

London Borough of Merton

Corporate Policy on Violence at Work

1. General Policy Statement

Merton Council recognises has a duty to provide a safe and healthy workplace and working environment so far as is reasonably practicable for all its employees. This policy provides a framework for enabling employees to deal with violence, aggression or verbal abuse in connection with their work.

Any form of violence against staff is unacceptable. Merton Council is committed to the prevention of violence against staff on any basis.

Through the risk assessment process, line managers will implement suitable control measures to manage risks and equip staff to handle incidents; such control measures will take account of the nature of the service being provided as well as the type and degree of risk.

2. Definition

The Health and Safety Executive (HSE) define violence at work as “any incident in which a member of staff is abused, threatened or assaulted in circumstances related to their work”. It includes verbal abuse and threats and/or physical threats and attacks.

Violence against employees also includes acts against an employee’s family or property, and incidents which result from employment but which occur outside work.

3. Legal Responsibilities

All employers have duties with respect to the management of work related violent incidents under their general duties of care for their employees, employment protection legislation and health and safety legislation. An employer's duties can be summarised as a duty to take reasonable care to:

- Put in place a safe system of work
- Provide safe premises and/or place of work
- Provide safe plant and equipment

4. Responsibilities

4.1 Chief Executive

The Chief Executive has overall responsibility for all health and safety matters including management of violence at work.

4.2 Directors

It is the responsibility of Directors to:

- i) Disseminate the policy within their area of responsibility;
- ii) Ensure it is implemented within their area of responsibility by providing support and advice to their managers;
- iii) Ensure that sufficient Review Officers (RO) are appointed within their area of responsibility to review incidents of violence;
- iv) Ensure staff access as appropriate the corporate database on potentially violent persons.

4.3 Managers

It is the responsibility of managers to ensure:

- Service specific procedures are written in compliance with this policy where significant risk of violence is identified;
- that any written procedures are monitored and adhered to
- Specific risk assessments are undertaken for vulnerable staff and others exposed to the risk of violence at work;
- Appropriate risk reduction measures are actioned, training needs identified and appropriate training given to all staff identified at risk;
- All incidents of violence at work are reported, investigated and monitored in accordance with the council's Accident and incident reporting procedure;

4.4 Human Resources

The role of Human Resources is to support staff post any incidence of violence and where necessary arrange for additional support to be provided.

The Joint Head of Human Resources will ensure that:

- Post incident support is provided and followed up in appropriate cases e.g. Employee Assistance Programme (EAP);
- Facilitate the provision of appropriate training in conjunction with HR's Learning and Development Section by assisting managers to identify training needs and provide/make available appropriate courses.

4.5 Employees

It is the duty of each staff member, including those on contracts and those working for an agency to:

- Report all incidents of violence at work in accordance with the council's accident and incident reporting procedure.
- Co-operate to enable the council to comply with its health and safety responsibilities. This includes bringing forward concerns about potential risks and involvement in any training appropriate to their duties including induction training;
- Make full and proper use of any equipment, information or system of work provided for them;
- follow the policy, instructions and procedures in their own work area;
- Assist in the risk assessment process as required

4.6 Corporate Safety Services

Merton Council's Head of Corporate Safety Services will:

- i) Provide assistance to managers undertaking violence at work risk assessments and report to the council's Health and Safety Committee on the implementation of risk assessments by departments;
- ii) Provide assistance to managers in implementing risk reduction measures and post-incident management;
- iii) Assist in the identification and development of appropriate training in conjunction with HR's Learning and Development Section;
- iv) Monitor the effectiveness of implementation of this policy by means of audit;

- v) Report the results of audits undertaken to the council's Corporate Health and Safety Committee and Departmental Consultative Committees;
- v) Collate and report to the council's Health and Safety Committee incident reports and actions;
- vi) Maintain the council's database on potentially violent persons

4.7 Occupational Health

The Occupational Health Service will:

- i) assist in obtaining reports if the GP is reluctant to provide them
- i) liaise with managers to advise on when staff may be fit to return to work and/or give advice on reasonable adjustments

4.8 EAP (Employee Assistance Programme)

Provide post-incident counselling services;

4.9 Review Officer (RO) or officers

Departmental Directors or delegated Heads of Service will appoint the RO(s).

The primary role of this officer is to reach an independent and balanced decision about whether a person or address should be placed on the "Shared (PVP) folder"; to periodically review whether the entry should remain on the scheme; and ensure names and details are removed as appropriate after review.

Generally, ROs should be level 2 or 3 officers. However, other officers may undertake the RO role with the agreement of the Head of Corporate Safety Services.

5. Principles of applying the policy

The following principles will apply in the design and implementation of departmental procedures to comply with the Corporate Violence at Work Policy.

- Violence can take many forms. It can be physical or verbal, and it is acknowledged that both can have a potentially intimidating and lasting effect on staff.
- The importance of prevention is paramount. This will be assisted by knowledge of the people involved, the surrounding environment and circumstances.
- Prevention of violence at work starts with a full assessment of the risks carried out with the staff directly involved.
- When violence occurs, speed in its resolution is of prime importance.
- Emphasis will be placed on the knowledge that if a physical response to the violent episode is necessary, then the minimum of force should be used and that taking avoidance steps and summoning of assistance should also be the first line of defence.
- The importance of staff welfare over that of property.
- Managers will ensure there is a prompt review of any significant violent incident and that this is used to evaluate policy guidelines and skills to avoid further incidents.
- The role of occupational health and the EAP in offering services to staff affected by violent incidents is recognised and the role of managers in making these services available stated.
- A commitment to regular and appropriate training of staff in understanding and dealing with violence.

6. Applying the policy

Merton Council will manage violence at work by ensuring that:

- 6.1 Risk assessments required under the Management of Health and Safety at Work Regulations takes into account the risk to staff of violence at work;
- 6.2 Where the risk of violence to staff is assessed as significant, or liable to arise because of the work activity, and where that risk cannot be avoided, appropriate risk reduction measures are taken. In practice this means the development of local policies, procedures, safe systems of work and the provision of suitable safe working environments and safety/protective equipment;

- 6.3 Where the risk assessments identify a staff training requirement in order to reduce the risk to an acceptable level, that suitable training will be provided;
- 6.4 When incidents of violence at work occur they are reported, recorded and investigated in accordance with the council's accident/incident reporting procedure;
- 6.5 The policy is applied across all areas of the council including Merton controlled schools

7 Procedure for creating and managing information on Potentially Violent Persons (PVP)

This procedure applies to all London Borough of Merton Staff and others working for or on behalf of the council. This procedure is to be implemented alongside existing or future departmental procedures for file flagging which should be used to inform the Shared PVP register of potentially violent persons according to the criteria contained in this procedure.

Terms of reference:

Any decision to classify a person, as a Potentially Violent Person (PVP) must be made taking into account all the circumstances of the incident and the people involved, including the reaction of staff. It is not possible to give a precise definition of what circumstances would lead to classification of a PVP, but the following should be taken as guidance.

Generally any of the following are likely to lead to a classification of Potentially Violent Person. A person who:

Has a history of violence to Merton staff including:

- Assaults or attempts to assault a member of staff

Other risk of significant violence including:

- Has reliably been reported with evidence as a PVP by another organisation
- Has been convicted of a serious crime of violence (including sexual assault).

Threat of physical violence including:

- Made a credible threat of violence to a member of staff

- Persistently verbally abuses or makes general threats against a staff member
- Behaves in a way that leaves a staff member feeling threatened or afraid, even though no specific threat may have been made.

History of other concerns

- Sexually harasses a member of staff

Aggressive associates meeting the above criteria

- Associate means part of the household and likely to be with the customer at the time of visit

The following would typically **not** lead to a classification as a PVP. A person who:

- Threatens violence but is clearly physically incapable
- A person with a history of psychiatric illness but no history of violence.
- A person who self harms

Process for Flagging a person or address on the corporate Violence system.

Any employee involved in any incident of violence, aggression or verbal abuse must enter the details onto the council's accident / incident reporting system or inform their line manager to arrange to enter details on their behalf. The accident / incident reporting system can be found on the intranet under Health and safety.

<http://intranetapps/accident/>

1. Nominations for the PVP register will not be considered valid and cannot be entered directly into the database unless the online accident incident form is completed. It is a requirement of this policy that all incidents of violence are recorded on the system...
2. Once the incident investigation is complete, the person reporting the incident and their line manager will consider whether the circumstances warrant a review with their departmental Review Officer (RO) for inclusion on the council's shared PVP System.
3. Where the Line manager agrees the incident warrants potential inclusion onto the PVP system they will check the appropriate box on the accident

form and select an appropriate review officer which will send the completed form to them and initiate an investigation by the selected Review Officer.

4. Where incident reports are not acted on or there is a dispute regarding the incident, the Head of Corporate Safety Services will consider whether the incident warrants a review under the PVP scheme and will contact the relevant RO directly.
5. If a customer disagrees with a Warning or proposed action then they must give their reasons in writing as to why they disagree and this will be processed through the Corporate Complaints Procedure.

Role of Safety Services.

- Annually audit the PVP list to ensure it is up to date.
- Verify that information is being shared appropriately with other departments
- Maintain the council accident and incident system and subsequent system for managing information on violence

Role of the Review Officer (RO)

- The **RO** will:
- Receive reports of violence from line managers via the corporate violence system
- Decide whether to classify the person as a PVP
- Set a date for review of the classification and Warning Flag as applicable
- Complete the letter pro-forma (Appendix 1) to be sent to the person. If sending the letter would place someone at increased risk of harm a risk assessment must be completed and a decision taken whether to withhold the letter. The assessment should take into account the likelihood that the person will realise that they are recorded as potentially violent.
- Consider representations made by the PVP in mitigation.
- Reach a balanced and independent decision as to whether the PVP should be flagged and record the reasons for the decision on the PVP action sheet.
- Identify an appropriate period for review of the flag status.
- Conduct the review at the designated time
- Input the data into the councils shared PVP folder and their departmental system.
- Record details of action to be taken in the appropriate notes field of the Warning Flag

- Send out the completed letter advising the person classified as a PVP including any restrictions on their contact with the council and the review date
- Notify the line manager of the decision taken and any actions required.

Warning and Banning people

Where a decision has been taken to impose an action against a person and before any flag is placed on the system the review officer must send:

- A letter warning the person that their behaviour is unacceptable and that if there are any further incidents they will be banned. – this will be an initial warning if the customer has been verbally abusive to staff advising the customer that they must make an appointment by phone, with the service they require if they wish to see an officer face to face. If there is a second incident the customer will receive a letter permanently banning them from the building.
- Letter permanently banning the customer from the building and informing them that they must complete any further business either by phone or letter – this will be sent to a customer who has been racially abusive or has used threatening or actual violent behaviour towards staff.
- Copies of all letters warning or banning people will be kept and maintained by the review officer.
- If a customer disagrees with a Warn or Ban then they must write in giving the reasons why they disagree and this will be processed through the Corporate Complaints Procedure

Reviewing classification as Potentially Violent Person:

- The **Review Officer** will review the classification at the appropriate time

Role of the Line Manager

- To undertake a risk assessment of any situation involving a PVP
- Draw up suitable and sufficient action plans with staff to mitigate any risks identified with a PVP
- Share as necessary across the council information relating to action plans and risk assessments.
- Ensure information is entered on the online accident incident form when an incident occurs.

Role of Council Staff

- All council staff must follow council policy and procedures and report all accident, incidents violence and verbal abuse using the corporate online accident and incident reporting system.
- All council staff must follow any information, instruction, training or procedure that is put in place to protect their health, safety and welfare at work.
- Where staff considers they may be at risk of violence from others they should access the Protecting Staff portal to check the relevant information on the person or address and where there is a warning flag posted, take heed of that flag or warning and act on the information given.
- All Merton staff may access the councils Protecting Staff Portal on the intranet, they must only do so in pursuance of their job and with the sole purpose of assign the risk to themselves in relation to the work they do.
- For guidance on accessing the Protecting Merton Staff Portal, go to 'Health & Safety' on the intranet, then click on the Health and Safety Corporate Guidance Documents link and then open up the 'A Guide for Staff to Use / Access the Protecting Merton Staff Portal'.
- NOTE: Staff who access the system for any other reason will be considered to be in breach of their terms and conditions and will be subject to disciplinary proceedings

Appendix 1
Example of letter advising classification as PVP

CORPORATE SERVICES DEPARTMENT

Caroline Holland – Director

Corporate Services Department
London Borough of Merton
Merton Civic Centre
London Road

Morden SM4 5DX

Direct Line: 020 8274 4928

Fax: 020 8274 4932

Email:

My Ref : Warnltr

Please ask for: Mr Manager

Your Ref:

Dear M,

Re: Visit to Merton Civic Centre

I refer to your visit to the civic centre on 25 November 2012 at approximately 17.05pm.

During your visit to the library it is alleged you became verbally abusive and physically threatening towards a Merton Council employee. On a number of occasions you were asked to calm down and not invade the personal space of the member of staff. The member of staff became so concerned for her personal safety that she removed herself to a secure environment in the hope that you would leave. Unfortunately you waited in the reception area and continued to be verbally abusive when the member of staff returned to leave with a colleague.

Merton Council will not accept or tolerate physical or verbal abuse toward their staff. Merton Council will support their staff on taking legal action against any individual who does not respect this right.

Under normal circumstances I would ask that you refrain from visiting the civic centre in order to undertake any dealings with the council. However the member of staff concerned does not want me to take this action on this occasion in the hope that you will understand the ramifications of your actions and the fact that you will be banned from the building, as a minimum, should there be any repeat.

Should you disagree with this decision please respond outlining the reasons why and another senior manager will review my decision.

Yours sincerely

Mr Manager
Merton Link Manager

Appendix 2
Example of letter revoking classification as PVP

CORPORATE SERVICES DEPARTMENT

Caroline Holland – Director

**Corporate Services Department
London Borough of Merton
Merton Civic Centre
London Road**

Morden SM4 5DX

Direct Line: 020 8274 4928

Fax: 020 8274 4932

Email:

My Ref : Warnltr

Please ask for: Mr Manager

Your Ref:

Dear

We wrote to you to you on [redacted] advising you that we had noted your records regarding our concerns that you had the potential to be violent/behave in a manner that could cause serious distress to staff.

We have now reviewed the situation, and believe that this is no longer a concern. Our records have been amended to reflect this decision.

Yours sincerely

Mr Manager
Merton Link Manager

Summary of PVP Process

Appendix 3

1. A member of staff receives and injury or is subject to the threat of violence or verbal abuse during the course of their work



2. The incident must be reported via the on-line accident and incident system on the intranet, the reporting can be done on their behalf or by a colleague or their line manager. N.B. locum and agency staff cannot do this as they do not have a Merton employee number. (See the Corporate Guidance on Accident/Incident Reporting)



3. Once on the system the line manager will investigate the incident and where they agree with the member of staff, will submit the report to a review officer for potential flagging.



4. Any incident that is referred to a review officer is done so automatically via the new linked staff safety portal. The Review officer considers the report and decides to whether to start the process of file flagging.



5. If Approved: the system will record the decision and the review officer will consider the appropriate warning to be raised on the system



6. If the decision is to flag the file, the review officer advises the customer in writing that a warning or warnings have been recorded on their record, the reasons why and when it will be reviewed.



7. Reviews are scheduled by the system and the relevant officers sent reminders to review the incident file. Staff can access their original incident file to see decisions by the manager and review officer.



8. Staff who require information on potentially violent persons who may pose a risk to their health and safety at work can access the Protecting Staff portal to search the data base for a flagged person or address. Staff must follow the safety instruction that will be associated with the relevant file. Staff may not use this system for any other purpose.

N.B. Departmental review officers will ensure that information arising out of the Protecting staff portal is made available to their staff in any other system they may use to warn staff of potential dangers.