

**Policy on managing unreasonable or persistent enquirer contact**

|  |  |
| --- | --- |
| Responsible Officers | *Jane Gizbert Communications Director* |
| Authors | *Helen Finn**Corporate Communications* |
| Date effective from | *April 2017* |
| Date last amended | *April 2021* |
| Review date | *April 2024* |

# Introduction

1. This policy sets out how the National Institute for Health and Care Excellence (NICE) will deal with unreasonable or persistent contact from people who make enquiries about our work.
2. It is required to address a limited number of occasions where we consider the actions of enquirers to be unreasonable and where enquirer behaviour prevents us from doing our work effectively or from providing a service to others.
3. NICE records and monitors contact with the enquiry handling team in line with our [privacy notice](https://www.nice.org.uk/privacy-notice#communicating).

# Definitions

1. In line with other customer service centres, we classify unreasonable actions into the four headings below:
	* aggressive or abusive behaviour: anger which escalates into aggression, threatening behaviour or verbal abuse, or unsubstantiated allegations;
	* unreasonable demands: a demand is unreasonable when complying with it would impact substantially on our work or negatively impact the service provided to other enquirers as a result. The demands of responding to requests under the Freedom of Information Act are dealt with separately. The are subject to the Freedom of Information (Appropriate Limit and Fees) Regulations 2004;
	* unreasonable levels of contact: when the amount of time spent communicating with an enquirer impacts on our ability to deal with their question or other people’s enquiries; and
	* unreasonable persistence: where an enquirer attempts to reopen debate on matters that have already been addressed by NICE or external bodies through other processes (such as the complaints policy, or internal review under the Freedom of Information Act, Parliamentary and Health Service Ombudsman or Information Commissioner’s Office).

# Policy and procedure

1. NICE aims to deal fairly, consistently and respectfully with all people who make contact with us and we expect similar consideration in return. NICE will not tolerate abusive, offensive, threatening, deceitful or other forms of unacceptable behaviour from enquirers.
2. We will take proportionate action to protect the wellbeing of our staff and the integrity of our processes against unreasonable behaviour. This may include restricting access to NICE when unreasonable behaviour persists.
3. As a matter of course, we will not acknowledge or respond to any enquiry that is abusive or offensive, or directly threatens or wishes harm or illness towards a member of staff or their family.
4. Where behaviour is so extreme that it threatens the immediate safety and/or welfare of NICE staff we may report the matter to the police or consider taking legal action. In such cases we may not give the enquirer prior warning.
5. We will not usually respond to an enquiry:
	* where the content is repeated and we have already explained to the enquirer that they will not receive further responses. This includes enquiries that have received a final response under the general complaints policy or freedom of information policy and complaints procedure.
	* where we are not directly addressed as the intended recipient and the content of the enquiry does not relate to our work or the guidance we produce.
6. We recognise that people may be angry about recommendations we have made that affect their care, or may be passionate about influencing a change in our recommendations. We understand this and make reasonable allowances for this in our handling of such requests.
7. We also understand that people may use multiple routes to highlight their cause. We will take into account all contact made to us through telephone, email, social media channels, freedom of information and data protection requests when considering what action to take.
8. When we consider that a person’s behaviour is unreasonable, we will explain why and ask them to change it, except where we will not respond as described above. We will warn them that if the unreasonable behaviour continues, we may take action to restrict their contact with us.
9. When dealing with telephone calls, we will also explain that their call may be recorded for monitoring purposes.

# Restricting access to NICE services

1. If, after warning, unreasonable actions continue, the associate director for corporate communications will decide whether the circumstances justify any restriction of access. The decision to restrict access will only normally be taken after we have considered possible adjustments that may help the person avoid unreasonable behaviour. The reason for the associate director’s decision will be recorded and explained to the person concerned. The associate director will decide how long any restriction will apply before it is reconsidered.
2. We may make other relevant teams aware of any restriction if it could affect their work. This could include reception staff or guidance producing teams if the enquirer’s focus is a particular NICE product.
3. Examples of the type of restrictions imposed could include:
	* restricting phone calls to specified days and times
	* limiting contact to a specific form and frequency (for example, one letter or email per week)
	* requiring contact to take place with one named member of staff
	* requiring the enquirer to enter into an agreement about their future behaviour before their enquiry proceeds.
4. Other actions specifically designed to meet the needs of the enquirer may also be considered.
5. If we restrict access we will tell the enquirer (in writing wherever possible):
	* why we think their behaviour is unreasonable
	* what action we are taking
	* how long the action will last
	* how they can challenge the decision if they disagree with it.

# Terminating access to NICE services

1. If an enquirer continues to behave unreasonably or disregards the restrictions placed on access to our services, we may decide to terminate contact with them and end any work on responding to their enquiry.
2. In extreme cases, we may also block incoming telephone calls from their number to NICE.

# New enquiries on different subjects

1. A new enquiry from someone whose behaviour has previously been considered unreasonable will be treated on its merits providing the enquiry is substantially different from the previous one(s). Restrictions imposed in respect of earlier enquiries made will not automatically apply to a new request.

# Related policies and procedures

* + General complaints policy and procedure
	+ Freedom of information policy and complaints procedure
	+ Information governance policy and management framework