**Eyemouth Medical Practice**

**Unacceptable Actions Policy**

The practice believes that complaints have a right to be heard, understood and respected. We work hard to be open and accessible to everyone.

Occasionally, the behaviour or actions of individuals using our service makes it very difficult for us to deal with their complaint. 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.

**What actions does the practice consider to be unacceptable?**

People may 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 practice. We do not view behaviour as unacceptable just because a complaint is forceful or determined. In fact, we accept that being persistent may sometimes be a positive advantage when pursuing a complaint. However, we do consider actions that result in unreasonable demands on our practice team or unreasonable behaviour towards practice staff to be unacceptable. It is these actions that we aim to manage under this policy.

**Aggressive or abusive behaviour**

We understand that many complainants are angry about the issues they have raised in their complaint. If that anger escalates into aggression towards practice 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 my cause staff to feel offended, afraid, intimidated, 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. The practice may also consider the publishing of information using any form of media (such as social media, websites and newspaper) as unacceptable.

**Unreasonable demands**

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

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 it is not possible.
* Repeatedly changing the substance of a complaint or raising unrelated concerns.
* Insisting on a complaint being dealt with in a way which is incompatible with the practice complaints procedure.
* Seeking an unrealistic outcome to a complaint.

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

**Unreasonable levels of contact**

Sometimes the volume and duration of contact made to the practice 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 a complaint when a complaint repeatedly makes long telephone calls to us or inundates us with copies of information that has been sent already or that is irrelevant to the complaint.

We consider that the level of contact has become unacceptable when the amount of time spent talking to a complainant on the telephone or responding to, reviewing and filing emails or written correspondence impacts on our ability to deal with that complaint or with other people’s complaints.

**Unreasonable refusal to co-operate**

Individuals with complaints about the practice or another public service provider have the right to pursue their concerns through a range of means. They also have the right to complain more than once about an organisation with which they have a continuing relationship if subsequent incidents occur. This contact becomes unreasonable when the effect of the repeated complaints is to harass or to prevent an organisation 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.

**Examples of how we manage unacceptable behaviour**

The threat or use of physical violence, verbal abuse or harassment towards practice staff is likely to result in a termination of all direct contact with the complainant. We may report incidents to the Police. This will always be the case if physical violence is used or threatened.

Members of the practice team will end telephone calls if they consider the caller aggressive, abusive or offensive. Practice staff have the right to make the 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 complainant in writing that their name is on a ‘no personal contact’ list. This means that we will limit contact with them to through a third party.

**Examples of how we deal with other categories of unreasonable behaviour**

We have to take action when unreasonable behaviour impairs the functioning of the practice. We aim to do this in a way that allows a complaint to progress through the 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 complaint and the needs of the individual.

Other actions we may take where a complaint repeatedly phones, visits the practice, raises repeated issues or sends large numbers of documents (where their relevance isn’t clear) may include to :

* Limit contact to telephone calls from the complainant at set times on set days.
* Restrict contact to a nominated member of practice staff who will deal with future calls or correspondence from the complainant.
* See the complainant by appointment only.
* Implementation of a communication plan outlining arrangements for contact with the practice.
* Restrict contact from the complainant to writing only.
* Return any documents to the complainant or, in the extreme cases, advise the complainant that further irrelevant document 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 may 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 practice 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 practice are only taken after careful consideration of the situation by the partners. Wherever possible, we will give a complainant the opportunity to change their behaviour or action before a decision is taken.

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

When a member of the practice team makes an immediate decision in response to offensive, aggressive or abusive behaviour, the complainant is advised at the time of the incident. When a decision has been made by a partner, a complainant 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 complainant has a record of the decision.

\*This can be supplemented if written communication is not the most appropriate form for the individual.

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

It is important that a decision can be reconsidered. A complainant can appeal a decision to restrict contact. If they do this, we will only consider arguments that relate to the restriction and not to either the complaint 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 indentified as unacceptable, the restrictions were disproportionate or that they will adversely impact on the individual because of personal circumstances.

A partner 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. The practice 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 to be reconsidered.

**How we record and review a decision to restrict contact**

We record all incidents of unacceptable actions by complainants. Where it is decided to restrict complainant’s contact, an entry noting this is made in the relevant file and on appropriate computer records. A review of restrictions will be undertaken at partnership meetings to ensure that the policy is being applied appropriately. A decision to restrict complainant contact as described above may be reconsidered either on request or on review.