



# Policy

# Unacceptable Actions by Members of the Public

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## Version History

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## 1 Policy Statement

We work hard to ensure our services are responsive to the needs of the people who use them and the communities we serve. We are happy to hear from you whether you are communicating with us in regard to your care, to raise a concern, to give us feedback, or to make a complaint.

We recognise that many of the people we work with, their family members, and carers, are often distressed when they contact us. We are also sensitive to the fact that some people have difficulties with communication for various personal, practical, or medical reasons.

We believe everyone we deal with has a right to be heard, understood, and respected, and we work hard to be understanding, empathetic, open and accessible to all.

Occasionally, the behaviour or actions of individuals using or contacting our service makes it very difficult for us to deal with their enquiries effectively. In a small number of cases the actions of individuals become unacceptable because they involve abuse of our staff or our process.

When this happens, we have to take action to protect our staff. We also consider the impact of the behaviour on our ability to do our work and provide a service to others.

This Policy explains how we will approach these situations.

We do not view behaviour as unacceptable just because someone using our services or contacting us is forceful or determined.

However, we do consider actions that result in unreasonable demands on our services or unreasonable behaviour towards staff who work for the Partnership to be unacceptable. It is these actions that we aim to manage under this Policy.

### 1.1 Scope

This policy applies to any contact between members of the public, including users of our services, and staff working for the Angus Health and Social Care Partnership or any of our commissioned services.

It includes:

- Contact in the normal course of the provision of health and social care services
- Complaints made in person, by telephone, video service, or in writing
- Feedback, concerns, or other communications with staff made in person, by telephone, video service, or in writing

## 2 Aggressive or abusive behaviour

We understand that many people who use our services or contact us may be distressed, frightened, frustrated or angry about the issues they raise with us. If that escalates into aggression towards Partnership staff, we consider that unacceptable. Any violence or abuse towards staff will not be accepted.

Violence is not restricted to acts of aggression that may result in physical harm. It also includes behaviour or language (whether verbal or written) that may cause staff to feel offended, afraid, threatened or abused. We will judge each situation individually and appreciate individuals who come to us may be upset.

Language which is designed to insult or degrade, is racist, sexist or homophobic or which makes serious allegations that individuals have committed criminal, corrupt or perverse conduct without any evidence is unacceptable. We may decide that comments aimed not at us but at third parties are unacceptable because of the effect that listening or reading them may have on our staff.

## 2.1 Unreasonable demands

We are here to serve the health and social care needs of the whole adult population of Angus. Every individual is equally important to us and we seek to everyone's needs in a fair and equitable way which means we have to balance the needs of every individual against the needs of all other people who need our services.

A demand becomes unacceptable when it starts to (or when complying with the demand would) impact substantially on the work of the office.

Examples of actions grouped under this heading include:

- repeatedly demanding responses within an unreasonable timescale,
- insisting on seeing or speaking to a particular member of staff when that is not possible,
- insisting on service provision which is unrealistic or inequitable,
- repeatedly changing the substance of a complaint or raising unrelated concerns.

An example of such impact would be that the demand takes up an excessive amount of staff time and in so doing disadvantages other service users and prevents their own enquiries from being dealt with quickly.

## 2.2 Unreasonable levels of contact

Sometimes the volume and duration of contact made to our staff by an individual causes problems. This can occur over a short period, for example, a number of calls in one day or one hour. It may occur over the life-span of contact in relation to a particular issue when an individual repeatedly makes long telephone calls to us or inundates us with copies of information that has been sent already or that is irrelevant to their enquiry.

We consider that the level of contact has become unacceptable when the amount of time spent talking to an individual on the telephone, or responding to, reviewing and filing emails or written correspondence impacts on our ability to deal with that enquiry, or with other people's enquiries.

## 2.3 Unreasonable refusal to co-operate

When we are trying to resolve a matter which has been drawn to our attention, we will need to ask the individual involved to work with us. This can include agreeing with us the scope of their enquiry; providing us with further information, evidence or comments on request; or helping us by summarising their concerns or completing a form for us.

Sometimes, an individual repeatedly refuses to cooperate and this makes it difficult for us to proceed. We will always seek to assist someone if they have a specific, genuine difficulty complying with a request. However, we consider it is unreasonable to make raise an enquiry with us and then not respond to reasonable requests.

## 2.4 Unreasonable use of the complaints process

We encourage individuals to raise concerns or formal complaints about our services where they are dissatisfied. Individuals with complaints about the Partnership or any of the services we commission have the right to pursue their concerns through a range of means depending on the nature of the complaint, mainly through our general complaints process which is available to everyone. They also have the right to complain more than once about us if subsequent incidents occur.

This contact becomes unreasonable when the effect of the repeated complaints is to harass, or to prevent the Partnership from pursuing a legitimate aim or implementing a legitimate decision. We consider access to a complaints system to be important and it will only be in exceptional circumstances that we would consider such repeated use is unacceptable – but we reserve the right to do so in such cases.

## 3 Examples of how we manage unacceptable behaviour

If an individual subjects any member of staff to the threat or use of physical violence, verbal abuse or harassment it is likely to result in a termination of all direct contact with that individual. We may report such incidents to the police. This will always be the case if physical violence is used or threatened.

Partnership staff will end telephone calls if they consider the caller aggressive, abusive or offensive. All Partnership staff have the right to make this decision, to tell the caller that their behaviour is unacceptable and end the call if the behaviour persists.

We will not respond to correspondence (in any format) that contains statements that are abusive to staff or contains allegations that lack substantive evidence. Where we can, we will return the correspondence. We will explain why and say that we consider the language used to be offensive, unnecessary and unhelpful and ask the sender to stop using such language.

We will state that we will not respond to their correspondence if the action or behaviour continues. In extreme situations, we will tell the individual in writing that their name is on a 'no personal contact' list. This means that we only permit contact with them through a third party, for example, their solicitor.

### 3.1 Examples of how we deal with other categories of unreasonable behaviour

We have to take action when unreasonable behaviour impairs the functioning of our services.

We aim to do this in a way that allows an enquiry to still progress through our process.

We will try to ensure that any action we take is the minimum required to solve the problem, taking into account relevant personal circumstances including the seriousness of the enquiry or complaint and the needs of the individual.

### 3.2 Other actions we may take

Where a complainant repeatedly phones, visits our offices, raises repeated issues, or sends large numbers of documents where their relevance isn't clear, we may decide to:

- limit contact to telephone calls from the complainant at set times on set days.
- restrict contact to a nominated member of Partnership staff who will deal with future calls or correspondence from the complainant.
- see the complainant by appointment only.
- restrict contact from the complainant to writing only.
- return any documents to the complainant or, in extreme cases, advise the complainant that further irrelevant documents will be destroyed.
- take any other action that we consider appropriate.

Where we consider continued correspondence on a wide range of issues to be excessive, we may tell the complainant that only a certain number of issues will be considered in a given period and we ask them to limit or focus their requests accordingly.

In exceptional cases, we reserve the right to refuse to consider a complaint or future complaints from an individual. We will take into account the impact on the individual and also whether there would be a broader public interest in considering the complaint further.

We will always tell the complainant what action we are taking and why.

Any member of Partnership staff who directly experiences aggressive or abusive behaviour from a complainant has the authority to deal immediately with that behaviour in a manner they consider appropriate to the situation and in line with this Policy.

With the exception of such immediate decisions taken at the time of an incident, decisions to restrict contact with the Partnership are only taken after careful consideration of the situation by a more senior member of staff. Wherever possible, we will give an individual the opportunity to change their behaviour or action before a decision is taken.

## **4 How we let people know we have made this decision**

When a member of Partnership staff makes an immediate decision in response to offensive, aggressive or abusive behaviour, they will advise the person who is the subject of their decision at the time of the incident. When a decision has been made by senior management, the person who is the subject of the decision will always be given the reason in writing as to why a decision has been made to restrict future contact, the restricted contact arrangements and, if relevant, the length of time that these restrictions will be in place. This ensures that the individual affected has a record of the decision.

### **4.1 The process for appealing a decision to restrict contact**

It is important that a decision can be reconsidered. An individual can appeal a decision to restrict contact. If they do this, we will only consider arguments that relate to the restriction and not to any complaint which the person has made to us or to our decision to close a complaint.

An appeal could include, for example, a complainant saying that: their actions were wrongly identified as unacceptable; the restrictions were disproportionate; or that they will adversely impact on the individual because of personal circumstances.

A senior member of staff who was not involved in the original decision will consider the appeal. They have discretion to quash or vary the restriction as they think best. They will make their decision based on the evidence available to them. They must advise the complainant in writing that either the restricted contact arrangements still apply or a different course of action has been agreed.

We may review the restriction periodically or on further request after a period of time has passed.

Each case is different. We will explain in the letter setting out the restriction what review process will be in place for that restriction and in what circumstances they could request this be reconsidered.

## 4.2 How we record and review a decision to restrict contact

We record all incidents of unacceptable actions by individuals. Where it is decided to restrict complainant contact, an entry noting this is made in the relevant file and on appropriate computer records. Each quarter a report on all restrictions will be presented to our Senior Management Team so that they can ensure the policy is being applied appropriately. A decision to restrict contact with an individual as described above may be reconsidered either on request or on review.