



Violent, Aggressive and Threatening Behaviour

Introduction

Torbay Council is committed to reducing the incidents of violent, aggressive and threatening behaviour towards employees. No Torbay Council employee should ever have to think of violent and aggressive behaviour as part of their job.

Clients that persistently display this type of behaviour may not be served by employees and may be banned from Torbay Council premises, if not to do so would create an unacceptable risk to the health and safety of an employee. Employees have the right to terminate a phone-call if the caller is threatening or uses foul or abusive language (not just becomes awkward or difficult).

Under the Health and Safety at Work Act (1974) Torbay Council as an employer have a duty to identify hazards/risks and introduce the necessary controls to ensure, so far as reasonably practicable, the health, safety and welfare at work of their employees.

- Managers should identify and introduce procedures to reduce violence.
- Managers should ensure that employees all have access to training and written guidelines, including job specific procedures.
- Employees should understand and use the guidelines and procedures.
- Employees have the responsibility to take reasonable care for the health and safety of themselves and others.

Definitions

Violent, aggressive and threatening behaviour (VATB) – The Health and Safety Executive defines work-related violence as: “**Any incident in which a person is abused, threatened or assaulted in circumstances relating to their work**”. This can include verbal and written abuse or threats, aggressive behaviour or harassment that causes distress (whether in person or over the phone), as well as physical attacks.

It does not include anger without being abusive.

Reasonable Force – “may be used, but only as a last resort”. An employee may use the minimum necessary force to defend themselves or another from being physically assaulted. This may include having to restrain the attacker. However, if an employee were to use excessive force, for example using an implement where this was not necessary in the circumstances, a Court may regard such force as unreasonable.

Procedure following an Incident

Managers must ensure that all incidents of VATB are given the highest priority and dealt with **immediately**.

INCIDENT OCCURS

Report Incident to Line Manager.
Fill in Accident/Occurrence form (the Health and Safety Team can offer help and advise where required) – **Employees should not delay in completing the Accident/Occurrence form if their manager is unavailable.**

Minor Incident	Major Incident (involving serious injury or trauma)
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Ⓡ **Report to the Police immediately** (who may prosecute the offender; providing there is sufficient evidence)

Decide with the line manager if the aggressor should be included on the Awareness Register (Advice can be sought from the Health and Safety Team)

All Incidents of VATB should follow the same route for emotional support

Report Incident to Line Manager.
Fill in Accident/Occurrence form (the Health and Safety Team can offer help and advise where required) – **Employees should not delay in completing the Accident/Occurrence form if their manager is unavailable.**

Forward the completed Accident/Occurrence form to the Health and Safety Team

Victims and anyone else involved to be debriefed (by a fellow colleague or a specialist debriefer).
 Debriefers can be contacted via Occupational Health (01803 207347)

Forward the completed Accident/Occurrence form to the Health and Safety Team

Health and Safety Team complete the Awareness Register, if necessary

Victim made aware of other support available (e.g. Occupational Health Counsellor, Compensation, Victim Support, Samaritans)

Health and Safety Team complete the Awareness Register, if necessary

Letter (Standard sample letter is provided in Appendix B) sent to offender by line manager (if address was known) to inform of further action that could be taken if the behaviour re-occurs. Under the Protection from Harassment Act, Police will serve warning notices, in the event of low level nuisance and non-specific threats

Any identified mistakes and shortcomings resulting from an incident of VATB should be discussed and corrected. This could include:

- VATB Risk Assessment carried out,
- Training sessions for the staff concerned,
- A review of support available (Panic Buttons and CCTV coverage),
- VATB employee guide to be reviewed,
- Posters and information made more visible to clients,
- Review of client access to Council buildings,
- A review of procedures, if found necessary, changes to this policy.

Sick Leave Arrangements - certified sickness absence resulting from a VATB incident will be recorded as Work Related. Periods of absence attributable to an assault occurring in the course of, or arising out of, carrying out their duties will not normally count against an employee's entitlement to sick pay. Please seek further advice from Human Resources.

Responsibilities of the Manager and the Employee

We take the prevention of VATB and the support of victims very seriously. Therefore, managers and employees must fulfil their responsibilities towards VATB and provide their input to make any procedures more productive in improving employees working lives.

- **Risk Assessment** - Managers must complete a Risk Assessment covering the tasks undertaken and the risks to their employees, and to record these risks. Employees should co-operate during the undertaking of Risk Assessments. Managers should decide what action to take to eliminate or reduce the risks of violence to employees and to ensure that this action is followed through.
- **Induction** - Managers must ensure that all new employees who have been assessed as at risk from violence are informed of safe practices/procedures to improve safety within their work. Training must also be provided in the induction period, if appropriate. Managers should also consider providing new employees with a mentor/nominated colleague/buddy.
- **Personal Protective Equipment (PPE)** - if risks cannot be eliminated or effectively controlled, managers must provide all at risk employees with suitable and sufficient PPE to support and enhance other controls to reduce the risk. Employees must use such equipment when it is provided for them. Managers must regularly review PPE to ensure adequacy and lack of deterioration. Managers must ensure that all employees understand how, why and when to use their PPE. Employees must only use their PPE according to the instructions given and report any loss or damage. PPE may include:
 - A facility to record telephone conversations,
 - Panic Buttons,
 - Mobile Phones,
 - Torches,
 - First Aid kits,
 - Personal Attack Alarms.
- **Training** - Training must be provided to all employees, where a risk assessment indicates. Training must be provided prior to working in areas where employees may be at risk. Training needs, should be identified through risk assessment and annually during RADAR by their manager. This includes employees who may be expected to provide a 'back up' when a panic alarm is activated. Training may include Managing Violence and Aggression, Customer Care or Stress Management and the use of PPE.

- **Responding Effectively** - If employees feel they are at risk from violence they should aim to remove themselves from the situation and seek assistance. Employees may use "Reasonable Force" to defend themselves or another, but only as a last resort. All attempts should be made to defuse or minimise violent situations. In a violent situation employees should:
 - Keep a calm manner, even if they do not feel calm,
 - Use a non-threatening body posture,
 - Never use offensive or threatening language or behaviour.
- **Awareness Register** - Managers (via, and with the discretion of, the Health and Safety team) must keep details of dangerous customers. Employees must report any potentially violent situations they are aware of via the Accident/Occurrence form.
- **Accident/Occurrence form** - Employees must report incidents of violent or threatening behaviour on the Accident/Occurrence form and managers must encourage this procedure. It is essential that all significant incidents are reported and recorded, to gather evidence if needed for legal proceedings and to monitor VATB incidents across the Council.
- **Post incident support** - Managers will ensure appropriate post-incident support takes place, including emotional and all possible legal support.

Post Incident Support

Debriefing and Counselling

All employees should be offered debriefing following an incident of VATB. This should happen as soon as possible after the incident. The Council has a database of debriefers trained in dealing with trauma. Debriefing can take place with a trained debriefer, either in person or over the phone.

Employees who have experienced or witnessed an incident of VATB (or any other type of incident) can also access the Council's free and confidential counselling service. Employees will be provided with information about this service at the debriefing meeting.

To contact a debriefer or Counsellor telephone: 01803 207347 or the 24-hour answer-phone 01803 207349.

Compensation

An employee who is injured at work through a VATB incident is entitled to make a claim under the **Criminal Injuries Compensation Scheme**. The scheme allows financial awards to be made in respect of:

- Injuries (physical and mental) caused by a crime of violence,
- In certain circumstances, to compensate for past or future lost earnings or special expenses caused by such a crime.

If an employee's conduct caused or significantly contributed to the incident in which they were injured, then compensation would normally be refused or reduced.

Further information can be obtained from the Criminal Injuries Compensation Authority, www.cica.gov.uk or 0800 358 3601.

If an employee becomes permanently disabled as a result of an incident of VATB, benefits paid will be at least at the recommended levels set by the National Joint Council, National Agreements.

If an employee suffers loss or damage to personal property as a result of a VATB incident, a claim may be made to the relevant Assistant Director/Business Unit Head. The Council will consider reimbursing reasonable costs incurred as a result of the incident, for example, replacement of glasses or loss of insurance 'no-claims' bonus. There is a limit of £50 for a claim, however if it is felt that this would be insufficient/inappropriate there is the potential to take the claim through the Claims Handling route. (Further advice can be sought from Financial Services).

Legal help/action

In all cases Legal Services should be consulted in advance.

Where a VATB incident has occurred, managers may consider the following action **where appropriate** (e.g. the Council will not seek an Injunction following minor incidents):

- Seeking an injunction to prevent the person involved in the alleged incident from entering the Council's premises, or from harassing the employee,
- Arranging legal advice from Legal Services to the employee, their Assistant Director/Business Unit Head and trade union officer.
- In all cases (If the address was known) a formal warning letter (A standard sample letter is provided in Appendix B) will be sent to the person involved in the alleged incident to warn that legal action may be taken if the behaviour re-occurs. Letters will be sent out by managers, with copies to Legal Services.
- In the event of low level nuisance and non-specific threats, the Police may serve warning notices, under the Protection from Harassment Act (1997).

If civil action is being contemplated by the injured person they should seek independent legal advice. Legal Services cannot act for employees in civil (compensation) claims.

Incidents of VATB should be investigated and prosecuted by the Police and Crown Prosecution Service; following the incidents being reported to them and there being enough evidence to proceed. If either a legal or civil action is to be pursued, the injured person must co-operate with the police or legal section by providing written evidence and may be required to attend court. The council will support employees as fully as possible, such as: granting paid leave to any employees who need to attend court to give evidence, or attending court with employees who request company.

General Support

- If necessary immediate first aid must be sought for an injured or shocked employee (Ext.3333 for a First Aider).
- Employees suffering from an incident of VATB should receive full emotional support from fellow employees and managers.
- It needs to be recognised that individuals react in different ways and have different time scales for recovery.

Awareness Register

Definitions

Cross-directorate Awareness Register - a computerised database that contains names and/or addresses of persons (or dangerous animals at those addresses) who have initiated incidents of VATB against Torbay Council employees or whilst on Council premises. The data has a digitally encrypted password so that it cannot be read if copied.

The Data Protection Act - legislation which protects an individual's rights regarding information held about themselves; information held on the Awareness Register must comply with this legislation. An individual has the right to receive a copy (on written request) of the data held about them (and a right to compensation if the information is inaccurate).

Recording of Incidents/Individuals

When an incident/individual is to be recorded on the Awareness Register, the Line Manager (or deputy in their absence) will:

- Countersign the Accident/Occurrence form before passing immediately to the Health and Safety Team; where inclusion is recommended, approval by a senior officer is vital in a situation should the record be challenged,
- Ensure there is a clear and accurate account of the incident (both relevant to the event and not excessive); officers can be held accountable for their decision to include on the Awareness Register,
- Ensure only those who are to interview, or visit people, will have access to information held,
- Ensure information on the use of the awareness register and safe working practices is communicated to employees at induction and regularly re-enforced.

Maintaining the Awareness Register

The Health and Safety team are responsible for updating the Awareness Register on receipt of the completed Accident/Occurrence form and providing general maintenance to the system. **No other employees will make alterations to the Awareness Register.** Individual managers will designate and authorise, by using form IT05, employees who have been identified through risk assessment by their line managers to have access to the Awareness Register.

Once a person, or address, has been placed on the register it will be reviewed for accuracy at six monthly intervals by the Health and Safety team and removed at the end of the expiration of the following periods where the threat to employees no longer exists:	
Physical assault	After 5 years
Verbal threats and a person reasonably fears for their own or another's safety	Review after 2 years
Verbal abuse and a person reasonably fears for their own or another's safety	Review after 1 year
<i>The above limits will be halved where persons committing the incident were under the age of 17 at the time.</i>	
<i>If there are multiple reports attributed to one person, a person's name will be held on the register from the date of the last report.</i>	

The Health and Safety Team are responsible for monitoring issues concerning VATB, by reporting to the Health, Safety and Risk Management Forum.

Risk Assessments

Risk Assessments are line managers responsibility. They assist in the identification of hazards and risks to employees while at work and will alert managers to the controls to be implemented to eliminate or reduce the risk to employees. It is important that Risk Assessments are carried out at least annually, if there is a change to working practice, if the employee is new or pregnant.

A VATB checklist is available to help managers identify potential hazards (See Appendix A). The Health and Safety Team are available if managers require assistance when completing Assessments.

Loneworkers

Loneworkers are employees who work by themselves, without direct or close supervision.

Managers must ensure that loneworking activities are carried out safely and that loneworkers are not at any more risk than other employees.

Loneworking often carries a risk of VATB and should be avoided where it is reasonably practicable to do so. Where a risk of VATB exists employees should aim to make alternative arrangements to visiting a clients home, or visit in pairs, managers should encourage and support these arrangements

If, within a client's home, a potentially dangerous situation arises, employees should remove themselves from the premises immediately. Further visits to the client's home should not be unaccompanied. If possible, do not visit the client's home, invite them to an office where additional controls are available.

The considerations for loneworkers should be the same as for other employees. However, loneworkers may require more specific arrangements or specialised PPE and more frequent training (all adjustments must be made following a Risk Assessment):

- A Fully Automated System may be an additional support for loneworkers (The system allows workers to pre-record a distress message ready to be automatically delivered at a pre-set time should a problem arise. This message can be set up by the worker from any telephone, each worker has their own PIN number so that they are the only people capable of setting up or cancelling their own message). Further information can be sought from Community Services.
- Training is critical to guide and help in situations of uncertainty.

Loneworkers should be made aware of premises or persons on the Awareness Register prior to them making contact or visiting them.

Communication Systems

A booking in/out procedure for loneworkers must be clearly defined. This should include notifying a central point when they have reached their destination, how long they will be there and when they have finished at that location. This should be enforced and encouraged by managers, in order to protect employees. For example:



An out of hours communication system (i.e. after normal office hours) should also be established.

Monitoring Systems

Suitable systems should be put in place to monitor loneworkers, alongside the communication system. For example, managers/supervisors periodically visiting and observing employees working alone.

A guide for employees on 'Reducing the Risk of Violent Aggressive and Threatening Behaviour and Loneworking' is available from Human Resources and the Intranet.

VATB Management Checklist to help identify potential hazards

- Have Risk Assessments been done covering the tasks being undertaken?
- Are there significant risks of violence, aggression or threatening behaviour (VATB) to employees or clients?
- Have procedures been devised to eliminate, or reduce the risk to the lower level? For example:
 - Check Awareness Register for any known history of violence,
 - Have employees received adequate training and are they aware of safety procedures?
 - Are paired visits required?
 - Is a security officer required?
 - Have employees been issued with a means of communication?
 - Is any other form of Personal Protective Equipment required?
 - Should meetings take place in an office where there are additional controls?
 - Are there alarms or CCTV fitted?
 - Can other employees monitor the area?
 - What support systems are in place?
 - Have support employees been adequately trained and know what to do in case of an emergency?
- Have employees been given suitable instruction, information and training on these procedures? Training on Health and Safety issues is a legal requirements and such attendance is mandatory.
- Training must be carried out during normal working hours.
- Agency workers and volunteers should have similar levels of training.
- Are the procedures effective (If not review procedures)?
- Keep records of Risk Assessments, safe working procedures, monitoring and reviews.

VATB Employee Checklist to help prevent hazards

- Comply with training and safe working conditions.
- If you have not been trained or do not know what the safe procedures are - inform your manager.
- Training on Health and Safety issues is a legal requirement - when courses, etc, are arranged for you, you must attend.
- Ensure that you have informed someone where you are going and when you are likely to return. If plans change inform someone at 'base'.
- Prior to first contact (or after long periods of not meeting) with a client check the Awareness Register.
- Carry any Personal Protective Equipment and know how to use it.
- Know where alarm points are situated.
- See the guide for employees on 'Reducing the Risk of Violent Aggressive and Threatening Behaviour and Loneworking' for safety tips and further advice. (Available from Human Resources and the Intranet)

Please reply to:

My ref:

Your ref:

Telephone:

Fax:

E-mail:

Date: 18 March 2005

To request a copy in another format or language phone 01803 XXXXXX (*Add your number*)

Dear (*Name of recipient*)

I am writing as a result of the recent time(s) that you..... (*complete with the following*).....

.....approached Torbay Council via *Connections/Reception*.

.....approached Torbay Council via telephone.

.....were visited at your own home, in connection with Torbay Council matters.

.....were visited at your place of business, in connection with Torbay Council matters.

(delete as appropriate)

You will recall on -/-/ - (*complete date*) that you subjected one of the Council's employees to physical abuse/ threats of violence (*delete as appropriate*). The member of staff was obliged to.....(*complete as appropriate*).....

.....terminate the telephone conversation.

.....terminate the visit.

.....call the security guard/ police.

(delete as appropriate).

(N.B. Any other incidents should also be outlined; together with the dates and what transpired.)

You have the right to expect the best service from Torbay Council and we will try to provide that service politely. In return we ask the same from you.

We reserve the right to ask anyone who abuses us, verbally or physically, to leave the premises. Abusive phone calls may be terminated. We will support staff who are subjected to aggression or violence and take legal action against perpetrators.

We also recognise that from time to time people need to complain to the Council about the services they receive. We have a Corporate Complaints System which is available to you on request.

Schools and services for children and young people ? social care and housing ? recycling and waste disposal ? museums, leisure, libraries, arts and theatre ? consumer protection and licensing ? transport, roads, clean streets and town planning ? tourism, harbours and economic regeneration

In view of the incident(s) outlined above and our policy, I regretfully feel that I would have no alternative but to take further action if such behaviour were to be repeated.

Please contact me if you have any queries, but I must stress that any further similar incidents may result in police action and/or the Council seeking an injunction via the courts.

Yours sincerely

Name

Job title

Section