Management of Abusive Behaviour at Work

Introduction and Policy Statement

It is recognised that those giving a service, representing authority and those dealing with the public may suffer from abusive behaviour from customers, and members of the public. The Council wishes to ensure that the risk from abusive behaviour is recognised and reduced so far as is reasonably practicable. This policy and reporting process will allow us to monitor incidents and take appropriate action.

The purpose of recording and investigating incidents of abusive behaviour towards staff whilst they are at work, or in connection with their work, is to protect their health and safety. Identifying the risks, acting upon these and putting in place suitable controls to manage and reduce the risk, will enable staff to conduct their duties in the safest way possible. The risk from abusive behaviour should be considered in the activity risk assessment.

Abusive Behaviour covers a wide variety of incidents, including verbal abuse (either face to face or over the telephone), written abuse, emotional distress caused by one person to another, threats, threatening and aggressive behaviour, physical assault of any kind, racial, sexual or disability harassment and malicious damage to property. Each of us will have a different perception and tolerance as to what we consider to be abusive, threatening or aggressive behaviour. If you are not sure, it is better to report the incident than not to. In general it is suggested that if you were made to feel uncomfortable, intimidated or upset by what was said, the manner in which it was said or the actions of a person then you should consider this as abusive behaviour. All incidents of threats directly to you, or any physical assault should be reported. We must also recognise that for some the use of swear words is part of their everyday speech and the person is not necessarily directing the swearing at us. That is not to say such language is acceptable and should be tolerated but we have to be aware of different styles of communicating.

The perpetrator of abusive behaviour can be anyone, including customers, members of the public, staff of other organisations and colleagues.

The consequences of abusive behaviour can be serious, employees can suffer from anxiety or stress and in some instances physical assault. The Council does not expect its staff to tolerate abusive behaviour at work, and as such encourages staff to report any such incidents that they encounter in circumstances arising during the course of their work or in connection to it. The Council is prepared to take appropriate action against perpetrators of such behaviour as is necessary to protect the health and safety of staff at work. Such action may include placing people on a “Potentially Violent Person” Register, in addition to placing restrictions on a persons dealings with the Council or withdrawing a service from them. This would be done with due consideration and consultation between Directors, Heads of Service, or their delegated officers.
The Council has a register of those who have demonstrated Abusive Behaviour towards staff. This Register is held to identify those who are considered likely to be abusive in the future and/or potentially violent. Incidents that occur that would lead to a person being included on the Register are based on pre-determined criteria, set out in this policy.

**This register will be available to key members of staff who could be at risk, as advised by Heads of Service, and in agreement with the Data Protection Officer.**

Please note, that for any incidents of abusive behaviour that involve one member of staff to another should still be reported on the incident form, but reference should also be made to the Dignity at Work policy. Internal staff incidents would be passed to the Human Resources team. Staff would not be included on the Register.

**Additional provisions made by HBC**

Arrangements for appropriate Insurance for personal Injury Claims and Employer’s Liability are in place. Additionally, loss of or damage to clothing and/or personal effects accompanying a personal injury arising out of abusive behaviour is covered providing such losses are not recoverable from any other source.

If during the exercise of an employee’s duties an employee is assaulted, then the Council, where practically possible will make arrangements to deal with any legal proceedings instituted by the employee or against the employee as a result. In most cases, it is recognised that being a victim in violent incidents should not reflect adversely on those employees involved nor be viewed as poor practice.

The Council will provide for legal costs to the extent that it considers appropriate to pursue. Committee decisions may be required if significant costs arise.

The Council provides a confidential Counselling Service which is available to staff 24 hours a day, seven days a week. If you do not already have information on this service please contact the Human Resources Team.

**Legal Framework**

The Council has a duty under the **Health and Safety at Work etc. Act 1974**, to protect the health and safety of staff whilst they are at work. In fulfilling this duty the Council has introduced this policy and incident reporting process. In addition appropriate training and support will be provided with regard to “dealing with difficult people” and “personal safety” where this is deemed appropriate.

Under the **Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995** (RIDDOR), it is a requirement to report incidents of violence at work to the Health and Safety Executive. For that purpose, violence is defined as “an act of non-consensual physical violence done to a person at work”. Within the Council the Health and Safety Coordinator will advise staff and arrange reporting of incidents as appropriate.

Under the **Data Protection Act 1998**, it is a requirement that the Council correctly manages the information they hold on individuals. Only one copy of a report will be held by the Health and Safety Coordinator. In addition, any person who is placed on the Register must be informed, this is organised by the Health and Safety Coordinator in liaison with the appropriate Director and Service Head.
All correspondence with a person put on the register must have within them a sentence that refers to them contacting the Data Protection Officer if they want to see the information held regarding them in the report or on the Register.

The Management of Health and Safety at Work Regulations 1999

The Regulations require that a risk assessment is carried out on the activities undertaken by employees. Any risk should be assessed and appropriate controls put in place to eliminate or reduce this. Employees should be made aware of any potential hazards they may face at work, including the potential for encountering abusive behaviour where it is a foreseeable risk. The risk assessment must be monitored and reviewed to ensure that it is suitable.

Where an act of Abusive Behaviour is also a criminal offence (eg damage to property, physical assault, racial, sexual or disability harassment) staff are encouraged to report such incidents immediately to the police, in addition to reporting internally. In some circumstances it is also prudent for staff to report directly to the police any threats that are made to them. In consultation with the individual reporting the incident the Line Manager and/or Health and Safety Coordinator may advise that the incident should be reported to the police.

Use of information, record keeping and confidentiality

The information contained in incident reports is to be used to protect the health and safety of staff, not only the person who has reported the incident but also those that may have dealings with the perpetrator in the future. As a matter of course the Line Manager, Unit Manager and Service Head will see a copy of the completed incident report. When the perpetrator is to be added to the Register Customer Services Team Leaders and the Head of Legal Services (or their deputy) will be provided with the appropriate details to include them on the register.

If details of the incident(s) are required by anyone a request will have to be made to the Health and Safety Coordinator, when full details of an incident are released to anyone other than those previously indicated, the individual who is the subject of the incident will be consulted. The information within the form will be treated as confidential. In some instances it may be necessary to share this information with for example the Health and Safety Executive (HSE) for acts of violence as these are reportable under Health and Safety Law, and also the police if a criminal offence has taken place.

For reporting on general statistics of incidents of abusive behaviour, personal details will not be included.

The original form will be held centrally by the Health and Safety Coordinator and can be accessed via them if required. You must not keep your own personal copy of the incident report, you must destroy (by shredding or placing in confidential waste) within four weeks of receipt the copy you are provided with. The Health and Safety Coordinator will by responsible for destroying the original form, after it has been kept for a defined period of time.

Entry onto the Register and access to the information

Entry onto the register and for how long, will be determined by pre-defined criteria.

The Register will be established, using the CRM software and on the intranet through a controlled system that will allow access by password only and access restricted to Chief Executive, Directors, Heads of Service, Section Managers and other employees with immediate need to access Register for operational reasons e.g. Customer Services,
Environmental Health Officers, Planning and Housing staff, Parking Services (therefore those that have contact with the public through their work).

The Register should be checked by key members of staff and Heads of Service prior to staff arranging any visits, meetings and/or accepting an interview. If the person within your Service who has access to the Register is not available, and you need to access the information you should contact the Customer Services Team.

Council Members will not have access to the Register.

Those who are included on the Register, or have a service withdrawn/reduced to them, or who will be required to comply with special arrangements for contacting and dealing with the Council, will be notified in writing by the Chief Executive. The letter will state the reason for the actions being taken, what actions are being taken and the consequences of these and the period in which these actions will be in place.

Where any action is taken, the individual considered to be the perpetrator of abusive behavior will have the right to appeal.

**Roles and Responsibilities**

**HBC as the employer**

To provide appropriate information, training and support to employees to enable them to apply this policy, assess and control the risks from abusive behaviour and be able to respond appropriately should they encounter any such behavior in the course of their work.

**Heads of Service**

As a Head of Service you have a responsibility to carry out the following:-

- Implement this policy within your Service.
- Work closely with Unit Managers to ensure personal safety is treated as the utmost priority and that appropriate systems are in place to deal with Abusive Behaviour and Lone Working.
- To take appropriate action, after due consideration, to withdraw or curtail a service provided to the perpetrator of abusive behaviour.
- **Will be responsible for nominating and up-dating the Health and Safety Coordinator regarding those who require access to the Abusive Persons Register.**

**Unit Managers**

- Ensure that where a risk of encountering abusive behaviour has been identified this is reflected within the risk assessment and appropriate controls put in place.
- To promote and ensure that incidents of abusive behaviour are reported, and that employees are treated supportively for doing this.
To ensure staff are aware of the Abusive Behaviour Register, and how they can find out if a person has been included onto this, prior to them arranging to meet with, or visit the customer.

**Line Managers**

As the Line Manager you have direct responsibility for your staff, as such you are responsible for:-

- Ensuring that employees are provided with appropriate training;
- Establishing systems that all employees are familiar with, for producing guidelines for good practice and that these systems/procedures are periodically reviewed;
- Helping to create a culture where staff feel comfortable about reporting incidents of abusive behaviour;
- Fulfilling a supportive role in relation to individual employees;
- Assessing risk and trying to anticipate situations where it may occur (use the knowledge of experienced employees and consider previous incident reports);
- Planning for and managing incidents where encountering abusive behavior is a possibility;
- Providing support and access to training for employees who work in potentially violent situations and to ensure appropriate counselling and physical care are available if an incident occurs;
- Ensuring that all employees are aware of their rights if they are involved in a violent incident; and
- Ensuring that all employees are familiar with procedure(s) in the event of a violent incident and have access to training appropriate to their service needs.

**Individual employees**

Each of us has a responsibility for our own health and safety and as such we must:-

- Work only in accordance within our own area of competence, training and experience;
- Work within management policies and procedures, ensure that you are familiar with those relevant to your work and dealing with abusive behavior;
- Attend such training as may be provided for you;
- Report all incidents immediately where you encounter abusive behavior at work;
- Do not exacerbate or provoke abusive behavior incidents by your own behavior, attitude or actions, and do not put yourself at risk of physical assault;
• Take appropriate action to support other employees who may be encounter abusive behaviour. Do this only in accordance with your training and without putting yourself at risk;
• Cooperate with the Council in fulfilling its obligations to employees under the Health and Safety at Work etc Act 1974; and
• Report to your line manager any failings or weaknesses that you feel exist in working procedures and risk assessments.

**Health and Safety Coordinator**

*The Health and Safety Coordinator will act as the nominated person for deciding who is entered on the Abusive Persons Register, this will generally be based on the set criteria, however it is recognised that not all circumstances are the same and in some instances consultation with other key staff will be required if the criteria is not considered suitable. This will specifically include the Data Protection Officer when consideration is needed to extended the set time a person would normally be placed on the register for.*

In addition they will also be responsible for:

• Updating and reviewing the policy and reporting procedures.
• Bringing to the attention of all staff the existence of this policy and the reporting procedures.
• Monitoring and reviewing all Abusive Behaviour Incident Reports that are submitted.
• Ensuring that the Individual who has reported the incident, their Line Manager, Unit Manager and Service Head, see a completed copy of the incident report, with all actions shown.
• Ensuring that in accordance with the approved criteria for entry onto the Abusive Behaviour Register, perpetrators of such behaviour are added as appropriate.
• Ensuring that when a perpetrator is added to the Register, they are notified in writing of this.

**Customer Services Operations Manager**

*They will be responsible for entry of persons to be included on the Register via the CRM system and ensuring that an individual is removed as required.*

**Information and Training**

Where there is a perceived or known risk of employees encountering abusive behaviour, appropriate training, such as “Dealing with Difficult People” and “Personal Safety” training will be provided.
Guidance on completing the incident report

Abusive behaviour has been defined at the outset of this policy. It is recognised however, that some abusive behaviour, such as verbal abuse is something that some Unit areas are subjected to more frequently than others. Where this is the case, additional systems may be set up for the quicker recording of verbal abuse, which is believed to be a one off incident and/or not directed at a person. Eg. For Customer Services, it is possible to predict that should the Council change a Service provided to the public, this may attract a number of unhappy customers.

An additional system can only be set up with the approval of the Health and Safety Coordinator and it cannot include any details of the perpetrator of the Abusive Behaviour, only general information, eg, sworn at down the phone, by 10 different callers regarding X today.

It is hoped that the Abusive Behaviour Incident report form is self-explanatory. You are asked to complete it, with as much information as you can, but encouraged also to complete a report even if you have very little information.

Line Managers must also complete each incident report, stating what action they have, or have not taken. Key actions that should be considered are a review of lone working arrangements, the risk assessment for the activity the individual was carrying out, when the abuse took place, any training needs for the individual and support that you and the Council can offer to the individual.

The Health and Safety Coordinator will review all incident reports and as such consult with the individual and their line manager regarding any additional actions that are considered appropriate, and pass on relevant details if a person is to be added to the Register.

Guidance on the risk assessment

Step 1 – Identify if there is a risk of abusive behaviour - It is important that the end user(s) of risk assessments are involved in producing them, ask them for their opinion on the potential for abusive behaviour. Consider previous incidents of abusive behaviour, but do not assume that because none have been reported previously there is no potential risk, look at trade and professional press that carry out similar work to see if there are patterns of abusive behaviour.

Step 2 – Identify who is affected or likely to be – With regard to abusive behaviour in a particular situation this is likely to be limited to just the individual(s) directly involved.

Step 3 – Estimate the perceived current degree of risk of abusive behaviour – Consider the likely type of abusive behaviour, the severity and the affect on the individual (we are all different and some may be more affected than others).

Step 4 – Control measures – Decide what action can be taken to eliminate or reduce the risk from or encountering abusive behaviour. Typical controls could include:- applying lone working arrangements when applicable; providing training with regard to dealing with difficult people; provide training and instruction as to what a person can do when confronted by abusive behaviour (eg that it is acceptable to walk away and not tolerate, but by doing so in as polite away as possible); for known perpetrators of abusive behaviour consideration should be given to not meeting them alone, meeting them in an office (with an alarm); avoid confrontation.
Step 5 – Estimate the remaining degree of risk – Re-assess what is now considered to be the remaining risk to ensure that controls that are put in place are suitable and do in fact reduce the risk to individual(s).

Step 6 – Monitoring and review – The individual and the line manager must review the risk assessment as appropriate (eg annually, and/or if an incident occurs or if a control is found not to be working or it is not possible to apply it). Remember the risk assessment is a working document to provide a safe system of work.

**Guidance on dealing with abusive behaviour and protecting yourself**

This guidance is not a substitute for training. If you are in a job that has the potential for you to deal with difficult people, you should receive appropriate training, which should be recommended by your line manager.

In protecting your own personal safety you should always apply lone working arrangements, regardless if you perceive there could be a difficulty in dealing with a customer or not. Please refer to the lone working policy and guidance.

You should report incidents of abusive behaviour in order that the information can be used to protect your and others health and safety in the future, so that we can learn from the experience and take appropriate action.

Prior to arranging a visit, meeting or interview with a person you should:

- Check the Abusive Behaviour Register, if you have access or arrange for an appropriate person to do so on your behalf;

- If you are new to the job or area, check with a colleague as they may have useful information;

- If you arrange to meet at an office, and are using an interview room, ensure that you are aware of any emergency alarms (their location and how to operate them);

- Prepare yourself for the meeting, think in advance if there is potential for the person(s) you are meeting to get upset, be offended etc. by what you have to discuss or tell them, and prepare yourself for their reactions;

- If you suspect a difficult visit/meeting, consider having a colleague to accompany you;

- When making appointments, obtain full information e.g. Name, Address, Tel No., Map reference (if applicable) and ensure that the correct information is applied to your lone working arrangements; and

- For new clients, you are requested to visit you should make attempts to establish that they are legitimate. One way of doing this is to tell the Client you will ring back to confirm your appointment. In doing so, you will be checking that they are at that telephone location. You should also check using the telephone directory or directory enquiries to confirm the telephone number for the client matches the address that has been provided to you. (This is the approach recommended by the Suzy Lamplugh Trust).
During a visit/meeting you should:

- If you arrange to meet at someone’s home or a site, and you travel by car, park your car so that you can easily and quickly drive away;

- Wherever you meet a person always ensure you have an escape route in your mind. Make sure you are always the closest to the door;

- Where practical, park your car as close and as visibly as possible to your visit. (However, for certain units, e.g. Fraud Section, this practice may in fact be actively discouraged for security purposes). Be aware of potential hazards and risks e.g. enclosed areas or poor lighting. Check if there is sufficient signal strength for your mobile phone if you have one, is there a phone box nearby, are there people around to help you if required. Do not be afraid to abort your visit if you are not comfortable with the circumstances;

- If you feel under any threat when the person opens the door, do not go in – leave and make some excuse if you feel able to;

- Always let the other person lead the way when entering a building/home etc. When in the house, try to put yourself in a position where you can leave the room and house as quickly and as safely as possible, and avoiding the person standing or blocking your way to the door. It may not be possible for you to consider all these aspects but try to take reasonable precautions;

- Avoid confrontation as much as possible. If a situation is getting difficult, leave and walk away;

- If you have concerns for your safety, use the controls provided (such as a panic button in a meeting/interview room, or a personal alarm;

- If you experience/foresee a difficult situation in the future, even if there was no abuse/violence on this occasion, advise your manager who may feel it appropriate to involve the Health and Safety Co-ordinator. In the case of actual violence, the Police must be told and the Head of Service and appropriate Director/Chief Executive informed.

- If you do find yourself in a situation where your physical safety has or may be comprised, you should find a way to leave, get to a place of safety, telephone the police to report incident, get yourself medical assistance and report in through your lone working arrangements; and

- When preparing to visit locations which you feel, from information obtained on previous visits (whether by you, your department or another department), may involve risk your manager should decide whether you need a colleague to accompany you or alternative arrangements need to be made.
Procedure for management of incident reports and entry onto register

The original incident report will be held by the Health and Safety Coordinator. No other copies are to be held by any other persons for longer than four working weeks. Reports will be held for a minimum of three years.

With regard to entry onto the Register, an incident by a perpetrator will be considered valid for a period of 3 years.

Each report will be reviewed by the Health and Safety Coordinator who will, based on the criteria set out for entry onto the Register, pass details (not the form) for entry to Customer Services Operations Manager as appropriate, for entry onto the CRM system. Senior staff (eg Unit Managers and above) will be able to access further details of the incident report, if necessary, via the Health and Safety Coordinator.

In addition to the CRM system, access via the intranet to the Register will also be made available to key nominated staff, this will be password protected and monitored and maintained by the Health and Safety Coordinator. Those staff who will require access will be nominated by the Service Heads and should be those with a risk of contact with a perpetrator.

Any person entered onto the Register will be written to by the Chief Executive or appropriate Director using a standard format as much as is possible. This letter will be sent on the same day as their details are included on the Register. Any withdrawal of service or specific requirements placed on a perpetrator will also be notified to them in writing. Perpetrators details will be included on the Register for a set period of time and then removed. The Health and Safety Coordinator will monitor this with Customer Services Team Leaders.

Perpetrators will have the right to appeal to the Chief Executive. During an appeal process the perpetrators details will remain on the Register. They will also have the right to request sight of any information held about them via the Data Protection Officer.

If there is a real concern that notification to a perpetrator that they are to be included on the Register, may provoke a criminal act, then they will not be informed.

The Health and Safety Coordinator will pass appropriate information to Customer Services Team Leaders for the perpetrator to be included on the Register, they will be flagged as Violent; Abusive; Sexist or Racist, one sentence will be written giving a brief indication of the nature of the flag (eg, general abusive over the phone).

Senior staff will be notified when a new entry onto the Register is made. In addition if there is a specific procedure for dealing with that person guidance will also be written and copied to appropriate staff. It is then the responsibility of Unit Managers and Service Heads to pass this information on to any of their staff they feel need to be aware of it (eg anyone who may have dealings with the perpetrator. Or if a perpetrator has been flagged as potential violent anyone who could have physical contact with them should be informed).

Any appeals from a perpetrator relating to the inclusion on the Register will be sent to the Chief Executive. Where it is appropriate a group of key personnel may be required to fully investigate an incident (eg Director, Health and Safety Coordinator, Service Head, Data Protection Officer).
In the absence of the Health and Safety Coordinator the Human Resource Team will have access to the incident reports.

Where appropriate to meet the Councils obligations to others, information from the HBC Register will be shared with other organisations by agreement (eg Housing and Homeless will share the information with Housing Associations and potential Landlords). This is in order that we do not put others health and safety at risk unnecessarily.

**Criteria for entry onto the Abusive Behaviour Register**

The following have been identified as the severity of risk resulting from forms of Abusive Behaviour. The Likelihood is based on a reoccurrence of an incident and hence the need to include the details on the Register to warn other staff of the potential risk from a person. The severity has been weighted in such a way to reflect the seriousness of an incident.

<table>
<thead>
<tr>
<th>Severity of Risk</th>
<th>Likelihood</th>
</tr>
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<tbody>
<tr>
<td>Death</td>
<td>30 180 120 60</td>
</tr>
<tr>
<td>Serious injury (eg GBH or ACH)</td>
<td>25 150 100 50</td>
</tr>
<tr>
<td>Serious threat of violence</td>
<td>20 120 80 40</td>
</tr>
<tr>
<td>Minor Injury</td>
<td>15 90 60 30</td>
</tr>
<tr>
<td>Harassment (including racial and sexist)</td>
<td>10 60 40 20</td>
</tr>
<tr>
<td>Verbal Abuse – Threatening, Aggressive or Intimidating</td>
<td>8 48 32 16</td>
</tr>
<tr>
<td>Written Abusive</td>
<td>5 30 20 10</td>
</tr>
<tr>
<td>Property Damage</td>
<td>5 30 20 10</td>
</tr>
<tr>
<td>Actual physical contact (no injury + no intent of injury – eg touching gently)</td>
<td>5 30 20 10</td>
</tr>
</tbody>
</table>

Points of 30 and over, will result in entry onto the Abusive Behaviour Register (eg Harassment that is likely to occur again would merit instance entry onto the Register, as would any actual injury even if considered unlikely to happen in the future.

For entry onto the Register the points from each incident by a repeat perpetrator will be added together. (eg first incident of verbal abuse and a second incident of written abuse would result in an entry onto the Register.

**Length of time an entry will be held on the Register**

<table>
<thead>
<tr>
<th>Points</th>
<th>Duration on Register</th>
</tr>
</thead>
<tbody>
<tr>
<td>30</td>
<td>2 month</td>
</tr>
<tr>
<td>35</td>
<td>3 months</td>
</tr>
<tr>
<td>40</td>
<td>4 months</td>
</tr>
<tr>
<td>45</td>
<td>6 months</td>
</tr>
<tr>
<td>50</td>
<td>12 months</td>
</tr>
<tr>
<td>60</td>
<td>18 months</td>
</tr>
<tr>
<td>75 +</td>
<td>2 years</td>
</tr>
</tbody>
</table>

Please note that the points from incidents will be added together, hence so will the duration that a persons details are included on the Register. Each time an alteration is made to the details of a perpetrator on the Register they will be notified in accordance with the policy.
Previous knowledge of a perpetrator can be considered, as too can a longer length on the Register, this will be on a case by case basis and decided upon by the Health and Safety Coordinator, Data Protection Officer and relevant Director.

Management of a Threat of Violence

Violence could be threatened in 2 ways, one directly at a specific person(s) or at Council staff in general.

The police will be notified and consulted for advice.

Procedures for managing the threat will be developed (each case will be addressed separately). Those involved in the development of procedures and assessment of the risk will include: The Chief Executive (or deputy), Customer Services Manager (or deputy), Health and Safety Coordinator, Buildings Maintenance Manager. If a threat has been made to an individual then they, their Unit Manager and Service Head should also be involved.

In addition all Service Heads should be notified of a general threat.