

Unreasonably Persistent contact and Unacceptable Behaviour Policy

1. Introduction

CHRE oversee the nine healthcare professions regulators. Our primary purpose is to promote the health, safety and well-being of patients and other members of the public. In doing this, we are often approached by a range of people for a variety of reasons.

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.

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.

This policy sets out the actions that CHRE can take when dealing with either unreasonably persistent contact or unacceptable behaviour from people. 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?

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.

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.

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 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 complaints procedure; and / or
- 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; and
- 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?

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

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.

Unacceptable behaviour is defined as: behaviour or language (whether oral or written) that may cause staff to feel afraid, intimidated, threatened or abused. This could include threats of physical violence, derogatory remarks, rudeness, harassment, 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?

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 1988.

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.

5. When should a written warning be issued?

Following behaviour as defined in 2.1 and 3.3 and discussion with your line manager, 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 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.

Where the behaviour is particularly serious we may decide that this policy should be applied without prior warning. In that event, the Manager will write directly to the person explaining the reasons for this.

6. How is the decision to restrict access taken?

The decision to restrict access to us will be taken at Manager level and will normally follow a prior warning to the person. The member of staff should provide 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.

The Manager will consider the evidence provided and decide whether this policy should be implemented. Any decision taken will be recorded.

If this policy is implemented, there is a range of actions that we may consider appropriate and the action applied will depend on the nature of the behaviour. These include:

- 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;
- refusal to accept further telephone calls; or
- restricting the issues we will correspond on.

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.

If this policy is not applied the Manager 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.

7. How is the decision to restrict access communicated?

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.

8. How is the decision to apply this policy reviewed?

If we are still dealing with the person 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.

Where a person continues to behave in such a way which is unreasonably persistent/unacceptable, we may decide to end contact. In such circumstances, we will read and acknowledge all correspondence from the person. We will only send a fuller response if they have provided significant new evidence which has not been previously considered.

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 the Manager about removing any restrictions.

9. How can you appeal a decision taken under this policy?

A person can appeal a decision to implement this policy using our complain about us policy which is available on our website.

10. Extreme behaviour

In exceptional cases, the behaviour of a person may pose an immediate threat to the health, safety or well-being of our staff. In such circumstances, the Chief Executive may, without warning to the person, refer the case to the Police or instigate civil proceedings.

11. New complaints

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