



Clinical Guideline

WITHHOLDING TREATMENT FROM PATIENTS DISPLAYING UNACCEPTABLE BEHAVIOUR

SETTING	Trust wide inpatient wards
FOR STAFF	Medical and Nursing and AHP Staff
PATIENTS	Any patient displaying unacceptable behaviour, including violence and aggression.

This guidance 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 inpatient setting. This guidance should also be used in conjunction with the [REDACTED], where clear guidance can be found on what constitutes unacceptable behaviour. This guidance contains 9 appendices:

1. Appendix 1: Unacceptable Behaviour Flow Chart
2. Appendix 2: Withdrawal of Care flow chart
3. Appendix 3: Withdrawal of Care Application form
4. Appendix 4: Written Warning
5. Appendix 5: Final Written Warning
6. Appendix 6: Withholding of Care letter
7. Appendix 7: Exclusion letter
8. Appendix 8: Exclusion flow chart
9. Appendix 9: How to support staff following an episode of violence and/or abuse

This guidance is for use with patients who are *not* medically fit, have capacity and have repeatedly displayed unacceptable behaviour, including breaking their [REDACTED] [REDACTED] that had been agreed at admission.

Treatment can only be withheld in circumstances where a patient has committed - or it is felt they pose a significant and imminent risk of committing - violent or abusive behavior 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.

The process for withholding care/treatment can be addressed immediately with a verbal warning; however, the full process should only be undertaken during normal working hours (0800-1700 Monday-Friday), in order that the inpatient team and patient are fully supported.

Withholding treatment from violent or abusive patients can only be considered:

- as a last resort (where no other reasonable course of action is possible),
- after a full and proper clinical assessment has been undertaken by a senior member of Medical staff.

This guidance 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 guidance seeks to set out the steps and actions that need to be undertaken before withholding of treatment is sanctioned. Our staff are supported by the Respecting Everyone policy and are supported to challenge behaviour that is unacceptable in line with our 'It Stops With Me' campaign.

The flowcharts contained within the guidance 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 guidance 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 datixed and documented in patient notes in order to provide the required evidence to support the actions taken under this policy.



Guidance

Treatment **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 (i.e. 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 are under the influence of drugs and/or alcohol and who require treatment (i.e. for alcohol withdrawal) (urgent advice and support should be sought, if necessary, from UHBW Trust Psychiatric Services/Alcohol/Drug Specialist Nurse).
- 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 Medway as part of the patient's medical notes.



Verbal Warning

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

First Written Warning (see appendix 4)

The next step in this process is for the Matron/Senior Nurse/Clinician covering the unit to write a formal written warning to the patient, outlining 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 5)

This letter is a final warning and will include what the next steps will be for the ward to take to withholding care from the patient, discharge them from the hospital and to potentially exclude them from further admissions. If the behaviour continues:

Withholding of care/Discharge

Prior to the final steps being taken, consider if the patient is vulnerable, and unable to protect themselves, if there is a safeguarding concern, if so, request an urgent review of patient from safeguarding team.

If this behaviour continues, the patient's lead consultant and senior nurse (Director of Nursing) will follow the process to withhold care and discharge patients. See Appendices 2 & 3. When the application is completed, this will be then be referred to the Chief Nurse and Chief Medical Officer for the Trust. If agreement is made to withhold care, the patient will be informed in person and this will be followed up with a formal letter (Appendix 6).



Exclusion

After the Withholding of Care process has taken place, exclusion can be considered and applied for after the patient has been discharged (see appendices 7&8).

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 and the patient's capacity reassessed 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.

Where possible this process 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 care/treatment is withdrawn this information should be shared with our partners including the commissioners.

Monitoring Effectiveness of Policy

A case review will be undertaken following the application of this guidance in every case, to assess if the policy was fit for purpose, and that any lessons learnt are captured and implemented.

If any revisions are required to the guidance, amendments will be implemented without delay and taken through the guidance Stakeholder Review Group.

Case Review Stakeholders:

- **Chair:** Director 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 / Wellbeing Representative to ensure appropriate Respecting Everyone and Wellbeing action is applied.
- Diversity and Inclusion Representative to ensure that any behaviour associated with any [REDACTED] incident is supported and lessons learned.

Table A

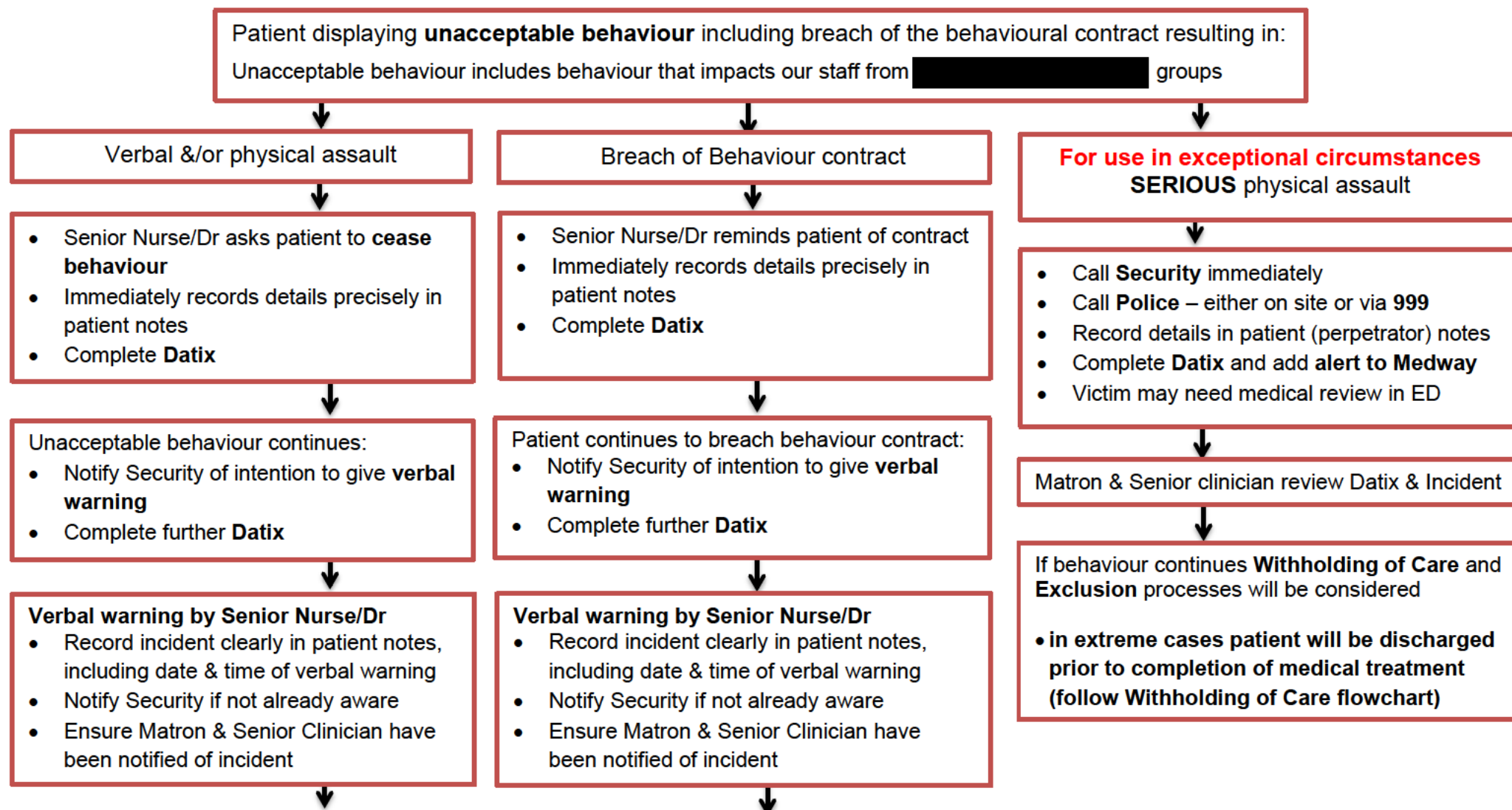
REFERENCES	Department of Health guidance withholding NHS treatment from V&A patients. Children's Act 2004 NHS Standard Contract 2020/21 Service Condition (full length) March 2020
RELATED DOCUMENTS AND PAGES	UHBW Zero Tolerance Policy. [REDACTED] process for managing unacceptable behaviour in the Emergency department. [REDACTED] Withholding treatment from patients displaying unacceptable behaviour in an inpatient setting
AUTHORISING BODY	Managing Violence and Aggression trust wide committee
SAFETY	There is a serious possibility that a patient will come to harm following withdrawal of care and discharge. However there is also a risk to staff and other patients if this behaviour continues.
QUERIES AND CONTACT	[REDACTED]. Director of nursing.



Appendix 1 Unacceptable Behaviour Flow Chart Page 1 of 2

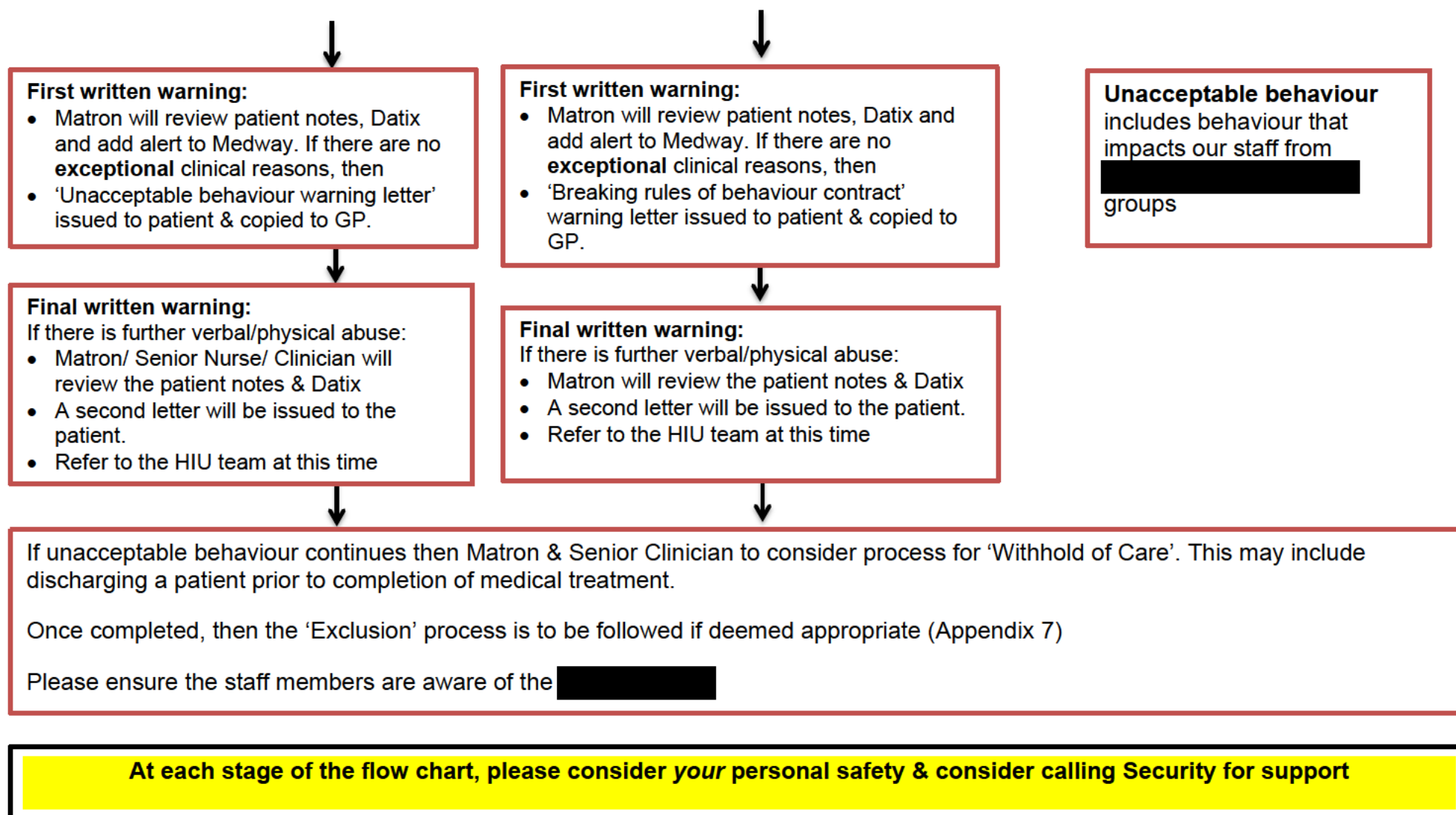
Procedure for Managing Unacceptable Behaviour on Inpatient wards

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





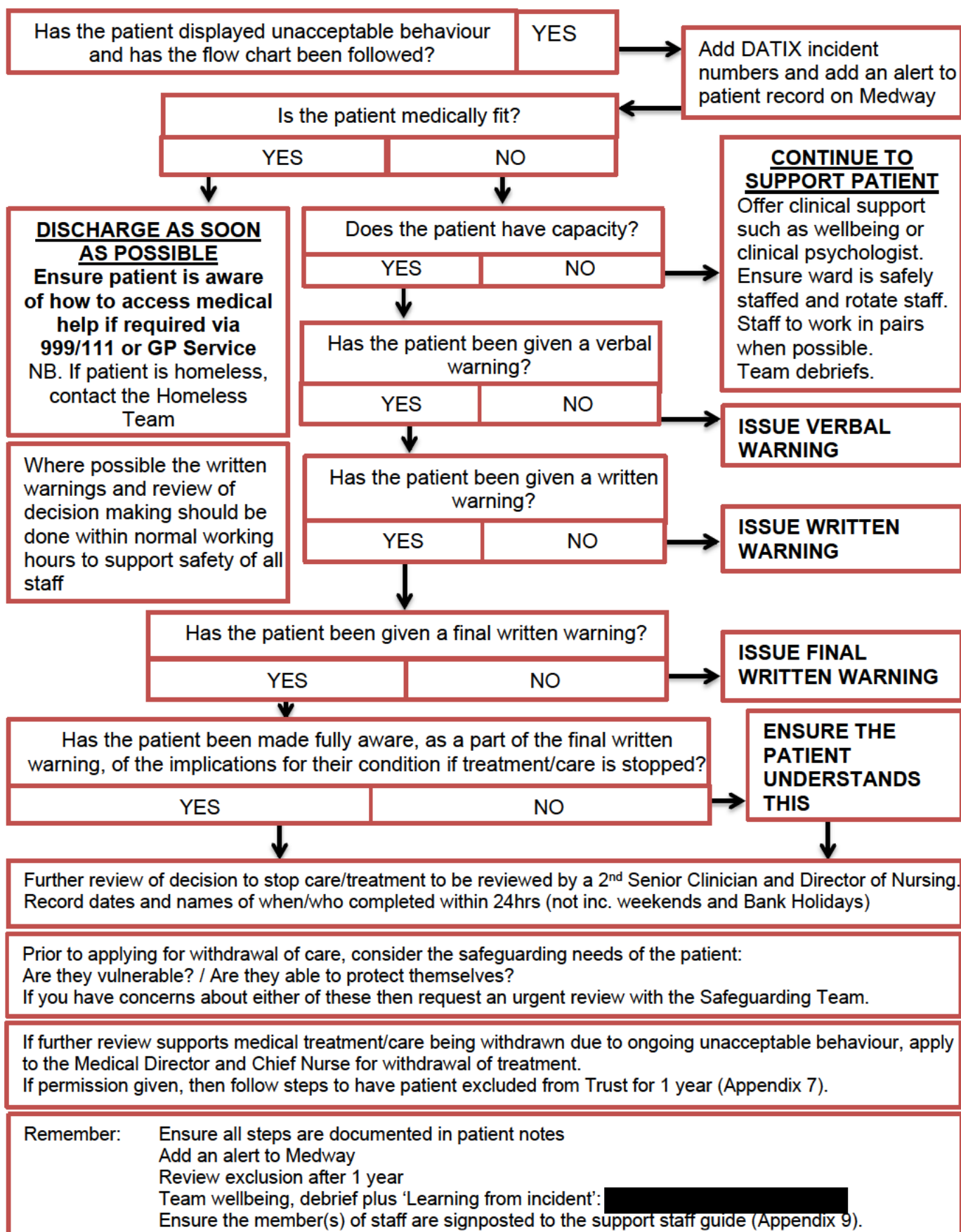
Appendix 1 Unacceptable Behaviour Flow Chart Page 2 of 2





Appendix 2: Withdrawal of Care Flow chart.

Patient's behaviour has reached the threshold by a serious physical assault or through the verbal warning process that it is no longer possible for the clinical teams to provide care for a patient who requires medical care and/or treatment





Appendix 3: Withdrawal of Care Application form

Application to withdraw treatment or care due to a patients ongoing unacceptable behaviour

Application to withdraw care for patient

Name: T number:

Describe the patients unacceptable behaviour, please include datix numbers	Dates	By whom It is documented in the patients notes Yes/No
A verbal warning was given on	Date	By whom It is documented in the patients notes Yes/No
Are there any reasonable adjustments that can be made to stop the patient behaving this way?	Yes/No	
A written warning was given on	Date	By whom It is documented in the patients notes Yes/No
Are there any reasonable adjustments that can be made to stop the patient behaving this way?	Yes/No	
A final written warning was given on	Date	By whom It is documented in the patients notes Yes/No
Are there any reasonable adjustments that can be made to stop the patient behaving this way?		
A review of the decision making was conducted on	Date	By whom It is documented in the patients notes Yes/No
The review supported a decision to withdraw care and/or treatment	Yes/No	By whom It is documented in the patients notes Yes/No

Decision to withdraw care supported by	Chief Medical Officer Yes/No	Chief Nurse Yes/No
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Appendix 4 Written Warning

PRIVATE AND CONFIDENTIAL

Full Name

Insert UHBW address

Address

Date

D.O.B.

Trust No: **NHS No:**

Datix Number:

Warning letter – unacceptable behaviour

Dear

I am (add matron, senior nurse or clinician's name) and I am the Matron/ Senior Nurse/ 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. At UHBW we encourage our staff to feel empowered to challenge poor behaviour when they see it and to seek support if they experience it. Our 'It Stops With Me' campaign is our public facing campaign in support of this.

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 and any behaviour which directly impacts on any [REDACTED] [REDACTED] 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

¹ The 9 protected characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation. Further information can be found on the Government website <https://www.gov.uk/discrimination-your-rights>.



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 the 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 5 Final Written warning

PRIVATE AND CONFIDENTIAL

Full Name

Insert UHBW address

Address

Date

D.O.B.

Trust No:

NHS No:

Datix Number:

Final Warning letter – unacceptable behaviour

Dear

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. At UHBW we encourage our staff to feel empowered to challenge poor behaviour when they see it and to seek support if they experience it. Our 'It Stops With Me' campaign is our public facing campaign in support of this.

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 division of (please add division) will apply to the Chief medical Officer to have you excluded from the Trust for 1 year.



Behaviour such as this and any behaviour which directly impacts on any [REDACTED] 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

¹ The 9 protected characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation. Further information can be found on the Government website <https://www.gov.uk/discrimination-your-rights>.



Appendix 6 – Withholding of Care Letter

[REDACTED]
Medical Director and Responsible Officer
Trust Headquarters
Marlborough Street
Bristol BS1 3NU

Email address: [REDACTED]

PRIVATE AND CONFIDENTIAL

Full Name

Address

Date

D.O.B.

Trust No: **NHS No:**

Datix Number:

Unacceptable behaviour – Withholding 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 and any behaviour which directly impacts on any [REDACTED] is unacceptable and will not be tolerated.

¹ The 9 protected characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation. Further information can be found on the Government website <https://www.gov.uk/discrimination-your-rights>.



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 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

[Redacted Signature]

Medical Director and Responsible Officer



Appendix 7 – Exclusion Letter

[REDACTED]
Medical Director and Responsible Officer
Trust Headquarters
Marlborough Street
Bristol BS1 3NU
[REDACTED]
[REDACTED]
[REDACTED]

PRIVATE AND CONFIDENTIAL

Full Name

Address

Date

D.O.B.

Trust No: **NHS No:**

Datix Number:

Unacceptable behaviour – Restriction on Attending NHS Premises

Dear

As the designated executive on behalf of the Consultants and Matrons for the Division of (insert which 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 and any behaviour which directly impacts on any [REDACTED] 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.

¹ The 9 protected characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation. Further information can be found on the Government website <https://www.gov.uk/discrimination-your-rights>.



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]

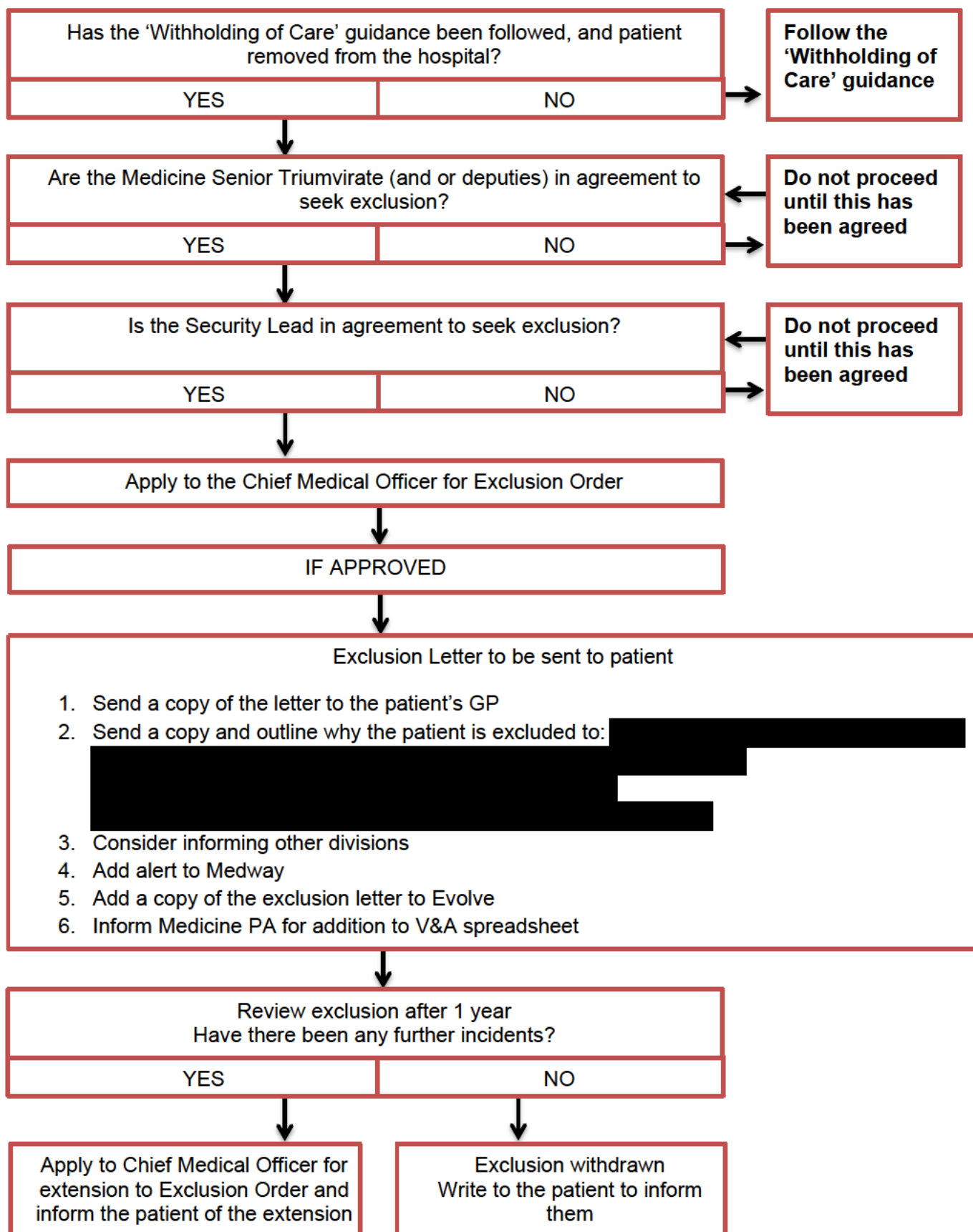
Medical Director and Responsible Officer

[Redacted Signature]

Chief Nurse and Midwife

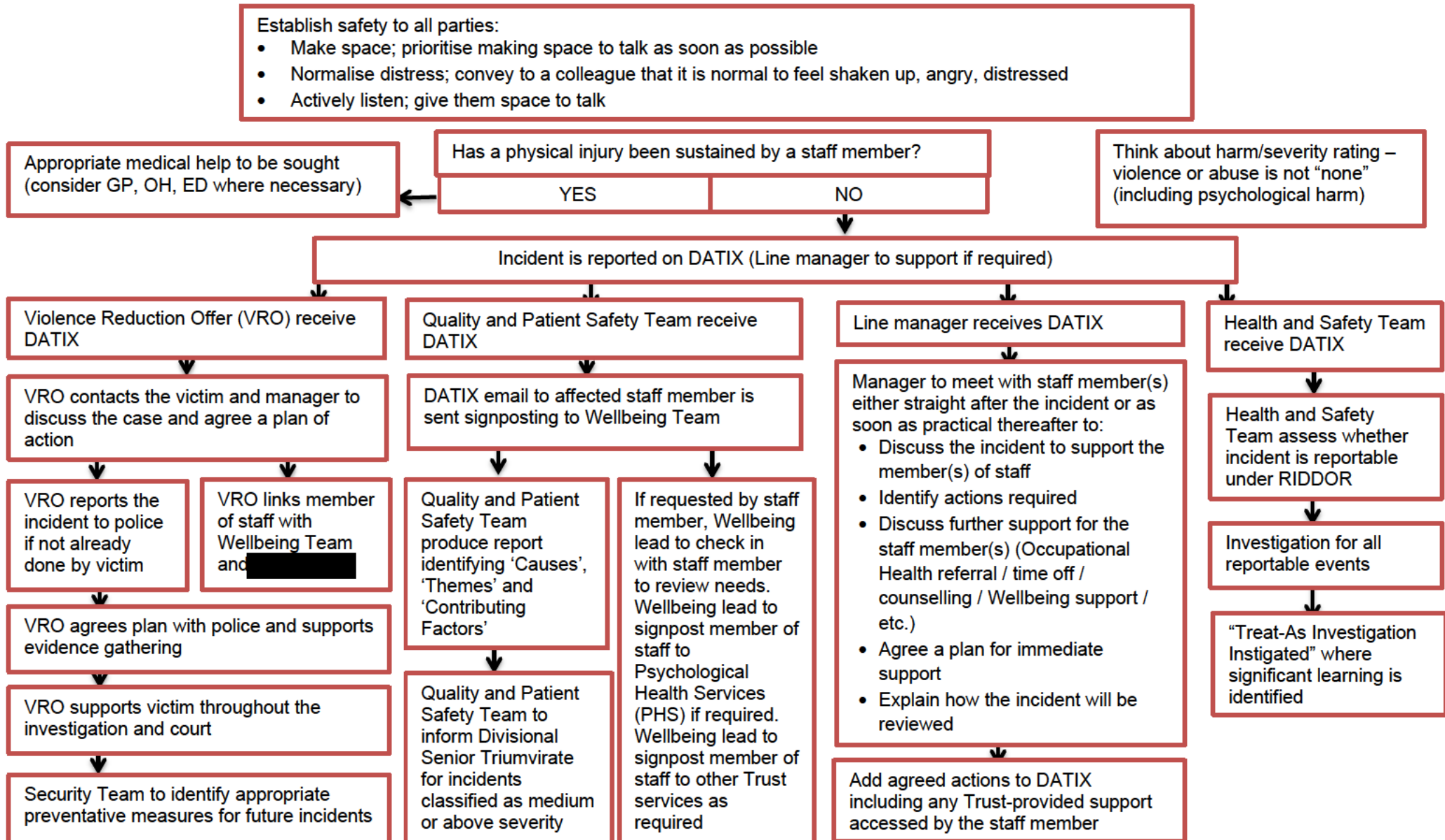


Appendix 8 – Exclusion Flow Chart





Appendix 9 – How to support staff following an episode of violence and/or abuse Page 1 of 2





Appendix 9 – How to support staff following an episode of violence and/or abuse Page 2 of 2

Psychological Health Services Trauma Triage Support available may include 1:1 support or a hot huddle
Ensure agreed actions are completed and documented

Guidance for managers

For the 1:1 conversation following the incident

Questions to consider:

- “How are you feeling – You don’t have to, but if you would like to talk to me about what happened then I am here for you and can make the time to listen”
- “Is there anything I can do to support you right now?”
- “Do you have any questions about what happened or what is going to happen next?”
- “Is there anyone at work or outside of work that you can talk to if you want to?”

NB – It’s Ok not to know the answers but we should commit to looking into them – We can achieve this by ensuring staff understand we will learn from the event and make changes where possible. This can be clearly communicated with an invitation to learn from the staff member’s experience.

Template to be sent to staff member from Quality and Patient Safety Team after team are prompted by DATIX

Dear ...

Thank you for reporting this incident. I am sorry to read that you have experienced this behaviour, and I hope that you are alright. If you would like support following this, please do not hesitate to contact the wellbeing team through [REDACTED] for Medicine Division, and/or [REDACTED] for Trust wide support.

Kind regards,

Sources of support:

Avon Partnership Occupational Health Services – [REDACTED]

Counselling is available to all staff through [REDACTED]
[REDACTED]

Psychological Health Services – Hot huddles following traumatic incidents and 1:1 check-ins - [REDACTED]

UHBW 'Coping with Trauma' Guide – [REDACTED]

Other sources of support can be found on the [REDACTED] page on connect