

# Unreasonably Persistent contact and Unacceptable Behaviour Policy

# 1. Introduction

- 1.1 The Authority works to help to protect the public by improving the regulation and registration of people who work in health and care. There are three main areas to our work:
  - Reviewing the work of the regulators of health and care professionals
  - Accrediting organisations that register health and care practitioners in unregulated occupations
  - Giving policy advice to Ministers and others and encouraging research to improve regulation.
- 1.2 In doing this, we are often approached by a range of people for a variety of reasons.
- 1.3 We aim to provide an excellent level of service to everyone who contacts us. Everybody is entitled to be treated respectfully, courteously and in a polite manner. Anybody who raises an issue with us has a right to expect us to deal with it fully and fairly.
- 1.4 When dealing with people we do not normally limit the contact they have with us. However, our staff should not be expected to tolerate abusive, threatening or offensive behaviour. Similarly, we should not be expected to deal with someone who, because of the frequency of their contact, hinders the work that we do.
- 1.5 On rare occasions the information provided by individuals may lead us to believe that there is a genuine and immediate risk to others that we may have to report for the protection of the public.
- 1.6 This policy sets out the actions that the Authority can take when dealing with either unreasonably persistent contact or unacceptable behaviour from people or where we have a concern about wellbeing. This policy is expected to apply to very few people. No action under this procedure will ever allow a potentially serious issue affecting public safety to go uninvestigated.

## 2. What is unreasonably persistent?

- 2.1 Unreasonably persistent people are those who, because of the frequency or nature of their contacts with us, can hinder our work. Those who are unreasonably persistent may have justified complaints or grievances, but are pursuing them in inappropriate ways, or they may be intent on pursuing complaints/issues which appear to have no substance or which have already been investigated and determined.
- 2.2 In dealing with people, we recognise that our resources including staff time have to be used where they can provide the most value. This might mean that we cannot respond to every complaint/issue in the way a person would like.

2.3 Examples of the types of actions / behaviours which may cause this policy to be used are noted below. These are not exhaustive but could include one or more of the following:

- Adopting a 'scattergun' approach: pursuing a complaint or other issues with us and, at the same time, with other people or bodies such as the Member of Parliament / local police / solicitors / the Health Ombudsman
- Making unnecessarily excessive demands on the time and resources of staff whilst a complaint/issue is being looked into, by for example, excessive telephoning or sending emails to numerous staff members, writing lengthy complex letters every few days and expecting immediate responses
- Submitting repeated complaints, after the complaints processes have been completed, essentially about the same issues, with additions/variations which the complainant insists make these 'new' complaints worthy of being put through the full complaint's procedure
- Refusing to accept the decision on a complaint/issue – repeatedly arguing the point and complaining about the decision
- Refusing to accept that issues are not within our remit despite having been provided with information about our scope
- Insisting on the complaint/issue being dealt with in ways which are incompatible with standard procedure or with good practice.

## 3. What is unacceptable behaviour?

3.1 We expect our staff to be treated with courtesy and respect.

3.2 We recognise that people often feel under pressure, distressed or feel that they have to be determined to pursue their concerns. They can also feel angry about their situation. Staff must be able to distinguish between distress, frustration, forcefulness and determination and behaviour which is unacceptable.

3.3 Unacceptable behaviour is defined as: behaviour or language (whether verbal or written) that may cause staff to feel afraid, intimidated, threatened or abused. This could include threats of physical violence, derogatory remarks, rudeness, harrassment, inflammatory statements and unsubstantiated allegations.

## 4. How do we deal with these behaviours?

### **What do we do when unacceptable behaviour occurs in a telephone conversation?**

4.1 If the unacceptable behaviour occurs during a telephone conversation, the staff member should explain to the caller why their behaviour is unacceptable. The member of staff should then give the caller the opportunity to stop the unacceptable behaviour and explain that if they carry on it will result in the conversation being ended. If the behaviour continues, the member of staff should tell the caller politely that they are ending the telephone call and put down the telephone. Once the call has ended, a note should be made of the

conversation and the reasons why the telephone call was ended. This note should be saved to the complaints folder and a copy shared with the member of staff's line manager. Please be aware when writing the note, that this information would be disclosable under the Data Protection Act 2018.

- 4.2 We have dedicated team members responsible for handling complaints or concerns, where the caller reaches another member of staff they will explain who the correct person is and either transfer the call or take a message. If the staff member is not given adequate time by the caller to explain this, they may transfer the call directly to the correct person without explanation or if this is impossible they may terminate the call.
- 4.3 The member of staff should inform their line manager of such contact, be given the opportunity to talk about it and offered any other support necessary to ensure their well-being.

#### **When should a written warning be issued?**

- 4.4 Following behaviour as defined above (this may be either repeated behaviour or a 'one off', this will be considered on a case to case basis) and discussion with your Director, a written warning should be issued to the person that they are behaving in a manner which is viewed as unreasonably persistent/unacceptable. The warning should be issued with approval from the Chief Executive. The warning should contain the reasons why we believe the behaviour could be defined as unreasonably persistent/unacceptable; an explanation of the effect such behaviour is having on us; and what could happen should such behaviour continue. A copy of this policy should also be sent.
- 4.5 Where the behaviour is particularly serious we may decide that this policy should be applied without prior warning. In that event, the Chief Executive will write directly to the person explaining the reasons for this.

#### **How is the decision taken?**

- 4.6 The decision to restrict access to us will be taken at Chief Executive level and will normally follow a prior warning to the person. The member of staff should provide to their Director initially a summary of the evidence for applying the policy, relevant documentation and what steps they consider appropriate to control the unwanted effects of the behaviour. If the line manager is in agreement the access to the Authority should be restricted, this information will be forwarded to the Chief Executive for their consideration. Any decision taken by the Chief Executive will be recorded.
- 4.7 If this policy is implemented, there are a range of ways that we can restrict access to the Authority and the action applied will depend on the nature of the behaviour. These include but are not limited to:
  - Restricting contact to one method, named members of staff, or particular times of day;
  - Accepting contact through a third party only;
  - Only acknowledging or filing correspondence unless new information is presented which we consider has implications for public protection;

- Not acknowledging any further correspondence unless new information is presented which we consider has implications for public protection;
  - Refusing to accept further telephone calls; or
  - Restricting the issues we will correspond on.
- 4.8 Any action taken will be reasonable, proportionate and balance the interests of the member of the person with the duty to protect the health, safety and well-being of our staff.
- 4.9 If this policy is not applied the Director will consider the need for advice to the staff member dealing with the person, changing the staff member dealing with the person and any steps necessary to protect the welfare of the staff member.

#### **How is the decision to restrict access communicated?**

- 4.10 When we decide to deal with a person under this policy, we will write to the them setting out the reasons for why we believe their behaviour to be unreasonably persistent/unacceptable, what action we have decided to take in response to this behaviour and how and when any decision to restrict access to us will be reviewed. A copy of this policy will also be sent.

#### **How is the decision to apply this policy reviewed?**

- 4.11 Six months after the decision to apply the policy was taken, we will carry out a review and decide if the policy should continue to apply. We will write to the person and explain the decision we reach. The letter will be sent from the Chief Executive.
- 4.12 Where a person continues to behave in such a way which is unreasonably persistent/unacceptable, we may decide to continue to restrict access to the Authority
- 4.13 Where a person has changed their behaviour to the extent that the staff member does not believe the policy should still apply, they should consult with their Director and the Chief Executive about removing any restrictions.

#### **How can you appeal a decision taken under this policy?**

- 4.14 A person can appeal a decision to implement this policy using our complain about us policy which is available on our website. Due to the Chief Executive's involvement in the complaints process, any appeal against this decision will be considered by the Chair of the Authority.

## **5. Extreme behaviour**

- 5.1 In exceptional cases, the behaviour of a person may pose an immediate threat to the health, safety or well-being of themselves, the public or our staff. In such circumstances, the Chief Executive or a Director under the instruction of the Chief Executive may, without warning to the person, refer the case to an outside body which may include the Police, the ambulance service, the Health and

Social Care Regulator, the Employer or Social Services. We may also in certain circumstances instigate civil proceedings.

- 5.2 Any decision to report a complainant to an external body will be made with careful consideration of their rights for example under the Data Protection Act and with relevant staff such as the Authority's Data Protection Officer.
- 5.3 We will keep a record of any decision to report, who was involved in the decision making and why the decision was taken.
- 5.4 We will in as far as possible inform you of the decision and what actions we have taken except where we are not permitted to, such as for the prevention of crime.

## 6. New complaints

- 6.1 New complaints from those who have been dealt with previously under this policy will be treated on their merits.

## Document Control

### Version Control

Printed documents are uncontrolled. This document is only valid on the day it was printed.

Version	Description of Version	Date Completed
1.0	Unreasonably Persistent contact and Unacceptable Behaviour Policy	November 2008
2.0	Unreasonably Persistent contact and Unacceptable Behaviour Policy	October 2010
3.0	Updated to reflect current practice within CHRE	July 2012
4.0	Updated to reflect change to Professional Standards Authority	November 2012
5.0	Clarification of other circumstances in which the policy may be applied	June 1019

### Associated Documentation

Version	Description of Documentation
2.0	How to Complain about us Policy