

# Violence Towards Employees

## Guidance and procedures

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### Legal Requirements

1. The Health and Safety at Work Etc. Act 1974 <http://www.legislation.gov.uk/ukpga/1974/37> places a general duty on every employer to ensure the health safety and welfare of their employees, the Management of Health and Safety at Work Regulations 1999 <http://www.legislation.gov.uk/uksi/1999/3242/made> extend that duty to assess the risks of Violence to employees.

### Introduction

2. The Management of Health and Safety at Work Regulations 1999 which came in to force 29<sup>th</sup> December 1999, place a duty on every employer to carry out a suitable and sufficient assessment of the risks to their employees and others not in their employment, who may be affected by the employers undertaking. Unacceptable risks identified by the assessment must be controlled by the implementation of preventive and protective measures, specified in **schedule 1** of the same regulations.

The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) 2013 may apply where a member of staff has been injured as a result of an act of violence ([see also Policy Guidance 3.15 Accident Reporting Para 2](#)).

The HSE in consultation with industry and the trade union congress have produced a guidance document <http://www.hse.gov.uk/violence/preventing-workplace-harassment.pdf> the purpose of which is to:

- Raise awareness and increase understanding of employers, workers and their representatives of workplace harassment and both internal and third party violence;
- To provide employers, workers and their representatives with a framework of response to identify, prevent and manage problems of harassment and all forms of violence at work.

South Tyneside Council takes a serious view of any incidence of violence against its employees and is committed to protecting them from acts of violence and aggression.

In order to fulfil these duties and commitments, South Tyneside Council has developed this Policy Guidance to assist Corporate Groups to identify and manage the risk of violence.

### Definitions

3. The Health and Safety Executive (HSE) defines violence as ‘any incident in which an employee is abused, threatened or assaulted in circumstances arising out of or during the course of their employment’. Table 1 below gives examples:

**Table 1**

Type of Violence	Definition	Examples
Verbal	non-physical spoken or written violence/abuse physical aggression or the threat of physical violence	<ul style="list-style-type: none"> <li>• intimidation and threats of violence</li> <li>• spitting</li> <li>• kicking/punching furniture or punching walls</li> <li>• gestures or stances obstructing an employee’s right of way</li> <li>• personal insults</li> <li>• verbal abuse by telephone callers</li> <li>• shouting</li> <li>• swearing</li> <li>• racist remarks either implied or stated</li> <li>• equality related comments</li> <li>• bullying statements</li> <li>• belittling</li> <li>• persistent harassment</li> <li>• written/emailed/online</li> </ul> <p>Could also include:</p> <ul style="list-style-type: none"> <li>• sexual harassment or aggression</li> <li>• making unwanted advances to another person</li> <li>• innuendoes</li> <li>• exposure</li> <li>• threats of sexual assault or rape.</li> </ul>

Physical	Physical violence	<ul style="list-style-type: none"> <li>• possession of any kind of weapon, regardless of any intention to use it</li> <li>• grasping and pulling of clothes</li> <li>• poking, shoving or punching</li> <li>• causing actual or grievous bodily harm or murder</li> <li>• any other type of unwanted physical contact.</li> </ul>
Unintentional	Where there is no intent to harm	This could be where the aggressor has special educational needs and their understanding of the effects of their actions is impaired. This may also include random movements or emotional outbursts. These people, if they are service users, may have had an individual risk assessment and behaviour plan developed to identify behaviours, triggers, control measures and response to incidents. Primarily in Special Schools (but could be in mainstream education) and adult social care settings. However, this type of violence should not be classed as acceptable.

## Achieving Compliance

### 4. The aims of this Policy Guidance are to:

- Identify roles and responsibilities for prevention and control of violence;
- Assess the risk of violence to employees and implement control measures to minimise the risk;
- Provide a safe and healthy working environment;
- Reduce the risk of violence and aggression towards employees by raising awareness;
- Monitor incidents of violence and aggression and minimise risks to employees;
- Provide advice, support and training to all employees, especially those facing threatened or actual violence

## Management's Responsibilities

5. As well as general duties identified in [Part 1.4](#) of the Corporate Health and Safety Policy line managers must:

- Assess the level of risk within the work situation and take steps to reduce it;
- Produce service/team strategies to deal with violence and aggression;
- Ensure that employees are aware of support and advice available to them;
- Report all incidents of defined violence to the Occupational Health and Safety Team in the first instance by telephone followed by a completed IRF report via email using the digital IRF, the system no longer accepts paper copies – see [Appendix Ji](#) for IRF;
- Ensure incidents of violence and aggression are properly recorded and acted upon and records kept;
- Provide the appropriate training;
- Provide the appropriate level of support for employees subjected to violence.

### **Employee Responsibilities**

6. As well as general duties identified in [Part 1.4](#) of the Corporate Health and Safety Policy all employees must:

- Consider the risks involved in their work and take steps to reduce those risks;
- Ensure your colleagues/line manager know where you are and when you are likely to return;
- Report incidents of violence and aggression when they occur;
- Provide support to others involved in acts of violence and aggression;
- Attend training as appropriate.

### **Implementation**

7. It is a South Tyneside Council priority to prevent incidents of violence occurring. The key to prevention is to identify what scenario's within the Councils day to day work may give rise to violence and to assess the risks of violence within those scenarios. The HSE in their Guidance Document Violence at Work <http://www.hse.gov.uk/pubns/indg69.pdf> identify the following areas where violence is most likely to occur:

- Giving or delivering a service e.g. telephone enquiries;
- Caring services e.g. adult and children's services;
- Education and schools;
- Cash transactions;
- Delivery and collection activities;
- Roles where control is required e.g. stewarding, security, doormen, concierge;
- Representing authority e.g. enforcement officers

Line managers are therefore required in the first instance to identify hazardous situations within their service area, carry out a risk assessment on those situations and introduce controls to eliminate the hazardous situation and if this is not possible to reduce the risks of incidents being realised by introducing managerial procedures. The risks and subsequent controls must then be communicated to all staff who are likely to be exposed to them via awareness sessions or tool-box talks.

The line manager must monitor these controls to ensure they are working.

### **Lone Working**

8. The issue of lone working is dealt with through the risk assessment process.

### ***Incidents of Violence***

9. Often before a violent incident occurs there are indicators that show increasing tension – factors likely to result in some kind of reaction. These indicators include shouting, swearing, pointing and general aggressive behaviour. Violence and aggression towards employees may arise out of feelings of frustration by members of the public, for instance when requests or applications have been refused.

In this situation, you should listen carefully and patiently to the person, confirm that you understand their situation and then carefully explain the Council's position. Under no circumstances must you use provocative, offensive or abusive language or gestures. If the meeting/interview becomes difficult, you should attempt to calm the situation down.

If the aggression continues then you should advise that:

- The matter will be reported;
- He/she will be asked to leave;
- You will withdraw from the danger
- You will use any alarm or panic button available in circumstances where you are unable to withdraw

### **Effects of Violence and Aggression on Individuals**

10. Following an incident of violence and aggression, the victim may react in different ways. There may be an immediate reaction or this may be delayed. The reaction may be from a single incident or be cumulative – the result of many incidents.

The effects are varied but may be similar to those of stress, for example:

- Anxiety
- Irritability
- Sleeplessness
- Guilt
- Panic attacks

### ***Action to be taken following an Incident of Violence***

11. If you are subject to an act of violence or aggression, you must report the incident to your line manager at the first opportunity. Every incident will be investigated and an Incident Report Form (IRF) completed.

### **Completing an IRF for an Incident of Violence**

In all cases, relevant sections of the IRF must be completed and submitted electronically.

- a. The employee who is reporting the incident should complete sections 1 to 9 of the IRF to their line manager and sign and date it;

- b. If the employee is absent from work the information can be taken over the telephone and sections 1 to 9 complete by the affected persons Line Manager who should also sign and date it;

Note If the employee cannot complete sections 1 to 9 for any other reason, then they must be completed by the affected persons Line Manager who should also sign and date it;

- c. The Direct Line Manager must then complete sections 10 to 21 and sign and date it;
- d. The line manager should then report the incident to the Occupational Health and Safety Team through the Health and Safety Advisor for their Service who will provide an incident control number and may give further advice, if this is the case the Line manager this should include this in section 20 of the report;
- e. The Occupational Health and Safety Team may investigate the incident further and will inform the Line Manager if this is the case;
- f. If the Occupational Health and Safety Team is satisfied with sections 1 to 21 of the report, they will advise that this is the case and no further information is required;
- g. On receipt of the report by the Occupational Health and Safety Team it will be signed off at part 3 (section 22) and no further actions taken;
- h. This will conclude the reporting process unless the Occupational Health and Safety Team have decided to investigate the incident further.
- i. If the Occupational Health and Safety Team decide that further clarification of the incident is required or have further recommendations these will be placed in section 22 and the report emailed back to the manager.
- j. The manager will provide clarification and or take account of the recommendations in section 22 and fully complete Part 4 including sections 23 – 26, who should also sign and date it.
- k. The manager will email the completed form to the Occupational Health and Safety Team to store for possible future claims and to provide vital information for reports and trends.

## **What Happens to the Incident Report Form (IRF)**

12. After you have submitted details to your line manager. Your line manager will then undertake an investigation into the circumstances of the incident and determine what action, if any, is appropriate in relation to the aggressor. Your line manager will record any identified actions on the IRF and will discuss these actions with you.

Once the IRF is passed to the Occupational Health and Safety Team within Human Resources, they will advise on any additional preventative actions. The IRF may then be passed back to your line manager where the remaining sections will be completed. Line Managers are responsible for ensuring that incidents of violence are investigated and for reporting trends or areas where incidents occur most frequently to the relevant Head of Service. Copies of all violence reports will be kept by managers.

Serious incidents of violence and aggression must be reported to the Police as soon as possible.

The Occupational Health and Safety Team will report incidents of violence and aggression to the appropriate safety committees on a quarterly basis.

If the employee wishes to keep the details of the incident confidential or owing to the nature of the assault, they feel unable to discuss it with their line manager, the employee should contact an Officer from the Corporate Human Resources Service directly.

### **Support to Employees**

13. The Council will provide the appropriate support following an incident of violence or aggression.

You will be encouraged to speak to the Occupational Health Nurse/Advisor who may feel it appropriate that you see the medical officer. Access to the Council's Independent Counselling Service will also be made available where appropriate depending upon the nature of the incident and your needs.

If you are assaulted you will be encouraged to seek medical assistance at the earliest opportunity. All employees that suffer an injury as a result of an incident must attend hospital when necessary. In these circumstances the employee must be accompanied.

Your line manager will offer support at what may be a very difficult time. Time off away from the workplace may also be necessary.

Support will also include assistance in obtaining legal advice and time off with pay for interviews and court appearances.

### **Bullying/Harassment at Work (Sexual, Racial and other forms)**

14. This form of violence is not tolerated. Managers dealing with such incidents must act with particular sensitivity and refer to the Council's Harassment and Bullying Policy.

### **Training**

15. All employees whose safety might be threatened should receive relevant training in the management and prevention of aggression and violence.

Managers and employees have a responsibility to identify training needs.

Training can be arranged through the Workforce Development Team in the Human Resources Service.

### **Equality and Diversity Statement**

16. South Tyneside Council is committed to promoting equality and valuing diversity in everything we do including service delivery and employment. Further details can be obtained by referring to the Equality and Diversity in Employment Policy Statement in the Human Resource Manual.

### **Monitoring of Compliance with this Guidance**

17. The monitoring of compliance to this policy guidance will be carried out by the Occupational Health and Safety Team.

### **Review**

18. The guidance will be reviewed periodically as a rule and when any changes in the regulations to which it relates should occur.

Policy approved by Governors: Feb 2022

Date of next review by Governors: Feb 2023