

SPENNYMOOR TOWN COUNCIL



PROTECTION OF STAFF AGAINST VIOLENCE AT WORK

Author of Policy:	Town Clerk
Date Effective From:	27 October 2020
Policy Review: When & By Whom	7 October 2020 Constitution Working Group
Next Review:	November 2022
Version Control:	V3

In accordance with the Freedom of Information Act 2000, this document will be posted on the Council's Website www.spennymoor-tc.gov.uk and copies of this document will be available for inspection on deposit in the Council Offices, Town Hall, Spennymoor. Costs are as per the model publication scheme.

1. COUNCIL POLICY

The Council recognises that a large number of its employees work daily in contact with the public – as a result some may face situations which are potentially threatening and could in extreme circumstances lead to physical violence.

The Council will always take a serious view of any incident of assault on its employees, whether verbal or physical, and has adopted a policy on violence at work in co-operation with Trades Unions. A copy of the full policy document is available from the Town Clerk.

The main points are summarised below:

- You should not have to work in fear of assault
- The Council will endeavour to ensure that your place of work is as safe as possible
- You should not, by your actions, put yourself into a situation of risk
- To be a victim of assault is not a reflection of your ability
- The Council will provide guidance and advice on avoiding and handling potentially violent situations

Further information is provided in this policy to assist you in dealing with threatening situations. Having read the policy, please follow the advice provided. If in doubt ask either your direct manager or the Town Clerk.

Policy for the Protection of Staff Against Violence at Work

1. Statement of Intent

- 1.1 The Council has a legal duty under the Health and Safety at work Act 1974 to provide a safe place of work and safe systems of work and will make arrangements to ensure as far as practicable that employees are protected from risk of violence at work. Violence not only means physical violence but threats of violence and verbal abuse. The prime objective of the Council is to prevent violence or abuse occurring. Employees are entitled to be protected from reasonably foreseeable risks to their safety and should not have to accept violence as an inevitable part of their work.
- 1.2 Section 7 of the Act puts a duty upon employees to take reasonable care for the health and safety of themselves and of other persons who may be affected by their acts and omissions at work.
- 1.3 Employees who are subject to an assault will be made aware of possible remedies:
 1. To seek compensation from assailants by civil proceedings
 2. To seek compensation from the Criminal Injuries Compensation Authority.
- 1.4 The Council will support any employee assaulted, threatened, harassed or abused through no fault of their own in the course of their duties.
- 1.5 In cases where an employee suffers physical injury, prosecution either by the Crown Prosecution Service or through a private prosecution aided by the Council will normally follow. It is anticipated that the Crown Prosecution Service would normally initiate prosecutions where actual bodily harm results.
- 1.6 Consideration would be given to prosecuting any individual who uses threatening behaviour towards an employee during the course of their duties.

- 1.7 A prosecution or other appropriate civil proceeding may be taken against any person who enters Council property for unlawful purposes, or who uses violent, abusive, offensive language or conducts himself/herself in a disorderly manner towards an employee of the Council.
- 1.8 Where threats are made to an employee the Council's Solicitor will in all appropriate cases inform the person concerned that legal action may be taken if a breach of the law occurs.
- 1.9 The Council may provide legal advice and legal support when a counter-claim against an employee for common assault is instituted by the defendant in respect of any incident.
- 1.10 Employees have the right to report incidents themselves to the Police.
- 1.11 Where employees are required to give evidence in Court the Council will grant leave of absence. Applications should be made to the Court for lost earnings. The Council will deduct from Officers full pay an equal amount to any allowance received.
- 1.12 Assaults on employees or their families, or property away from work will be included, provided that it arises in the course of, or in the performance of their work.
- 1.13 The Council's Solicitor will consult and advise employees and will advise on the evidence, but will retain the right, based on professional judgement of the available evidence, to advise that a prosecution should not be instituted. However, the employee may refer the matter to their Trades Union, or themselves engage the services of a Solicitor.

2. Support and Rehabilitation

- 2.1 When an assault occurs on an employee of the Council, the Council will support victims and help them seek adequate compensation. Advice on counselling and welfare matters will be provided by management.

- 2.2 Advice will be given on obtaining compensation through the Criminal Injuries Compensation Authority where injuries are serious enough to warrant a substantial reward.
- 2.3 Payments to staff, or their families, in the event of death or permanent disablement arising from assault shall be made in accordance with the National Agreements.

3. Consultation

- 3.1 The Council will consult with Trades Union Representatives and Safety Representatives on all aspects of violence at work, including making systematic assessments of the risk of violence, identifying problem areas and developing and introducing effective counter-measures.

4. Information to Employees

- 4.1 Copies of this policy are available to all employees and employees will be kept informed of all developments and initiatives, which are taken for their protection. This policy will be regularly monitored and reviewed to determine its effectiveness.

5. Incident Reporting and Investigations

- 5.1 A system of incident reporting will be instituted to maintain an accurate and comprehensive record of violence and abuse. Incidents will be investigated to determine if existing policies and procedures are insufficient and identify improvements. Such a scheme will be incorporated in the Council's Accident and Incident Reporting System.

6. Training

- 6.1 The Council will develop training material and courses for employees on violence, and this will include information as part of induction and ongoing training. This will include how to deal with situations which may lead to violence and what to do if violence occurs. Training will be developed

which is suited to the particular conditions and problems facing employees.

6.2 The Council will produce literature for employees on guidance in dealing with the public and procedures following an assault, e.g. obtaining witnesses and evidence.

6.3 Training and its effectiveness will be regularly monitored and reviewed.

7. Liaison With the Police and Magistrates' Court

7.1 The Council will continue to seek, develop and maintain links with the Police on all matters relating to violence.

8. Physical Measures/Work Place

8.1 The Council will minimise the Risks to the employee by physical means, such as the design of reception and interviewing facilities, including job design and staffing levels.

8.2 The Council will seek to implement, wherever practical and necessary, measures to protect staff against violence; these may include:

- (a) Protective Screens
- (b) Alarms
- (c) Radio Links
- (d) Mobile Phones
- (e) Other provisions as deemed necessary

9. Employee Support

- 9.1 Whilst safety is primarily a management responsibility, in order to guide employees, policies, procedures and support will be introduced by managers to ensure employees are not left to 'fend for themselves' or find their own support and back-up.
- 9.2 The policies and procedures which are developed will only be successful with the co-operation of employees, and the Council calls upon the support of employees in this respect. Employees should be aware of the Council's policy and guidelines, be alert to the potential danger of violence, avoid any situation or action which may place themselves or colleagues at risk. Employees should participate in appropriate training and report any incidents through the reporting procedure.

10. Insurance

- 10.1 The Council insures itself against liability to pay compensation under conditions of service.

11. Records

- 11.1 Management and supervising staff must have regard for employee safety and maintain a record of known violent clients and situations. In circumstances where these are encountered, managers must make appropriate arrangements: this may mean more than one officer being allocated to a task, or providing additional supervision.

12. Handling Cash

- 12.1 There are many situations where employees are responsible for cash, and this can lead to assault. All activities involving cash will be reviewed and security arrangements made accordingly after consultation with appropriate crime prevention experts.

13. Implementation

13.1 The Town Clerk will be responsible for implementing the policy.

The Town Clerk will include within departmental safety policies and arrangements, detailed procedures relevant to issues of violence affecting their workforce. This recognises that there are differences in the type of risk and control measures across the Council and individual employee tasks.

14. Health And Safety Officer

14.1 The Town Clerk will be available to assist in the implementation of the health and safety aspects of this policy statement regarding violence to staff.

Appendix A

Reporting Procedure

1. If assaulted, move away from the situation and call for assistance; use the minimum force necessary to extricate yourself from the situation.
2. Report the assault to your supervisor immediately. You may inform your Trades Union Representative/Safety Representative. An Incident Report form should be completed by the employee/manager to ensure that the incident is recorded; investigations can be made and Accident Notification forms completed if appropriate. The Incident Report form should be completed even when the employee concerned requests no further action to be taken. It is essential to collect information on the number and types of incidents to determine any possible risks in order to develop policies for reducing such risks.
3. If injured or shocked, medical attention should be sought. Immediate assistance may be obtained from the appropriate first aiders or it may be necessary in certain circumstances to be accompanied to an Emergency Department of a hospital or call for a doctor.
4. Full notes and a factual written statement detailing the incident and the events preceding it should be made. Avoid opinions in this statement. If an implement is used in the assault, it should be retained wherever possible, provided this can be done without risk.
5. Witnesses should be identified and requested to make full notes and factual written statements.
6. Managers must inform the Town Clerk without delay of any incidents of this nature.
7. Management must make a decision to call the Police without delay. Any delay in informing the Police may result in delays in carrying out investigations, to the detriment of the employee assaulted. Account must be taken of the employee's wishes and any Trades Union advice. The employee has the right in any event to contact the Police direct in any situations of this nature. The Town Clerk should be informed.
8. A medical statement about the injuries should be obtained. Where Medical Reports are required for criminal proceedings taken by the Council, the Council will arrange for them to be obtained and pay any costs incurred.
9. In the event of an assault by another employee, disciplinary procedures shall be instituted.
10. Verbal abuse. The report procedure includes verbal abuse. Write down immediately what was said and the circumstances leading up to and including any incident.



SPENNYMOOR TOWN COUNCIL VIOLENCE AND AGGRESSION INCIDENT REPORT FORM

This form **MUST** be used to record any incidents of Physical Violence, Aggression, Verbal Abuse, Sexual or Racial Abuse or Intentional Damage to Personal Property.

For further information please refer to the Protection of Staff against Violence at Work Policy or contact the Town Clerk. In the interests of confidentiality, please ensure this form is placed in an envelope marked Private and Confidential.

EMPLOYEE DETAILS – Personal details of person abused/assaulted

Name..... Department.....
 Address..... Job/Position.....
 Age..... Sex M / F
 Next of Kin.....
 Date of incident..... Time of Incident.....

LOCATION OF INCIDENT (Attach sketch if appropriate)

DETAILS OF INCIDENT (Include relevant events leading to the incident, contributory factors and nature of incident, e.g. injury, verbal abuse, antisocial behaviour, damage to personal property, and if a weapon or other equipment was involved)

DETAILS OF ASSAILANT(S) If known

Name(s)..... Address.....

 Age..... Description.....
 Is assailant(s) known to have been involved in any previous incidents? YES / NO
 If yes, give date and brief details if known.....

DETAILS OF WITNESS(ES) If any

Name(s): **Address:**.....
.....

OUTCOME To be completed by Supervisor following investigation (e.g. Police called, legal action taken, letter sent to assailant etc.)

PREVENTATIVE MEASURES To be completed by Manager (Details of the measures taken to prevent the incident occurring, how did they fall short? How could they be improved?)

FUTURE ACTION To be completed by Manager (What action could be taken to prevent the incident from recurring)

ANY OTHER RELEVANT INFORMATION (Regarding the incident or persons)

SIGNED (Employee) Date.....

SIGNED (Supervisor or Deputy)..... Date.....

SPENNYMOOR TOWN COUNCIL



CODE OF PRACTICE – PREVENTING VIOLENCE TO STAFF

GUIDANCE FOR EMPLOYEES

What Is Violence?

VIOLENCE INCLUDES

- **PHYSICAL ATTACK** Whether visible injury occurs or not
- **ANIMAL ATTACK** Where the animal is used as a threat or tool of violence
- **SERIOUS VERBAL ATTACK** When you feel a threat has been made against you, or you have been subjected to excessive bad language
- **ATTACK AGAINST PROPERTY** Where damage is caused to your own or the Council's property.

Preventing Violence

Violent situations are more likely to develop, rather than explode the moment you meet someone. There are four basic steps involved in handling threatening situations.

AVOID – TALK – WALK – DEFEND

Avoid

You may be able to avoid a violent situation by being aware of what causes anger and the signs which may lead to violence. A customer may be angry because of waiting too long, a feeling of unfair treatment, a complaint against the Council, or from being passed from one officer to another. Signs of violence developing may include shouting and swearing, pointing or clenched fists.

Talk

Try to reason with an aggressive person by talking calmly and trying to see his or her viewpoint. If you are unable to answer queries raised, or to placate the person, give them the name and telephone number of someone who may be able to assist.

Walk

If the other person becomes aggressive, 'back off'. Always ensure you can leave the room or property quickly. If possible always position yourself between the person and the door. Inform your Manager immediately.

Defend

Physical restraint should only be used in self-defence, or in the defence of others, if all else has failed. It is lawful for a person to use reasonable force in these circumstances. 'Reasonable' can be interpreted as the physical restraint which is the least force necessary to restrain a person, and which should avoid injury.

Important

Always Report Incidents of a Threatening Nature

It May Help To Avoid Trouble for Colleagues In The Future

Some General Guidelines

Visits or Meetings On Site

Always inform someone where you are going and how long you are likely to be. If you are meeting someone unknown to you, check their authenticity before leaving to keep the appointment. If you are faced with a potentially difficult situation, ask someone to accompany you.

Telephone

Dealing with abusive telephone callers can be difficult. Some may be angry and unwilling to allow you to explain the situation without constantly interrupting. Others may be abusive, using an unacceptable level of bad language.

In all cases you should not over-react to the situation. Calmly but confidently provide the caller with whatever information is required as best you can. Tell the caller firmly that if the bad language or abuse continues, or if you are not allowed to give the necessary details, you will have no option but to end the conversation. If the caller fails to respond, put down the receiver. Record the fact that this has happened and report the matter to your Manager who will inform the Town Clerk.

Training

Managers must devote time to those employees for whom they have responsibility to consider how, in their particular setting, they should cope with violent behaviour.

Police Involvement

If you have been assaulted, you have the right to make a complaint to the Police if you choose, and in this case the Police should be informed immediately following the assault.

The Police (through the Crown Prosecution Service) may decide to prosecute the assailant as a case of criminal assault. Apart from giving the Police all the assistance they need, no further action will be required.

Welfare

It is important that if you are assaulted, you have the opportunity to discuss the incident with someone as soon as possible after the incident. The Town Clerk of the Council will undertake to arrange such counselling and will respond quickly to any request for help. This counselling will be totally confidential.

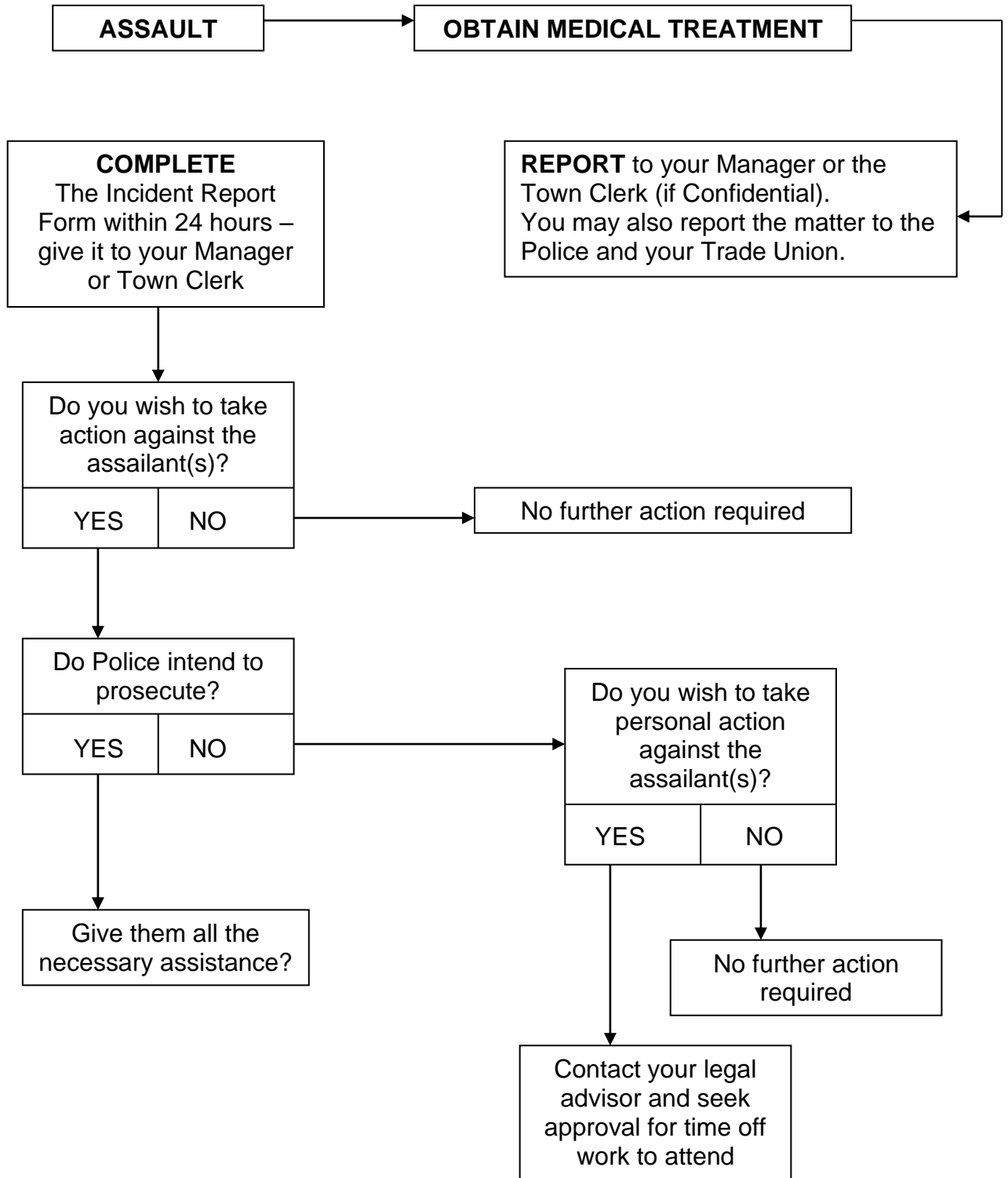
Compensation

If you are injured as a result of violence you may be entitled to claim compensation from the following sources:

- The Council's Personal Accident Insurance Scheme
- Employer's Liability Insurance (depending on liability)
- The assailant(s) in the Civil Courts
- The Criminal Injuries Compensation Authority

NOTE: If your personal property is vandalised by a client you should seek compensation through the Town Clerk and a report will be submitted to the appropriate Committee.

Procedure Following an Assault



INCIDENT REPORT FORM

All incidents of assault must be reported using the Incident Report Form where possible within 24 hours of the event. Report forms are available from the Town Clerk. Where actual bodily harm has occurred, a medical examination and statement of injury should be obtained as soon as possible after the event.