Policy and Procedure for Withholding Care
General Policy GP3

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<td>Policy Author</td>
<td>Local Security Management Specialist</td>
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## Policy and Procedure for Withholding Care

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### Review and Amendment Log

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Policy and Procedure for Withholding Care

1. Overview

The withholding of National Health Service (NHS) treatment from violent or abusive service users, or violent/abusive carers/relatives of service users in receipt of care from an NHS professional will always be a last resort, but it should be an option available to managers and staff working for NHS Trusts. The safety and security of NHS staff demands nothing less.

At the same time it is important that service users, visitors and carers are fully aware of the standards of conduct expected of them and of the sanctions that may follow unacceptable behaviour.

At present all Healthcare Trusts are working under the National Initiative ‘Protecting your NHS’ which aims to reduce violence, abuse and harassment to staff.

Wirral Community NHS Trust values its staff and will take all reasonable steps to secure the health and safety of staff that may be exposed to the risk of aggression and violence in the work place.

2. Definitions

Annex to the National Health Service Act 1977 Directions to NHS bodies and measures to deal with violence against NHS staff (2004).

Staff: Includes staff and professionals who work in, or who provide services to the NHS.

Physical Assault: The intentional application of force to the person of another without lawful justification, resulting in physical injury or personal discomfort.

Non-Physical Assault: The use of inappropriate words or behaviour causing distress and/or constituting harassment.

3. Roles and Responsibilities

Trust Board

The Trust Board have overall responsibility for ensuring that the Trust delivers high quality services that are efficient and effective.

The Trust Board is made up of the Chairman, Chief Executive, Executive Directors, Medical Director and Non-Executive Directors. The Board of Directors oversee the running of the Trust, make the decisions that shape future direction, monitor performance and ensure accountability.
Policy Author

The policy author will take the lead on training regarding the policy and will ensure an audit of compliance is completed yearly.

Line Manager

It is the responsibility of the Line Manager to ensure that all staff are aware of this policy and where to access it. The line manager must ensure that where incidents occur the policy is followed and any action taken is in line with the policy.

Staff

It is the responsibility of all staff to ensure that they are aware of this policy and how to access it. All staff must ensure that where incidents occur that they inform their line manager immediately and complete a Trust Incident form via the Trust’s online incident reporting Datix system.

Chief Executive

It is the responsibility of the Chief Executive to consider all information and options before making the decision to withdraw care.

4. Summary

This policy is designed as an important step in improving the Community Trust's ability to tackle incidents involving violence and abuse. There have been incidents in recent years of violence and abuse faced by staff, visitors and patients within the Health Service. Incidents have included assaults on staff, threats to commit acts of violence, damage to vital equipment and obscene remarks. There is widespread recognition among staff and management of an outstanding need to tackle such behaviour effectively. The Community Trust has a statutory obligation to provide a safe and secure environment for staff, visitors, service users and others, as well as a moral duty to take all reasonable steps to protect, and support its staff.

The Community Trust has a Local Security Management Specialist (LSMS), whose role it is to work with Community Trust staff to manage and reduce the incidence of violence, abuse, harassment and aggression shown towards NHS employees.

The aim of the policy is to detail the behaviours, which are unacceptable, and the sanctions available to reduce unacceptable behaviours in order to protect staff. This policy is supported by a mechanism whereby service users/carers that are extreme or persistent in their unacceptable behaviour, will as a last resort, have their treatment withdrawn.

Wirral Community NHS Trust is committed to meeting service users healthcare needs and as such will only withhold care when all other options have been explored and failed. The Wirral Community NHS Trust will carefully balance the need to protect staff with the need to provide health care to individuals.
This policy has been introduced in the context of the government’s initiative ‘Protecting your NHS’. The Wirral Community NHS Trust has a legal duty to provide a safe and secure work environment to complete their work in; this duty is contained within Health and Safety at Work Act 1974. For our purposes the work environment includes all NHS and GP practice sites as well as a service users home, should it be necessary to provide care/treatment to a service user in his/her own home.

Wirral Community NHS Trust will work in partnership with the local Police and Crown Prosecution Service in order to pursue cases of violence where appropriate.

5. Standards of Behaviour – for Service Users/Carers

The following are examples of inappropriate behaviour, which is not acceptable on NHS premises, community clinics or any place where NHS staff are providing health care to service users. This includes the home environment where staff can feel particularly vulnerable.

- Excessive noise e.g. loud or intrusive conversation or shouting
- Threatening or abusive language involving excessive swearing or offensive remarks
- Racial, sexual or other derogatory remarks
- Malicious allegations relating to members of staff, other service users or visitors
- Offensive and unwelcome sexual gestures or behaviour
- Abusing alcohol or drugs on premises (medically identified substance abuse problems will be treated appropriately).
- Harassment – verbal or written, including implied intent to harass or to cause harm.
- Unlawful supplying of controlled drugs on NHS premises
- Wilful damage to NHS property
- Theft
- Threats to commit acts of violence
- Violence and any other form of abuse

Staff may decide not to enter a service user’s home should they have grounds to fear for their safety on these occasions.

The temporary suspension/withdrawing of treatment will only be appropriate where violent or abusive behaviour (or the threat of) is likely to:

- Prejudice any benefit the service user might receive from the care or treatment, or
- Prejudice the safety of those involved in giving the care or treatment, or
- Lead the member of staff offering care to believe that he / she is no longer able to undertake his / her duties properly. This might include incidents of racial or sexual abuse, or
- Result in damage to property inflicted by the service user, or as a result of containing them, or
- Prejudice the safety of other service users or visitors present at the time
• Put the member of staff in a position whereby they are fearful for their own safety

The decision to withhold care is one which must be taken at a Chief Executive/Director level, for the withholding of care may lead to vulnerable adult or child protection concerns.

6. **NHS Guidance on Exceptions**

NHS guidance on the withholding of treatment provides exceptions in the following cases:

- Service users who in the expert judgement of a relevant clinician are not competent to take responsibility for their action e.g. an individual who becomes violent and aggressive as a result of an illness or injury, or
- Service users who are mentally ill or may be under the influence of drugs and/or alcohol, or
- Service users who, in the expert judgement of a relevant clinician, require emergency treatment, or
- Other than in exceptional circumstances any service user under the age of 16. (Due to the small number of these incidents each case will be judged on its own set of individual circumstances)

In the above situations caseload managers, health professionals and Service Leads will jointly be responsible for ensuring appropriate risk assessment procedures are carried out. Service leads will be responsible for organising emergency procedures to protect staff in the event of control measure failures. Outside the normal working day such actions may be initiated by the on-call duty manager. The Director of Operations is to be informed of any emergency actions taken to protect staff, and will liaise with the Local Security Management Specialist.

**In cases of inappropriate physical/verbal behaviour the following should be undertaken:**

1. Team Leader/Line Manager to speak with service user/carer regarding behaviour and request that this type of behaviour does not continue. All actions should be documented and an incident form completed. If incident is related to health problems then may wish to discuss with patient/carers GP.

2. If behaviour continues the Service Lead and Team Leader will meet with the service user/carer. The Service Lead should clearly explain that the behaviour should not continue; how they would expect the service user/carer to behave and the possible consequences should the behaviour continue. A letter should be sent immediately following the meeting to the service user/carer detailing the meeting.

3. If behaviour persists then the Service Lead will contact the Director of Operations and explain actions taken. The appropriate Divisional Manager / Service Lead will liaise with the Chief Executive Officer regarding a written warning (**Appendix One**).
7. **Temporary Suspension of Care – Emergency Situations**

In all cases, care can be temporarily suspended. This is for occasions when a member of staff has immediate concern for their safety or colleagues caused by the behaviour or likely behaviour of the service user, visitor or carer when care is provided in a domiciliary / clinic setting. This will allow time to review the risk assessment and take necessary steps to improve the safety of the care environment. Any decision made to suspend care needs to be balanced, weighing up the necessity of providing the care needed, against the degree of behaviour and risk to staff.

**Steps to take:**

1. Staff to take steps to ensure they protect themselves, this may include removing themselves from the environment.

2. Staff must immediately contact the line manager or on-call duty manager as appropriate to report the situation and the action taken.

3. The line manager/on-call duty manager must make an assessment as to:
   - Risks posed to staff
   - Risks posed to patient
   - If care can be delivered in an alternative environment

4. The next working day the Divisional Manager / Service Lead, Staff involved, Local Security Management Specialist, Director of Operations will meet to decide on action taken and recommendations regarding delivery of care. Within this meeting a root cause analysis may be undertaken and incident form completed.

5. The Divisional Manager/Service Lead/Head of Service or on call Duty Manager will report to the relevant Director and Chief Executive recommendations regarding provision of care. The Divisional Manager will also, where appropriate contact the patient’s GP and other agencies involved i.e. Social Services

6. Chief Executive (if absent relevant Director) will decide on provision/withdrawal of care.

7. Decision communicated to patient/carer in writing by Chief Executive and other agencies involved i.e. GP, Social Services

8. **Behaviour of Carer/Visitor**

Should the behaviour of a carer or relative of the service user under the care of a Community Trust service be deemed to be abusive or threatening towards a member(s) of staff then alternative arrangements may need to be put in place e.g. care may be provided in an alternative setting.

This will be done on a case by case basis. Wirral Community NHS Trust will take necessary measures to maintain the health and safety of NHS staff whilst they deliver care to patients.
9. **Individual Care Plans for Exceptions**

Individual circumstances will be taken into account when providing health care, such as the mental or physical health of an individual. However, Wirral Community NHS Trust will take any necessary measures to maintain the health and safety of NHS staff while they deliver care to patients.

10. **Refusal of Professional Advice**

In cases where a health professional has assessed and advised on a course of action or intervention the service user has the right to decline to follow that advice. *(Refer to GP2 Patient Information and Consent Policy)*.

The health professional needs to explain the consequences / risks and record the information in the service user's health record. In cases where the decision of the service user increases the risk for the health and safety of staff an incident form should be completed. The outcome may be withdrawal or modification of care plan.

11. **Patient Confidentiality when informing Colleagues or Other Agencies**

The duty of confidentiality is not absolute. If an individual's behaviour poses a risk to the safety of others, as a matter of public duty, staff may legitimately share information. Caldicott principles do apply and only the minimum information should be shared and any such information must be accurate and objective. A clear record should be made of the nature of the information which has been shared and with whom it has been shared.

12. **General Practice**

General Practitioners already have the right, subject to certain necessary safeguards whereby ongoing treatment is not disrupted, to remove patients from their list.

13. **Learning and Development for Staff**

All Line Managers have responsibility for ensuring that all their staff attend appropriate learning and development within this area. All staff have a responsibility to ensure that their learning and development needs are met. *Please refer to the Local Security Management Policy & Procedures, in particular, sections about violence & abuse and Conflict Resolution Training.*

14. **Support to Staff involved in a Violent Incident**

Staff should notify their Line Manager immediately an incident occurs. The Line Manager should ensure that staff receive the most appropriate support i.e. staff Counselling Services, GP, Occupational Health Service, Debriefing.

The Line Manager in liaison with the Local Security Management Specialist should where required notify the Police of the incident. Staff support in the form of counselling can be provided by contacting Occupational Health.
15. Review of Policy

Wirral Community NHS Trust will review this policy annually and following a suspension/withdrawal of care.

16. Equality Impact Assessment

In line with the Trust's Equality Scheme, each procedural document should be screened using the Policy Equality Impact Assessment Screening Tool by the manager responsible for its development, to consider whether there is an equality dimension or whether it is applicable to the Trust’s duty to promote equality. The equality screening process and any wider impact assessment should be forwarded with the policy when approved to the Compliance Officer.

As part of its development, this policy and its impact on equality have been reviewed by the Local Security Management Specialist, as described above. The purpose of the assessment is to minimise and if possible remove any disproportionate impact on employees on the grounds of race, sex, disability, age, sexual orientation or religious belief. No detriment was identified.

17. Monitoring Compliance with this Policy

Please see Appendix Three for Monitoring Tool for this Policy

18. Related Policies

- Local Security Management Policy & Procedures (HS18)
- Lone Workers Policy (HS6)
- Risk Management Strategy (GP5)
- Complaints Procedures (GP1)
- Wirral Local Safeguarding Children Board Procedure Manual (March 2012)
- Health and Safety Policies
Appendix One

Letter to Carers regarding a Written Warning

Due to the unique circumstances of each case, the letter from the Chief Executive supported with information from the Complaints Manager and Service Lead would include the following information:

- Reason for written warning
- Provide details of any conditions to apply following a risk assessment
- Potential consequences if behaviour continues for both patient and carer
- Complaints procedure
- Monitoring and Review date

Letter to Service User regarding Withholding of Care

The ultimate decision to withhold a service from service users being cared for by staff employed by the Wirral Community NHS Trust is the Chief Executive. Due to the unique circumstances of each case, the letter from the Chief Executive supported with information from the Complaints Manager and Service Lead would include the following information:

- Reason for withholding treatment
- Provide details of any conditions to apply following a risk assessment
- Time period for withholding treatment
- Complaints procedure
- The patient’s right to appeal
- Full copy of Policy
- Review date
Appendix Two

Respect and Dignity for Everyone Using and Working in the NHS

Service User, Carer and Visitor Information Leaflet

Our Commitment to Patients

The NHS of the 21st Century must be responsive to the needs of different groups and individuals within society and challenge discrimination on the grounds of age, gender, ethnicity, religion, disability and sexuality. The NHS will treat patients as individuals, with respect for their dignity. Patients and citizens will have a greater say in the NHS and the provision of services will be centred on patient’s needs (The NHS Plan 2000)

Our Commitment to Staff

NHS employers and managers are committed to caring for the health and safety of their staff. As with other employers, they also have a legal responsibility to provide a safe and secure working environment for staff.

Assault is a crime. NHS employers will press for the maximum possible penalty for anyone who commits an assault against staff.

Standards of Conduct for Patients, Relatives, Visitors and Carers

Respect between NHS staff and patients is a shared responsibility. In order to promote a safe and comfortable healthcare environment for staff, patients and visitors, unacceptable behaviour will not be tolerated.

The following are examples of inappropriate behaviour which are not acceptable whenever health professionals are providing care to patients:

- Excessive noise such as loud or intrusive conversation or shouting
- Threatening or abusive behaviour
- Racial, sexual or other derogatory remarks
- Malicious allegations relating to members of staff, other patients or visitors
- Offensive and unwelcome sexual gestures or behaviour
- Abusing alcohol or drugs on Trust premises
- Drug dealing on Trust premises
- Wilful damage to Trust property
- Harassment – verbal/written
- Violence

On NHS premises or patients’ homes, staff may decide to end an appointment or finish a home visit early, should they have grounds to fear for their personal safety. This may only be a temporary measure whilst a risk assessment is carried out.
Next Steps

Should any unacceptable behaviour occur staff will bring this to the attention of their manager who will put the following “Intervention Pathway” into action.

Intervention Pathway for Unacceptable Behaviour

(Please note: Not all stages will be followed if the circumstances warrant more serious action)

Should you wish to appeal against any of the above steps or action being taken or wish to make a complaint please contact the Complaints Manager for more information. A full copy of this policy is available on request.

Complaints Manager Telephone Number: 0151 514 2888 Ext 1937.

Individual circumstances will be taken into account when applying this policy, such as the mental or physical health of an individual. However, Wirral Community NHS Trust will take necessary measures to maintain the health and safety of NHS staff whilst they deliver care to patients.

A verbal warning will be given
A written warning will be given
Temporary suspension of care/Withholding of treatment
## Appendix 3

### Monitoring Tool

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<td>Reports on attendance</td>
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