



Unacceptable Actions Policy

Implementation Date: September 2024

Next Review: March 2026

Record of changes and amendments	
24 September 2024	Original First draft of document sent to the senior management team for comment, changes made to include our articles of association and details about refusing/revoking membership
25 November 2024	Reviewed by Lanarkshire Carers Board of Directors with reference made to revoke/refuse membership of Lanarkshire carers – both full and affiliate, in line with our governing documents. Note on page on 4 th bullet point that resources and limited and referenced disproportionate demands. Added information about staff recording and reporting any immediate actions taken, detailed in decision process section.
25 November 2024	Approved for Implementation

Introduction

This policy sets out Lanarkshire Carers approach to managing the relatively few service users whose actions or behaviours are considered to be unacceptable. The term 'service user' includes anyone acting on behalf of another individual or who engages with us (our staff, volunteers and/or Board of Directors) in connection with any aspect of our services in all circumstances and settings.

Policy aims

- To deal fairly, honestly, consistently and appropriately with all service users, including those whose actions we consider unacceptable. We believe that all service users have the right to be heard, understood and respected. We also consider that our staff, volunteers and board of directors have the same rights.
- To provide a service that is accessible to all. However, where Lanarkshire Carers considers a service users actions to be unacceptable, we retain the right to restrict or change access to our services (where it is appropriate to do so) and in exceptional cases revoke/refuse membership in line with our governing documents.
- To ensure that we and other service users are not disadvantaged by the acts of service users who behave in an unacceptable manner.
- To ensure that Lanarkshire Carers effectiveness is not compromised by service users who act in a manner that makes excessive, disproportionate and unacceptable demands on our limited resources.

Defining unacceptable actions

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 Lanarkshire Carers. We do not view behaviour as unacceptable just because a complainant is forceful or determined. However, we do consider actions that result in unreasonable demands on Lanarkshire Carers or unreasonable behaviour towards us. 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 us, we consider that unacceptable. Any violence or abuse will not be tolerated.

Aggressive or abusive behaviour includes language (whether verbal or written) that may cause staff to feel upset, afraid, threatened or abused and may include threats, personal verbal abuse, derogatory remarks and rudeness.

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 upset, afraid, threatened or abused, and may include threats, personal verbal abuse, derogatory remarks and rudeness.

Inflammatory statements, remarks of a racial or discriminatory nature and unsubstantiated allegations are also abusive behaviour.

Unreasonable demands

A demand becomes unreasonable when it starts to (or when complying with the demand would) impact substantially on the work of the staff dealing with the matter, especially if this disadvantages other service users. Examples of this include:

- repeatedly demanding responses within an unreasonable timescale;
- demanding responses from several members of staff on the same subject;
- insisting on seeing or speaking to a particular member of staff when that is not possible or it is inappropriate;
- repeatedly changing the substance of a complaint or raising unrelated concerns; and
- repeatedly posing a question or making public remarks, when a response has already been given, because the individual may not like the answer they have received.

Unreasonable levels of contact

The level of contact is unacceptable when the amount of time spent talking to a service user on the telephone, or reviewing and responding to written or electronic communication, impacts on the ability to deal with the relevant matter, or on the ability of staff to deal with other service users.

Unreasonable use of our complaints process

Individuals have the right to complain to Lanarkshire Carers if they are not happy with the services we provide. They also have the right to appeal if they are not satisfied with the outcome. However, this contact becomes unreasonable when the effect of the repeated complaints is to harass, or to prevent the 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 unacceptable – but we reserve the right to do so in those exceptional cases.

Managing aggressive or abusive actions

The threat or use of physical violence, verbal abuse or harassment towards our staff is likely to result in a termination 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 will not accept any correspondence (letter or electronic) that is abusive to staff or contains allegations that lack substantive evidence. We will tell the complainant that we consider their language offensive, unnecessary and unhelpful and ask them to stop using such language. We will state that we will not respond to their correspondence if the action or behaviour continues.

Staff will end telephone calls or ask the complainant to leave the premises if they consider them to be aggressive, abusive, or offensive. They have the right to make the decision, to tell the complainant that their behaviour is unacceptable and end the call/contact or ask them to leave if the behaviour persists. In extreme situations, we 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 either written communication or 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 our organisation. We aim to do this in a way that allows a complaint to progress through our 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.

Actions we may take

Where a complainant repeatedly phones, visits our premises, raises repeated issues, or sends large numbers of documents where their relevance is not clear, we may decide to:

- limit contact to telephone calls from the complainant at set times on set days;
- restrict contact to a single, named member of staff who will deal with future calls or correspondence from the complainant;
- see the complainant by appointment only;
- restrict contact from the complainant to writing only;
- limit/restrict/block their ability to engage with us and others via our online and social media channels
- return any documents to the complainant or, in extreme cases, advise the complainant that further irrelevant documents will be destroyed; or
- take any other action that we consider appropriate.
- We may also revoke/refuse membership of Lanarkshire Carers – both full and affiliate, in line with our governing documents

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 ask them to limit or focus on 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.

Decision process

Any member of 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. This includes recording and reporting any incidents to a manager or person acting in their absence. With the exception of such immediate decisions taken at the time of an incident, decisions to restrict contact with Lanarkshire Carers are only taken after careful consideration of the situation by a manager and our Board of Directors. Wherever possible, we will give a complainant the opportunity to change their behaviour or action before a decision is taken.

Communicating our decisions

When a member of staff makes an immediate decision in response to aggressive or abusive behaviour, the complainant is advised at the time of the incident.

When a decision has been made by management and our Board of Directors, a complainant will always 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. This ensures that the complainant has a record of the decision.

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 identified as unacceptable;

- the restrictions were disproportionate; or
- that they will adversely impact on the individual because of personal circumstances.

A senior manager who was not involved in the original decision and a member of our Board of Directors will consider the appeal. They have discretion to quash or vary the restriction as they decide is 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.

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 record on our Carer Information System (CIS) and on other appropriate records.

A decision to restrict complainant contact as described above may be reconsidered if the complainant demonstrates a more acceptable approach. A member of the senior management team will review the status of all complainants with restricted contact arrangements on a regular basis.

Policy availability and review

Copies of this policy are available for free, online and on request from Lanarkshire Carers. This policy is reviewed on a regular basis to make sure that its aims are being achieved.

If you need further information about this policy, please email:

info@lanarkshirecarers.org.uk

If you need this information in another language or format, please contact us to discuss how we can best meet your needs:

Telephone: 01698 428090

Email: info@lanarkshirecarers.org.uk