

Unreasonable Behaviour Policy

Introduction

We are committed to providing excellent service in all interactions with our customers although we recognise that sometimes we may get things wrong or are unable to help customers in the way they would like. We treat any expressions of dissatisfaction seriously and value feedback from our customers which may help us identify learning points and improve our services. We have a process in place to handle complaints about the wide range of services we provide. Occasionally complaints are made in a way that causes considerable disruption to our work, disproportionate cost and time to handle and impact the wellbeing of our staff because of the unreasonable behaviour of the complainant.

This policy explains our approach to recognising and handling complainants whose behaviour is unreasonable. It applies to all staff members, agency workers, contractors, associates and anyone else engaged to work with the GMC, whether by direct contract with the organisation or otherwise.

We will ensure that we meet the requirements of the Equality Act 2010 to make 'reasonable adjustments' for disabled customers. In some circumstances, customers may have a disability that makes it difficult for them to either express themselves or communicate clearly and/or appropriately. Where there is an indication that this may be the case, we will consider the needs and circumstances of the customer before deciding on how best to manage the situation.

Unreasonable behaviour

There may be occasions where an individual's behaviour puts the wellbeing of GMC or MPTS staff at risk. Unreasonable behaviour could occur in any interaction with any member of staff (over the phone, in person or in writing) not just in the context of a corporate complaint.

The GMC deals with issues that impact the lives of members of the public and the medical profession. We recognise that people will often express themselves strongly and communicate the emotions they are experiencing at the time. We also realise that the matters that people complain about will be set against a background that is distressing. For example issues relating to bereavement, their healthcare or the potential impact of a decision about them on their livelihood and career.

We will not view the behaviour of anyone using our services or contacting us as unreasonable simply because their communication is forthright or because they are determined in their approach. Our staff are trained to handle interactions with customers appropriately and are expected to make reasonable allowance for their behaviour.

On occasion however, the behaviour of our customers may go beyond what is reasonably acceptable. Examples of such unreasonable behaviour may include (this list is not exhaustive):

- Threats
- Verbal abuse
- Rudeness
- Derogatory or insulting personal remarks
- Harassment based on their personal characteristics e.g. racist, sexist or homophobic behaviour
- Obscene remarks
- Making inflammatory statements e.g. 'You are incompetent and should be sacked'
- Recording of calls and/or meetings without the knowledge of staff.
- Derogatory, abusive or insulting comments made about GMC staff online or in the media
- Harassing, abusing or threatening GMC staff on their personal social networks
- Physical intimidation or aggression

Some of the behaviours outlined are unlawful and we will consider whether these should be formally reported to the police.

Our duty to our staff

These situations are not common, but when they do happen we will take action to restrict or end our communication and access to our staff and offices. We do this because our staff must be able to carry out their work without harassment and it is our expectation that they should be treated respectfully and with courtesy - in the same way that we expect them to interact with our customers.

We have a duty to protect our staff and to be mindful of their welfare and safety. We take any threat of violence seriously and will bring any direct contact with the customer to an end. We will also report such threats to the police.

We consider violence to include any communication or behaviour that may cause a member of staff to feel afraid, threatened or abused.

Responding to unreasonable behaviour

Deciding if a complainant has behaved unreasonably

If a member of staff feels a customer is behaving unreasonably they must bring it to the attention of their manager. The manager will discuss it with the member of staff, investigate the circumstances and may seek the advice and guidance of the Head of the Corporate Review Team (CRT) or the relevant Assistant Director or Director for their area of business before deciding upon the appropriate action to take.

If, however, a member of staff encounters unreasonable behaviour during a telephone call they are entitled to bring the call or meeting to an end providing they have asked that a more reasonable approach be taken and this has not happened.

Similarly, a member of staff who encounters such behaviour in a meeting is entitled to bring the meeting to a close using their personal judgement as to whether it is appropriate to request that a more reasonable approach be adopted first.

If unreasonable behaviour occurs at an event, the staff member should apply the same discretion and notify the event organiser or appropriate person who may be able to help diffuse the situation.

We expect our staff to be mindful at all times of their own personal safety in exercising this discretion.

In all cases where a member of staff has had to take action to deal with unreasonable behaviour a record of the circumstances should be made, and the situation brought to the attention of their manager.

Options for restricting future contact

Where a decision is made that a complainant has behaved unreasonably the complainant will be put on notice in writing, or in a format that has been agreed as a 'reasonable adjustment', if the customer is disabled, that if their behaviour continues, their contact with the GMC will be discontinued or restricted. If the individual's behaviour is not modified they will be notified by letter or by e mail that their contact with us is discontinued or restricted as considered appropriate.

Patient safety comes first. Regardless of whether a previous complaint has been deemed vexatious we will take action where there is a risk to patient safety. Therefore in most circumstances we will leave one means of contact open. If the customer is a disabled person, we will ensure that the one means of contact is a route that they can access. We do not wish to hinder an individual's rights to legitimately and appropriately use our services. Any restriction on future communication is only a control on how such complaints can be made in a way that does not impact on GMC staff.

Any restriction on contact is a position of last resort. The 'door' will always be left open for the individual concerned to make contact via a defined route, an adviser or suitable third party if access to our services is needed. We will clearly communicate this to the person concerned and will reconsider the position if s/he agrees to communicate in an appropriate way.

How might we restrict future contact

There are a range of options available, depending on the circumstances and the type of behaviour

- Requiring the complainant to contact a named staff member(s) only;
- Restricting telephone calls to specified days and times, as agreed with the complainant;
- Terminating telephone calls if the complainant persistently raises issues which we have already responded to in full. We will politely explain that we are unable to comment further on the matter and will ask if there are any other issues they wish to raise. If no new issues are raised and they persist in raising issues which we have already addressed, we will tell them so before ending the call. A written warning will then be sent, with a view to limiting future communication to written communication only;
- Terminating telephone calls if the complainant becomes aggressive, abusive or offensive. We will politely ask them to modify their behaviour, but if the behaviour continues we will tell them again that it is unacceptable and end the call. The manager of the member of staff involved will then send a written warning, with a view to limiting future communication to written only;
- Restricting the issues we will correspond on;
- If the complainant sends us a large volume of irrelevant documentation, we may return these documents. In extreme cases we will advise that further irrelevant documents will be destroyed;
- If we have already fully explained our reasons for a decision and the complainant has exhausted the procedure to request a review of that decision, we will decline to respond to further correspondence which does not raise new issues. The correspondence will be read and filed but we will not acknowledge it unless it provides significant new information or evidence relating to the matter;
- We will block emails if the number and length of emails sent causes difficulties for our regulatory process;
- We will not respond to correspondence which is abusive or offensive and we will block emails that are abusive or offensive;
- If the complainant makes a large number of reports to us which prove to be unfounded, we may ask that in future any further allegations are supported by an independent third party such as the Citizens Advice Bureau, a legal representative or an advocate, to ensure that in future our staff resources are spent in a proportionate way.

- Physical violence, verbal abuse, threats or harassment against our staff will not be tolerated and will be reported to the police, who may decide to prosecute.

Challenging a restriction on future contact

If any individual wishes to challenge a decision made in relation to this policy then they may do so by writing to the Head of CRT.

Where unreasonable behaviour is linked to a complaint about a doctor's fitness to practise also see our guidance on dealing with vexatious allegations.

Recording the decision to restrict communication as a result of unreasonable behaviour

CRT will maintain a register of the restrictions applied, which will be regularly reviewed to ensure that it remains relevant and up to date.

Alerts will also be placed on the contact record on Siebel notifying staff that a restriction on communication has been applied.