



PMCPA Policy

Managing persistent contact and unreasonable behaviour policy

This policy was developed by the PMCPA

Introduction and scope

1. This policy sets out the approach the PMCPA may need to take on the rare occasion that an individual or organisation displays persistent and/or unreasonable behaviour. This policy extends to any individual or organisation that interacts with the PMCPA and is an extension of the ABPI's Anti-bullying and harassment policy and should be read in conjunction with that policy.
2. The PMCPA operates to further its overriding objective as set out in Paragraph 1.10 of the Constitution and Procedure of the ABPI Code of Practice. Any action taken under this policy will not allow potentially serious complaints affecting patient safety to go unresolved. This policy sets out how the PMCPA will operationalise the provision in 1.13 for non-compliance of any party to comply with, among other things, its obligation to assist the Authority and Appeal Board to further the overriding objective.
3. The PMCPA is committed to ensuring that anyone can make a complaint and engage with the complaints procedure and the PMCPA will provide support where necessary to enable this. The PMCPA is open to challenge and criticism and will help where possible. This may involve signposting to another organisation who are better placed to assist.
4. This policy covers employees and contractors of the PMCPA and their interactions with third parties. In this policy, a third party means any individual or organisation an employee encounters during the course of their work.

Behaviour

5. There may be times when the PMCPA is required to limit our contact with individuals to ensure the safety and well-being of our staff or others involved in the complaints procedure.
6. Anyone who comes into contact with the PMCPA deserves to be treated fairly. An individual's personal views are not relevant to how we handle a complaint unless their actions compromise staff safety and wellbeing.
7. We believe that all those involved in the complaints procedure deserve to be treated with respect. This includes PMCPA staff.



Unreasonable or persistent contact

8. At the core of the PMCPA's role is the need to ensure patient safety and uphold confidence in the pharmaceutical industry. Unreasonable or persistent contact with members of the team can hinder our work. We consider unreasonable or persistent contact to be when the contact by an individual or organisation is so unreasonable and/or frequent that it takes us away from the core role of our work.
9. The following non-exhaustive list includes examples of what we consider unreasonable or persistent behaviour to look like:
 - a. pursuing complaints which have no clear substance or on which a decision has already been made;
 - b. refusal to accept a decision where all routes of appeal have already been exhausted;
 - c. excessive demands on staff time and recourse such as excessive telephone or email contact, or providing excessive amounts of materials/enclosures with a complaint;
 - d. making unjustified complaints about staff who are trying to deal with the issues;
 - e. not respecting confidentiality rules on enclosures;
 - f. publishing information about a case before it is final;
 - g. knowingly providing inaccurate or misleading information about yourself to circumvent processes such as declaring conflicts of interest or intercompany dialogue.
10. Where the PMCPA is made aware of such behaviour, any action taken will be considered under this policy.
11. Our resources, including staff time, should be focused on ensuring we achieve the PMCPA objectives which include ensuring patient safety. Staff will not be expected to spend a disproportionate amount of time managing the expectations of one complainant.

Unacceptable behaviour

12. We acknowledge that the complaints process can be a stressful experience and that on occasion, communications may become frustrated or emotional. We also acknowledge that there may be other factors which affect someone's behaviour such as health or disability. Any abusive, offensive or threatening behaviour towards our staff, however, will not be tolerated. Examples of this might include:



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- a. rude, offensive or abusive language;
 - b. threats of violence;
 - c. discriminatory comments about staff or others.
13. On the rare occasions that such behaviour is displayed, we will implement the process under this policy.

How we will deal with these behaviours

14. Any action we decide to take will be reasonable, fair and balance the interests of the contact with the wellbeing of our staff and best use of our resources.
15. Should any of the above outlined behaviours occur we will take steps to alter the way we communicate with you and these will be set out as case management directions under Paragraph 1.11 of the Constitution and Procedure. These steps are listed below:
- Step 1 - First warning – You will be warned and asked to cease the behaviours identified. If behaviour persists, we will move to a change of approach.
 - Step 2 - Change of approach:
 - we may advise you that we will no longer respond to any communication other than to provide necessary updates on the progress of a case(s);
 - we will explain the reasons why we have taken action such as limiting further contact with you;
 - we may take other actions such as limiting participation in proceedings such as not being sent confidential enclosures relating to cases and may not be permitted to attend PMCPA meetings or events.
 - we may record any telephone calls with you.
 - Step 3 – all communications cease and your complaint does not proceed. If behaviour persists after steps 1 and 2 have been taken, a case management direction may be issued by the Chair of the Appeal Board under Paragraph 1.13 of the Constitution and Procedure to not proceed with your complaint.
16. There may be certain circumstances where the behaviour demonstrated is considered such that the PMCPA will skip a first warning and move straight to a change of approach. Such circumstances might include extreme behaviour or violent threats.



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17. Changes made to the way we communicate with you will be decided by the Chief Executive or Director(s) and may be agreed with the Chair of the Appeal Board under Paragraph 1.13 of the Constitution and Procedure. We will communicate the reasons why we have taken such steps and what this means going forward.