

PCC's Unacceptable Actions Policy

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UNACCEPTABLE ACTIONS POLICY

1 Introduction

- 1.1 The PCC is committed to providing high quality services and to undertaking its responsibilities to the highest standards possible. PCC wishes to hear about and address any concerns or complaints regarding the way in which it has carried out, or failed to carry out, any of its functions.
- 1.2 The PCC values complaints and views them as a significant source of learning, enabling the organisation to continually improve the quality of its services.
- 1.3 However, on rare occasions, the PCC may receive a complaint which it considers to be unreasonable or vexatious, or may deal with an individual whose actions or behaviour it deems to be unacceptable. This policy sets out the approach which the organisation will follow on these occasions.
- 1.4 This policy is based on Department of Health guidance: Complaints in Health and Social Care – Standards and Guidelines for Resolution and Learning (April 2009).
- 1.5 This policy relates to anyone who contacts the PCC seeking to access PCC services, or to an individual or anyone acting on behalf of an individual who contacts PCC in connection with a complaint or dissatisfaction about the services provided by the PCC.
- 1.6 This policy should be read in conjunction with the PCC's Complaints Policy.

2 Aim of the Policy

The key aims of this policy are:

- 2.1 To make it clear to all individuals both at initial contact and throughout their interactions with the organisation, what the PCC can or cannot do in relation to their issue or complaint. In doing so, the PCC aims to be open and not raise hopes or expectations that cannot be met.

- 2.2 To deal fairly, honestly, consistently and appropriately with all individuals, including those whose actions are considered unacceptable. All individuals have the right to be heard, understood and respected. PCC staff have the same rights. This policy therefore aims to set out the expected standards of conduct and behaviour to which the PCC will subscribe, and which it expects of individuals contacting the PCC.
- 2.3 To provide a service that is accessible to all. However, the PCC retains the right, where it considers a person's actions to be unacceptable, to restrict or change access to the service.

3 Defining Unacceptable Actions

- 3.1 People may act out of character in times of distress. There may have been upsetting or distressing circumstances leading up to a complaint which can affect their behaviour. PCC aim to take a trauma-informed approach to the provision of PCC services.
- 3.2 The PCC does not view behaviour as unacceptable just because a complainant is assertive or determined. In fact, the organisation recognises that being persistent can be a positive advantage when pursuing a complaint, and unfortunately has often been necessary in the experience of many of those who contact PCC for support.
- 3.3 However, the actions of an individual who is angry, demanding or persistent may result in unreasonable demands on the PCC or unacceptable behaviour towards staff.
- 3.4 It is these actions which the PCC considers unacceptable and aims to manage under this policy.
- 3.5 The PCC has categorised these actions under the following headings.

Aggressive or Abusive Behaviour

- 3.6 PCC recognise that the anger felt by many individuals can be related to the subject matter of their complaint, which is often emotive and borne of difficult

experiences. Whilst PCC recognise this, it is not acceptable however, when anger escalates into aggression toward PCC staff.

- 3.7 The PCC expects its staff to be treated courteously and with respect. Violence of any kind and physical or verbal abuse is unacceptable and a zero tolerance approach will be adopted.
- 3.8 Aggressive or abusive behaviour is considered to be behaviour or language (whether verbal or written, across all mediums and platforms, including email, by phone or on social media) that causes a staff member to feel afraid, threatened or abused – examples of this include threats, physical violence, personal verbal abuse, derogatory remarks and rudeness.
- 3.9 The PCC also considers that inflammatory statements and unsubstantiated allegations can be abusive behaviour.

Unreasonable Demands

- 3.10 Individuals may make what the PCC considers 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 individual circumstances surrounding the behaviour and the seriousness of the issues raised by the complainant.
- 3.11 Examples of this would include:
- demanding responses within an unreasonable timescale;
 - insisting on seeing or speaking to a particular member of staff;
 - continual telephone calls, letters or emails;
 - repeatedly changing the substance or nature of the complaint;
 - raising unrelated or unsubstantiated concerns
- This list is not exhaustive.
- 3.12 The PCC considers these demands as unacceptable and unreasonable if they start to impact substantially on the work of the organisation, such as taking up an excessive amount of staff time to the disadvantage of other Individuals or functions.

Unreasonable Persistence

3.13 It is sometimes the case that some Individuals will not or cannot accept that the PCC is unable to assist them further or provide a level of service other than that previously provided. Individuals may persist in disagreeing with the action or decision taken in relation to their complaint or contact the PCC persistently about the same issue.

3.14 Examples of this would include:

- Persistent refusal to accept a decision made in relation to a complaint;
- Persistent refusal to accept explanations relating to what the PCC can do or cannot do;
- Continuing to pursue a complaint without presenting any new information.

The ways in which these individuals approach the PCC may be entirely reasonable, but it is their persistent behaviour in continuing to do so that is not.

3.15 The PCC would consider the actions of persistent individuals to be unacceptable when they take up what the organisation regards as being a disproportionate amount of time and resources.

4 Managing Unacceptable Actions

4.1 There are relatively few individuals whose actions the PCC consider unacceptable. How we manage these depends on their nature and extent. If it adversely affects the PCC's ability to do its work and provide a service to others, the organisation may need to restrict complainant contact in order to manage the unacceptable action.

4.2 The PCC will do this in a way, wherever possible, that allows a complaint to progress to completion through the complaints process.

4.3 The PCC may restrict contact in person, by telephone, fax, letter or electronically or by any combination of these. The PCC will try, however, to maintain at least one form of contact.

- 4.4 In extreme circumstances, the PCC will inform the complainant in writing that their name is on a 'withdraw contact' list. This means that we may restrict contact to either written communication or through a third party, or cease to accept or reciprocate contact entirely.
- 4.5 The threat or use of physical violence, verbal abuse or harassment towards PCC staff is likely to result in the ending of all direct contact with the complainant. All incidents of verbal and physical abuse will be reported to the police.
- 4.6 The PCC does not deal with correspondence (letter, fax or electronic) that is abusive to staff or contains allegations that lack substantive evidence. When this happens, the organisation will tell the complainant that it considers their language to be offensive, unnecessary and unhelpful. The PCC will ask the complainant to stop using such language and state that it will not respond to their correspondence if it continues. The PCC may require further contact through a third party.
- 4.7 PCC's Freephone line is answered by a receptionist whose only role is to appropriately direct a call etc. The PCC recognise that callers may phone in distress but that in order to respond appropriately to their call, there needs to be opportunity for our staff to speak and to respond.

If the caller does not provide this opportunity, or allow PCC staff to direct the call appropriately from reception, or if the call lasts in excess of 5 mins at the reception stage without redirection, we will advise the caller that we may need to end the call in order to prevent the line being blocked for other callers. If they still do not respond, we will have to end the call.

The PCC 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 their behaviour is unacceptable and end the call if the behaviour continues.

- 4.8 PCC aims to provide a service which is accessible to all. PCC is a small team which responds to a high level of calls and we aim to support the greatest number of people whilst providing a high-quality service. This requires PCC

to manage its resource appropriately, transparently and fairly. Where an individual repeatedly phones, visits the PCC, sends irrelevant documents or raises the same issues, the PCC may decide to, for example:

- only take telephone calls from the individual at set times on set days;
- put an arrangement in place for only one member of staff to deal with calls or correspondence from the individual in future;
- require the individual to make an appointment to see a named member of staff before visiting the PCC;
- require the individual to contact the PCC in writing only;
- return the documents to the individual or, in extreme cases, advise the individual that further irrelevant documents will be destroyed;
- take other action that the PCC considers to be appropriate.

The PCC will inform the complainant of the action it is taking and why.

- 4.9 Where an individual continues to correspond on a wide range of issues and the action is considered excessive, they will be informed that only a certain number of issues will be considered in a given period and asked to limit or focus their requests accordingly.
- 4.10 Individual action may be considered unreasonably persistent if all internal review mechanisms have been exhausted and the individual continues to dispute the PCC's decision relating to their complaint.
- 4.11 In this instance, the individual will be told that no future phone calls will be accepted or engagement granted concerning this complaint. Any future contact by the individual on this issue must be in writing. Future correspondence will be read and filed, but only acknowledged or responded to if the individual provides significant new information relating to the complaint.

5 Deciding to Restrict Complainant Contact

- 5.1 PCC staff who directly experience aggressive or abusive behaviour from an individual have the authority to deal immediately with that behaviour in a manner they consider appropriate to the situation in line with this policy.

5.2 With the exception of such immediate decisions taken at the time of an incident, decisions to restrict contact with the PCC will be raised by the appropriate Service Manager to the Principal Practitioner or Head of Operations for any further decision on restrictions. Wherever possible, the PCC will give the individual the opportunity to modify their behaviour or action before a decision is taken.

5.4 Individuals 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

6.1 A complainant can appeal a decision to restrict contact to the Head of Operations. The individual will be advised in writing that either the restricted contact arrangements still apply or a different course of action that has been agreed. There is no further internal appeal. An individual retains the right, having explored this mechanism, to raise the issue with the Northern Ireland Public Services Ombudsman.

7 Recording and Reviewing a Decision to Restrict Contact

7.1 The PCC will record all incidents of unacceptable actions by individuals. Where it is decided to restrict individual contact, an entry noting this is made in the relevant file and on appropriate computer records in accordance with the General Data Protection Regulation.

7.2 A decision to restrict individual contact may be reconsidered if the individual demonstrates a more acceptable approach.

7.3 A quarterly report of this activity will be submitted to the EMT, Business Committee and the Council alongside the annual report for complaints.

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