

THREATS AND VIOLENCE AT WORK POLICY

**Issued by – Human Resources and
The Health and Safety Team**

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Threats and Violence at Work Policy

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1.0 Introduction

The Council undertakes a number of statutory duties that bring employees into contact with members of the public. At times, employees are at risk of conflict with the public due to the nature of their responsibilities. The Council is committed to taking positive action to reduce the risk to its employees from acts of or potential violence and verbal abuse.

This Policy and associated Guidance have been produced in conjunction with a working party of employee and union representatives.

TDC is committed to following the standards detailed in the Union - Violence at Work Charter.

2.0 Definitions

2.1 Violence at Work

Violence at work is any incident, **perceived by the victim**, in which a person is abused, threatened, or assaulted in circumstances relating to their work and **which is deemed to be deliberately harmful, either psychologically or physically**.

Physical and verbal abuse is taken very seriously. The Council acknowledges the stress and anxiety that both verbal and physical abuse cause and takes incidences of this nature very seriously.

The Council considers the following behaviour towards employees unacceptable:

- Verbal abuse or threats to themselves **or any member of their family**.
- Verbal or physical harassment including, racial or sexual harassment and bullying, or threats **based on their age, sexual orientation, religious or non-religious beliefs, or disability**.
- Verbal or physical abuse to employees arising from their Council employment, at any time, including outside working hours.
- Threatening letters, electronic mail, or other communications from members of the public.
- Attacks on or damage to employees' property arising from or in connection with employees carrying out their duties; or
- **Abuse or threats on any form of social media**.
- **Intimidating behaviour such as banging a desk, shouting, swearing, spitting, kicking the furniture, or punching walls**.
- **Any unwanted physical contact**.

- Any other action that is intended to create physical or psychological harm.

2.2 Scope of the Policy

Throughout this document, reference is made to “the employee”. This is taken to include all persons who are employed by the Council, **apprentices, volunteers, or contractors, or in** any other capacity, as well as Members of the Council whilst engaged in or involved in connection with issues relating to Council business.

3.0 Policy Statement

The Council acknowledges the risk of violence or aggression towards employees in the course of employment and affirms that such violence, aggression, or verbal abuse is totally unacceptable. The Council will ensure that employees are provided with full support and positive action when employees are subjected to violence, aggression or threats of such.

4.0 Responsibilities

4.1 The Council

The Council has a duty to ensure employees' Health and Safety, so far as is reasonably practicable, and this includes protecting employees from the risks of violence.

Specifically, the Council has the following responsibilities:

- To actively pursue the policy statement in respect of violence at work.
- To prevent violence so far as is reasonably practicable.
- To deal appropriately and effectively with acts of violence.
- To provide full support and aftercare.
- To train all employees, **volunteers**, and their managers.

4.2 Managers

Managers are responsible for ensuring the risk of violence has been assessed and that any suitable control measures are implemented. The central role of Managers is vitally important in dealing with violent incidents in the workplace, and consequently all Managers will receive appropriate training.

Specifically, Managers have the following responsibilities:

- To ensure that risk assessments with respect to each post within their department are undertaken and reviewed on a regular basis (*yearly or sooner if necessary*).
- To ensure that all necessary steps are taken following the risk assessment to protect members of staff from being exposed to the effects of violence.
- *To consider if staff are lone workers and if there is a need to use a lone worker device, 'Peoplesafe', or similar type of device.*
- To ensure that when a member of their staff has been exposed to a violent incident, proper support and aftercare is provided.
- To ensure that each member of staff is trained and equipped to deal with violent incidents proportionate to the level of assessed exposure.
- To ensure that full support is available to each member of staff who experiences violence during the course of their work so as to enable their recovery from any aftereffects.

4.3 Employees

Employees also have an important role in minimising the effects of violence and to ensure that this role is maximised, employees have the following responsibilities:

- To protect their own health and safety by following this policy, guidance and any appropriate training available.
- To reduce the risk of provoking violence through good customer care and sensitivity to customer needs.
- To share information on violent people with colleagues through the Violent Persons Database via *the Corporate Health and Safety Team*.
- To co-operate with all arrangements for personal protection when engaged in lone working.
- *To consider the use of lone working devices ('Peoplesafe') or similar devices.*
- To report to their Manager any violence or potential violence/abuse and *complete a Violent Persons Report Form on TDC intranet*.
- To support colleagues who have been affected by violence.
- To seek support from their Manager if they feel vulnerable at any time.

- To avoid or leave situations where the risk of violence **appears** to be high.

5.0 Risk Assessment

In accordance with the Health and Safety at Work Regulations 1992 (*as amended*), Line Managers should create risk assessments and share them with all staff members so that they have the chance to comment on the assessment's content and are aware of the risks related to their job roles. When the risk of such acts against the individual has been identified, appropriate action will be taken to eliminate and/or reduce the risks of deliberate acts of violence/verbal abuse to employees, so far as is reasonably practicable.

6.0 Training

Relevant training will be provided for employees on a regular basis who are identified by a risk assessment as being in a potential risk situation. Such training will address:

- Managing effective relationships.
- **Understanding fear and aggression and how to deal with it effectively.**
- How to recognise, avoid and defuse potentially violent situations.
- **What to do if threatened, physically or verbally attacked.**
- What support is available if threatened or attacked and how to obtain it.

7.0 Incident Reporting

It is important to have detailed records of all incidents of violence towards staff, and this should include near misses, to avoid any future incidents. It is essential for all incidents to be reported so knowledge of previous incidents can be used to eliminate significant risks as well as to protect and guard against future incidents.

Where employees are victims of an act of **physical or verbal abuse**, the incident must be reported to the Corporate Health and Safety Team, who will then report to the Health and Safety Executive if required by using the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) **2013**. This action will be required in the following instances:

- If a person dies as a result of an incident **while carrying out their duties.**
- If the person suffers a major injury as defined by RIDDOR95.
- **Absence from work for more than 3 consecutive days relating to the incident. Staff must complete an incident report form in the first**

instance. This may result in further investigation by the Council's Corporate Health and Safety Team, if appropriate. Staff must complete an incident report form if they receive it.

- Face to face verbal abuse and threats.
- Threatening behavior.
- Threatening or persistent nuisance phone calls.
- Physical assaults.
- Experience any other event that may be identified as violence under Section 2.1 above.

Managers will be able to provide a copy of the required form. This will be scanned/forwarded to the Corporate Health and Safety Team using healthandsafety@tendringdc.gov.uk who will consider the appropriate action to be taken.

8.0 Violent Persons Database

The Violent Persons Database is a list of people whose past behaviour suggests that they have a potential for violence. For instance, they have been violent or threatened violence.

Information on the aggressor involved in the incident will be included in the database, which will be circulated to all employees who are authorised to have access to the database.

The Data Protection Act 2018 is the UK's implementation of the General Data Protection Regulation (GDPR) and applies to the register, so the information on it must be factual and relevant. Proof is therefore required in the form of an Incident Report Form. The information must be available ONLY to people who need to know, for Health and Safety reasons. This is based on the principles set out in Section 2 of this policy. The register must be kept up to date **at all times**.

To add information to the database, **staff should** complete the referral form on the Council's intranet and **send the completed document to** the Corporate Health and Safety Team.

9.0 Violence to Staff

If an act of violence or abuse is perpetrated against any **member of staff, volunteer, or apprentice**, a Manager will be able to advise on the support available and determine whether further action should be taken against the perpetrator. The provision of legal advice and representation following an incident will be considered and if necessary, the police will be notified.

Any legal action taken against a perpetrator of violence must be taken by the individual employee. However, this does not preclude the Solicitor to the

Council acting for the employee in legal proceedings should the case warrant this course of action.

9.1 Actions Possible

It is not always appropriate to take formal proceedings in relation to physical or psychological violence towards staff and other more effective remedies are available. These include:

- Applying for a court injunction.
- Prosecution of the assailant.
- Advising and accompanying the employee throughout a private prosecution.
- Provision of legal support to act on the employee's behalf.
- Any other appropriate action.

9.2 Decision on Action to be Taken Following an Incident

Following the collection of evidence by an individual's Manager regarding the incident, as well as the wishes of the employee, the most effective course of action will be determined by a panel consisting of a member of Human Resources, a Solicitor and a Manager from the department concerned.

The employee and their representative will be kept informed of proceedings at all times by the panel. All such action will be taken only in agreement with the employee concerned.

The course of action will then be progressed by the employee's Manager.

10.0 Lone Working

Employees often feel vulnerable when working alone, particularly if visits must be made to a location where they may feel more at risk of being physically or verbally abused. Where information is known of an address where people are at a higher risk of being involved in an altercation, the officer should be accompanied by another officer or Manager.

e.g., those on the 'High-Risk' Register. An employee must always be accompanied if visiting an address/person detailed on the 'High-Risk' database. All lone working policies must include provisions to ensure the safety of employees:

- Visiting during working hours.
- Working out of hours visits.

- Working in reception areas and interview rooms with public access.
- Meeting with people who are known or suspected to be violent.
- Visits made outside of the district.

Managers must consider the need for staff to use a Lone Worker Device and the reasons recorded in the risk assessment allocated to this task.

Due to the varying nature of the work undertaken by the different Departments within the Council, each Department must devise its own Lone Working Procedure consistent with the policy. However, the points listed above must be covered in all such policies.

Please refer to the Council's Lone Worker Policy for further guidance.

11.0 Support After an Incident

If an employee is assaulted or threatened during their work, they should report the incident to their Manager immediately and complete an Incident Report Form and forward it to the Council's Corporate Health and Safety Team. They will be offered the following assistance:

- Medical help – if required, officers should take themselves to hospital or call for an ambulance and have someone accompany them. Staff must not take a colleague in their own vehicle under any circumstances. If an officer has been physically assaulted but does not need immediate medical assistance, they should make an appointment to see their doctor so that they can take any necessary action. This could be important evidence if legal action is taken against the aggressor. This action may also form part of any RIDDOR completed by the Health and Safety Team. The amount of time off work would need to be recorded.
- Support and Understanding - The employee will receive support and understanding. Managers will need to clarify the facts surrounding the incident and it could help them to talk to the employee about the incident. If employees would rather speak to a member of Human Resources, this can be arranged. Alternatively, the employee can visit an external one-to-one counsellor, which Human Resources will organise on their behalf.
- Police - Any physical assault or serious threat must be reported to the police.
- CCTV – Where possible, copies of any CCTV records should be retained as soon as possible after the event.

- **Contact** - Someone will contact the employee's next of kin/partner or a friend on their behalf – if the employee wishes this.
- **Administration** - The necessary paperwork will be completed.
- **Respite** – The employee will be entitled to time off to recover **if this is considered appropriate**.

12.0 Longer Term Support

The impact of a violent incident may not affect the employee immediately, and the proceedings following an incident can be traumatic. **Managers should provide support** to the employee at any time, for instance, by:

- Providing and funding longer term one-to-one counselling **and/or other** mental health support.
- Giving paid time off during working hours to attend doctors, hospital appointments, police interviews, seek legal advice, or go to court relating to the incident.
- Offering the opportunity to have a work colleague, Manager, member of Human Resources or Health and Safety Personnel accompany the employee to court or to **attend** an interview.
- **Provide support for making formal statements needed for any court case associated with the incident.**
- Keeping the employee informed of the action being taken by the police or the Council following the incident.

This policy does not form part of an employees' terms and conditions of employment, and may be subject to change in line with the Council's constitutional and local trade union consultation arrangements.