

CAERPHILLY COUNTY BOROUGH COUNCIL

VIOLENCE AT WORK POLICY

Version:	Version 4
Policy Ratified by:	Health and Safety Division
Date:	July 2022
Area Applicable:	All Council employees, agency staff and volunteers.
Review Year	2025



GWASANAETHAU POBL
PEOPLE SERVICES



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This publication is available in Welsh, other languages or formats on request.

Mae'r cyhoeddiad hwn ar gael yn Gymraeg ac mewn ieithiodd neu fformatau eriall ar gais.

NOTE

Wherever the designation “manager” is used throughout this policy, it is taken to mean Head of Service, Head Teacher, Line Manager, Supervisor and the Officer in charge or anyone who has responsibilities for employees in the course of their work.

1. INTRODUCTION

- 1.1 This policy sets out the arrangements and responsibilities for preventing and managing violence at work within the Authority.

2. POLICY STATEMENT

- 2.1 The Authority recognises that its employees are its most valuable resource and considers any violent or threatening behaviour directed towards employees unacceptable. The Authority will take all reasonable steps to prevent exposing employees, contractors, visitors and others violence within the workplace environment.
- 2.2 The Authority recognises there are inherent risks of violence and threatening behaviour within some work activities and will assess the risks and consider how to eliminate or reduce the risks where these hazards are identified.
- 2.3 The Authority accepts it has specific duties under the Health and Safety at Work etc. Act 1974 and The Management of Health and Safety at Work Regulations 1999.

3. SCOPE

- 3.1 This policy has been agreed with the Trade Unions and applies to all employees.
- 3.2 This policy will be reviewed at least every three years to ensure it is in line with current legislation.
- 3.3 This policy does not deal with incidents of violence and aggression between employees at work. These types of incidences will be dealt with under the HR Policy on Dignity at Work. However, where an employee is acting as a member of the public at the time of the incident this policy will apply.
- 3.4 The effective date of issue 1 of this policy was July 2006. The effective date of issue 4 is July 2022.

4. DEFINITIONS

- 4.1 The Health and Safety Executive (HSE) has defined 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 abuse or threats as well as physical attacks. This definition is accepted for the purposes of this policy. This applies irrespective of the location where the incident occurs.
- 4.2 For the purposes of this policy ‘the public’ will be deemed to include clients, residents, pupils, parents, contractors and visitors.

- 4.3 For the purposes of this policy a ‘visit’ can be classed as a visit to a member of the public’s home or can be an invitation extended to a member of the public into an Authority, or any other premises.
- 4.4 For the purposes of this policy, violence or threatening behaviour could include the following:
- 4.4.1 Verbal abuse, including shouting and swearing, or threats of physical violence.
- 4.4.2 Physical violence, for example:
- Pushing
 - Poking
 - Punching
 - Slapping
 - Kicking
 - Spitting
 - Head butting
 - Biting
- 4.4.3 Interference or deliberate damage to a person's belongings or property;
- 4.4.4 Actual violence or threats of violence with a weapon for example gun, knife, stick, chair, etc;
- 4.4.5 Harassment including persistent telephone calls that could be upsetting, that could be upsetting, intimidating or malicious;
- 4.4.6 Aggressive or violent behaviour, abusive language, taunts and acts of bullying based on any form of discrimination, as outlined in the Council's Personnel Policies and the Strategic Equality Plan;
- 4.4.7 Inappropriate behaviour, for example of a sexual nature;
- 4.4.8 Threats - A threat is a clear declaration or indication of someone’s intention to inflict punishment or pain. A threat may also manifest itself as a gesture such as an arm with a clenched fist, or a combination of verbal or physical intention.

5. LEGISLATION

- 5.1 This policy along with its supporting procedures is designed to ensure the Authority meets its legal obligations as stated in:
- The Health and Safety at Work etc. Act 1974
 - The Management of Health and Safety at Work Regulations 1999 (as amended)
 - The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR)
 - The Data Protection Act 1998
 - The Equality Act 2010

6. RESPONSIBILITIES

All employees have a legal responsibility to comply with health and safety law, law and the provisions of this policy. Failure to do so could result in personal and / or corporate liability.

6.1 The Chief Executive Officer will:

- 6.1.1. Be ultimately responsible for ensuring compliance with this policy within Caerphilly County Borough Council.

6.2 Directors will:

- 6.2.1. Be responsible for ensuring the effective implementation of this policy and any associated arrangements, procedures or guidance within their service areas.
- 6.2.2. Ensure that appropriate resources are made available for the effective operation of the policy, including training.

6.3 Managers with responsibilities for employees will:

- 6.3.1. Identify posts which carry any element of risk of violence and aggression against the post holders.
- 6.3.2. Undertake, or ensure that a risk assessment for all identified posts is carried out in consultation with affected employees; put in place appropriate risk control measures; and communicate the findings of the assessment to the relevant employees. Risk assessments must ensure that they consider how to prevent incidents of violence from occurring and what control measures should be in place to deal with the potential consequences (see Corporate Health and Safety Policy on Risk Assessment for further information on risk assessments).
- 6.3.7. Ensure employees are aware of the Employee Protection Register and how they are able to access the information held on the register.
- 6.3.8. Ensure local arrangements are in place for the checking of the Employee Protection Register before any employee visits are carried out, including out of hours visits where applicable and that where appropriate arrangements are put in place to access the register out of hours. .
- 6.3.9. Ensure employees are aware of the reporting procedure for incidents of violence and aggression and ensure the completion of Violent Incident Report Form and Good Visit Forms where relevant.
- 6.3.10. Ensure a 'Violent Incident Report Form' (See Appendix 1) is completed when an employee is exposed to any verbal or physical abuse, and sent to the Health and Safety Division. Where the individual sustains an actual physical injury as a result of the violent incident then this should also be reported as detailed within the Accident and Incident Reporting and Investigation policy.
- 6.3.11. Where notification of an individual's entry on the Employee Protection Register to

that person may create a further risk of violence or aggression, a section 29 exemption may be applied. The reasons for the exemption must be stated.

- 6.3.12 Ensure a 'Good Visit Form' (See Appendix 2) is filled out when a visit is completed with a person on the Employee Protection register (appendix 1) without incident. Completed Good Visit Forms must be forwarded to the Health and Safety Division
- 6.3.13 Ensure that employees are supported following and incident of violence or aggression including referring them to Care First for support/professional counselling as required. Communicate to employees the provision for support the Authority has in place if they experience a violent or aggressive incident.
- 6.3.14 Investigate any violent or aggressive incidents as appropriate and ensure that suitable measures are put in place to minimise the likelihood of further incidents.
- 6.3.15 At the request of the Health and Safety Division form part of a review panel to establish whether a person should be added to or retained on the Employee Protection Register. An individual's entry onto the Employee Protection register shall be reviewed every six to twelve months' depending on the severity of the incident.
- 6.3.16 Ensure this policy is communicated to their employees.
- 6.3.17 Ensure their employees comply with this policy, procedures and guidance on managing violence at work.

6.4 Each employee of the Authority will:

- 6.4.1 Comply with any risk assessment, working procedure or precautionary measure introduced to minimise the risk of violence and aggression against them or their colleagues.
- 6.4.2 Where appropriate carry out or request a search on the Employee Protection Register before any visits are carried out. Where a search result is found the recommendations outlined should be followed. Where relevant discuss additional actions to be taken with their line manager and review any risk assessment.
- 6.4.3 Inform their manager or appropriate officer promptly of any incident involving violence and aggression and complete the Violent Incident Report Form.
- 6.4.4 Complete a good visit form following any positive visit involving an individual on the Employee Protection Register.
- 6.4.5 At the request of the Health and Safety Division form part of a review panel to establish whether a person should be added to the Employee Protection Register.

6.5 Health and Safety Division will:

- 6.5.1 Ensure the violence at work policy is reviewed at least every three years to ensure it is in line with current legislation.

- 6.5.2 Act as a system administrator for the Employee Protection Register, including making entries and removals as appropriate.
- 6.5.3 Co-ordinate meetings of the review panel as and when required.
- 6.5.4 Send notifications to individuals placed on the Employee Protection Register unless an exemption has been applied. to whom an exemption has not been applied and send the relevant correspondence to those individuals when they are removed from the register.
- 6.5.5 Direct any 'Freedom of Information' or 'Subject Access' requests to the Information Unit, and act as a central point to provide information and advice relating to the Employee Protection Register.
- 6.5.6 Provide advice and information on legislation or guidance relating to violence and aggression.
- 6.5.7 As required, provide advice and support to managers with regards to carrying out assessments of the risks of violence and aggression.
- 6.5.8 Where appropriate, investigate violence at work incidents together with the relevant manager.
- 6.5.9 Ensure any violent incident, which is reportable under RIDDOR is reported to the HSE within the required timescale as detailed in the Corporate Health and Safety Policy and Accident/Incident Reporting and Investigation Policy. .
- 6.5.10 Monitor the effective implementation of this Policy, and any associated arrangements, procedures or guidance.

6.6 Occupational Health Department will:

- 6.6.1 If required provide advice and support to employees and managers who have been affected by violence and aggression.
- 6.6.2 Where relevant maintain health records of any employees relating to violent or aggressive incidents.

7. MANAGEMENT ARRANGEMENTS

7.1 Risk Assessment

- 7.1.1 Risk assessments must be carried out by those who have responsibility for employees who may be exposed to violent/aggressive incidents while at work. The line manager, or nominated person carrying out assessments must have received suitable risk assessment training. The risk assessments must be carried out in consultation with employees.
- 7.1.2 The risk assessment should identify the potential hazard, who is at risk, and how arrangements are going to be put into place to control the risk. The

findings of the risk assessment should be recorded and communicated to all affected employees.

7.1.3 The risk assessment must be reviewed on a periodic basis, when there is reason to suspect that the assessment is no longer valid, or where there has been a change in the work to which the assessments relate. The revised risk assessment must be communicated to all relevant employees.

7.1.4 Please see 'Risk Assessment Policy' for further information.

7.2 Training

7.2.1 Where identified in the risk assessment, employees who have to deal with situations that may become difficult or present a risk to their personal safety must be trained appropriately. The training must be tailored to the specific needs of the employees and should raise their awareness of situations in which there is a risk to safety. The training should include how to recognise the danger signals, de-escalation techniques, what to do if a violent situation occurs and how to report an incident etc.

7.3 Responding to Violent Incidents

7.3.1 Immediate Response to a Violent Incident

In the event of a violent incident, employees who suffer shock or injury should obtain immediate medical attention. Employees who need practical information and emotional support can obtain this from 'Care First' add in phone number and Intranet link.

7.3.2 Where a criminal offence may have been committed during a violent or aggressive incident it may be appropriate to contact the police.

7.3.3 Wherever possible the wishes of the offended person will be taken into account when reporting any incident to the police, however the Authority has the responsibility to protect its employees and will report a serious assault or threat of assault where the circumstances warrant it. In all cases the Authority will take steps to protect the identity of the .

7.3.4 Anyone who has been the victim of verbal abuse, a violent or aggressive incident or hate crime has every right to report these incidents and to expect help and support in preventing reoccurrence. Caerphilly County Borough Council will liaise with partners such as Gwent Police, The Valleys Regional Equalities Council (VALREC) and Safer Wales to deal with these incidents.

7.3.5 The Line Manager of the offended employee should decide on appropriate future courses of action where employees have been subject to a violent or aggressive incident. These actions will depend on the circumstances, feelings of the victim and if the violent and aggressive behaviour is likely to continue to present an unacceptable risk to employees.

- 7.3.6 If a violent act has been committed by a member of the public then the Authority may, after following its internal procedures, withdraw its services from that person.
- 7.3.7 A Violent Incident Report Form must be completed detailing the incident and any measures to be taken in response to it. This should be sent to the Health and Safety division for inclusion on the EPR where appropriate.
- 7.3.8 In the event of a physical/verbal assault by another Authority employee, the Authority will, in line with HR policies, take appropriate action to prevent further incidents. However where the employee was acting as a member of the public at the time of the incident, this policy will apply.
- 7.3.9 Advice on making an individual claim to the Criminal Injuries Compensation Authority can be obtained from Human Resources, Trade Unions or the Citizens' Advice Bureau.

7.4 The Employee Protection Register (EPR)

- 7.4.1 The Employee Protection Register is a database which includes details of individuals of and/or addresses where it has been identified that they pose a risk to staff. Employees can check the database for the name and/or address of people they are visiting to establish whether there is a known risk.
- 7.4.2 A check on the EPR must be carried out **prior** to any visits or meetings with members of the public where a search result is found. The recommendation on the database should be followed and used to ensure that suitable and sufficient controls are put in place before the visit takes place.
- 7.4.3 Incidents involving violence or aggression including incidents involving animals or premises that may pose a risk, must be reported using the Violent Incident Report form in [Appendix 1](#).
- 7.4.4 Where an incident involves a child (under the age of 16, and not within an education setting), or involves an employee acting as a member of the public, the system administrator must be informed, and a special review panel set up prior to the entry being added.
- 7.4.5 Access to and the use of the Employee Protection Register, including notification to individuals, is detailed within the Employee Protection Register Procedure (appendix 1). Where it is necessary to apply a section 29 exemption on individual notification this must be done in line with the guidance contained within the procedure.
- 7.4.6 Following a visit to an individual who is on the register, if additional problems were encountered then an additional violent incident report form should be completed to ensure a comprehensive history of the risk presented to staff is maintained. If the visit went ahead and no issues occurred, then a good visit form should be completed.

7.4.7 Where a physical injury occurs as a result of a violent incident, the Violence Incident Report form must be accompanied by a completed accident report form, in line with the Accident and Incident Reporting and Investigation Policy.

8. SUPPORTING DOCUMENTATION

8.1 Health and Safety:

8.1.1 Violence at Work – HSE Guidance [INDG69. R8 - Violence at work: a guide for employers \(hse.gov.uk\)](#)

8.1.2 Preventing harassment and Violence at Work - [Preventing Workplace Harassment and Violence \(hse.gov.uk\)](#)

8.1.3 Caerphilly County Borough Council's Policy on Lone Working.

8.1.4 Caerphilly County Borough Council's Policy on Risk Assessment.

8.1.5 Caerphilly County Borough Council's Corporate Health and Safety Policy.

8.1.6 Caerphilly Country Borough Council's Employee Protection Register Procedure – [Appendix 1](#)

8.2 Other CCBC Documents:

8.2.1 CCBC Strategic Equality Plan

APPENDIX 1 – Employer Protection Register Procedure

CAERPHILLY COUNTY BOROUGH COUNCIL

EMPLOYEE PROTECTION REGISTER PROCEDURE

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1. INTRODUCTION

- 1.1 Caerphilly County Borough Council (CCBC/the Authority) has a duty under the Health and Safety at Work etc. Act 1974 to ensure the health, safety and welfare of employees and others affected by its undertakings. Part of this responsibility is to implement a safe system of work to ensure the sharing of information across the organisation e.g., such as contractors working on behalf of the Authority about potentially violent and/or abusive individuals, dangerous locations, and animals
- 1.2 The Authority, in recognising its obligation to protect the health and safety of employees and others, has implemented a register of names and addresses of individuals/locations/animals where a risk to its employees' safety or wellbeing has been identified, this system is known as the Employee Protection Register or EPR. This register enables staff to identify such persons and/or addresses and take appropriate precautions whilst carrying out work on behalf of the Authority.
- 1.3 This document must be used in conjunction with relevant Corporate Policies, Management Arrangements and Directorate Arrangements on Violence at Work, Lone Working, Risk Assessment etc.
- 1.4 The Authority is committed to ensuring that this register complies with the provisions of the Data Protection Act 2018.
- 1.5 The administrator of the Employee Protection Register is managed by the Health and Safety Division.
- 1.6 The register consists of two parts – the background database called 'INCHECK' accessed only by the Health and Safety Division and a read only intranet-based search facility.

2. CRITERIA FOR ENTRY ON THE REGISTER

- 2.1 The Health and Safety Executive (HSE) has defined work related violence as: 'any incident in which a person is abused, threatened or assaulted in circumstances relating to their work.'
- 2.2 For the purpose of this procedure the public will be deemed to include clients, pupils, service users, parents, and visitors.
- 2.3 For the purpose of this procedure a 'visit' can be classed as a visit to the home of a member of the public or can be an invitation extended to a member of the public into an Authority premises/third party premises.
- 2.4 The following behaviours or circumstances towards CCBC staff or third parties undertaking work activities on behalf of CCBC may warrant the inclusion of persons, properties, or locations onto the register:
 - Any acts of physical violence towards staff
 - Any behaviour, verbal or non-verbal, such as aggressive gestures, verbal abuse, name calling, aggression, shouting, and abusive or discriminatory language (in person or over the phone), which results in the individual feeling

threatened, or where that individual feels that other employees may have their safety or wellbeing threatened by such behaviour.

- Threatening post on social media against identifiable individual/s that states an intent to physically harm or damage reputation
- Any deliberate damage to property
- Any additional factors such as poor condition of premises, dangerous animal, or aggressive relative/visitor, who may compromise safety
- Inappropriate behaviour, such as unwanted sexual behaviour.
- Any other risks that have been identified and are considered to threaten personal safety or wellbeing e.g., persistent, and unsubstantiated Information from third parties as detailed within section 8.2.

2.5 On the register, each entry is assigned a category dependant on the type of incident. The type of incident will determine the minimum length of time an entry remains on the register. Table 1 (Section 5 below) lists the categories and the minimum length of time the entry will remain on the register.

2.6 Inclusion on the register following a report is not automatic and will be decided on a case-by-case basis (see 'Justification of an Entry' below).

3. JUSTIFICATION OF AN ENTRY

3.1 An entry onto the register shall only be created where there is evidence of an incident suggesting that an individual/premises/animal poses a risk to other Authority employees, members or its contractors. This will usually be in the form of a 'Violent Incident Report Form' or a 'Third Party Information Form' and, where possible, back-up evidence such as a witness statement etc. In some cases, there may be a crime reference number, CCTV evidence, a recorded telephone conversation, a threatening letter, an Anti-Social Behaviour Order (ASBO), Anti-Social Behaviour Injunction (ASBI) or information from additional third parties e.g., Police or another Local Authority involved in the case.

4. EXEMPTIONS AND VARIATIONS TO THE ENTRY PROCEDURE

4.1 The following is a list of exemptions and variations to the entry procedure:

- No child below the age of criminal responsibility (10 years) will be placed onto the register.
- When considering children (under the age of 16) for inclusion on the register the Authority recognises that they should be allowed to make mistakes and should not be unfairly or prematurely labelled. Entry onto the register shall be decided on an individual basis based on professional advice.
- Where an adult with learning difficulties or mental health issues which result in challenging behaviour is considered for entry onto the register, decisions will be made on an individual basis based on professional advice.

- Where an incident involves an employee who was acting as a member of the public at the time e.g., as a service user, a decision regarding entry onto the register will be made on a case-by-case basis.
- 4.2 In the cases detailed above for incidents involving employees entry onto the register will be decided by a special review panel, which will be made up of the Health and Safety Division and where appropriate representatives from, Legal Services, and, as relevant, the Manager, Inclusion Services, Social Services and the reporting officer.
- 4.3 For incidents that take place in an educational setting involving individuals under the minimum school leaving age the Education Senior Management Team will also be consulted prior to the special review panel meeting.
- 4.4 The panel will meet as and when required. All decisions will be documented, and feedback provided to the reporting officer and Manager concerned.

5. REVIEW OF ENTRIES

- 5.1 Data protection legislation requires personal data be kept no longer than necessary. To satisfy this requirement, the Health and Safety Division will arrange a meeting every 6 months, to review records that have been on the system for longer than the minimum retention periods (as specified in table one). Each case will be discussed individually. Entries will be deleted unless it's retention can be justified, due to the severity of the incident, ongoing risk (e.g., continued necessary contact with the individual) or further incidents. The Health and Safety Division can call additional review meetings in exceptional circumstances. For complex cases advice from Legal Services and/or the Information Unit will be sought.
- 5.2 Before review meetings the reporting officer or their representative (e.g., line Manager) will, where possible, be contacted to confirm whether there have been any further incidents, whether the individual is still considered a risk and to express an opinion as to whether the individual should be removed or not. This information will be considered as part of the review.
- 5.3 To satisfy Data Protection legislation, when an entry is removed from the electronic (INCHECK) database it will be permanently deleted and will not be recoverable. All paper records and where practicable, e-mails and notes relating to the entry will also be destroyed.
- 5.4 It should be noted that an entry does not have to be removed just because it has reached its review date.

Table 1

Description	Minimum time on EPR (days)
Weapon	365
Dangerous animal	365
Extreme physical violence	365
Physical violence	365
Feeling of being at risk	180
Threat of violence	180
Verbally abusive	180
Premises hazard	180
Difficult persistent callers	180

Entries can only be deleted by a system administrator either: following a periodic review meeting; when deletion is required in order to update the system e.g., due to a change of address, individual is deceased or individual is in prison; or following a review due to representations of mitigating circumstances / completion of the Authority's complaints process.

6. ARRANGEMENTS

6.1 The Employee Protection Register can be accessed by authorised persons from CCBC's Intranet site by clicking on the EPR (VAW) 'shortcut. Access will only be provided to individuals following receipt of authorisation from their Line Manager. The INCHECK system can be accessed by authorised persons via a programme link on their desktop/start menu. The level of access and the information supplied is as follows:

6.2 TIER ONE – FULL ACCESS – SYSTEM ADMINISTRATOR

6.2.1 System administrators have responsibility for data entry, correction and removal of entries on INCHECK. They will also control access for others, by arranging the installation of the register onto their PC and setting up the profile and privileges of the users. The auditing function on the register is only available to the system administrator.

6.3 TIER Two – DATA INPUT AND READ ONLY – HEALTH AND SAFETY OFFICERS

6.3.1 Health and Safety Officers have access to complete data entry on the INCHECK database, but not deletion of entries. The Health and Safety Officer acts as the point of contact for any queries regarding entries on the register within their Directorate

6.4 TIER THREE – NO DIRECT ACCESS, READ ONLY (INTRANET) – USERS

6.4.1 Approved persons in relevant sections will be able to access information held on the system via the intranet. They will have read only access to the register; they will only be able to enquire whether a name or location matches an entry on the register and access the notes for that entry, in order to use/relay that information to the person who will be visiting the location or individual. Users are reminded of their responsibility regarding confidential use of the system and data. Users are forbidden from checking and using this data for non-work purposes.

6.5 Printing of records by tier three users is strictly forbidden.

7. SELECTION OF TIER THREE USERS

7.1 The number and location of tier three users within sections should be based on the need to provide timely information to staff who may be exposed during their work to risks from members of the public.

7.2 Consideration must also be given to the maturity, responsibility and integrity of individuals selected to access the register due to the sensitivity of the information available to them and the need to restrict the unnecessary passage of confidential information. Users should be reminded of their responsibilities, made aware that all information is strictly confidential and informed that disclosing information for non-work-related purposes could lead to disciplinary action.

- 7.3 The manager of the section is responsible for the selection of users and their ongoing training. Managers must submit a form (see appendix 2) for every user they wish to have access to the system, stating the reasons for access to be granted. Forms will only be accepted in hard copy with the line manager's signature or via e-mail. Managers must inform the Health and Safety Division if an individual has changed jobs and no longer requires access.
- 7.4 The Health and Safety Division will periodically review those who have EPR access to the register ensure the list of authorised users is kept up to date.

8. RECORDING INCIDENTS

8.1 WHEN AN INCIDENT OCCURS

- 8.1.1 Any employee who feels they have experienced an incident warranting inclusion on the register must report the incident(s) verbally, as soon as is reasonably practicable, to their manager or the most senior staff members available at the time.
- 8.1.2 The manager will discuss the incident with the employee, any witnesses etc., and together complete the 'Violent Incident Report Form'. Where the incident results in a physical injury an accident/incident form must also be completed.
- 8.1.3 All parts of the form must be completed including the action to be taken to prevent re-occurrence. The form must be signed and dated by the Manager and employee.
- 8.1.4 When completing the form, a decision must be made whether or not to notify the individual of their entry onto the register. Where it is felt informing the individual would create a risk of further violence, a request for exemption can be made under section 29 of the Data Protection Act. Where such a request is made, the relevant section must be completed on the Violent Incident report form prior to submission by the Manager to the Health and Safety Division. The details will be considered, and further information requested as required. All exemptions will be considered and agreed by the Exemptions Panel. The decision to apply an exemption will not delay the entry of the individual/premise/animal onto the register.
- 8.1.5 If the incident is serious and presents an immediate danger to other employees, the manager should contact the Health and Safety Division for advice.
- 8.1.6 If the incident requires an employee to receive hospital treatment, which could delay the completion of the form, the Manager must obtain advice from the Health and Safety Division.
- 8.1.7 Where a visit is made to a person on the register and another incident occurs, a further Violent Incident Report Form must be completed for the new incident. This allows a history of events to be collated and enables managers to make a full assessment of the risks to their staff when making visits. These entries will also be taken into consideration when conducting periodic reviews of the register.

8.2 INFORMATION FROM THIRD PARTIES

- 8.2.1 Information that is received from third parties such as the Police, Health Authority, MAPPA/MARAC meetings or other Local Authorities, can be added to the register where it is considered that the individual may pose a risk to Authority employees. This information should be provided on a 'Third Party Information Form' and sent to the

Health and Safety Division.

- 8.2.2 The details on the Third-Party Information form should contain the date of the meeting/date information was received, suggested precautions to be taken, details such as the name, rank/position, organisation worked for and/or identification number of the person providing the information and contact details for the CCBC staff member passing on the information. NB whilst the notes of any meeting do not need to be provided with the Third-Party Information form, they may be requested by the exemption panel in relation to a freedom of information or subject access request.
- 8.2.3 Every effort must be made to obtain confirmation from the informant(s) in writing, to supplement the third-party information form.
- 8.2.4 The EPR administrator will discuss the case with other Health and Safety Officers and the reporting officer and take legal advice if needed.

8.3 GOOD VISIT FORMS

- 8.3.1 Where an employee visits a person who is on the register and the visit takes place without an incident, then a 'Good Visit' form must be completed and forwarded to the Health and Safety Division.

The Health and Safety Officers will then retain the form with the existing information for that person and it will be taken into consideration during the review process.

9. DATA ENTRY

- 9.1 On receipt of a completed 'Violent Incident Report Form/Third Party Information form the Health and Safety Officer will decide if further information is required.
- 9.2 If the form is not completed fully, the Health and Safety Officer will contact the Manager to inform him/her of the concerns and send the form back for completion.
- 9.3 If an investigation is required, a Health and Safety Officer will carry out the investigation together with the Manager, employee, any witnesses etc. (All incidents leading to an over 7-day injury arising from a physical injury, but not the psychological reaction to the incident, must be investigated). Where a RIDDOR notification to the HSE is required this will be completed by the Health and Safety Division. The Manager and Health and Safety Officer will communicate the results of the investigation to the employees.
- 9.4 If all parties are in agreement that an entry is required, the Health and Safety Division will then enter the information onto the register. A Violent Incident Report Form cover sheet will be completed to justify objectively the reasons that the entry has been made and save it with the report form
- 9.5 Where e-mails are sent / received they should be deleted from the Health and Safety Officer's file once they have been read and any necessary actions taken. If it is felt that the information contained in the e-mails it needs to be kept it should be saved and a copy kept electronically with the relevant Violent Incident Report form / Third Party Form, and the e-mail then deleted.
- 9.6 If the decision is made not to enter the incident onto the register the Manager and the employee concerned will be informed, in writing, with the reason(s). Copies of the

original VIRF and following correspondence will be kept by the Health and Safety Division for the periods as detailed within section 11. Following this period the records should be destroyed.

- 9.7 In cases where there is a dispute regarding whether an entry should be made legal advice will be sought and a final decision made based on the advice received.
- 9.8 Where it has been indicated on the form that a letter of notification has been sent then this will be noted on the VAW register entry. Likewise, where an exemption has been applied this will also be noted on the entry.
- 9.9 Where the form indicates that the incident took place over the phone and did not include direct threats or swearing/abusive/obscene/discriminatory language, but did result in the person feeling uncomfortable, upset, or intimidated, then subject to the Manager and H&S Officer agreeing that the individual is a risk to other CCBC staff/third parties, the entry shall be added to the register.
- 9.10 Where a Third-Party Information form is received (as per 8.2.1 above) an entry should be made, and the notes will include:
- Any specific advice provided with regards to contact with the individual;
 - Where possible the type of meeting/incident, the date that it was held/occurred and details of the person supplying the information (e.g., name, job title/rank, identification number). Where the information is not appropriate to be placed on the register the details must be available for reference on the Third-Party Information form or associated paperwork.
- 9.11 If the H&S Division has concerns that the information may be based on hearsay, this will be discussed and legal advice sought if necessary.

10. SYSTEM USAGE

10.1 CONDUCTING A SEARCH

- 10.1.1 Any Authority employee who may, as part of their job, be required to have contact with any member of the public, either within Council premises or on a visit to their home/place of work/third party premises, should initiate a search regarding the named individual or address, either themselves or by contacting an agreed user of the register in their section to carry out a search on their behalf.
- 10.1.2 Where the person/address is on the register, the employee should speak to their Manager to discuss alternative/precautionary measures to be taken. Risk assessments should be modified in-line with the controls to be taken and advice from the Health and Safety Division sought where required.
- 10.1.3 Where a visit will be carried out by a contractor or partnership agency on behalf of the Authority, information contained within the register must be passed on to these individuals. Information provided to the third party will include only details of appropriate risk control measures to be considered prior to somebody meeting the individual/visiting the premises concerned. This will include details of the incident(s) that resulted in entry onto the register. It must be made clear however that this information should be reviewed on a job by job basis and that no long-term record should be kept of the details. These individuals should be requested to submit a Third Party Form or good visit forms as appropriate.

10.2 OUT OF HOURS

10.2.1 In the event that a search is required of the ‘Violence at Work’ register out of normal office hours, by someone who does not have access themselves, the control centre room can undertake the search on their behalf, they are located at Tir-Y-Berth can be contacted on 01443 875000. This also applied to contractors working out of normal office hours.

11. DATA PROTECTION

11.1 NOTIFYING INDIVIDUALS OF THEIR INCLUSION ON THE REGISTER

11.1.1 Following the inclusion of an individual (or their premises) on the Employee Protection Register a decision must be made as to whether the individual is to be informed of their inclusion. Under the Data Protection Act there is a requirement to inform individuals of their personal data being held however notification need not be sent where it is itself considered likely to inflame the situation and potentially lead to further instances of violence or aggression from the individual towards council employees, contractors, or partnerships. In these cases, the need for notification can be negated by the use of exemption 29 under the DPA. An exemption must only be used where there is a genuine risk that notifying the individual will escalate the situation and elevate the risk to staff and/or third parties acting on behalf of CCBC. Such information must be confirmed in writing and the exemption agreed by Exemptions Panel.

11.1.2 Contact shall only be made with individuals following their inclusion on the register where appropriate safeguards are in place, the risks have been assessed and any controls implemented.

11.1.3 If the individual is to be notified it must be ensured that the information provided does not allow them to easily identify the Officer who originally reported the incident. Where an exemption is not applied a letter detailing their entry will be sent to the individual.

11.1.4 Where the Reporting Officer and their Line Manager make the decision not to notify the individual in writing, the relevant section of the report form must be completed and signed by the Manager and the offended person. This will be subject to review by Exemption Panel. Where individuals have not been notified then the phrase ‘*A section 29 exemption under the Data Protection Act has been applied and [name of individual] **MUST NOT** be notified of his/her inclusion on the Employee Protection Register*’ will be entered onto the individual’s record on the register. Where individuals are repeatedly aggressive towards staff and an exemption on notification is not applied, consideration will be given to approaching Legal Services for a letter to be sent on behalf of the Authority.

11.2 RECORD MANAGEMENT

11.2.1 Due to the personal nature of the information held on the Violent Incident Report Forms, Third Party Information forms and Good Visit forms it is important that the records are suitably managed. The Health and Safety Division will keep copies of completed Violent Incident Report, Third Party Information and Good Visit Forms filed in a secure location. The individual reporting officers or their Line Managers should only keep copies of completed forms in accordance with this procedure and the requirements of the Data Protection legislation.

11.2.2 The Health and Safety Division will keep electronic copies of the forms and any associated information for as long as the individual/address is on the register and violent incident report form then for three years and 4 months from the date of the most recent incident involving the individual. After this timescale copies kept by the Health and Safety Division will be destroyed.

12. REPRESENTATIONS

- 12.1 Where an individual is to be notified of their inclusion on the register, they are given the right to make representations regarding mitigating factors to have the entry removed. These must be in writing and submitted within 14 days of the date the notification letter was sent.
- 12.2 Full details on how to make these representations are provided to the individual in the notification letter. The submitting of representations does not automatically lead to the removal of the entry and each individual will be dealt with on a case-by-case basis. Representations will be considered by a panel consisting of the Health and Safety Manager (or their representative) the reporting officer, their line manager (where necessary) and any other person considered necessary by the Health and Safety Manager (e.g., Health and Safety Officer, Legal Services representative, Social Worker). The panel need not physically meet – decisions can be made via written correspondence provided an appropriate admin trail is maintained.
- 12.3 A response will be sent to the individual within 10 working days of receipt of the representation explaining the decision that has been reached and setting out the steps to take if they are still not happy with the decision (follow the Authority's official complaints procedure).
- 12.4 Where an exemption has been applied under Section 29 of the Data Protection Act the right of the individual to make representations is waived.

13. FREEDOM OF INFORMATION AND SUBJECT ACCESS REQUESTS

- 13.1 It is foreseeable that the Employee Protection Register will be subject to both Freedom of Information and Subject Access Requests. All such requests MUST be dealt with via the Information Unit and forwarded to the Health and Safety Manager
- 13.2 Where individuals contact the Authority by phone following receipt of a letter informing them that they have been placed onto the register, the Officer can confirm if an entry has been made onto the system but nothing further. If the person is asking for additional information, they must be advised to submit a formal subject access request via the Information Unit (see 14.2 below). They should also be informed that if they wish to make representations on their own behalf (see 12 above) then they must do so in writing, as per the information in their letter. Where a person contacts the Authority by phone regarding an entry on the register but has not been sent official notification of their inclusion or is phoning on behalf of/about another individual they must not be given any information, **including not confirming whether or not a record has been made**, and told that the individual must submit a subject access request via the Information Unit.
- 13.3 It is advised that all users of the register attend the Data Protection Act training that is provided by the Information Unit.
- 13.4 FREEDOM OF INFORMATION (FOI) REQUESTS

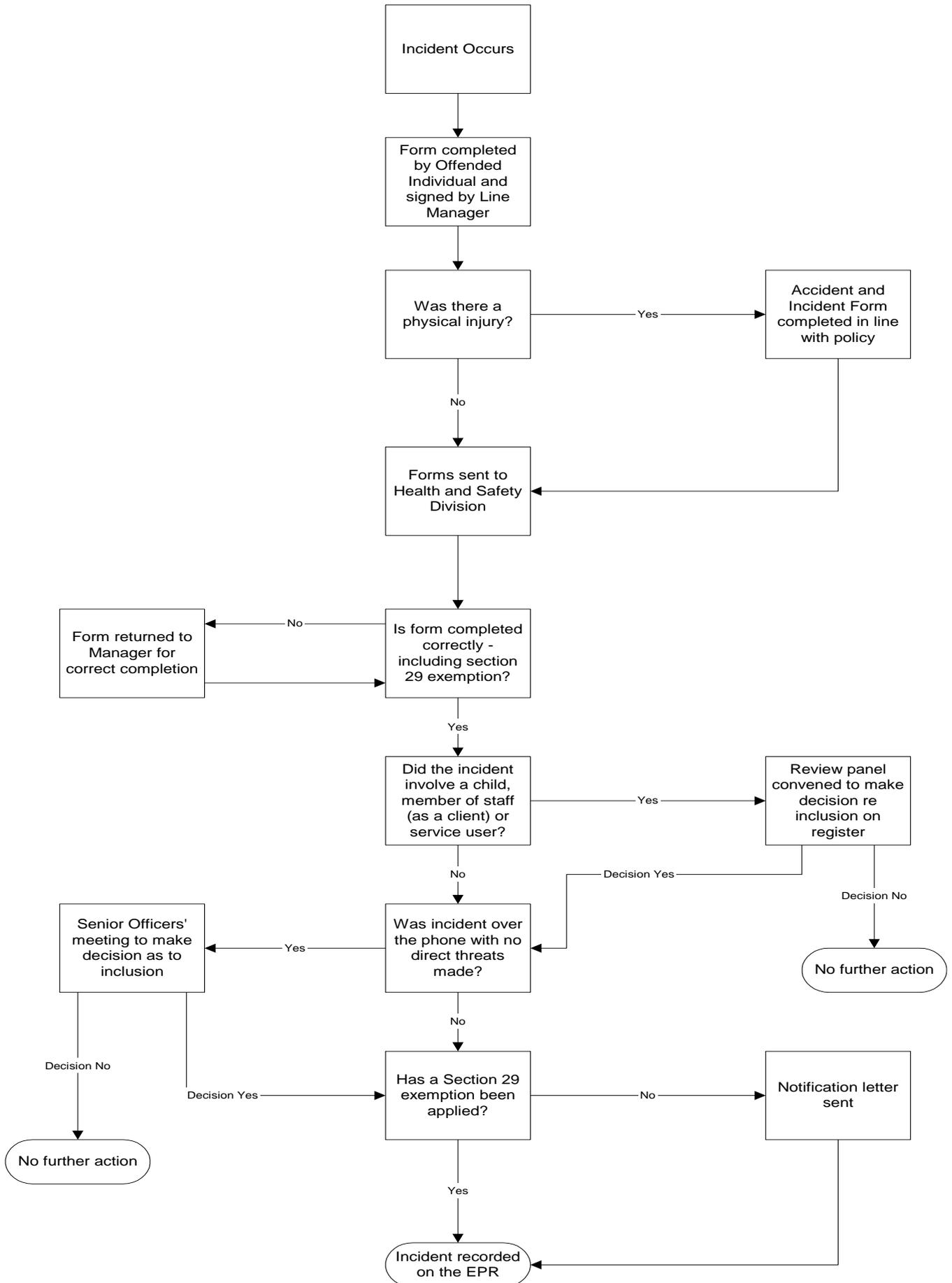
13.4.1 Requests are usually of a general nature asking, for example, the number of entries on the system, number of individuals banned from premises etc. It is envisaged that under normal circumstances these requests will be answered. Where it is felt that the release of this information may place employees at risk, allow an individual to be identified or increase the potential for violence or aggression to occur then the Health and Safety Division will defer the request to the FOI exemption panel and recommend that the information is not provided.

13.5 SUBJECT ACCESS REQUESTS (SAR)

13.5.1 Where Subject Access Requests (SARs) are received relating to the register these will be dealt with on a case-by-case basis. As SARs are personal to an individual, release of the information requested will only occur where there is no likely increase in the potential risk of violence or aggression from the individual concerned.

13.5.2 Where it is felt that releasing the information may result in the information itself contributing to further instances of violence or aggression towards the Authority's staff or third parties working on behalf of the Council, the request will be referred to the Authority's Exemption Panel. Where this occurs the Employee Protection Register Administrator will contact the reporting officer (or their line manager) to allow their input into the recommendations to be submitted to the panel. In responding to a SAR, it must be ensured that the information provided does not allow the individual to easily identify the Officer who originally reported the incident e.g., by redacting information disclosed.

APPENDIX 1 – Process Flow Chart: Entry of an individual or premises on the EPR



APPENDIX 2 – EPR Access Request Form



Health and Safety Division

Access to the Employee Protection Register (Incheck) Request Form

This form must be completed by the line Manager of the individual who requires access to the register.

Details of individual requiring access:

Name

Network ID

(First part of e-mail address)

Job Title

Service Area

Directorate

Does the named person have direct contact with members of the public?

Yes

No

If YES, what sort of contact (tick all that apply)

Meetings at CCBC Offices

Meetings in public areas/at individuals' homes

Reception duties

Phone contact with members of the public

Other (please specify) _____

If NO, why is access to the register required for this individual? _____

Signature
(Line Manger) _____

Date _____

Office Use Only

Request Granted

Request Denied

Date _____

Initials _____

APPENDIX 3 – Template Notification Letters

These may be amended to represent specific circumstances and appropriate context.

Name & Address of Assailant(in case of individuals under the age of 16, address to the Parents/Guardians of)

Health and Safety Division
Contact Number:
Reference:
Date:

Dear _____ ,

**RE: INAPPROPRIATE AND ANTI SOCIAL BEHAVIOUR - LOCATION
VERBAL ABUSE AND THREATENING BEHAVIOUR - LOCATION
VERBAL ABUSE AND PHYSICAL ASSAULT – LOCATION**

Delete as appropriate

It has been reported to the Authority that on the **(insert date of incident)** you **(or name of assailant if under 16)** verbally abused /physically assaulted/ behaved in a threatening manner towards (delete as appropriate), a member of the Authority's staff.

As you will appreciate the safety of our staff is of paramount importance to us, and as an Authority we will not tolerate this type of behaviour towards our staff.

In order to safeguard our employees, the Authority operates an Employee Protection Register, on which we retain details of individuals who have been involved in incidents of violent or aggressive behaviour towards our staff, and who therefore may pose a further risk. Appointed officers within the Authority can access this information in order to ensure the safety of our staff.

Due to the incident detailed above your details have been entered onto the Employee Protection Register detailing appropriate safeguards to be considered when meeting with you. Entries on the register are reviewed periodically and, assuming that no further incidents of this kind are reported to us, the entry will be reviewed within 12 months.

(add in any conditions that may apply e.g., not allowed on premises etc)

From time to time information relating to entries on the register may be shared with individuals working on behalf of or with the Authority.

If you wish you may make representation to the council regarding mitigating factors you feel should be taken into consideration. It must be noted that making representations of this kind will not automatically result in the removal of the entry on the Employee Protection Register, however they will be taken into consideration. Any representation must be made, in writing by **(14 days from date of letter)** to **(insert address)** quoting the reference number above. You will be informed in writing of any decision made regarding the entry.

Yours sincerely,

Health and Safety Manager

Name & Address of Assailant
(in case of a dangerous animal the owner of)

Head of Service
Contact Number:

Reference:
Date:

Dear _____ ,

RE: Chose from:

**DANGEROUS ANIMAL NOTIFICATION- LOCATION
UNSAFE PREMISES NOTIFICATION - LOCATION**

Dangerous Animal insert

It has been reported to the Authority that, whilst visiting your premises on the **(insert date of incident)**, a member of the Authority's staff was subject to injury/ feeling of being at risk **(delete as required)** from your dog **(or insert another animal)**.

Unsafe Premises insert

It has been reported to the Authority that, whilst visiting your premises on the **(insert date of incident)**, a member of the Authority's staff noticed that the condition of your premises caused a concern relating to their health and safety. The cause of the concern was **(insert dangerous condition)**

As you will appreciate, the safety of our staff is of paramount importance to us, and as an Authority we will not tolerate our staff being put at risk. In order to safeguard our employees, the Authority operates a Corporate Employee Protection Register, on which we retain details of properties/animals/individuals who may pose a risk towards our staff.

Due to this incident involving your animal / premises your details have been entered onto the Employee Protection Register together with appropriate safeguards to be considered prior to visiting. Appointed officers within the Authority can access this information in order to ensure the safety of our staff. Entries on the register are reviewed periodically, and when we are aware that the situation has been rectified/animal no longer poses a threat your entry will be removed.

If you wish you may make representation to the council regarding mitigating factors you feel should be taken into consideration. It must be noted that making representations of this kind will not automatically result in the removal of the entry on the Employee Protection Register, however they will be taken into consideration. Any representation must be made, in writing by **(14 days from date of letter)** to **(insert address)** quoting the reference number above. You will be informed in writing of any decision made regarding the entry.

Yours sincerely

System Administrator
On Behalf Of insert Head of Service

APPENDIX 2 – Violent Incident Report Form

VIOLENT INCIDENT REPORT FORM



Please enter details or tick the boxes where appropriate.

DETAILS OF OFFENDED PERSON			
Name:	_____	Job Title:	_____
Service Area:	_____	Location:	_____
Telephone/Extension No:	_____	Directorate:	_____
Status:			
Employee	<input type="checkbox"/>	Staff Number	_____ Other <input type="checkbox"/> Please Specify _____

REPORT OF VIOLENT INCIDENT	
Date of Incident:	_____ Time of Incident: _____
Location of Incident:	_____
What were you doing at the time:	_____

DETAILS OF INCIDENT			
(Please complete as comprehensively as possible. If physical injury occurs an Accident/Incident Form must also be completed.)			
Details Of The Assailant(s)			
Name:	_____	DOB:	_____ Male/Female (delete as appropriate)
Address:	_____		
Other Details (e.g. description):	_____		
Type of Incident:			
Damage to Property	<input type="checkbox"/>	Anti-Social Behaviour	<input type="checkbox"/> Verbal Abuse <input type="checkbox"/>
Threat of Physical Assault	<input type="checkbox"/>	Physical Assault No Injury	<input type="checkbox"/> Physical Assault with Injury <input type="checkbox"/>
Brief description of incident, including the relevant events leading up to it, and nature of any injury and damage caused. Be as explicit as you can, including detailing the EXACT language used. Please continue on a separate sheet if necessary:			

Are you requesting that this individual's details be placed on the Employee Protection Register		Yes <input type="checkbox"/>	No <input type="checkbox"/>
During the incident did the individual use any language that may be considered to be discriminatory on the following grounds:			
Age Related	<input type="checkbox"/>	Gender Reassignment Related	<input type="checkbox"/> Race Related <input type="checkbox"/>
Disability Related	<input type="checkbox"/>	Marital Status Related	<input type="checkbox"/> Religion Related <input type="checkbox"/>
Gender/Sex Related	<input type="checkbox"/>	Pregnancy Related	<input type="checkbox"/> Sexual Orientation Related <input type="checkbox"/>
Please be specific in the description above about the exact language used			
Details Of Witness(es)			
I confirm that I actually saw the incident detailed above, and that the details are correct.			
Name:	_____	DOB:	_____ Staff No: _____
Address:	_____		
Signed:	_____		Date: _____
Please attach any relevant witness statements			

ACTION TAKEN							
Medical treatment	<input type="checkbox"/>	Police involved	<input type="checkbox"/>	Accident report form completed	<input type="checkbox"/>	Legal services consulted	<input type="checkbox"/>
Injured Employee given time off work	<input type="checkbox"/>	Senior management informed	<input type="checkbox"/>	Counselling offered	<input type="checkbox"/>	Referral to another dept or organisation	<input type="checkbox"/>
Please provide details of any action taken at the time of or since the incident:							

ADDITIONAL INFORMATION
Please add here any other comment you wish to make (feel free to continue on a separate sheet):

DECLARATION: "I certify that, to the best of my knowledge, these details are correct"
Signature of Offended Person: _____ Date: _____

FOR COMPLETION BY HEAD OF SERVICE/HEADTEACHER/ MANAGER
Action taken, including action to be taken to prevent a recurrence:

Signature:
Head of Service/Headteacher/Manager _____ Date: _____

Print Name: _____

Notification of Employee Protection Register entry to Assailants

The Data Protection Act requires us to notify assailants when they are placed onto the Authority's Employee Protection Register. There is an exemption to this requirement **where the notification is likely to lead to further instances of violence or aggression**. If, for this reason, you do not wish for the assailant detailed above to be notified, please provide details of your reasons and then sign and date your statement below. If this section is not completed then it will be assumed that you are willing for notification to be provided to the individual and an entry will be completed to show this on the register.

"I feel that notification or correspondence with the assailant on this matter would likely lead to further instances of violence or aggression because..."

Please provide additional notes for justification of use of the exemption:

Signed: _____ **Print Name:** _____ **Date:** _____
(Line Manager)

Signed: _____ **Print Name:** _____ **Date:** _____
(Offended Person)

This form must be completed promptly and returned to the Health and Safety Division
Completion of this form does not automatically mean an entry will be made on the Employee Protection Register

0APPENDIX 3 – Good Visit Form

GOOD VISIT FORM



To be completed when a visit to a person on the employee protection register is undertaken and concludes without incident

Visit Location			
Person/Address Visited	_____	Date of Visit	_____
Name of Officer Making Visit	_____	Time of Visit	_____
Directorate/Service Area	_____		

Reason on the Employee Protection Register			
Damage to Property	<input type="checkbox"/>	Anti-Social Behaviour	<input type="checkbox"/>
Threat of Physical Assault	<input type="checkbox"/>	Physical Assault No Injury	<input type="checkbox"/>
		Verbal Abuse	<input type="checkbox"/>
		Physical Assault with Injury	<input type="checkbox"/>

Visit Details	
Purpose/detail of this visit	_____
Individual's attitude/demeanour during the visit	_____
Any Recommended Future Action	_____ _____ _____

Signature of Reporting Officer:	Date:
---------------------------------	-------

PLEASE RETURN COMPLETED FORM TO THE HEALTH AND SAFETY DIVISION add in e-mail address