



Policy Regarding Inappropriate Online Behaviour, Abuse and Harassment

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**This document can be found on the GP Team Net.
 Please make sure you use the most current version.**

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1. Introduction

- 1.1 Social media is increasingly part of our lives, both in professional and personal capacities and it is used by both staff and patients of the surgery. We recognise the value of social media in connecting people and enabling the efficient dissemination of information and our goal is to have a positive social media presence ourselves and to support patients to engage with the practice in a positive way using social media.
- 1.2 Social media forums and other forms of online interaction mean that the staff of the practice are widely contactable in a personal capacity and it is part of our duty of care to them to ensure that they do not become the target of online abuse or harassment.

2. Purpose

- 2.1 In creating this policy, Holderness Health is not seeking to dissuade the distribution of information online or the freedom of expression of patients or carers or to stifle legitimate criticism of the practice.
- 2.2 The purpose of this policy is to encourage mindful reflection by patients and carers of the impact that social media and online interactions can have and to set out the action that the practice will consider taking in response to online behaviour which uses factually incorrect information to deliberately portray the practice in a negative light or is abusive to our team.

3. Scope of Policy

- 3.1 This policy applies to all patients and staff of the practice.
- 3.2 A separate Social Media Policy for staff is also in place and available to access on GP Team Net.
- 3.3 This policy relates to the use of any device (e.g. computer, tablet, mobile phone etc.) to communicate using any online medium including but not limited to: social media platforms, texts and messaging apps, online text chats and live streaming sites.

4. Definitions

4.1 Inappropriate Online Behaviour

Inappropriate online behaviour includes but is not limited to:

- Generic threats to Holderness Health members of staff even where individuals are not named
- Making allegations against named members of staff
- Posting hate content
- Posting factually incorrect information
- Posting defamatory content
- Any form of online abuse or harassment, further detailed below

4.2 Online Abuse

The practice defines online abuse as any online behaviour by patients or their friends and family directed at practice staff, which is unwarranted and deliberately intended to upset, threaten, bully or otherwise cause distress or aggravation. Examples of online abuse include but are not limited to: threats of violence, swearing, homophobic or racist language or references, other hate language, and nasty comments/insults.

4.3 Online Harassment

If a member of practice staff is subjected to two or more connected abusive posts online, which cause them distress or alarm, the treatment may amount to unlawful harassment. The practice will support any staff members who are the victim of harassment to take action under the criminal law and/or the civil law.

5. **Complaints About the Surgery**

5.1 We recognise that patients may have legitimate concerns about the services offered by the practice or about their individual care. Where this is the case, it is important that the practice is given the opportunity to discuss any feedback with the persons directly involved. This provides us with the opportunity to address concerns promptly and effectively. Posting comments online rather than through the appropriate channels means that the practice is not given the opportunity to investigate and respond fully and, where possible, to put things right. We are restricted by confidentiality in what we can say and do not have the resources to monitor and reply to the many different social media forums that patients engage with.

5.2 Social media can be used to fuel negative campaigns about the surgery or to bypass the legitimate process for dealing with patient complaints. Using social media in this way can result in damage to the surgery and its staff. It can also be harmful to patients and carers who may read incorrect information which in turn could impact future patient care. Holderness Health considers the use of social media in this way to be working against the best interests of patients and carers. The practice will always encourage patients to use more appropriate channels of communication and will strive to offer as many routes as possible for constructive discussion about patient concerns with the aim of finding solutions together with our patients.

5.3 The practice welcomes feedback from patients and carers and has set up a direct email address to facilitate an easy way for patients to raise concerns. Feedback can be sent at any time to: eryccg.feedback.holdernesshealth@nhs.net. Formal complaints can also be made using this address. Complaints and feedback can also be given in person, over the telephone or by writing to us at: Holderness Health, 5 Market Hill, Hedon, HU12 8JE.

5.4 In circumstances where social media is being used as a campaign tool or to actively criticise the practice, we will make every attempt to engage with the individuals involved to directly explore their concerns. However, where incorrect information is being posted or where defamation is taking place, we will seek to have this removed in line with this policy and/or seek legal advice as appropriate.

6. **Dignity & Respect**

6.1 Staff at Holderness Health have a reasonable expectation that all patients and carers will treat them with respect and dignity. This applies to all communications whether written, verbal,

online or otherwise. In general, the practice considers that any conduct which would be unacceptable in a face to face meeting, is also unacceptable online.

6.2 Abuse of staff by patients or carers will not be tolerated by the practice.

7. Legal Framework

7.1 The Malicious Communications Act 1988 and the Communications Act 2003 make it an offence for a patient to send online messages or posts that contain threats, grossly offensive, obscene, menacing or false information, where the sender's intention is to cause the recipient distress or anxiety.

7.2 False Information – it is an offence for a patient to post a communication on social media that they know to be false.

7.3 The Prevention of Harassment Act 1997 provides a remedy for the more serious offences of criminal harassment. These offences are committed by a patient who causes a staff member fear or distress and the patient knows or ought to know that their conduct is harassment.

7.4 The Defamation (Operators of Websites) Regulations 2013 state that people can ask operators of websites to remove adverse comments that they consider defamatory.

7.5 The Electronic Commerce (EC Directive) Regulations 2002 (SI 2002/2013) say that, once a website operator is put on notice that it is hosting defamatory material, it should promptly take steps to remove the material or disable access to it. Failure to do this means the operator assumes liability for its publication and is exposed to a claim for damages.

7.6 The Government has published a draft Online Safety Bill which is currently going through a period of parliamentary scrutiny before being laid before parliament in the 2021-22 session. Under the Bill, online service providers will be subject to new duties to minimise abusive content on their platform and have timescales for the removal of that content.

8. Action

8.1 Where social media posts step beyond the boundaries of acceptable behaviour as set out in Section 4 above, the following steps will be taken:

- The practice will contact the person/people involved and invite them to remove the content of their post within an appropriate timeframe, depending on the nature and seriousness of the post. The letter provided in Appendix 2 should be used for this purpose and a copy of this Policy should be enclosed.
- If the person does not agree to remove the offending content or pages, the surgery will report the material to the social media site in question and request its removal in line with the legal obligations set out in Section 7 above.

8.2 In addition to the above, the following actions will be considered, depending on the nature of the online behaviour being directed at the practice or individual staff member:

Unacceptable Behaviour	Action to be taken
Threats to Holderness Health members of staff	<ul style="list-style-type: none"> • Report to the Police • Request immediate removal from the patient list • Support staff member should they wish to pursue legal action
Making allegations against named members of staff	<ul style="list-style-type: none"> • Issue warning letter to patient regarding potential removal from the list for further incidents • If behaviour is repeated, request removal from patient list
Posting hate content	<ul style="list-style-type: none"> • Report to the Police • Issue warning letter to patient regarding potential removal from the list for further incidents OR if violence threatened, request immediate removal from the patient list • If behaviour is repeated, request removal from patient list • If behaviour constitutes harassment of an individual, support staff member if they wish to pursue legal action
Posting factually incorrect information	<ul style="list-style-type: none"> • Issue warning letter to patient regarding potential removal from the list for further incidents • Seek legal advice regarding libel or malicious falsehood action • Consider taking legal action
Posting defamatory content	<ul style="list-style-type: none"> • Issue warning letter to patient regarding potential removal from the list for further incidents • Seek legal advice regarding libel action • Take legal action
Making posts which constitute harassment against members of Holderness Health staff	<ul style="list-style-type: none"> • Report to the Police where appropriate • Issue warning letter to patient regarding potential removal from the list for further incidents OR in extreme cases, request immediate removal from the patient list • If behaviour is repeated, request removal from patient list • Support staff member should they wish to pursue legal action

9. Removal from the List

- 9.1 The practice believes that the removal of a patient from our list should be a rare event that only occurs where there has been an irretrievable breakdown in the doctor-patient relationship.
- 9.2 Complaints that take the form of a personal attack on members of the practice or contain allegations that are clearly unfounded are considered by the practice to be a good indication of a serious breakdown in the patient-doctor relationship.
- 9.3 Any threats of violence will result in an immediate request for removal from the list. In all other instances, we will work with patients to try and address their concerns and will initially issue a warning letter. Where inappropriate online behaviour continues, there may be no alternative but to request removal of the patient from our list.
- 9.4 All requests for removal from the list will be made in line with GMS Contract Provisions and will comply with requirements set out by NHS England

Process to be Followed in Response to Online Posts or Messages Sent Directly to Members of HH Staff

The following steps should be followed by any member of staff who receives an unwanted online communication that they consider to be inappropriate.

STEP 1: RECORD

- Keep a record of the post or message and try and identify the patient from that or other posts
- Collect and record any other information that might help later, e.g. taking a screenshot or saving the post
- Staff must not, under any circumstances, ask questions about the patient online or search through patient files to identify the person responsible for the post or message. Nor should staff consider responding personally to the post/message

STEP 2: REPORT

- Report the incident immediately to Sarah Powell, Head of Patient Services

The following steps will be carried out by the practice in response to all reports received:

STEP 4: INVESTIGATE

- Assign a member of the Management Team to investigate the incident
- Fully investigate the circumstances surrounding the post, taking account of any events that may have triggered the situation. Care should also be taken to explore any mitigating circumstances e.g. if the patient has a disability which has impacted on their behaviour or made it difficult for them to articulate something in the proper way.
- Where an inappropriate post includes a direct allegation regarding a member of staff, this must also be investigated.

STEP 5: ACT

- Determine the appropriate course of action in line with Paragraph 8 of this policy
- Implement actions with appropriate follow up if required
- Ensure staff member is provided with appropriate support.

Template Letter

**This template letter should be used to write to the author of offensive material on social media. If posts are potentially defamatory or pose a risk to the health and safety of staff members, legal advice should be sought and/or the police contacted.*

[To be placed on practice letterhead]

Dear [Name]

Offensive material posted online

I am writing to you regarding the [message(s)] which we understand that you posted on [insert website name or app] on [insert date of post]. [I attach a copy of the message(s)] OR [The message/messages can be see here [insert link]].

Holderness Health considers the [message(s)] to be offensive for the reasons set out below, and we respectfully request that you remove [it/them] immediately.

- a) [insert reason]
- b) [insert reason]

We believe the following aspect(s) of the [message(s)] are factually inaccurate: [insert the aspects of the statement which you believe are factually inaccurate].

If the comment has not been removed within [24 OR 48 hours OR 7 days of this email (select time depending on the seriousness of the potential impact of the post)], we shall report it to [applicable social media platform] requesting that they remove it, citing the reasons referred to above, and consider additional action.

We appreciate any feedback our patients may have, good and bad. However, if you would like to make a complaint, we kindly request that you do so using our designated complaints procedure [insert link to complaints procedure or enclose relevant documents].

I have also enclosed a copy of the practice Policy Regarding Inappropriate Online Behaviour, Abuse and Harassment for your information.

Thank you for your cooperation.

Yours sincerely

[your name]

[your job title]