

## Clinical Guideline

# PROCESS FOR MANAGING UNACCEPTABLE BEHAVIOUR IN AN EMERGENCY DEPARTMENT

<b>SETTING</b>	Adult Emergency Department for the division of Medicine
<b>FOR STAFF</b>	All Staff working in the Adult Emergency Department (AED)
<b>PATIENTS</b>	Any patient displaying unacceptable behaviour, including violence and aggression.

This SOP is consistent with Department of Health guidance regarding the withholding of NHS treatment from violent and abusive patients and from those whose behaviour is otherwise unacceptable, in an Emergency Department setting. This SOP should also be used in conjunction with the [REDACTED], where clear guidance can be found on what constitutes unacceptable behaviour. (the Zero tolerance policy is under review)

This SOP is for use with patients who have capacity and have repeatedly displayed unacceptable behaviour, or whose extreme violent behaviour has caused harm to staff or other patients or visitors to the AED and will guide staff about the process to be followed.

This process will be used for patients in circumstances where a patient has committed - or it is felt they pose a significant and imminent risk of committing - violent or abusive behavior, which will cause harm to staff (and others) AND such behaviour;

- is **not** a manifestation of a current clinical condition requiring urgent treatment
- is committed by a person **not** requiring emergency treatment
- is committed by a person deemed to have capacity to make decisions around their treatment and to take responsibility for their actions
- is committed by a person over the age of 18

This SOP seeks to support the Trust's aims in providing the highest standards of service to patients and carers possible, and in ensuring a safe and dignified environment for patients, visitors and staff.

This SOP seeks to set out the steps and actions that need to be undertaken before any verbal or written warning is undertaken.

The flowcharts contained within the SOP provide a sequential approach to the management of manifested / escalating aggression, violence and harassment and must be followed in order to demonstrate a logical and proportionate response.

The documentation requirements detailed within this SOP must be observed at all times as these provide the evidence to support any decisions taken in response to an emerging situation to defend against any subsequent legal challenge.

It is important that all incidents are dated and documented in patient notes in order to provide the required evidence to support the actions taken under this policy

## Guidance

Written warnings **should not be sent to patients:**

- Where their behaviour is felt to be a manifestation of a current clinical condition
- Who - in the expert judgment of an appropriate clinician (i.e. at the level of Registrar or Senior Nurse or above) - is not deemed to have capacity to take responsibility for their actions (E.g. an individual who becomes violent and aggressive as a result of an illness or injury).
- Who are (or are thought to be) suffering from a mental illness that impairs their judgment (urgent advice and support should be sought if necessary from psychiatric services).

Exclusions **should not be withheld** from patients;

- Who are under the age of 18 (all such patients are protected by the Children Act 2004)
- Where their behaviour is felt to be a manifestation of a current clinical condition
- Who - in the expert judgment of an appropriate clinician (i.e. Registrar or Senior Nurse or above) - require emergency treatment
- Who - in the expert judgment of an appropriate clinician (i.e. at the level of Registrar or Senior Nurse or above) - is not deemed to have capacity to take responsibility for their actions (E.g. an individual who becomes violent and aggressive as a result of an illness or injury).
- Who are (or are thought to be) suffering from a mental illness that impairs their judgment (urgent advice and support should be sought if necessary from psychiatric services).
- Who, following a safeguarding review, are deemed vulnerable and not able to protect themselves (in these instances please liaise with the Safeguarding Team for further guidance).

## Process

Below is the process that should followed when a patient has demonstrated unacceptable behaviour including violence and aggression. See Unacceptable behaviour Flow chart in Appendix 1. All letters sent to the patient must also include a copy of the letter to their recorded GP. To ensure these letters are received by the GP and patient they must be sent by recorded delivery. A copy of the letter should also be scanned onto midway as part of the patients medical notes.

### Verbal Warning

Any member of staff who experiences unacceptable behavior from a patient, should speak to the patient and ask them to stop. This needs to be clearly documented in the medical notes and a datix completed. If the behaviour ceases, no further action is required. However if the behaviour continues;

### First Written Warning (see appendix x)

The next step if the behaviour continues, is documented and datix, is to write a formal written warning to the patient, outlying the behaviour and the impact. This letter will also warn the patient about what will happen if the behaviour continues. All unacceptable behaviour must be documented and datixed. If the behaviour continues;

### Final Written Warning (see appendix x)

This letter is a final warning and is for further documented and datixed unacceptable behaviour within the first year of the first written warning. If the behaviour continues:

### Exclusion

Following the verbal→frist written warning →final written warning, the AED will apply to the chief medical officer for an exclusion order for this patient.

Prior to the exclusion order being issued, the recorded incidents and patient notes should be reviewed by a senior nurse (Matron or above), the opinion of senior security lead and and AED consultant should be sought for agreement. The senior nurse should discuss the possible exclusion with our neighbouring trust North Bristol Health care trust so ensure partnership working. When this review has taken place, a formal request should be made.

Any formal letter of exclusion will be reviewed after a year and this will include a review of any further episodes of unacceptable behaviour that have been recorded on DATIX. At this time, any exclusion order will be removed or an extension requested via the same route as exclusion.

At every step it should be considered if there are any reasonable adjustments made to improve the behaviour of the patient (this may include a referral to the High impact user team) and the patient's capacity assessed and clearly documented. This review must also contain a review of any safeguarding needs the patient may have, which should include whether the patient is vulnerable and/or able to protect themselves.

The process (excluding a verbal warning) should be carried out during normal working hours (Monday to Friday 8-5pm) to ensure senior decision making and support.

At any time in the process consider if you need any support from our legal department within the Trust.

If an exclusion order is granted this information should be shared with our partners including the commissioners


## **Monitoring Effectiveness of Policy**

An annual review of the process will be undertaken.

### Case Review Stakeholders:

- **Chair:** Head of Nursing, Divisional Director or Clinical Chair from Division principally impacted
- Safeguarding
- High Impact User Team
- Homeless Team
- Mental Health Team
- Representatives from each Division to include clinician and matron
- Trust Legal
- Bristol City Council Social Services
- Avon & Somerset Police
- Security
- Trust Communications
- HR Workforce Wellbeing Representative
- Diversity and Inclusion Lead

**Table A**

<b>REFERENCES</b>	Department of Health guidance withholding NHS treatment from V&A patients. Children's Act 2004 NHS Standard Contract 2020/21 Service Condition (full length) March 2020
<b>RELATED DOCUMENTS AND PAGES</b>	UHBW Zero Tolerance Policy. [REDACTED] Duty of Care for Discharged Patients Who Remain Outside Of, But Close To, The Trust  Duty of Care for Discharged patients Boundaries and / or Visible to Staff –IN DRAFT
<b>AUTHORISING BODY</b>	Medicine Divisional Board
<b>SAFETY</b>	There is a serious possibility that a patient will come to harm following an exclusion. However there is also a risk to staff and other patients if this behaviour continues.
<b>QUERIES AND CONTACT</b>	[REDACTED] Deputy Head of Nursing Medical Division.

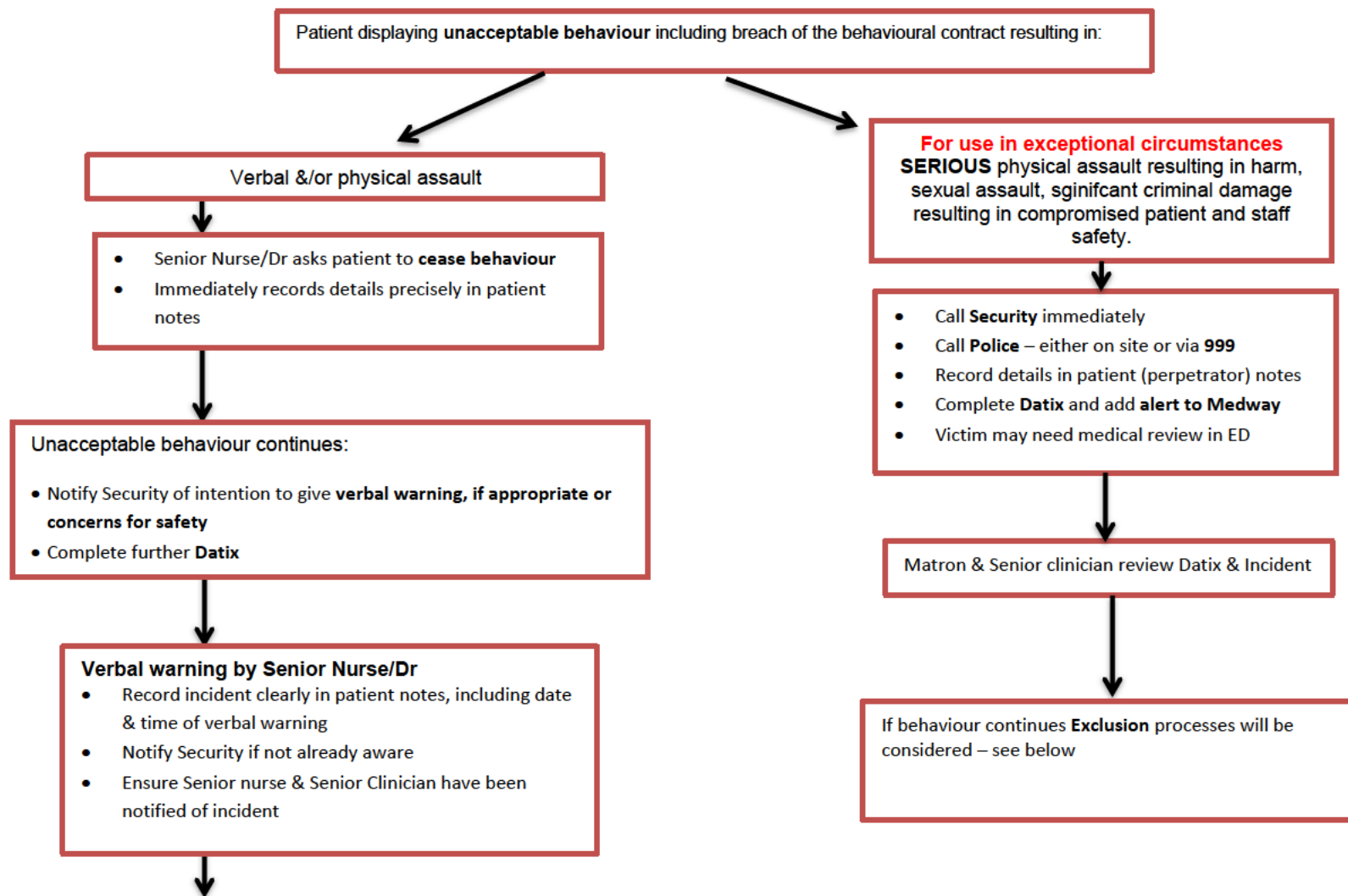
Children's Act 2004

<https://www.google.co.uk/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&cad=rja&uact=8&ved=2ahUKEwiU9br40Y3zAhXsQEEAHT6KBjUQFnoECAIQAAQ&url=https%3A%2F%2Fwww.legislation.gov.uk%2Fukpga%2F2004%2F31%2Fcontents&usq=AOvVaw01LLOp1DrYIVk3goerIXD6>

## Appendix 1 Unacceptable flow chart

### Procedure for Managing Unacceptable Behaviour In the Adult Emergency department

This flowchart sits with UHBW 'Procedure for Management of Unacceptable Behaviour' & 'Procedural Guidance – Warning and Exclusion Letter'





**First written warning:**

- Senior Nurse will review patient notes, Datix and add alert to Medway. If there are no **exceptional** clinical reasons, then
- 'Unacceptable behaviour warning letter' issued to patient & copied to GP.



**Final written warning:**

If there is further verbal/physical abuse:

- Senior nurse will review the patient notes & Datix
- A second letter will be issued to the patient.
- Refer to the HIU team at this time



**Exclusion** - if the patient has received a verbal warning, first written warning, and a final written warning and exclusion order will be applied for.

Matron – review incidents, consults Security/A&E Consultant/Neighbouring trust – apply to the Chief Medical officer for an exclusion order.

**Verbal warning**

**Written warning**

**Final written**

**Exclusion**

**At each stage of the flow chart, please consider *your* personal safety & consider calling Security and or Police for support**

The policies and procedure this relates to are:

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]



University Hospitals  
Bristol and Weston  
NHS Foundation Trust

**PRIVATE AND CONFIDENTIAL**

Full Name  
Address

Date  
Dear

**D.O.B.**

**Trust No:**      **NHS No:**

**Datix Number:**

**Warning letter – unacceptable behaviour**

I am (add matron or clinicians name) and I am the Matron/ Senior Clinician for the University Bristol and Weston Hospitals Trust. One of my roles is to protect NHS staff from abusive and violent behaviour and NHS resources from misuse and it is in connection with this that I am writing to you.

I have received a report where it is alleged that on (add date) aggressive towards staff on (add ward). (Give brief description of behaviour and any abusive language used, **please be explicit**). Behaviour such as this is unacceptable and will not be tolerated.

The Trust is firmly of the view that all those who work in or provide services to the NHS have the right to do so without fear of violence or abuse. Such behaviour also impacts on patients in the ward/unit who witness this behaviour and staff who have to be subjected to it. This can cause increased stress and anxiety for staff and patients who should not have to witness or listen to this behaviour. This can cause longer waits for other patients whilst we have to deal with this.

Should there be any repetition of this type of behaviour consideration will be given to taking action against you. Such action may include the following:

- Excluding you from premises
- Seeking an Acceptable Behaviour Contract
- Reporting to the police where your behaviour constitutes a criminal offence and fully supporting any prosecution they may pursue.
- Advise your GP to consider referring you to the tackling violence GP unit.

A copy of the letter will also be placed on your records and a marker will be placed on your electronic records. This warning will be reviewed in 12 months. You will be advised in writing of the outcome of this review and if any reference or marker will be removed from your records.

If you feel that there are extenuating circumstances which led to this behaviour, or that this letter misrepresents your actions on the date in question, you should contact the Trust's Patient Support & Complaints Team, in writing at University Hospitals Bristol & Weston NHS Foundation Trust, Bristol Royal Infirmary, Upper Maudlin Street, Bristol BS2 8HW.

Yours sincerely

cc:

Dr Add GP name and Address

## Appendix 3 Final Written warning

### PRIVATE AND CONFIDENTIAL

Full Name  
Address

Date  
Dear

**D.O.B.**

**Trust No:**            **NHS No:**

**Datix Number:**

**Datix Number:**

### Final Warning letter – unacceptable behaviour

I am (add matron or clinicians name) and I am the Matron/senior clinician for the for the University Hospitals Bristol and Weston Trust. One of my roles is to protect NHS staff from abusive and violent behaviour and NHS resources from misuse and it is in connection with this that I am writing to you.

I have received a report where it is alleged that on (add date) aggressive towards staff on (add ward). (Give brief description of behaviour and any abusive language used, **please be explicit**). I/or my colleague (please add name if not yourself) have previously written to you about your unacceptable behaviour and this is a final warning. If there is further unacceptable behaviour the medical division will apply to the Chief medical Officer to have you excluded from the Trust for 1 year.

Behaviour such as this is unacceptable and will not be tolerated.

The Trust is firmly of the view that all those who work in or provide services to the NHS have the right to do so without fear of violence or abuse. Such behaviour also impacts on patients in the ward/unit who witness this behaviour and staff who have to be subjected to it. This can cause increased stress and anxiety for staff and patients who should not have to witness or listen to this behaviour. This can cause longer waits for other patients whilst we have to deal with this.

Other actions that maybe considered:

- Seeking an Acceptable Behaviour Contract
- Reporting to the police where your behaviour constitutes a criminal offence and fully supporting any prosecution they may pursue.
- Advise your GP to consider referring you to the tackling violence GP unit.

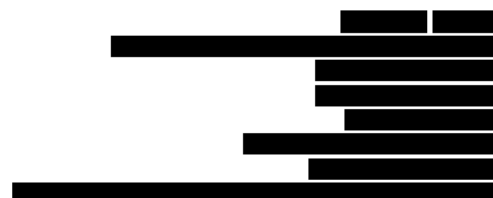
A copy of the letter will also be placed on your records and a marker will be placed on your electronic records. This warning will be reviewed in 12 months. You will be advised in writing of the outcome of this review and if any reference or marker will be removed from your records.

If you feel that there are extenuating circumstances which led to this behaviour, or that this letter misrepresents your actions on the date in question, you should contact the Trust's Patient Support & Complaints Team, in writing at University Hospitals Bristol & Weston NHS Foundation Trust, Bristol Royal Infirmary, Upper Maudlin Street, Bristol BS2 8HW.

Yours sincerely

cc:  
Dr Add GP name and Address

## Appendix 4 – Withdrawal of Care Letter



### PRIVATE AND CONFIDENTIAL

Address

DATE

Trust No / NHS No: / D.O.B. / Datix

Unacceptable behaviour – Withdrawal of treatment and care

Dear

As the designated executive on behalf of the in-patient Consultant and Matrons for the ward (*please insert*) for the University Hospitals Bristol and Weston (UHBW) NHS Foundation Trust, one of our roles is to protect NHS staff from unacceptable behaviour, including violence and aggression and NHS resources from misuse and it is in connection with this that I am writing to you.

We have received a report where it is alleged that (*insert date*) you demonstrated unacceptable behaviour towards NHS staff (*give brief example of what occurred*). (*If the police were called*) The police were called and you were arrested. I understand that the Crown prosecution services have advised that the charges (*give details*). Your behaviour has caused physical and emotional harm to staff.

Behaviour such as this is unacceptable and will not be tolerated.

The Trust is firmly of the view that all those who work in or provide services to the NHS have the right to do so without fear of violence or abuse. Such behaviour also impacts on other patients in the ward as staff are taken away from seeing patients and undertaking their role whilst they receive medical attention themselves and require time away from the ward, this results in delays in care for patients.

In the long term this impacts on the our staff, as staff are off sick due to the assault and has wider consequences of staff feeling vulnerable at work. It has been decided the trust will withdraw treatment/care and discharge you.

If you do not leave immediately as requested, our security team will escort you from the trust buildings and site and we may call the police for assistance.

A copy of this letter has been sent to your doctor.

Please be aware that you can access medical help in an emergency via 111 or 999. For less urgent needs we advise you access help/support from a local pharmacist or to contact your General Practitioner (GP).

If you are not registered with a GP or having problems contact your local 'Health watch' or call NHS England Customer Contact Centre on 0300311 22

A copy of the letter will also be placed on your records and a marker will be placed on your electronic records. This warning will be reviewed in 12 months. You will be advised in writing of the outcome of this review and if any reference or marker will be removed from your records.

If you feel that there are extenuating circumstances which led to this behaviour, or that this letter misrepresents your actions on the date in question, you should contact the Trust's Patient Support & Complaints Team, in writing at University Hospitals Bristol & Weston NHS Foundation Trust, Bristol Royal Infirmary, Upper Maudlin Street, Bristol BS2 8HW.

Yours sincerely

A black rectangular redaction box covering the signature of the sender.



## Appendix 5 – Exclusion Letter



**University Hospitals  
Bristol and Weston**  
NHS Foundation Trust

[Redacted address block]

### PRIVATE AND CONFIDENTIAL

Address

DATE

Trust No / NHS No: / D.O.B. / Datix

Unacceptable behaviour – Restriction on Attending NHS Premises

Dear

As the designated executive on behalf of the Consultants and Matrons for the Medicine Division for the University Hospitals Bristol and Weston (UHBW) NHS Foundation Trust, one of our roles is to protect NHS staff from abusive and violent behaviour and NHS resources from misuse and it is in connection with this that I am writing to you.

We have received a report where it is alleged that on *(insert date)* you demonstrated unacceptable behaviour towards NHS staff *(give brief example of what occurred)*. *(If the police were called)* The police were called and you were arrested. I understand that the Crown prosecution services have advised that the charges *(give details)*. Your behaviour has caused physical and emotional harm to staff.

Behaviour such as this is unacceptable and will not be tolerated.

The Trust is firmly of the view that all those who work in or provide services to the NHS have the right to do so without fear of violence or abuse. Such behaviour also impacts on other patients in the ward as staff are taken away from seeing patients and undertaking their role whilst they receive medical attention themselves and require time away from the ward, this results in delays in care for patients.

In the long term this impacts on the hospital as staff are off sick due to the assault and has wider consequences of staff feeling vulnerable at work. It has been decided that you will no longer be permitted to attend our University Hospitals Bristol and Weston NHS Foundation trust except in accordance with the following conditions:

1. Where you require urgent or emergency medical treatment,
2. To attend, (or to accompany a member of your immediate family), at a pre- arranged appointment,
3. To attend for non-medical purposes any meeting previously arranged in writing.

If you attend at any other time without good cause, you may be asked to leave the premises immediately. If you refuse to leave security or the police may be called to remove you.

If there are any unauthorised attendances or any further incidents of unacceptable behaviour consideration will be given to taking further action against you. Such action may include the following:

- Completely Excluding you from premises
- Seeking an Acceptable Behaviour Contract
- Reporting to the police where your behaviour constitutes a criminal offence and fully supporting any prosecution they may pursue.

A copy of this letter has been sent to your doctor and South West Ambulance Service (SWAST)

A copy of the letter will also be placed on your records and a marker will be placed on your electronic records. This warning will be reviewed in 12 months. You will be advised in writing of the outcome of this review and if any reference or marker will be removed from your records.

If you do not agree with what has been set out in this letter or have any comments to make please the options below.

If you feel that there are extenuating circumstances which led to this behaviour, or that this letter misrepresents your actions on the date in question, you should contact the Trust's Patient Support & Complaints Team, in writing at University Hospitals Bristol & Weston NHS Foundation Trust, Bristol Royal Infirmary, Upper Maudlin Street, Bristol BS2 8HW.

Yours sincerely

[Redacted signature]

[Redacted signature]

## Appendix 6 – Exclusion Flow Chart

