



COMPLAINTS POLICY: UNACCEPTABLE ACTIONS

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Title: Complaints Policy: Unacceptable Actions
 Date: November 2014
 Version: 2.0
 Author: Yvonne Christley, Patient Experience and Communications Manager

The only current version of this policy is on the intranet

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1. Introduction

This policy sets out the NHS Dumfries & Galloway approach to the relatively few complainants whose actions or behaviour we consider unacceptable.

The term complainant includes anyone acting on behalf of a complainant or who contacts the organisation in connection with a complaint.

2. Policy Aims

- make it clear to all complainants, both at initial contact and throughout their dealings with the organisation, what the organisation (and specifically the Patient Services Team) can or cannot do in relation to their complaint. In doing so, we aim to be open and not raise hopes or expectations that we cannot meet.
- deal fairly, honestly, consistently and appropriately with all complainants, including those whose actions we consider unacceptable. We believe that all complainants have the right to be heard, understood and respected. We also consider that NHS Dumfries & Galloway staff have the same rights.
- provide a service that is accessible to all complainants. However, we retain the right, where we consider complainant actions to be unacceptable, to restrict or change access to our service.
- ensure that other complainants and NHS Dumfries & Galloway staff do not suffer any disadvantage from complainants who act in an unacceptable manner.

3. Defining Unacceptable Actions

NHS Dumfries and Galloway acknowledges that people can act out of character in times of trouble or distress. There may have been upsetting or distressing circumstances leading up to a complaint coming to the organisation and in particular the Patient Services Team.

We do not view behaviour as unacceptable just because a complainant is forceful or determined. In fact, we accept that being persistent can be a positive advantage when pursuing a complaint. However, the actions of complainants who are angry, demanding or persistent may result in unreasonable demands on the organisation and/or Patient Services Team, or unacceptable behaviour towards NHS Dumfries & Galloway staff. It is these actions that we consider unacceptable and aim to manage under this policy.

NHS Dumfries & Galloway has grouped these actions under three broad headings:

a. Aggressive or Abusive Behaviour

- 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 staff to feel afraid, threatened or abused.
- Examples of behaviours grouped under this heading include threats, physicals violence, personal verbal abuse, derogatory remarks and

rudeness. We also consider that inflammatory statements and unsubstantiated allegations can be abusive behaviour.

- We expect our staff to be treated courteously and with respect. Violence or abuse towards staff is unacceptable. NHS Dumfries & Galloway staff understand the difference between aggression and anger. The anger felt by many complainants involves the subject matter of their complaint. However, it is not acceptable when anger escalates into aggression directed towards NHS Dumfries & Galloway staff.
- Behaviour of this nature is managed under the NHS Dumfries and Galloway Violence and Aggression Policy

b. Unreasonable Demands

- Complainants may make what we consider unreasonable demands on our organisation and/or Patient Services Team 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 and will be considered on a case by case basis.
- Examples of actions grouped under this heading include demanding responses within an unreasonable time-scale, insisting on seeing or speaking to a particular member of staff, continual phone calls or letters, repeatedly changing the substance of the complaint or raising unrelated concerns.
- We consider these demands as unacceptable and unreasonable if they start to impact substantially on the work of the organisation or Patient Services Team, such as taking up an excessive amount of staff time to the disadvantage of other complainants or functions.

c. Unreasonable Persistence

- We recognise that some complainants will not or cannot accept that NHS Dumfries & Galloway and/or the Patient Services Team 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 office persistently about the same issue.
- Examples of actions grouped under this heading include persistent refusal to accept a decision made in relation to a complaint, persistent refusal to accept explanations relating to what the organisation and/or Patient Services Team can or cannot do, and continuing to pursue a complaint without presenting any new information. The way in which these complainants approach the organisation or Patient Services Team may be entirely reasonable but it is their persistent behaviour in continuing to do so that is not.
- We consider the actions of persistent complainants to be unacceptable when they take up what the organisation or Patient Services Team regard as being a disproportionate amount of time and resources.

4. Managing Unacceptable Actions

There are few complainants whose actions we consider unacceptable. How we aim to manage these actions depends on their nature and extent. If it adversely affects our ability to provide a service to others, we may need to restrict complainant contact with the organisation and/or Patient Services Team in order to manage the unacceptable action. We aim to do this in a way wherever possible, that allows a complaint to progress to completion through our complaints process.

We may restrict contact in person, by telephone, fax, letter or electronically or by any combination of these. We try to maintain at least one form of contact. In extreme situations, we tell the complainant in writing that their name is on a 'no personal contact' list. This means that they must restrict contact with the organisation to either written communication or through a third party.

The threat or use of physical violence, verbal abuse or harassment towards NHS Dumfries & Galloway staff is likely to 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.

We do not deal with correspondence (letter, fax or electronic) that is abusive to staff or contains allegations that lack substantive evidence. When this happens we tell the complainant that we consider their language offensive, unnecessary and unhelpful. We ask them to stop using such language and state that we will not respond to their correspondence if they do not stop. We may require future contact to be through a third party.

NHS Dumfries & Galloway staff will end telephone calls if the caller is considered aggressive, abusive or offensive. The staff member 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.

Where a complainant repeatedly phones, visits the office, sends irrelevant documents or raises the same issues, we may decide to:

- Only take telephone calls from the complainant at set times on set days or put an arrangement in place for only one member of staff to deal with calls or correspondence from the complainant in the future.
- Require the complainant to make an appointment to see a named member of staff before visiting the organisation or Patient Services Team or that the complainant contacts the organisation 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 that we consider appropriate. We will, however, always tell the complainant what action we are taking and why.

Where a complainant continues to correspond on a wide range of issues and this action is considered excessive, then the complainant is told that only a certain number of issues will be considered in a given period and asked to limit or focus their requests accordingly.

Complainant action may be considered unreasonably persistent if all internal review mechanisms have been exhausted and the complainant continues to dispute the Chief Executive's decision relating to their complaint. The complainant is told that no future phone calls will be accepted or interviews granted concerning this complaint. Any future contact by the complainant on this issue must be in writing. Future correspondence is read and filed but only acknowledged or responded to if the complainant provides significant new information relating to the complaint.

5. Deciding to Restrict Complainant Contact

NHS Dumfries & Galloway staff who directly experience aggressive or abusive behaviour from a complainant have 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 organisation and/or Patient Services Team are only taken after careful consideration of the situation by a more senior member of staff. Wherever possible, we give a complainant the opportunity to modify their behaviour or action before a decision is taken. Complainants are 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 can appeal a decision to restrict contact. A senior member of staff who was not involved in the original decision considers the appeal with a Non-Executive Director. They advise the complainant in writing that either the restricted contact arrangements still apply or whether a different course of action has been agreed.

7. Recording and Reviewing a Decision to Restrict Contact

We record all incidents of unacceptable actions by complainants. Where it is decided to restrict complainant contact, an entry noting this is made in the relevant file and on appropriate computer records.

A decision to restrict complainant contact may be reconsidered if the complainant demonstrates a more acceptable approach. The Patient Services Coordinator reviews the status of all complainants with restricted contact arrangements on a regular basis.

8. Policy Availability and Review

Copies of this policy are available on request and free of charge from NHS Dumfries & Galloway's Patient Services Team. The Patient Services Manager reviews this policy on a regular basis to make sure that the aims of the policy are being achieved.

The policy is available on request in other languages and formats.

For further information please contact:

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9. EQUALITY AND DIVERSITY

The application of this policy will be implemented on an equitable basis irrespective of age, disability, sexual orientation, gender identity, marital or civil partnership status, ethnicity, religion and belief, pregnancy and maternity.

DOCUMENT CONTROL SHEET

1. Document Status

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Approver	
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2 Document Amendment History

Version	Section(s)	Reason for update
2.0		Review of document format in line with Complaints Policy review.

3. Distribution

Name	Responsibility	Version number

4. Associated documents

Patient Rights Scotland Act 2011 Charter of Patient Rights,
NHS Dumfries and Galloway Complaints Policy,
NHS Dumfries and Galloway Complaints Procedure.

5. Action Plan for Implementation

Action	Lead Officer	Timeframe
Place on policy register	Corporate Business Manager	December 2014
Place on intranet	Communications Team	December 2014
Dissemination to senior staff through line management	Board Management Team	December 2014
Raise awareness/inform staff	All line managers	By end December 2014
Use policy	All staff	December 2014