
DEPARTMENT OF HEALTH UNACCEPTABLE BEHAVIOUR POLICY

MARCH 2023
VERSION 1.1

Contents

1.	Introduction	3
2.	Policy Aim	3
3.	Policy Scope	3
4.	Defining unacceptable behaviour	4
5.	Managing members of the public requiring additional assistance	5
6.	Aggressive or abusive language or behaviour	6
7.	Unreasonable demands	6
8.	Unreasonable persistence	7
9.	Zero tolerance	7
10.	When to use zero tolerance	7
11.	Unreasonable use of the complaints process	8
12.	Managing unacceptable behaviour	9
13.	Deciding to restrict contact	10
14.	Appealing a decision to restrict contact	11
15.	Recording and review of decisions to restrict contact	11
16.	Support to staff	11
17.	Reporting and monitoring	11
18.	Policy Review	12

Unacceptable Behaviour and Actions Policy

1. Introduction

- 1.1. The Department of Health (the Department) is committed to serving all who access our services, applying fully our core values of integrity, honesty, objectivity and impartiality. However, the Department also prioritises a safe working environment for staff and ensuring working conditions that enable efficient and effective working. Everyone who approaches the Department has the right to be heard, understood and respected. The Department also considers that staff have the same rights.
- 1.2. On occasions, members of the public may make unreasonable demands that could affect the service provided or communicate with the Department in a manner that could unreasonably and negatively impact the well-being of staff. The Department reserves the right to manage contact in an appropriate manner to protect our staff and to maintain the effectiveness of our service.
- 1.3. This policy sets out the approach that will be taken on the rare occasions where the actions or behaviour of a member of the public are considered unacceptable.

2. Policy Aim

2.1. This policy aims to:

- Manage access to the Department in a fair and proportionate way that applies to everyone accessing the service.
- Protect staff, in accordance with Department's values (as at 1.1 above); and with the requirements of the Health and Safety at Work (Northern Ireland) Order 1978 and associated legislation including the Human Rights Act 1998 (HRA 1998); recognising the Department's responsibility as an employer for providing a safe and healthy workplace and as far as is reasonably practicable, a risk free working environment for all staff.
- Support staff in intervening early in any interaction where a member of the public is verbally abusive or is behaving unacceptably. This is with a view to addressing the situation at the earliest stage, altering the tone of the communication and where possible averting the need for full application of the measures contained in this document.

3. Policy Scope

3.1. This policy applies to any member of the public who is interacting or communicating with the Department.

- 3.2. This policy should be read in conjunction with the Dignity at Work Policy contained in the Northern Ireland Civil Service Handbook, which is available on the Department of Finance [website](#) or to NICS staff via the HR Connect portal.
- 3.3. The policy covers all areas of work undertaken by the Department. It is not therefore necessarily restricted to matters relating to the investigation of complaints.
- 3.4. Departmental staff must respond with patience and empathy to the needs of members of the public who engage with or make a complaint regarding the department, but there will be times when there is nothing further that can reasonably be done to assist them. Where this is the case, further communications would place inappropriate demands on Departmental staff, and resources, consideration may need to be given to classifying the person's behaviour as unreasonable, demanding or unduly persistent.

4. Defining unacceptable behaviour

- 4.1. It is accepted that members of the public may act out of character in times of difficulty or distress, as they may have encountered upsetting or distressing circumstances prior to contacting the Department. The Department does not necessarily view behaviour as unacceptable simply because a member of the public is assertive or emotional. However, angry, demanding, or persistent behaviour may result in unreasonable demands on the Department, and unreasonable behaviour towards staff. It is these actions that the Department aims to manage under this policy.
- 4.2. Wherever possible, the member of the public should be given the opportunity to modify their behaviour or actions to a reasonable position and be informed of action to be taken if their behaviour is not modified.
- 4.3. Behaviour may be considered unacceptable if it is possible to demonstrate that the complaint is without basis and/or is possible to demonstrate that the intention of the member of the public is to cause worry, upset, annoyance or embarrassment to an individual through unfounded allegations or accusations of a personal nature.
- 4.4. Staff will not be expected to tolerate unacceptable behaviour by members of the public and in some cases, it may be necessary to treat a member of the public's behaviour as vexatious / unacceptable in order to protect you and your colleagues. This may not relate to a single incident, such as, unfounded allegations, allegations of a personal nature, verbal or physical abuse, but may be a combination of persistent behaviours over a period of time.
- 4.5. In determining arrangements for handling such engagement or correspondence, members of the public and staff need to:

- ensure that departmental process has been correctly implemented as far as possible and that no material element of an engagement, correspondence or complaint is overlooked or inadequately addressed;
- appreciate that even habitual correspondents may have concerns which contain some substance;
- ensure a fair approach; and
- be able to identify the stage at which the behaviour has become unacceptable.

4.6. This Unacceptable Behaviour Policy should only be used as a last resort after all reasonable measures have been taken to resolve the issue.

4.7. Unacceptable behaviour can be grouped under three headings:

- Aggressive or abusive language or behaviour.
- Unreasonable demands.
- Unreasonable persistence.

5. Managing members of the public requiring additional assistance

5.1. On occasion you may be required to deal with members of the public requiring additional assistance. For example, adjustments may require to be made to our policy and procedures in order that some members of the public are not obstructed from communicating with the Department. It might be that:

- the person has learning difficulties;
- the person has – or is perceived to have mental health difficulties;
- the person is a young person under 16;
- English is not the person’s first language;
- effective communication is through the spoken not the written word; or
- effective means of communication is sign language.

5.2. Additional steps should be taken in such cases to enable a person’s access to correspond with the Department. This may mean for example signposting or facilitating access to appropriate support services, or obtaining the assistance of a person’s relative, carer or other representative to enable the member of the public to express themselves sufficiently and to support the communication of their intentions.

5.3. It is important to recognise that in some, but not all, cases involving persistent contact or unreasonable behaviour there may be an underlying reason for the behaviour. For instance, the person may have a mental health issue, learning difficulty or disability making communication more difficult. Some people may have specific vulnerabilities within the context of what they have experienced, but they are not vulnerable as such.

- 5.4. While we do not expect our staff to tolerate abusive or inappropriate behaviour, you should be mindful of how different illnesses, disabilities or experiences can affect people and occasionally their behaviour.
- 5.5. If you believe that a member of the public may be vulnerable, you should contact Governance Unit for further advice.

6. Aggressive or abusive language or behaviour

- 6.1. The Department understands that many members of the public are angry or upset about the issues they have raised with the Department. If that anger escalates into aggression towards staff, it will be considered unacceptable. Any violence or abuse towards staff will not be accepted. The Department will judge each situation individually.
- 6.2. 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 may cause staff to feel afraid, threatened or abused. Examples of behaviours grouped under this heading include threats, physical violence, personal verbal abuse, derogatory remarks and rudeness.
- 6.3. Language that is designed to insult or degrade and is racist, sexist, or homophobic or which makes serious allegations that officials have committed criminal, corrupt, or perverse conduct without any evidence is unacceptable. The Department may also consider that inflammatory statements and unsubstantiated allegations can be abusive behaviour. This can include inappropriate use of social or other media.

7. Unreasonable demands

- 7.1. The Department may consider demands to have become unacceptable when they start to (or when complying with the demand would) impact substantially on the work of the Department due to the amount of information they seek and the nature and scale of service they expect, or the number of contacts made.
- 7.2. What amounts to unreasonable demands will always depend on the circumstances and context for the behaviour, as well as the seriousness of the issues raised by a member of the public.
- 7.3. 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 that is not possible; and
 - continual correspondence
 - premature escalation of responses to senior management before an official has had a reasonable and adequate opportunity to respond
 - the demand takes up an unreasonably excessive amount of staff time drawing officials away from other duties.

8. Unreasonable persistence

- 8.1. The Department recognises that some people will not, or cannot, accept that the Department is unable to assist them further or provide a level of service other than that provided already. They may persist in disagreeing with the action or decision taken or contact the Department persistently about the same issue.
- 8.2. Sometimes the volume and duration of contact made to the Department by a member of the public causes problems. This may occur over a short period of time, for example a number of calls / emails in one day or one hour. It may occur over the life span of the issue when a person repeatedly makes long telephone calls to the Department or inundates the Department with copies of information that has been sent already; correspondence sent to other organisations; or correspondence that is irrelevant to the issue.
- 8.3. The Department considers that the level of contact has become unacceptable when the amount of time spent corresponding with a member of the public is disproportionately affecting the ability of the Department to dedicate resources and time to other complaints / correspondence or places unreasonable demands on staff.

9. Zero tolerance

- 9.1. Certain behaviours are never appropriate in a work environment. It is important for staff to be able to identify this, and to be aware that it may happen unexpectedly when contact with someone has been going well. Staff should also note that while all the behaviour identified within this policy is considered unacceptable, the response staff choose may vary and the staff member remains in control of deciding how to respond in each situation.
- 9.2. If the staff member feels that they or others are in immediate risk, the staff member needs to take decisive action quickly and there are skills that can help you de-escalate situations. One example is the three D's; Divert, Deflect, Distract. This may allow the staff member time to get help, or to help the person calm down. If staff need to do this, the incident should always be logged in case this is a pattern of behaviour. The staff member should always de-brief with a manager or appropriate senior colleague after any significant incident.

10. When to use zero tolerance

- 10.1. There is a wide range of types of language and actions which staff need to consider when deciding whether behaviour has fallen into the zero tolerance category. This should be read in conjunction with the NICS Dignity at Work policy. Below are some categories of behaviour that can be and may be useful when identifying behaviour that could fall within this category.

- Physical violence this is the most obvious behaviour and will always fall under this category.
- Threats, these can come in different forms:
 - Direct threats, like physical violence, a direct threat of violence is never acceptable
 - Indirect threats
- Threatening posture or body language. Sometimes not the words but the posture or body language is threatening. It is possible for behaviour, which is not direct to be no less threatening. It is important that staff know and understand that if they feel threatened, and at risk, they do not need to maintain the contact simply because a specific direct threat has not been made.
- Threats to others. These are always unacceptable and will need a response. Members of the public should not be able to make threats to others without consequences and staff should not have to listen to detailed or aggressive threats. If necessary, consider informing the person threatened and/or the police.
- Abusive or degrading language. This includes language that is personally insulting, for example, allegations of criminal behaviour, or sexist, racist, homophobic, language which is directed to you or to others. It would include abusive name-calling. Take into consideration that swearing may be a method of expression and not necessarily degrading or threatening behaviour. Context should be considered in this regard.

11. Unreasonable use of the complaints process

- 11.1. The Departmental complaints process can only handle complaints about the work, staff and levels of service provided by the Department of Health. Complaints regarding HSC Service providers are dealt by the HSC organisation directly. The Departmental policy can be found at: <https://www.health-ni.gov.uk/articles/complaints-procedures-doh>
- 11.2. The Strategic Planning and Performance Group will deal with complaints regarding Family Practitioner's (GP's Dentists, Pharmacists, and Opticians). The email address for these complaints is: complaints.sppg@hscni.net
- 11.3. Members of the public with complaints have the right to pursue their concerns as per the complaints policies noted above. They also have a right to complain more than once about the department if subsequent incidents occur. However, this contact becomes unreasonable when the intent of the repeated complaints is to harass, or to prevent the Department from pursuing a legitimate aim or implementing a legitimate decision.
- 11.4. The Department considers access to a complaints system to be important and only in exceptional circumstances will the Department consider such repeated use as unacceptable; however, it reserves the right to do so in those exceptional circumstances.

12. Managing unacceptable behaviour

- 12.1. The Department endeavours to address unacceptable behaviour in a way, wherever possible, that allows a complaint or enquiry to progress to completion through the Departments normal assessment and investigation processes. The Department also seeks to support staff in intervening early in an interaction where a member of the public is verbally abusive or is behaving unacceptably. This is with a view to addressing the situation at the earliest stage, altering the tone of the communication and where possible resolving the issue as quickly as possible.
- 12.2. In the case of telephone calls, where the caller's behaviour is rude, offensive, abusive or intimidating, members of staff will inform the caller that their behaviour or language is unacceptable in the hope that it will prompt the person to moderate their behaviour or agree to be called back at a time when they may be calmer. However, if the caller's behaviour continues to be offensive or abusive, the call will be terminated. Our staff have the right to make this decision.
- 12.3. Such calls should be logged by the individual member of staff with brief details of the unacceptable behaviour and the reason the call was terminated. They should also report the call to their line manager to ensure a fair and reasonable process.
- 12.4. In more extreme situations, the Department will inform the person in writing that we will not permit any personal contact from them. This means that we will limit contact with them to either written communication or through a third party.
- 12.5. Similarly, where correspondence is received (either letter or electronic) that uses abusive language towards staff or contains allegations that lack substantive evidence, the Department will inform the sender that we consider their language offensive, unnecessary and unhelpful and ask them to stop using such language. The Department will ask that the sender edit their correspondence to remove any offensive text and unsubstantiated allegations and resend it, otherwise it will not be responded to.
- 12.6. The same early intervention principles as described above for telephone calls should be applied in the case of all such correspondence.
- 12.7. Unfortunately, there may be rare cases where it is immediately apparent that efforts to de-escalate a situation are not feasible. The threat or use of physical violence, verbal abuse, or harassment of staff is likely to result in the ending of all direct contact with the member of the public. Incidents may be reported to the police, i.e., if physical violence is used or threatened.
- 12.8. In such cases subsequent in-person contact may be restricted and conducted via alternative correspondence. The Department, where possible, will endeavour to maintain at least one form of contact. In the most severe cases, the member of the public will be notified in writing that they must restrict contact

with the Department to either written communication (including email) or through a third party.

- 12.9. If a member of the public repeatedly phones / emails, sends irrelevant documents, or raises the same issues repeatedly, a decision may be taken to:
- Specify set times for correspondence with a dedicated staff member,
 - require the person to either make an appointment to see a named member of staff before visiting the office, or to only contact the office in writing.
 - return documents to the person or, in extreme cases, advise them that further irrelevant documents will be destroyed.
 - take other action that is considered appropriate and proportionate. The person will be advised of what action is to be taken and the reasons for doing so.
- 12.10. If a member of the public continues to correspond on a wide range of issues, and this action is considered excessive, they should 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.
- 12.11. If during their work, a member of staff encounters a member of the public who is particularly aggressive they have the authority to deal immediately with that behaviour in a manner they consider appropriate to the situation and in line with this Policy. They should speak immediately to their line manager and their manager should escalate to a member of senior management if required.
- 12.12. If on arrival to the place of work, a visitor demonstrates aggressive or abusive behaviour, a member of premises management staff should be informed immediately. If it is deemed that, the situation is unstable or that management cannot effectively handle the situation the premises officer should also be informed of the situation so that arrangements can be made for PSNI attendance if necessary.
- 12.13. The Department reserves the right to consider and apply any other arrangements/restrictions deemed appropriate to manage the individual circumstances of any specific case.

13. Deciding to restrict contact

- 13.1. In exceptional cases, the Department will reserve the right to refuse to consider correspondence, complaints, or future correspondence / complaints from a member of the public. It will consider the impact on the person and whether there would be a broader public interest in considering the issue further.
- 13.2. Formal correspondence will be issued to the person, if deemed appropriate, and the Department may reduce and/or cease all communications with them.

- 13.3. Staff of the Department who directly experience aggressive or abusive behaviour from a member of the public 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 ongoing contact with the Department are only taken after careful consideration of the situation by a member of senior management at least Grade 5 level.
- 13.4. Wherever possible, the Department will provide an opportunity for the person to modify their behaviour or action before such a decision is taken. The person will be informed, in writing, why a decision has been made to restrict future contact, the restricted contact arrangements, the length of time that these restrictions will be in place (if relevant) and right of appeal. The Department will always explain the action it is taking and why.

14. Appealing a decision to restrict contact

- 14.1. A member of the public can appeal a decision of contact restriction to a member of senior management as identified within the correspondence. The Department will only consider arguments that relate to the restriction.
- 14.2. A senior member of staff who was not involved in the original decision should consider any appeal. After consideration of the appeal, the person should be advised in writing that either the restricted contact arrangements continue to apply, or a different course of action has been agreed.

15. Recording and review of decisions to restrict contact.

- 15.1. The Department may record incidents of unacceptable actions by members of the public. Where any restrictions are put in place, the relevant Group / Directorate will advise both those affected of the steps in place to manage any further contact with the Department.
- 15.2. A decision to reconsider a person's restriction of contact may be reassessed if they demonstrate a more acceptable approach. A senior member of management (at least grade 5) should review the status of all members of the public with restricted contact arrangements on a regular basis.

16. Support to staff

- 16.1. It is important to ensure a proper debriefing occurs with management. Staff should feel supported throughout the communication and handling process of the issue. In the short term, staff may need to take a break from dealing with the person to recover. In a serious incident, line management should also talk to staff after a reasonable period of time has passed, to make sure they feel it was dealt with appropriately by the organisation and to also confirm that they are experiencing no further issues.

17. Reporting and monitoring

- 17.1. When a person's actions or behaviours are modified to the extent that these behaviours, they are no longer considered unacceptable, senior management at least Grade 5 level in consultation with the relevant staff, may remove restrictions.

18. Policy Review

- 18.1. The Director of Corporate Management every three years, or more frequently if required will review this policy.