



# **West Lothian Integration Joint Board Unacceptable Actions Policy**

**Agreed 21 September 2021**

# UNACCEPTABLE ACTIONS POLICY

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## **1. INTRODUCTION**

- 1.1 In common with other public and private sector service providers, NHS Lothian and West Lothian Council employees working in support of the IJB may occasionally be required to deal with members of the public whose actions or behaviour could be considered unacceptable.
- 1.2 This policy aims to ensure that an excessive amount of time is not taken up in dealing with complainants, whose behaviour is unacceptable, to the disadvantage of other complainants or functions.
- 1.3 This Policy is designed to ensure consistency across services in dealing with unacceptable actions, and mirrors the approved approach advocated by the Scottish Public Services Ombudsman (SPSO) on such matters.

## **2. AIMS OF THE POLICY**

- 2.1 To deal fairly, honestly, consistently and appropriately with all complainants, including those whose actions are considered unacceptable. While all complainants have the right to be heard, understood and respected, IJB members and NHS and council employees also have the same rights.
- 2.2 To provide a service that is accessible to all complainants. However, where a complainant's actions are considered to be unacceptable, the IJB, while mindful of its statutory obligations, retains the right to restrict or change access to services.
- 2.3 To ensure that other complainants do not suffer any disadvantage from complainants who act in unacceptable manner.

## **3. DEFINING UNACCEPTABLE ACTIONS**

Behaviour is not viewed as unacceptable just because a complainant is forceful or determined. However, the actions of complainants who are angry or excessively demanding may result in unreasonable demands on services or unacceptable behaviour towards IJB members or NHS and council employees. It is these actions that are considered unacceptable and the aim is to manage this through this policy. These actions can be grouped under three broad headings: Aggressive or Abusive Behaviour

- 3.1 Violence is not restricted to acts of aggression that may result in physical harm. It also includes behaviour or language (whether oral or written) that may cause IJB members or NHS and council employees to be afraid, threatened or abused.
- 3.2 Examples of behaviour grouped under this heading include threats, physical violence, personal verbal abuse, derogatory remarks and rudeness. Inflammatory statements and unsubstantiated allegations can also be considered as abusive behaviour.
- 3.3 IJB members and NHS and council employees should be treated courteously and with respect. Violence or abuse towards them is unacceptable. The anger felt by complainants involves the subject matter of the complaint. However, it is not

acceptable when anger escalates into aggression directed towards IJB members or NHS and council employees.

### **Unreasonable Demands**

- 3.4 Complainants may make what is considered to be unreasonable demands 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 demands will always depend on the circumstances surrounding the behaviour and the seriousness of the issues raised by the complainant.
- 3.5 Examples of actions grouped under this heading include demanding responses within an unreasonable timescale, insisting on seeing or speaking to a particular individual, continual phone calls or letters, repeatedly changing the substance of the complaint or raising unrelated concerns.
- 3.6 These demands are considered unacceptable and unreasonable if they start to impact substantially on the work of a service area, such as taking up an excessive amount of time to the disadvantage of other complainants or functions.

### **Unreasonable Persistence**

- 3.7 It is recognised that some complainants will not or cannot accept that the IJB is unable to assist them further or provide a level of service other than that provided already. Complainants may persist in disagreeing with the action or decision taken in relation to their complaint or contact the IJB persistently about the same issue.
- 3.8 Examples of actions grouped under this heading include persistent refusal to accept a decision made in relation to a complaint and continuing to pursue a complaint without presenting any new information. The way in which these complainants make approaches may be entirely reasonable, but it is their persistent behaviour in continuing to do so that is not.
- 3.9 The actions of persistent complainants are considered to be unacceptable when they take up what is considered to be a disproportionate amount of time and resources.

## **4. MANAGING UNACCEPTABLE ACTIONS**

- 4.1 There are relatively few complainants whose actions could be considered unacceptable. How these actions are managed depends on their nature and extent. Where a complainant's actions adversely affect the ability to work and provide a service to others, it may be necessary to restrict complainant contact with the IJB. Wherever possible, this should be undertaken in a way that allows a complaint to progress to completion through our complaint process. Contact in person could be restricted to contact by telephone, fax, letter or electronically or by any combination of these. At least one form of contact will be maintained. In extreme situations, a complainant will be told in writing that their name is on a 'no personal contact' list. This means that contact with the IJB will be restricted to either written communication or through a third party.

- 4.2 The threat or use of physical violence, verbal abuse or harassment towards IJB members or NHS and council employees will likely result in the ending of all direct contact with the complainant. Incidents may be reported to the police. This will always be the case if physical violence is used or threatened.
- 4.3 Correspondence (letter, fax or electronic) that is abusive to IJB members or NHS and council employees, or contains allegations that lack substantive evidence will not be progressed. Complainants will be:
- told that their language is considered offensive, unnecessary and unhelpful;
  - asked to stop using such language; and
  - informed that there will be no response to their correspondence if they persist in this.

They may also be informed that future contact may require to be channeled through a third party.

- 4.4 In line with current policy, NHS and council employees will end telephone calls if the caller is considered aggressive, abusive or offensive. The person taking the call has the right to make this decision, tell the caller that the behaviour is unacceptable and end the call if the behaviour does not stop.
- 4.5 Where a complainant repeatedly phones, visits the office, sends irrelevant documents or raises the same issues, the following actions may be taken:
- only take telephone calls from the complainant at set times on set days or put an arrangement in place for only one employee to deal with calls or correspondence from the complainant in the future;
  - require the complainant to make an appointment to see a named employee before visiting the office;
  - require the complainant to contact the office in writing only;
  - return the documents to the complainant or, in extreme cases, advise the complainant that further irrelevant documents will be destroyed;
  - take other action considered appropriate. However, the complainant will always be told what action was being taken and why.
- 4.6 Where a complainant continues to correspond on a wide range of issues, and this is considered excessive, then the complainant may be told that only a certain number of issues will be considered in a given period and asked to limit or focus their requests accordingly.
- 4.7 Complainant action may be considered unreasonably persistent if the complaints procedure has been exhausted and the complainant continues to dispute the decision relating to their complaint. The complainant may be told that no future phone calls will be accepted or interviews granted concerning this complaint. Any future contact by the complainant on this issue will require to be in writing. Future correspondence will be read and filed, but only acknowledged or responded to if the complainant has provided significant new information relating to the complaint.

## **5. DECIDING TO RESTRICT COMPLAINANT CONTACT**

Decisions to restrict contact will only be taken after careful consideration of the situation by the appropriate Head of Service. Wherever possible, the complainant will be given the opportunity to modify their behaviour or action before a decision to restrict contact is taken. Complainants will be told in writing 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.

## **6. APPEALING A DECISION TO RESTRICT CONTACT**

A complainant may appeal a decision to restrict contact. The Chief Officer will consider the appeal. The complainant will be advised in writing that either the restricted contact arrangements still apply or that a different course of action has been agreed.

## **7. RECORDING AND REVIEWING A DECISION TO RESTRICT CONTACT**

- 7.1 All incidents of unacceptable actions by complainants will be recorded. Where it was decided to restrict complainant contact, an entry noting this will be made in the relevant file and on appropriate computer records.
- 7.2 A decision to restrict complainant contact could be reconsidered if the complainant demonstrated a more acceptable approach. The appropriate Head of Service will review the status of all complainants with restricted contact arrangements on a regular basis.