

The Newcastle upon Tyne Hospitals NHS Foundation Trust

Exclusion from Treatment of Violent or Abusive Patients Policy

Effective: September 2008

Review: September 2011

1. Introduction

- 1.1 The Newcastle upon Tyne Hospitals NHS Foundation Trust has a duty to provide a safe and secure environment for patients, staff and visitors. Violent or abusive behaviour will not be tolerated and decisive action will be taken to protect staff, patients and visitors.
- 1.2 This policy is seen as an important step in improving the Trust's ability to tackle incidents involving violence and abuse. The aim of the policy is to detail the behaviours, which are unacceptable, and the sanctions available to deal with such behaviour, including a mechanism whereby patients who are extreme or persistent in their unacceptable behaviour can, as a last resort, be excluded from the Trust.

2. Scope of the Policy

- 2.1 The use of this policy will normally apply to violent or abusive patients aged 16 or over. In situations where the parents or guardians of a minor are the perpetrators of such behaviour the overriding principal should be that treatment, in the child's best interests, should be continued. It may be appropriate to seek advice from the named or designated doctor for child protection to facilitate this, particularly in the situation of an acute presentation. In an outpatient setting parents or guardians of children behaving in a violent or abusive fashion should be advised that such behaviour is not acceptable. If this behaviour continues, despite such warning, they should be advised that the Trust will offer treatment to their child but that they will potentially be excluded. Should parents or guardians continue to behave in a violent or abusive fashion despite this they should be handled in accordance with the procedures for adult patients outlined below in section 5 of this policy. Should they indicate their intention to leave and to remove their child, thereby depriving the child of what the Trust considers to be necessary medical treatment, they should be advised that the Trust would regard this as a child protection issue and would inform the Social Services of their behaviour. (In applying this policy it should be borne in mind that, legally, individuals under the age of 18 are minors, even though they reach the age of consent at 16 and that referrals to social services may be made in respect to individuals aged up to 18 years).

3. Application:

- 3.1 The following patients are exempted from the application of this policy:
 - (i) Patients who, in the expert judgement of the relevant clinician, are not competent to take responsibility for their actions e.g. an individual who becomes abusive as a result of an illness or injury.

- (ii) Patients who are mentally ill and may be under the influence of drugs and/or alcohol. (see Violence and Aggression at Work Policy).
- (iii) Patients who, in the expert judgement of a relevant clinician, require urgent emergency treatment.
- (iv) Other than in exceptional circumstances any patient under the age of 16. (Advice should be sought initially from a Consultant paediatrician and if necessary also from the on call member of the Medical Director's team before withdrawing treatment from any patient under the age of 16).

4. The Policy

4.1 Unacceptable Standards of Behaviour

The following are examples of behaviour not acceptable on Trust premises, or directed to Trust employees, whether on or off the premises.

(i) Non Physical

The use of inappropriate words or behaviour causing distress and/or constituting harassment.

It is difficult to provide a comprehensive list of types of incident that are covered under this definition; however, some examples are provided below:

- offensive language, verbal abuse and swearing
- racist comments
- loud and intrusive conversation
- unwanted or abusive remarks
- negative, malicious or stereotypical comments
- invasion of personal space
- brandishing of objects or weapons
- near misses ie. Unsuccessful physical assaults
- offensive gestures
- threats or risk of serious injury to NHS staff
- intimidation
- stalking
- alcohol or drug fuelled abuse.
- Incitement of others and/or disruptive behaviour
- Unreasonable behaviour and non-cooperation such as repeated disregard of hospital visiting hours.
- Any of the above linked to destruction of or damage to property.
- Being in breach of Trust Policies.

(ii) Physical

The intentional application of force to the person or another without lawful justification resulting in physical injury or discomfort.

It is difficult to provide a comprehensive list of types of incident that are covered under this definition; however, some examples are provided below:

- spitting on/at staff
- pushing
- shoving
- poking or jabbing
- scratching and pinching
- throwing objects, substances or liquids onto, or at, a person
- punching and kicking
- hitting and slapping
- sexual assault
- incidents where reckless behaviour results in physical harm to others
- incidents where attempts are made to cause physical harm to others and fail.

5. Sanctions

There is a range of sanctions which can be taken against those who abuse the Trust's staff or property.

Whilst these sanctions are described as a sequential process, the Policy can be initiated at any stage if, in the judgement of the staff involved, the severity of the behaviour warrants the level intervention.

(i) Verbal Warning

Patients who display any of the behaviour in Section 3 will be asked to desist and offered the opportunity to explain their actions.

(ii) Formal Warning (“Yellow Card”)

A written warning letter will be issued (Appendix 1). This would remain on file for a 12 month period. This should be signed by the Consultant responsible for the Patient's Care and the Chief Executive or Nominated Deputy (ie the Nursing and Patient Services Director or Medical Director) and sent to the Patient and their General Practitioner (GP).

(iii) Exclusion from Treatment (“Red Card”)

If the Patient breaches the expected standards of behaviour, despite a formal warning (“yellow card”) a decision to withdraw treatment will be made and a “Red Card” issued. This would remain in place for a 12 month period (Appendix 2). A warning letter will be issued. This should be signed by the Chief Executive or a nominated Deputy.

Such exclusion will last one year, subject to alternative care

arrangements being made; the provision of such arrangements must be pursued with vigour by the relevant clinician. In the event of an excluded individual presenting at the Trust's Accident and Emergency Department for emergency treatment, that individual will be treated and stabilised with, if necessary, security staff in attendance. Where possible, they would then be transferred immediately. However, if admission is unavoidable security staff will, if necessary, remain in attendance. The need for security attendance will be determined by an appropriate member of staff, in consultation with the Portering and Security Manager.

- (iv) At any stage of the process the Police may be informed and requested to attend.

6. Key Principles

- (i) The Patient's clinical care should not be compromised in any way;
- (ii) Where substance abuse has been identified, appropriate assistance and referral will be provided, by the Lead Clinician responsible for the patient's care.
- (iii) A record of the action/decision will be held centrally in the Clinical Governance and Risk Department and a copy will also be kept in the patient's notes and on the PAS "Alert Screen" for a period of 12 months. (see guidance for the use of Alert Stickers and Alert Recording Form) (Appendices 3 and 4 define the process of issuing warnings).
- (iv) That the Trust will fully investigate all valid concerns raised by the patient.
- (v) Patients will be given appropriate warning before a decision to withdraw treatment is made.
- (vi) There must be clear documentary evidence of the process followed in the Patient's records.
- (vii) The decision must be clearly communicated to the Patient and their GP.
- (viii) Failure to comply with the Policy will, at the request of the relevant Directorate Manager and the Clinical Director (or their nominated deputies) result in exclusion from the Trust (a "**Red Card**").
- (ix) Any patient behaving unlawfully will be reported to the Police and the Trust will seek the application of the maximum penalties available in law. The Trust will prosecute all perpetrators of crime on or against Trust property, assets, and staff.

7. Related Documents

The Policy should be read in conjunction with the following documents.

<http://intranet/Policies/healthsafety/ViolenceAggression200502.pdf>

- Trust's Violence and Aggression Strategy
- Trust Policy on Managing Violence and Aggression
- Guidance on the Use of Alert Stickers and Alert Recording Form
- Illegal Drugs Policy
- Trust Security Policy
- Trust Complaints Procedure
- Prevention and Management of Violence where withdrawal of Treatment is not an option.

8. Process for Notification and Removal of Red/Yellow Card Warnings

(a) Notification

Once the decision to issue a warning has been made in accordance with the Policy, this needs to be communicated to the patient and their GP. (Appendix 1 & 2). In addition relevant departments in the Trust must be informed to ensure an appropriate and accurate record is made. The following departments should be notified.

- (i) Patient Relations Department
The Patient Relations Department will hold details of the patients who have been formally warned about their behaviour or excluded from treatment. This information will be held on a secure database for one year with the database held in the Patient Relations Department.
- (ii) The Trust's Medical Records Manager
The Trust's Medical Records Manager is responsible for ensuring that an alert sticker is applied to the front cover of the Patient's Medical Record, in accordance with the Policy and a note entered onto the front sheet to indicate "This patient is subject to a warning about their behaviour during a previous hospital visit. Please contact the Patient Services Co-ordinator for further details".

This notification should be made by copying the letter being sent to the Patient and their GP, to the Trust's Clinical Governance and Risk Department and the Trust's Medical Records Manager "For Action".

Should the Patient's GP contact the Trust to express concern about the impact of the decision on their patients and their on going well being this will be referred to the Consultant responsible for the Patient's care, who will decide in collaboration with the Medical Director, the course of action.

(b) **Removal**

The Clinical Governance and Risk Department and Trust's Medical Records Manager are responsible for ensuring that these alerts are removed after 12 months, on expiry of the warning.

9. Monitoring

The Policy will be subject to Annual Audit to ensure that appropriate records are being maintained. These records will be scrutinized by the Trust Equality and Diversity and Human Rights Group to ensure there is no apparent unfavourable impact on any particular group.

The records being considered will include:

- i) Details on the database regarding those Patients who are "Red Carded".
- ii) Details of all violent/abusive incidents recorded on database to ensure they have been dealt with in accordance with the Policy.

Author: Director of Nursing and Patient Services.

Patient's Name
Patient's Address

Dear

Re: Formal Warning – “Yellow Card”

This is to formally confirm that as a consequence of your behaviour on *date* at *time* in the *department*, you are now subject to the conditions outlined in The Newcastle upon Tyne Hospitals NHS Foundation Trust Policy for dealing with Violent or Abusive Patients. A copy of the Policy is included for your information and you are being formally warned about your behaviour.

Should you, on any occasion within the next 12 months, fail to comply with the standards of behaviour explained to you and outlined in the Policy in your possession, you may be excluded from the Trust's Services. You do need to appreciate that you may not receive care and your General Practitioner would need to advise you about alternative Trust's where you may receive treatment. In the instance that emergency treatment is required, we would not refuse you treatment however should admission to hospital be required arrangements may be made for your continued treatment in another establishment.

Yours sincerely

Sir Leonard R Fenwick
Chief Executive

cc. GP
Clinical Governance and Risk Manager
Medical Records Manager

Ref

Date

Patient's Name

Patient's Address

Dear

Re: Withdrawal of Treatment – “Red Card”

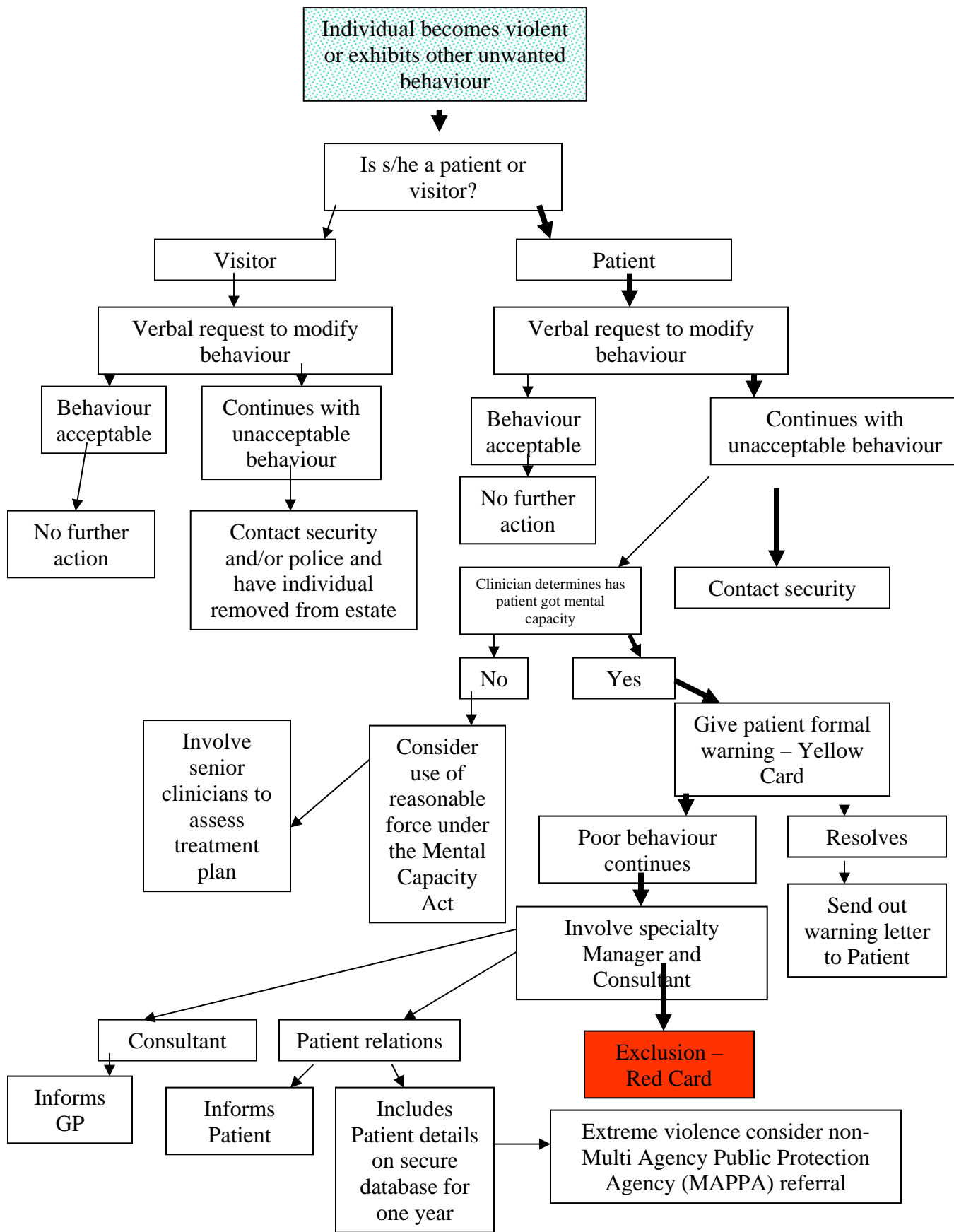
This is to formally confirm that as a consequence of your behaviour on *date* at *time* in the *department*, you are now subject to the conditions outlined in The Newcastle upon Tyne Hospitals NHS Foundation Trusts Policy for dealing with Violent or Abusive Patients. A copy of the Policy is included for your information and you are being excluded from and you may be excluded from the Trust by our security staff/police. You do need to appreciate that you would not receive care and your General Practitioner will need to advise you on alternative Trusts where you may receive treatment. In the instance that emergency treatment is required, we would not refuse you treatment however should admission to hospital be required arrangements will be made for your continued treatment in another establishment.

Yours sincerely

Sir Leonard R Fenwick

Chief Executive

cc. GP
Clinical Governance and Risk Manager
Medical Records Manager



Procedure for Issuing Warnings/Excluding from Treatment

In the event of inappropriate behaviour by a patient,

Verbal Warning

- Inform and seek advice from the senior doctor or nurse on duty.
- Ensure the incident (whether verbal or physical) which triggered the procedure is documented and signed by the member of staff and any witnesses, and is reported via the Incident Reporting Procedure.
- Senior doctor or Senior nurse on duty should inform the patient that their behaviour is unacceptable, ensuring they understand expected standards of behaviour and the possible consequences of failing to comply (except in circumstances where this would put staff in direct danger or where it is vital for the safety of others to have the patient urgently removed). This should then be documented in the patient notes.
- Ensure a suitable member of staff (any doctor or registered nurse) witnesses the explanation to the patient and signs the incident report which is completed.

Formal Warning (Yellow Card)

- The patient should be warned at this stage by the Senior Doctor or Nurse on duty that a record will be made of their behaviour within the Trust and this will remain for 12 months. During this period, if the patient re-attends the Trust and displays violent or abusive behaviour, they will receive a final warning. Should further unacceptable behaviour be demonstrated after this point, the Trust will refuse patient treatment, unless in a life-threatening situation.

Withdrawal of Treatment (Red Card)

- The decision to exclude can only be taken by both the relevant Directorate Manager and the Clinical Director (or in their absence their nominated deputies), once alternate care arrangements have been made. This does not preclude the relevant clinician discharging a patient who no longer requires in-patient care in the normal manner.
- The responsible Consultant must be informed and write to the patient's GP detailing the exclusion and the reasons for it.
- The patient must be informed that they may challenge exclusion via the established complaints procedure.
- The Clinical Directorates will facilitate the dispatch of a written confirmation from the **Chief Executive/ Patient Services Director** to the patient's home and ensure a record is made of the Warning being in place.
- The Trust Portering and Security Manager must also be informed.
- A detailed record of the rationale for exclusion and of the alternate arrangements for care must be kept in the patient's medical and nursing documentation.
- If an excluded individual returns in any circumstances other than a medical emergency, security staff should be called immediately. The Trust will subsequently seek legal redress to prevent the individual from returning to Trust property.