a person has a propensity to make persistent complaints about comparatively trivial issues. Research has shown that individuals pursue their complaints for longer, have a tendency to supply more written material, are more persistent with contact and continued to complain when the matter was closed. Officers and staff should be mindful of any reference to individuals medical or mental health conditions within any decision-making documentation relating to the application of this SOP, without diagnosis confirmation.

It is worthy of note that there may be a risk of creating a persistent complainer through lack of understanding of an individual’s expectations and failure to outline what Police Scotland can and cannot do. Officers and staff should, where possible, identify at an early stage those who are at risk of becoming persistent. The use of a Single Point of Contact and continued management of expectations should be considered during these early stages.

### Legal References

This SOP adheres to the provisions of the legislation that governs complaints about the police in Scotland as regulated by the Police, Public Order and Criminal Justice (Scotland) Act, 2006.

## Managing Unacceptable Actions

There are relatively few individuals whose actions Police Scotland consider unacceptable. The management of these actions depends on their nature and context. If it adversely affects Police Scotland’s ability to work and provide a service to others, there may be a need to restrict contact in order to manage the unacceptable action(s).

Police Scotland will aim to do this in a way that allows a complaint or enquiry to progress to completion through our complaints or investigation process. There may be restrictions placed on contact by telephone, letter or electronically or by any combination of these although at least one form of contact, accessible to the individual, in these circumstances will be sought to be maintained. Where it is appropriate, Police Scotland will write to the individual, advising they are on the ‘Unacceptable actions by complainers’ list. This will not impact upon their right to contact Police Scotland in an emergency situation. It is acknowledged, regardless of their previous history of making unfounded complaints, they may make reasonable complaints or enquiries at other times.

The threat or use of physical violence, verbal abuse or harassment towards any member of Police Scotland during the course of engagement, is likely to result in the ending of all direct contact with the individual and may lead to criminal proceedings.

Police Scotland do not deal with written correspondence which is abusive to staff and officers. The individual will be requested to refrain from such behaviour and advised future correspondence will not be entered into unless they refrain from such behaviour. If the abusive behaviour continues, future contact may be required to be conducted through a third party.

Telephone calls may be terminated if the caller is considered aggressive, abusive or inappropriate to our staff. The member of staff or officer taking the call has the right to make this decision and will advise the caller their behaviour is unacceptable, or they are placing unreasonable demands on the organisation.

Where an individual is already being managed under this policy and telephone contact has been prohibited, staff or officers will terminate any call and remind the individual why. Staff and officers are entitled to decline any further calls from that individual or correspondence replied to regarding the matter. In such cases, any future correspondence will be read and filed, but only acknowledged or responded to if considered to raise new issues.

Where an individual repeatedly telephones, contacts electronically, visits offices, sends irrelevant documents or raises the same issues, a decision may be made to:

* Only take telephone calls at set times/set days or alternatively consider appointing a Single Point of Contact for oversight of all correspondence and calls from the individual.
* Require an individual contacts Police Scotland by letter only.
* Return documents to the individual or, in extreme cases, advise the individual further irrelevant documents will be destroyed.

It should be noted that this list is not exhaustive. Where an individual continues to correspond on a wide range of issues, and this action is considered excessive. The individual will be advised that only a certain number of issues will be considered in a given period and asked to limit or focus their requests accordingly.

It is important to mitigate situations where unhelpful, circular correspondence occurs and to prevent engagement in disagreements. It is also important to make it clear what can and cannot be achieved, in order to manage the individual’s expectations in line with existing policies and procedures.

## Deciding to Restrict Contact

Police Scotland staff and officers who directly experience unacceptable behaviour from an individual have the right to deal immediately with the behaviour in a manner they consider appropriate to the situation and in line with their personal and professional responsibilities Should any additional support be required following experience of unacceptable behaviour, officers and staff can access this via their supervisors and the Employee Assistance Programme.

With the exception of such immediate decisions taken at the time of the interaction, decisions to restrict contact with Police Scotland can only be taken after careful consideration of the situation by the Professional Standards Department (PSD) Chief Inspector or the relevant Chief Inspector with responsibility for the department or Area Command being corresponded with.

Wherever possible an individual will be afforded the opportunity to modify their behaviour or actions before any decision is made, by way of warning letter, Unacceptable actions warning letter (037-057A)

Should the individual’s actions continue, they are advised in writing why a decision to restrict further contact has been made, what the arrangements are and, if relevant, the timescales. The decisions and rationale behind same will be documented with the Unacceptable actions by complainers decision framework (037-057) and the “Unacceptable Actions by Complainers” list updated with outcomes accordingly.

## Appealing a Decision to Restrict Contact

An individual can appeal a decision to restrict contact. An appeal must be made to Police Scotland within 21 days. An officer of at least the rank of Superintendent from the referring officer’s division and independent to the process must assess the appeal. They will advise in writing whether the restricted contact arrangements still apply, or a different course of action has been agreed. Again, this would be documented within Unacceptable actions by complainers decision framework.

## Recording and Reviewing a Decision to Restrict Contact

Police Scotland will record all incidents of unacceptable actions by individuals.

Where a decision to restrict contact has been taken, this is to be recorded on the relevant file as per local procedures. This will note the decision-making strategy restricting contact and the revised contact arrangements, utilising the unacceptable actions by complainers decision framework.

The referring officer’s department will maintain responsibility for carrying out an annual review of ‘Unacceptable actions by complainers’ status.

All correspondence from the individual should be retained for the purposes of a review and in line with the Records Retention SOP.

The referring officer’s department must consider all new correspondence received from the individual and actions of the individual within the 12-month review period and will provide an update to an authorising officer for consideration to be retained as an unacceptable complainer, amendment of any of the conditions posed, or for the removal of the ‘Unacceptable Actions by Complainers’ status.

The authorising officer should review information provided by the referring officer and make a strategy decision as to whether the status should be retained, amended, or removed.

This decision should be documented within the 12 Month Review section within Unacceptable Actions by Complainers Decision Framework and any changes must be communicated to the individual by the Authorising Officer in writing as soon as reasonably possible. Should there be a further 12 Month Review, this will be documented in the Unacceptable actions by complainers decision framework-additional 12 month review (037-057B)

Any changes made to the restrictions are also subject to the same appeal process as detailed in Section 6.

## Roles and Responsibilities

Professional Standards will retain responsibility for recording and governance of all Unacceptable Complainers. The review of an unacceptable complainer will remain the responsibility of the division or department of the referring and authorising officer.

### Officer/Staff member dealing with individual including Single Points of Contact

* Inform your line manager of your concerns.
* Discuss correspondence with your line manager (referring officer), ensuring that all correspondence is saved and made available.

### Referring Officer/ Referring Officer’s Department

* Must be of the rank of Sergeant or above, or staff equivalent.
* Complete Warning LetterUnacceptable actions warning letter (037-057A).
* Forward Warning Letter and documentation to an Authorising Officer.
* Complete Unacceptable actions by complainers decision framework (037-057)
* Forward all documentation to an Authorising Officer.
* Once authorised by Authorising Officer, forward all authorised documentation onto relevant PSD administration email address (see Section 9: Key Contacts) for recording on SharePoint (and Centurion if it relates to a PSD matter).
* Once annual review notification has been received from PSD, conduct annual review as per procedure and ensure update is sent to PSD.

### Authorising Officer

* Must be of the rank of Chief Inspector or above**,** or staff equivalent.
* Review and complete Unacceptable actions by complainers decision framework (037-057)

If decision taken to restrict contact, arrange for the individual to be notified through the Notification of Decision to Restrict Contact template.

### Appeal Review Officer

* Must be of the rank of Superintendent or above**,** or staff equivalent.
* Complete Unacceptable actions by complainers decision framework (037-057) following an appeal from the individual.
* Arrange for the individual to be notified of the appeal outcome.

### Professional Standards

* Maintain the “Unacceptable Actions by Complainers” list by recording on SharePoint upon receipt of documentation from Referring Officer.
* This will also be recorded on Centurion if it relates to a complaint about the police.
* Notify Referring Officer/Referring Officer’s Department of annual review.
* Ensure all relevant documentation is saved into associated Centurion file, SharePoint and “Unacceptable Actions by Complainers” list.

## Key Contacts

Please forward all associated documentation to the relevant hub:

* PSD North: @scotland.police.uk
* PSD East: @scotland.police.uk
* PSD West: @scotland.police.uk

Information has been removed due to its content being exempt in terms of the Freedom of Information (Scotland) Act 2002, Section 30 Prejudice to effective conduct of public affairs.

## Compliance record

EqHRIA completion/review date: 23/12/2024

Information Management Compliant: Yes

Health and Safety Compliant: Yes

## Version control table

| **Version** | **History of amendments** | **Approval date** |
| --- | --- | --- |
| 1.00 | Initial Approved Version | 05/04/2013 |
| 2.00 | Minor amendment to Appendix ‘M’ | 28/11/2013 |
| 3.00 | Cyclical Review – Amendments to Sections 6.2, 6.3, 6.4 and 8.1 in relation to recording and reviewing decisions to restrict complainer contact.  | 03/12/2015 |
| 4.00 | Under the direction of DCC Johnny Gywnne the amendments noted in this SOP are in relation to grammatical changes only from the wording ‘police office’ to ‘police station’ | 17/07/2017 |
| 5.00 | Full review of document and alignment to SPA and PIRC policies for Unacceptable Actions by Complainers. | 23/12/2024 |

## Feedback

All Police Scotland service delivery Policies, Standard Operating Procedures (SOPs) and National Guidance are subject to regular reviews. It is important that user feedback is considered when documents are reviewed.

If any officer / staff member wishes to provide comment, or make suggestions for improvements to this or any associated document, a Service Delivery Policy and Procedure Feedback Form (Form 066-014) should be used.