



Comhairle na nDochtúirí Leighis
Medical Council

Medical Council

Unacceptable or Unreasonable Behaviour Policy

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Policy Administration

In line with Medical Council standard practice, all policies and procedures are reviewed annually and in line with legislative changes.

Policy Details

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Reviewed by	Unacceptable and Unreasonable Policy Project Team (Members of Registration, Complaints and Investigation, Governance, HR, Liaison, HR Management team)
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Unacceptable or Unreasonable Behaviour Policy

1. Introduction

The Medical Council believes that all individuals who contact us have a right to be heard, understood and respected. We work hard to be open and accessible as the regulator for doctors in Ireland.

Our experience is that most people who engage with the Medical Council do so in a reasonable manner. We recognise that the circumstances that lead people to contact the Medical Council can be stressful and, from time to time, this stress may lead people to act out of character. However, there may be times when the behaviour of people contacting the Medical Council makes it difficult for us to deal with the issues they raise. In a small number of cases their behaviours may become unacceptable or unreasonable because of the way they treat our staff, or the demands they make on the Medical Council. We have a duty to protect the welfare and safety of our staff and cannot condone any behaviour that is abusive, offensive or threatening, or which places unreasonable demands on the work of the Medical Council.

The purpose of this policy is to explain how we manage our interactions with individuals who engage in unacceptable or unreasonable behaviour.

We will take all reasonable steps to ensure we meet our requirements under the Equal Status Acts 2000-2018, and we will make appropriate adjustment for individuals who have a disability. In some cases, we know that individuals may have a disability that makes it difficult for them to understand information or communicate clearly or appropriately. Where there is a suggestion that this may be the case, we will explore, and consider, the needs and circumstances of the individual before deciding on how best to deal with the situation.

2. Scope of the Policy

This policy is applicable to all staff and members of the Medical Council's (Board). However, it is also an expectation that any other parties engaged by the Medical Council are also treated fairly, courteously and respectfully by those who interact with the Medical Council.

3. What type of behaviour is unacceptable and unreasonable?

We expect:

- our staff to be fair, courteous, and respectful in their interaction with the public and doctors, and
- that our staff will be treated fairly, courteously, and respectfully by those who contact the Medical Council.

We recognise that people contacting us may feel angry, upset or frustrated about the issues they are raising. Our staff are trained to handle interactions appropriately and they are expected to make reasonable allowance for this. We do not view assertive behaviour by anyone using our services or contacting us as unreasonable.

However, there may be occasions where an individual's behaviour puts the wellbeing of Medical Council staff at risk. Unacceptable or unreasonable behaviour could occur in any interaction with any member of staff (over the phone, in person or in writing).

Unacceptable Behaviour

Unacceptable behaviour refers to instances where an individual's actions, remarks, or attitudes adversely affect the well-being, comfort, or security of others. This behaviour can hamper communication and cooperation, creating a hostile environment that impedes productivity and the capacity to deliver services. Examples of unacceptable behaviour may include the following (this list is not exhaustive):

- Obscene or offensive remarks, foul language, verbal abuse, shouting or harassment
- Recording meetings or telephone conversations without staff knowledge or consent
- Derogatory, abusive or insulting comments made about Medical Council staff including online or in the media
- Harassing, threatening or inappropriately contacting Medical Council staff including on their personal social networks
- Threats or physical violence, physical intimidation, confrontational behaviour or aggression.

Unreasonable Behaviour

Unreasonable behaviour involves unreasonable levels of contact. Unreasonable frequency or duration of contact can affect the time available to deal with matters of concern or to carry out our role. Unreasonable behaviour can also include placing unreasonable/impossible demands on staff. Examples of unreasonable behaviour may include the following (this list is not exhaustive):

- Making numerous calls in one day or repeatedly making calls or repeatedly making very long calls
- Repeatedly asking staff to look at the same issue when we have already dealt with the matter through the process or another process
- Repeated correspondence about the same issue or repeatedly sending emails with large amounts of information attached that is not needed
- Persistent requests for information e.g., requests for the same information already provided.
- Repeated requests or demands for action(s) to be taken within an unreasonable amount of time
- Repeated requests or demands for action(s) which would be inappropriate in the circumstances or beyond our capacity

4. Our duty to our staff

These situations are not common, but when they do happen, we will take action to restrict or end our communication and access to our staff members and office. We do this because our staff members must be able to carry out their work without harassment and it is our expectation that they should be treated fairly, respectfully, reasonably and with courtesy - mirroring the same standards we hope they maintain in their interactions with others. We have a duty to protect our staff and to be mindful of their welfare and safety. We take any threat of violence seriously and will bring any direct contact with the individual to an end. We will also report such threats or actions to

An Garda Síochána. We consider violence to include any communication or behaviour that may cause a member of staff to feel afraid, unsafe, threatened, physically injured or abused.

5. How do we manage unacceptable or unreasonable behaviour?

If a member of staff feels a person is behaving unacceptably or unreasonably, they will bring it to the attention of a manager. The manager will discuss it with the staff member, and consider what action, if any, is appropriate. We will let the individual know about the actions we are taking and the reason for it.

If a member of staff experiences unacceptable or unreasonable behaviour during a call, meeting or event, the staff member has the authority to deal immediately with the behaviour in a manner they consider appropriate and in line with this policy.

- Unacceptable or unreasonable behaviour during a telephone call - the staff member is entitled to bring the call to an end provided they have asked the caller to take a more reasonable approach, and this has not happened.
- Unacceptable or unreasonable behaviour in a meeting, during an inspection or an accreditation visit or at an event - the staff member is entitled to bring the meeting or visit to a close. The staff member will use their personal judgement to decide whether it is appropriate to request that a more reasonable approach be taken first. Our staff will consider their own personal safety in making this judgement.

Except for immediate decisions taken at the time of an incident, any decisions to restrict or limit contact with the Medical Council will only be taken after careful consideration of the situation by a senior member of staff. When we consider an individual's behaviour to be unacceptable or unreasonable, we will tell them why we find their conduct is unacceptable or unreasonable, and we will ask them to change it. If we feel that their behaviour is unacceptable or unreasonable, we may take action to put limits on contact with the Medical Council. Any restrictions imposed will be appropriate and proportionate. Such a decision will only usually be taken after we have appropriately reviewed matters. Wherever possible we will give the individual an opportunity to change their behaviour before such a decision is taken.

What factors will we consider?

In making our decision, we will consider:

- How the decision affects our staff
- How the decision affects the individual responsible for the unacceptable or unreasonable behaviour (including their personal circumstances and any appropriate adjustment)
- The extent to which we can assist or support the individual
- The extent to which the process has been exhausted.

What limits on contact will we consider?

As a regulator, patient safety is our priority, and the Medical Council will take appropriate action where there is a risk to patient safety. Any restriction on contact is a position of last resort and at all times, we will try to maintain at least one form of contact with the individual. In extreme

situations, we may tell the individual in writing that contact will be restricted to either written communication, or through a third party or advisor where access to our services is needed.

Regardless of an individual's behaviour, our staff will act fairly, respectfully and courteously and take an impartial attitude. Unacceptable or Unreasonable behaviour does not preclude there being a valid query or concern (for example, a complaint or a data access request).

Examples of the actions we may consider taking are as follows:

- Asking for telephone calls to be made at particular times or limiting the time for the calls
- Asking for contact to take place with a named staff member only
- Asking for contact in a particular format, for example by letter/email only
- Where a complaint is concluded and the individual has been advised of the decision and our reasons for this, we may acknowledge the correspondence but there may be no further engagement from the Medical Council
- Blocking emails if:
 - The content of the emails is abusive or offensive.
 - The number or length of emails impacts on our ability to carry out our role as a regulatory body.
- Ceasing contact - this is a decision of last resort and can only be taken with the agreement of the Chief Executive Officer (CEO).
- Taking other action which is reasonable and appropriate (such action must take account of our duty to discharge our role as the regulator and to comply with other duties that apply to us under the law for example, requirements under Data Protection Legislation).

6. How we let people know we have made this decision

When a staff member makes an immediate decision in response to unacceptable or unreasonable behaviour, the staff member will make every reasonable effort to advise the individual at the time of the incident.

In all other cases, where we decide that an individual's behaviour is unacceptable or unreasonable, we will write to or notify them of this by another means and explain:

1. a decision has been made that the individual has behaved unacceptably or unreasonably
2. what action we are taking
3. why we are taking this action.

However, where the behaviour is so extreme that it threatens the safety and welfare of staff, we will consider reporting this to An Garda Síochána or instigating legal action. In such cases we may not give prior notice of this.

7. How we record and review a decision to restrict contact

We record all incidents of unacceptable or unreasonable behaviour by people contacting the Medical Council.

A decision to restrict contact from an individual may be reconsidered if the person demonstrates a more acceptable approach.



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