Respectful Behaviour Policy and Process

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Policy principles

1. The NMC interacts with a wide range of people in many different capacities. We understand that those communicating with us and using our services may sometimes be anxious, stressed, or dissatisfied with our performance.
2. We always aim to treat people with respect, in accordance with our NMC values and our **Reasonable Adjustments Policy**. We welcome feedback or complaints that could improve our service and will always consider how to support and best work with people involved in our processes.
3. To best protect the public, it is vital that our communication is effective and respectful. Those working with or for us always deserve to be treated with respect in return. Behaviour that is lacking in mutual respect can negatively affect the health and wellbeing of those working for or with us and undermine our ability to regulate effectively.

Purpose and scope

4. This policy sets out how we ensure a safe and respectful environment those who work for us, work with us, or use our services.
5. It applies to:

    5.1. all areas of our work

    5.2. anyone who contacts us, and

    5.3. all methods of contact

Behaviour that is not respectful

6. There are two ways in which behaviour may not meet the requirements of mutual respect: it could be **unacceptable** by its nature, or **unreasonable** in its demands on us as a regulator.
7. We consider that the following behaviour is **unacceptable**:

    7.1. Any violence or the threat of violence towards those working for or with the NMC.

    7.2. Any abuse or intimidating behaviour, including:

        7.2.1. racist, discriminatory or derogatory language or hostile or prejudiced behaviour;

        7.2.2. abusive and offensive language including body language and persistent swearing

7.3. Contacting those working for or with the NMC outside of official channels or behaviour that could constitute harassment[1];

8. Abusive, offensive, racist, sexual, homophobic, biphobic, transphobicor discriminatory language does not need to refer directly to our staff or be directed towards them. Such terms are unacceptable whoever is targeted. We can challenge those who communicate with us and ask them to temper their language whoever they are referring to.

9. A single incident can be enough for us to act under this policy. Our employees do not have to put up with harassment as 'part of the job'. A person's frustration with our processes or decisions does not excuse it.

10. We consider as **unreasonable** any behaviour that makes irrelevant, groundless or disproportionate demands of our resources as a healthcare regulator.

11. This could include, but is not restricted to, people

    11.1. setting unreasonable timescales for responses,

    11.2. making excessive contact by phone, email, correspondence or in person, or trying to contact NMC employees, teams or departments, or those working with us who are not relevant to the issue, despite being told to refrain from this;

    11.3. demanding replies in a particular format that's not needed or insisting on departures from NMC practice or procedure.

    11.4. submitting the same, or substantially the same, complaint, referral or request for review or information to us when it is inappropriate to do so (e.g. there is different process to follow, the relevant process is already underway or they have been informed through the correct channels that the NMC has done all it can to address them);

    11.5. repeatedly raising matters that fall outside of our remit despite being informed of this;

    11.6. refusing to clearly identify the issues they wish to be resolved, or basis for this, despite reasonable efforts from NMC staff to help them do so;

    11.7. making repeated unjustified complaints about NMC staff or litigation certified by the Court as totally without merit;

    11.8. making unjustified complaints about or requesting to change a member of staff based purely on their race, ethnic background, sex, sexual orientation, gender reassignment, religion or belief, disability, age or any other protected characteristic .

[1] Indeed, this could lead us to contact the police

What happens when behaviour is reported

12. If one of our employees experiences unreasonable or unacceptable behaviour, they will report it to their manager. The manager will decide whether this policy applies and whether to refer the matter to a senior manager, who will decide whether to restrict communication. In the meantime, we may take other steps, such as passing the work to another colleague or contacting the person to raise their behaviour with them. Where the behaviour includes sexual harassment or harassment related to a protected characteristic, we will act promptly to protect our employee.

Underlying issues, support and reasonable adjustments

13. Sometimes a person's behaviour or communication difficulties can indicate underlying issues, such as a mental health condition, learning disability or dementia. We may need to explore this issue if there are indications that it is a factor in the relevant behaviour, securing specialist support as necessary.

14. We need to ensure that so far as possible that people are able to access our services and are not disadvantaged due to a protected characteristic. When dealing with unreasonable or unacceptable behaviour, and especially when considering restricting communications, we always consider whether reasonable adjustments are needed.

15. If you need a reasonable adjustment to help you communicate with us, please tell us. We will discuss with you what support we can offer.

16. The presence of reasonable adjustments does not mean we will not follow our respectful behaviour policy or restrict communication where appropriate. This is especially true when a person's behaviour has been **unacceptable**. We have a duty to keep our employees safe and will seek to do so without unduly disadvantaging people we communicate with.

Fitness to practise

17. If we believe there has been **unacceptable** behaviour and the person who has displayed it is a member of our register, we will consider whether we need to open a fitness to practise referral in respect of this conduct or add such a concern to an existing open case against the professional. Such a concern will be processed according to our usual processes and guidance on fitness to practise concerns.

18. If we know or reasonably believe the person in question to be the member of another regulated profession, we will also consider whether we need to make a relevant referral.

Notifying a person of use of this policy

19. When we decide that this policy applies, we will usually send a letter or email to the person involved notifying them that:

    19.1. there has been a concern about unreasonable or unacceptable behaviour (specifying what that behaviour is/was) and they should stop/not repeat such behaviour; and

    19.2. if the conduct persists, a decision could be made to restrict their communication with us.

20. On occasion we may need to act before we have communicated with the person in question – for example, making an urgent police referral, removing someone from NMC property or bringing in urgent restrictions.

21. In cases where we think it may be necessary to take legal action to prevent further incidents, we will clearly explain any legal action we may take if the person does not cease and desist in their conduct (for example, an injunction to stop any persistent abuse or harassment from someone outside the NMC). We will make this indication as early as possible but reserve the right to do so at any stage of our correspondence.

Restricting a person's communication with us

22. In order to ensure that there is respectful engagement, we may need to restrict a person's communication with us. This is a decision that will be made by a senior manager (a Head of Department, Assistant Director or Director) .

23. The following is a list of restrictions that we may go on to apply, either on their own or together, depending on the circumstances of any individual case:

    23.1. We may decide to give the person a formal warning confirming that we consider their behaviour to have violated our policy on respectful behaviour and setting out that any further such behaviour will lead to a restriction on their communications with us.

    23.2. We may decide only to take telephone calls from the person at set times or on set days.

    23.3. We may change the person's point of contact at the NMC. And that NMC employee will be the only person to deal with calls or correspondence from the person.

    23.4. We may ask the person to communicate with us in writing only.

    23.5. We may put measures in place to divert or block telephone calls or other types of communication.

    23.6. We may advise the person that we'll read their correspondence but not necessarily acknowledge or respond to it, if we feel that we've already

answered all of their questions or concerns reasonably. We would still respond to any outstanding complaints, information requests, whistleblowing issues or legitimate fitness to practise issues in line with our usual policies and procedures.

23.7. We may tell the person that they're not allowed to visit NMC premises without being invited first.

23.8. Where the person communicates by email, we can ask our IT department for advice about using technology to manage correspondence, if we feel that's appropriate. For example:

23.8.1. blocking incoming email messages from certain addresses.

23.8.2. diverting incoming email messages from certain addresses into a designated inbox.

23.9. Where unacceptable behaviour happens on social media, we may report it to the platform concerned using its own reporting process.

23.10. the steps indicated above are not exhaustive. There may be other action that's appropriate for us to take.

24. There may be very exceptional cases in which we need to bring legal proceedings, for example, pursuit of an injunction to prevent abusive behaviour or harassment against NMC employees or an application for a civil restraint order if someone repeatedly brings legal proceedings against the NMC which the Court certifies as being "wholly without merit".

Considerations when deciding on restrictions

25. When making their decision on restriction, as well as the conduct in question, the decision maker will take into account any information or response received from the person in question and any formal warnings or restrictions previously issued to the person. It will be relevant to consider the reason for previous action and how much time has elapsed.

26. We will always take the least restrictive action necessary to manage the unacceptable and unreasonable behaviour, having regard to our safeguarding duties and the need to make reasonable adjustments where appropriate.

27. In some cases, a person may have multiple lines of contact with different NMC teams. Where possible we'll speak to all teams known to be dealing with a person before deciding to restrict access. This is so the decision maker can consider the impacts of restrictions on any other teams. In particular, we will ensure that we don't inadvertently block members of the public from raising legitimate concerns, making information requests or serving relevant Court documents on the NMC

28. Restrictions should never restrict a person's right to make a fitness to practise referral. We will never prevent a person's statutory right to request information

either, for example the making of Freedom of Information or Subject Access Requests. When such requests are made these must be sent to the Person Information and Data Requests team without delay. The team will consider the requests in line with the relevant legislation.

29. We will always consider whether any information provided may constitute whistleblowing. As an organisation we have internal and external whistleblowing responsibilities and policies.

Informing a person of a decision to restrict or give a formal warning

30. If a decision is taken to restrict communication, we'll write to the person concerned explaining any restrictions to them and the reasons for them. If the person needs a reasonable adjustment to the way we communicate with them, we'll make that adjustment.

31. This policy will continue to apply to any communications from the person in respect of a decision to restrict. Further infringements of that policy, including persistent submissions or requests for review, could lead to the continuation of the restrictions in place or addition of new restrictions in appropriate circumstances.

Review of restrictions

32. We will keep a central register of individuals who are on restricted contact arrangements.

33. Every 6 months our Enquiries and Complaints team will review the restrictions in place, considering whether to lift, vary or add to it. We will give the person the outcome in writing unless there are good reasons not to do so – for example, the person has ceased engaging with us and is unlikely to do so in future, a lack of capacity or belief that further communication from us could lead to harm.

34. Enquiries and Complaints team will consider whether the restriction remains necessary and proportionate, taking into account any change in circumstances. They can request submissions or further information from the person restricted in advance of this decision should they find it useful to do so – for example, a relevant matter has come to their attention that can do with clarification or elaboration.

35. If you think we have made a mistake, or your circumstances have changed, you can write to us and ask us to review a restriction. You can also use our complaints process if you are unhappy with how we have applied this policy.

Respectful Behaviour Process

1. This process explains the steps that NMC employees should take when exposed to behaviour which does not comply with our **Respectful Behaviour Policy**.
2. NMC employees facing the relevant behaviour should, if possible, consider challenging the person in question about their conduct and requesting that they stop it. They should keep a note of this on the relevant record.
3. In any event, any employee who considers that a person's behaviour has breached our respectful behaviour policy should note this on the relevant case record or file and raise this with their line manager without delay.
4. The line manager should meet with the employee to:
   4.1. discuss the incident and help decide whether the respectful behaviour policy has been engaged;
   4.2. secure the information they need to decide on any immediate steps before escalating the matter to the Head of Department/Assistant Director under this policy;
   4.3. Discuss the colleague's wellbeing and any workplace adjustments that need to be considered.
5. Line managers can consider any immediate actions to resolve the situation, including temporarily redistributing work or contacting the person in question to make further inquiries.
6. Where there is unreasonable or unacceptable behaviour involving social media, in addition to adhering to paragraphs 17-19 of the policy, the line manager should complete the **Incident Notification Form**.
7. so that Communication and Engagement, Human Resources and General Counsel Teams can be notified without delay. They will consider whether it's appropriate to report an incident to a relevant social media site (for example Twitter) using their complaints mechanism. We can do this when social media platform guidelines have been breached. The Communications and Engagement team will discuss this with the employee and/or their line manager, explaining their reasons for deciding whether or not to report an incident. They'll confirm with the employee and/or their line manager if we do initiate a complaint/report directly with a social media platform and keep them updated on this.

Considering reasonable adjustments or support

8. Challenging behaviour, including being aggressive or disruptive, may sometimes be seen in people who experience communication difficulties relating to a disability, for example, a learning disability or dementia.

9. Line managers should consider whether the unreasonable or unacceptable behaviour could indicate a need for reasonable adjustments that we need to explore further.

10. Relevant information will also help the decision maker (head of department or assistant director) decide

    10.1. whether there remains is a need to restrict communications or the making of adjustments and/or any other steps taken by the line manager already are sufficient steps to mitigate the behaviour at present; and

    10.2. if we do need to restrict communications, what a proportionate restriction would be in view of the underlying condition and any adjustments.

11. Managers should consult our **Reasonable Adjustments Policy**.

12. or contact our equality, diversity and inclusion team if they need more information about implementing specific adjustments. There is also an advice service we can access as members of Business Disability Forum, which includes advice on person complaints.

Notifying the person involved

13. If a manager agrees that the behaviour is likely to have breached our policy on respectful behaviour, they will ensure that the person is written to stating that

    13.1. Concerns of unreasonable or unacceptable behaviour have been raised, explaining what we are referring to and why we believe it might fall within this policy. A copy of the respectful behaviour policy should be attached, or a link to this policy should be signposted.

    13.2. This could now lead to restrictions on their communication according to our policy (which should be attached or a link provided);

14. This communication will usually go through the line manager or a generic inbox.

15. In the most serious cases, for example where we need to report the incident to the police or take immediate safeguarding action. We will not delay those steps in order to communicate with the person.

Considering fitness to practise

16. If the person in question is a member of our register and has engaged in **unacceptable** behaviour, the line manager should consider whether the conduct could potentially disclose a fitness to practise concern.

17. They should

17.1. Discuss the matter with the NMC employee affected their willingness to be involved before taking any action to open a fitness to practise case in respect of the incident. Proof of such conduct will usually involve evidence from them.

17.2. liaise with the Heads of Legal and Professional Regulation for a decision on whether to make a referral to another regulator (using their relevant process) or an NMC referral under Article 22(6) of the NMC Order 2001, filling out the New Referral Template and submitting to the New Referrals mailbox (newreferrals@nmc-uk.org) as necessary. It may be helpful to consider our pre-case enquiries policy.

18. If we do not know whether the person in question is a registrant, but their behaviour could be serious enough to require regulatory action if they were, we should take all reasonable steps to ascertain this information.

Escalation to the Head of Department/Assistant Director

19. If the line manager believes the behaviour falls within the definition of unreasonable or unacceptable conduct, they should alert their Head of Department or Assistant Director[2], who will be the decision maker for any restrictions on communications and may also consider any steps to support the employee under our **supporting colleagues who are subject to external criticism or comment or who are involved in legal proceedings concerning the NMC policy**

20. Line managers should set out key information to their Head of Department or Assistant Director, including:

20.1. Date and summary of Incident:

20.2. Any evidence they wish the decision maker to consider

For consideration under the respectful behaviour policy

20.3. Why/whether they believe the behaviour to be unacceptable or unreasonable

20.4. Whether reasonable adjustments have been considered/applied or they know of any other relevant context or information (including any further actions or apology from the person involved)?

20.5. Any other measures they have taken in respect of the behaviour.

20.6. Whether they are aware of any warnings on file and details of these. This information can be sought from the Complaints and Enquiries team who will keep a log of formal warnings as well as live restrictions.

[2] subject to availability and as appropriate – the line manager cannot be the same person as the decision maker deciding on restrictions in communication

20.7. What communication restrictions they recommend under the respectful behaviour policy, if any, and why

For consideration of fitness to practise

20.8. Whether the person in question is a registrant

20.9. If so, whether we have considered the impact of the behaviour on the professional's fitness to practise

For consideration of any steps under the supporting colleagues who are subject to external criticism or comment or who are involved in legal proceedings concerning the NMC policy:

20.10. Whether (and why) they believe the incident is one that is having (or is likely to have) a significant impact on:

20.10.1. The employee's ability to perform their role at the NMC, and/or

20.10.2. the employee's wellbeing, and/or

20.10.3. The NMC's ability to regulate effectively.

20.11. Any measures that have been discussed with the affected colleague to support their wellbeing

21. If a line manager requires any further advice or support, they should contact the Person Enquiries and Complaints Team, as well as their HR Business Partner.

Decisions to restrict communication

22. A decision to restrict a person's communication with us should only ever be made by a Head of Department, Assistant Director or Director.

23. When deciding what actions to take in respect of the unreasonable or unacceptable behaviour the decision maker should also consider liaising with other teams as appropriate, including the Head of Person Enquiries and Complaints, Head of Safeguarding, the Professional Support Service and the Equality, Diversity and Inclusion team.

24. Where we are aware of an underlying condition that requires reasonable adjustments or could otherwise explain the person's conduct, the decision maker should liaise with the Equality, Diversity and Inclusion team and consider

24.1. whether the unreasonable or unacceptable behaviour could indicate a need for reasonable adjustments that we need to explore;

24.2. whether there remains a need to restrict communications or the making of adjustments is a sufficient step to mitigate the behaviour at present; and

24.3. if we do need to restrict communications, what a proportionate restriction would be in view of the underlying condition and any adjustments.

25. If an Incident Review Group has been called under our policy on **supporting colleagues who are subject to external criticism or comment or who are involved in legal proceedings concerning the NMC,** that group can also advise the head of department or assistant director on making or varying restrictions as required.

The register of restrictions

26. If they decide on a restriction or formal warning, the decision maker should inform the Enquiries and Complaints Team of this without delay (complaints@nmc-uk.org)

27. The Enquiries and Complaints Team will add the person in question to a central register of individuals who are on restricted contact arrangements or a log of formal warnings issued.

28. Access to the central register will be restricted to colleagues within the Enquiries and Complaints Team. Any questions about current restrictions can be made to that team.

29. The Head or Assistant Director who has made the decision to restrict contact should also inform their directorate. This email should also be copied to the Directors of any other NMC directorates who should reasonably be aware and might choose to share the information with colleagues in touch or likely to be in touch with the person.

Communication of restricted contact arrangements with the person in question

30. After a Head of Department or Assistant Director has decided that restricted contact arrangements are necessary, this should be communicated to the person in writing (unless they require a reasonable adjustment, in which case we must consider how the decision can be communicated appropriately in line with our reasonable adjustment policy).

31. This decision should set out clearly the behaviour deemed unreasonable or unacceptable and the restriction(s) placed on the person's communications as a result. A copy of the respectful behaviour policy should be attached, or a link to this policy should be signposted.

32. Any further communications received from the person, including those made in relation to the decision they receive, should also be viewed in line with our policy and process on unreasonable and unacceptable behaviour.

Review of a decision to restrict access

33. Where a decision is made by a Head of Department, Assistant Director or Director to restrict a person's contact with the NMC, a review of the decision should be made after a reasonable period (and in any event every 6 months) by the Enquiries and Complaints team, with feedback from the decision maker and other teams as necessary. A review may lead to the removal or variation of restrictions.

34. The Enquiries and Complaints team, who keep the register, will conduct the review with input from the relevant decision maker if necessary

35. If they have reason to believe it will assist the review to request specific information from the person in question, the Enquiries and Complaints team may write to the person involved

    35.1. informing them of the impending review;

    35.2. asking for specific information going to a change in circumstances, reasonable adjustments or the proportionality of the decision made;

    35.3. Indicating that our policy on unreasonable and unacceptable behaviour apply equally to any communications they make in respect of the review. Further infringements of that policy could lead to the continuation of the restrictions in place or addition of new restrictions in appropriate circumstances.

36. Reviews will consider whether restriction remains necessary and proportionate. They will take into account the time that has elapsed and any material changes in circumstances, including but not limited to:

    36.1. Further behaviour or communications from the person in question, whether more unreasonable or unacceptable behaviour, an apology, reflection or assurances;

    36.2. Any changes to the involvement of the person in our processes – for example, conclusion of a Fitness to Practise referral or involvement in a new one;

    36.3. Any new evidence going to the need for support or reasonable adjustments, insofar as it is relevant to the restrictions in place.

37. The central register should be updated to reflect any updated arrangements.

Other related policies and guidance

38. The following documents are related policies. You can find the most up to date versions on Pulse.

    i. Respectful behaviour policy

    ii. Supporting colleagues who are subject to external criticism or comment or who are involved in legal proceedings concerning the NMC

    iii. Data protection policy

    iv. Data sharing policy

    v. Employee privacy notice

A word on data

39. We follow the UK General Data Protection Regulations and all data protection legislation.

40. If following this policy means we need to process your data, we'll keep it to what's relevant and necessary.
41. There's more about our obligations as a data controller and processer in our **Data protection policy** and **Privacy Notice**. You'll find out how we store it and for how long, how we keep it secure and your rights.

Policy review dates and version history

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