



AVOIDANCE OF VIOLENCE & AGGRESSION TO STAFF POLICY & GUIDANCE

Produced by
The Corporate Health and Safety Section,

Revision 3.2

A printed version of this document is only valid until 31st December 2016

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Policy Statement

Avoidance of Violence and Aggression to Staff - Policy Statement – Approved by Cabinet 180612

The Council recognises the difficulties posed by violent and aggressive behaviour both to members of the public and our staff. The Council:-

1.1 Will endeavour to minimise the risks to employees by providing a safe and healthy working environment. Particular attention will be paid to reception and interviewing facilities, other public areas of the working environment and will minimise risks to employees working away from Council premises. Line Managers will investigate violence to staff incidents.

1.2 Will provide training for employees on employment related violence.

1.3 Will not tolerate racial, verbal or physical harassment of, or by its employees, assaults upon employees or attacks on their property by clients or other members of the public, either during or outside working hours, which are a result of their employment with the Council. The agreed polite notice to the public should be displayed in all reception areas.

1.4 Will not tolerate racial, verbal or physical harassment, or assault upon the person or attacks on property of the family or associates of its employees by clients or other members of the public in cases where those incidents relate to the employee's relationship with the Council. The Council will support staff when they have acted in a reasonable way when handling violence and aggression in the workplace.

1.5 Will record and investigate all incidents, threats of or actual violence at work, and take any remedial action that may be necessary.

1.6 Will write to members of the public when their behaviour is unacceptable following advice from the council's legal services.

1.7 Where action is not being taken by the Police in respect of a prosecution a victim of alleged violence at work who feels they want a prosecution to be taken against the offender, the employee should contact their Head of Service. The Head of Service will

discuss the matter with the employee, the Police and the Head of Democratic and Partnership Services in deciding whether or not it is appropriate to fund the prosecution, and will advise the victim on how to proceed with a claim through the Criminal Injuries Compensation Agency. In making this decision the Head of Service will take into account the interests of the service user as well as the interests of the employee in cases where the Council has a legal responsibility for the service user.

It is the policy of this Council that staff should not physically intervene in violent situations unless: -

(1.7) All other means of defusing the situation have been considered.

And / Or

(1.8) There is a real danger of physical injury to members of the public or staff.

And / Or

(1.9) Sufficient members of staff are on hand to provide support as necessary and act as a witness to the incident.

And / Or

(1.10) The Police have been requested to assist and the Police have asked for assistance from staff.

This policy is a supplement to the Council's general Health and Safety Policy Statement.

Calderdale Metropolitan Borough Council has a legal duty under Section 2 of the Health and Safety at Work Act 1974 to ensure, so far as is reasonably practicable, the health safety and welfare of their employees whilst at work.

Note: Under Section 7 of the Act, all employees also have a legal duty to take reasonable care of their own health and safety and that of other persons who may be affected by their acts or omissions. **Staff are therefore required to comply with the policy and any procedures provided by the service for their protection.**

The strategy to implement this Avoidance of Violence and Aggression Policy and the arrangements outlined in CMBC linked guidance and procedures will be monitored by the Health and

Safety Manager and reviewed at regular intervals. This will enable the Chief Executive to be satisfied that adequate arrangements exist to ensure compliance with this Policy. If any changes to the arrangements for dealing with Health and Safety have significant implications these will be reported to Cabinet.

1. General Guidance

The policy on how to comply with the policy statement applies to all employees and covers incidents of violent or aggressive behaviour whether perpetrated by a member of the public, pupils, service users or their families. Incidents of violence and aggression by or between employees will be dealt with under the Disciplinary Procedure.

In accordance with the Council's "Health and Safety at Work Policy" Calderdale Council will endeavour to ensure that the requirements of this Policy Statement are implemented. This will be achieved by Directors, Heads of Service, Health & Safety Advisers, Managers/Supervisors, Head Teachers / Governors, Safety Representatives, Health & Safety committees, Safety Co-ordinators, and Employees. In particular these measures include:-

2.1 Supporting staff who are assaulted at work by a member of the public, service user, pupil, client, or a colleague, providing the victim has acted in an appropriate manner and has followed the procedures in accordance with this policy. The Law and Administration Service will assist managers and give advice on how to write to members of the public about expected standards and what the Council expects from that person at any future point. In some circumstances the Council may restrict access to Services but the Council's lawyers must always be consulted in these cases.

2.2 New reception areas and interview rooms will be designed with safety in mind. Advice available from Health and Safety Manager. In addition Council premises will be assessed by managers annually in accordance with the Council's Security Procedures. Information must be recorded on the Security Risk Assessment Form provided. Assessments will be considered in conjunction with any Incident Report Forms to eliminate high risk areas regarding violence and aggression.

2.3 Council activities where staff could be subject to Violent or Aggressive acts will be assessed by managers in accordance with Council's Health and Safety Policy and the relevant control measures will be introduced to eliminate or reduce the risks identified.

Sample Risk Assessments that contain various violence & aggression risks can be found at :- <http://www.hse.gov.uk/risk/casestudies/>

2.4 Specific risk reduction measures outlined in the Council's Security procedures (Lone Workers) will be considered where employees have to work alone. A higher duty of care will be provided for pregnant woman or employees who have a disability or vulnerability that may require additional precautions. Managers should ensure that they have procedures in place to eliminate or reduce the risks to Lone Workers, for example a range of equipment is available such as mobile phone / tracking, and lone worker alert

devices. For further advice consult the Council's Health and Safety Manager.

2.5 Premises/activities highlighted by Incident Report Forms as having a problem will be investigated by the Line Manager and appropriate action taken to reduce the problem.

2.6 Where an individual or location is deemed to pose a serious risk to others then the relevant information will be passed by Managers to the relevant persons for inclusion on the "CORPORATE STAFF INCIDENT REGISTER".

2.7 Evaluation of existing procedures by managers who will assess the need for counselling or other support for victims of violence and aggression.

2.8 In all Council public areas a council notice on violence and aggression will be displayed in accordance with the intentions of the Policy (Revised example - see appendix A)

2. Training

Staff who may be exposed to violence and aggression need to be made aware of the potential risks they face and be capable of recognising danger either to themselves or to others and have received suitable training in avoiding and handling aggression.

Site Contacts and all staff who are frontline contacts must attend a Confrontation Management training course (or E-learning equivalent) every 3 years. Managers and Supervisors should also assess whether any of their other staff should attend such training.

Staff training programmes will include, as appropriate, the following:-

3.1 The causes of violence and aggressive behaviour.

3.2 The policy and procedures for dealing with violence.

3.3 Safe working practices.

3.4 What to do when feeling threatened with violence;

(a) Managing confrontation by using positive interpersonal skills;

(b) Attracting the attention of colleagues;

(c) Usage of security equipment (alarms etc);

3.5 Ensuring an escape route.

3.6 Staff identified by risk assessment as being at high risk with respect to violence and aggression should where practicable receive further training on self defence and restraint techniques

3.7 There are several types of E-learning Personal Safety training packages available for staff to access via the intranet. Access passwords are available

from the Corporate Health & Safety Team.

3. Counselling

Through the Human Resources, Westgate House, Halifax, counselling can be arranged for staff who have been the victim of violence and abuse.

4. Panic Alarms

Where Reception areas and interview rooms are fitted with panic alarms they will be positioned so that staff can easily reach them. Panic Alarms can be hidden or in the open.

The response time when a panic alarm is sounded should not exceed 30 seconds as per Council Security Policy and the panic alarm procedure tested at least every six months i.e. The testing procedure could identify what happens when alarm sounds, who responds, how long it takes and any training needs would then be identified.

All employees within the vicinity of the alarm must be aware of how to respond to it.

Reception areas and interview rooms must not have any loose objects which could be used as weapons.

5. Dealing with Incidents of Violence & Aggression

7.1 Ensure that the assailant has been calmed down, left the site/building or has been restrained when safe to do so.

7.2 Arrange emergency medical assistance where appropriate.

6.3 Arrange for the area to be cordoned off if necessary.

6. Reporting Incidents of Violence & Aggression

The aim of the CMBC Violence and Aggression reporting procedure and form (VA04) is to provide individuals with a method of reporting incidents where:

- they perceive they may be the victim (within certain criteria see below), and
- incidents where they are actually the victim.

This provides CMBC with a system of identifying these incidents in order to:

- identify high risk areas of work,
- patterns of incidents,
- develop appropriate responses to tackle unacceptable behaviour, of a violent or aggressive nature,
- fulfil its legal obligations and to take remedial action where appropriate and necessary.

While the employee's perception of an incident is important, account must also be taken of the service users and of the nature of the service. Employees should retain a sense of proportion in identifying words and conduct which

may reasonably be perceived as causing harassment, alarm or distress as opposed to annoyance.

The following list of criteria is provided to assist individuals to assess whether an internal (CMBC) VA04 Form needs to be completed:

- Where the individual perceives themselves to be, or is actually the victim of: Physical violent conduct, Use of weapons, Use of Missiles.

In situations described above where threats to 'kill' or threats to use a knife or other weapon are received, staff or their line manager must telephone the Health & Safety Manager at the earliest opportunity so that consideration for the most appropriate action can be discussed.

- Where the individual sustains an injury when separating pupils/students/members of the public.
- Where the individual perceives themselves to be, or is actually the victim of aggressive verbal abuse.
- Where the individual suffers damage to their personal property.
- Where the individual perceives themselves to be, or is actually intimidated or threatened.
- Where the individual perceives themselves to be, or is actually the victim of Bullying.
- Where the individual perceives themselves to be, or is actually the victim of a "Hate Incident" related to their race, ethnicity, sexual orientation, disability, faith, age or gender.
- Where the individual perceives themselves to be, or is actually the victim of unwanted sexually related language or actions.

Where an aggressor is judged to potentially pose a serious threat to other employees who may come into contact with the aggressor – the aggressor's details should be forwarded to the Link Manager for inclusion on the "**CORPORATE STAFF INCIDENT REGISTER**" as per above. Advice on this matter should be sought from the Health and safety Manager to ensure compliance with data protection and other legal matters.

If it is known that a particular client or member of the public is violent or aggressive give consideration to a member of staff who may have to deal with such a person to have a chaperone i.e. another member of staff.

If members of the public/client are persistently violent or aggressive give consideration to informing those persons that services could be withdrawn unless business can be conducted amicably. Advice should be sought on this matter and an example of an appropriately worded letter that may be sent to an individual when access to a service is to be withdrawn can be obtained

from the health and safety manager.

7. Special Circumstances which should not be reported.

Situations may arise where the aggressors' actions may be attributable to their condition or medication. In these cases we would expect those employees who are affected to be able to differentiate between actions that are:

- deliberate acts of violence or aggression aimed at them, or
- whether the actions of the client / person are as a result of the person's condition or medication.

The decision whether to report is always with the employee and we would rely to their professional judgment to make the correct decision in these cases.

Examples of Incidents that DO NOT need to be reported via the Calderdale reporting procedures

Any incident or situation where there is No threat to you as an individual e.g.:

- Dogs tied up and barking in general.
- Persons engaged in disorderly behaviour, fighting, arguing, verbally abusing or threatening each other.
- Persons leaving abusive, insulting, threatening notes for each other.
- Persons throwing missiles around, at premises (but not endangering you) or at each other.
- General acts of vandalism (but not threatening you).

Incidents of violence and aggression by or between employees as this will be dealt with under the Disciplinary Procedure (although the use of the form may be useful to gather accurate information).

8. Road Rage Advice

Drivers of Council owned vehicles and staff who use their private vehicle on behalf of the Council should be aware of the violence and aggression which can be given by other road users. Staff where possible should try to remove themselves from such incidents by driving away in a calm and orderly fashion and maybe altering their route.

Listed below are some useful tips courtesy of the Calderdale Road Safety Unit.

- ◆ Keep calm. If you find yourself on the receiving end of verbal abuse, aggressive hand gestures or any form of intimidation. Do not try to return the hostility in kind.
- ◆ Ensure vehicle windows are closed if an aggressive person approaches your vehicle on foot.

- ◆ Even on short urban journeys vehicle doors should be locked before you set off.
- ◆ Police need information to take action so if you are not directly involved, note down the details of an aggressor's vehicle, in particular the registration number.
- ◆ Continue your journey as calmly as possible if another road user is trying to intimidate you by driving too close or attempting some reckless manoeuvre. Only pull over if you feel you are in danger of losing control of your vehicle.
- ◆ Attempt to pull over only when there are plenty of people around if another road user is flashing their headlights or sounding their horn at you. They may be alerting you to a problem with your vehicle.
- ◆ Look for ways of attracting attention if you are stationary and another road user becomes physically aggressive. Flashing your headlights and sounding the horn may also cause the aggressor to back off.
- ◆ Mobile phones are a useful ally to road users. Do not use a mobile phone whilst driving, pull over when it is safe to do so, and telephone the police immediately if you feel an aggressive situation could get out of control.

It is essential that you try and get a description of the assailant and Registration Number of the vehicle and always report the incident to the Police.

On return to your workplace report the road rage incident to your supervisor/manager and record the incident.

9. General Advice

Staff are advised that when dealing with aggressive situations attempts should be made to have other members of staff close at hand if assistance is required. Staff should conduct themselves in a firm, fair, even handed, considerate and helpful manner. The adoption of such an attitude may reduce the risk of violence. In an effort to minimise the risk of violence, staff should bear in mind the following principles: -

10.1 Staff should try to offer an angry person a range of options from which to choose, in doing so making it more difficult for the aggressor to sustain the anger.

10.2 Staff should not show aggressive behaviour to the aggressor, this is how anger can escalate into violence.

10.3 Staff must ask themselves if they are the person with the authority to deal with/answer this particular situation/problem. However if the situation/problem can be resolved quickly the person's anger may subside.

10.4 If staff are being subjected to verbal abuse they should calmly and politely withdraw where possible from the situation, informing the abuser that they are doing so.

10.5 Staff must ensure their own safety by abandoning or foregoing any attempt to restrain the aggressor if they believe themselves to be at risk. If the incident involves fighting between members of the public, first ensure that the Police are called, do not get physically involved unless you feel that it falls within this Policy Statement and you are confident that you can handle the situation.

10.6 Staff should only touch an angry person when having to resort to self defence/physical restraint, which must only be used, as a last resort in situations where other considerations have failed or are inappropriate (see Policy Statement).

10.7 Staff safety and wellbeing are of paramount importance and accordingly, staff should be clear that, if they are confronted by someone in a threatening demanding manner for the Council's monies or property, and they fear that they are physically threatened or otherwise feel in danger, then they should hand it over to the assailant and not compromise their own safety.

10.8 It is important that staff provide a signed and dated comprehensive report which details the behaviour of the aggressor before, during and after any self defence/restraint. The report should note how the aggressor was restrained, e.g. where held and for how long. It is also important that any staff or others who assisted in the restraint, or who witnessed it should also provide a comprehensive written report signed and dated. The details must be recorded as soon after the incident as possible.

10. Reasons for Potential Violence

11.1 There are certain factors which will fuel workplace violence they are as follows: -

Frustration - This occurs when public and staff experience long delays, lack of attention, etc.

Resentment - Some people resent those in positions of authority.

Lack of Training - Without proper training staff may not have the skills needed to keep operations running smoothly thereby causing frustration.

Lack of Communication - Staff cannot support and protect one another unless they share their knowledge and skills. Good communications between staff and the public is essential.

Poor Systems - For example unsupervised waiting areas, unexplained delays, wrong and misleading information, etc.

Poor Complaint Handling – Complainant may feel they are not being taken seriously, excessive delay, unclear procedure.

Work Related Issues - Cash Handling, Home Visits, Potentially Violent People, Enforcement duties, Lone working / work in isolation,

Preventative Measures

11.2 When dealing with the public remember to be: -

Friendly - Smile, show confidence, make frequent eye contact where appropriate. Your pleasant attitude can make a difference.

Accurate - Give reliable information. Admit any uncertainties or delays when they exist. Never hesitate to apologise if you have made a mistake.

Consistent - Uniform treatment of all members of the public, work colleagues, etc., they are less likely to be abusive or violent when treated fairly.

Efficient - If you do your job well and on time the public and work colleagues, will be less likely to become angry.

11.3 What can you do about violence at work: -

Understand all you can - about violence at work, why it occurs, etc. Undertake the E-learning Personal Safety training courses for more information

Take action - minimise risks, assess high risk areas, report all incidents, encourage colleagues to report all incidents.

Communicate with your manager, supervisor and other members of staff - discuss incidents and analyse what happened, why, and what can be done to prevent future occurrences. Devise a specific plan of action to cover different situations, the ultimate aim is to minimise confrontation while maximising safety for staff and public.

11. Definitions

The following definitions are considered to constitute acts of violence and aggression.

12.1 Violence Against Staff: An incident in which an employee is abused (verbally, or via an electronic communication, through no provocation), intimidated, threatened or assaulted by a member of the public or a member of staff, this includes the use of animals to carry out the assault or harassment, in circumstances arising out of or in the course of their employment.

12.2 Aggression Against Staff: Aggression is regarded as threatening or abusive language or gestures, sexual gestures or behaviour, derogatory sexual or racial remarks, shouting at any person or applying force to any CMBC property or the personal property of any employee. This would cover people banging on desks or counters or shouting loudly in an intimidating manner.

12.2 Assault: An act which intentionally or recklessly causes another person

to apprehend (conceive or imagine) immediate and unlawful personal violence (Criminal Law Act 1967).

12.3 Actual Bodily Harm: An assault causing any person any harm which interferes with the health or comfort of the victim (Offences Against the Persons Act 1861)

12.4 In Defence of Self, Another or Property: A person may use force to defend themselves, as is reasonable in the circumstances, in the prevention of crime, effecting or assisting the arrest of offenders or suspected offenders or persons unlawfully at large (Criminal Law Act 1967)

12.5 Physical Restraint: Is only permissible if the aggressor is in immediate danger of harming himself or others. Physical restraint cannot be used purely to force compliance with staff instructions.

12.6 Reasonable Force: A person using self defence may only use reasonable force. It must not be more force than is reasonable to defend oneself. It is ultimately a question for the jury (Criminal Law Act 1967) **Please note Policy Statement on page 4.**

12.7 Threatening, Abusive, Insulting or Disorderly Behaviour: It is an offence to use threatening, abusive or insulting words or behaviour, or disorderly behaviour within the hearing or sight of a person to whom it is likely to cause harassment, alarm or distress. To commit this offence, the person must know or intend that his words or behaviour are threatening (etc). No element of fear about his own safety is necessary on the part of the person harassed, alarmed or distressed (Public Order Act 1986). (Harassment Act 1997)

12.8 Racism: a racist incident is any incident that is perceived to be racist by the victim or any other person (Macpherson Report 1999)

12.9 Improper use of public electronic communications network

The Communications Act 2003, section 127, states a person is guilty of an offence if he/she: -

- sends by means of a public electronic communications network, a message or other matter that is grossly offensive or of an indecent, obscene or menacing character; or
- causes any such message or matter to be sent

Anyone found guilty of an offence under this section can be fined or imprisoned for up to six months

Violence and aggression towards staff

ZERO TOLERANCE

**Calderdale Council pledges to treat everyone
with dignity and respect.**

**Our staff have the right to be treated with
dignity and respect in return.**

**We will not tolerate violence or aggression in
any form, including the use of racial, verbal or
physical harassment of, or by, our employees.**

**Any form of abuse could result in the service
or advice being withdrawn.**

Thank you for your co-operation.