



CORPORATE HEALTH AND SAFETY COMMITTEE – 13TH FEBRUARY 2008

SUBJECT: VIOLENCE AT WORK POLICY

REPORT BY: DIRECTOR OF CORPORATE SERVICES

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to inform Members, Management and Trade Union Safety Representatives of the proposed updated Violence at Work Policy.

2. SUMMARY

- 2.1 Violence at work is an increasing problem within Local Authorities and other agencies who deal with members of the public. The existing Violence at Work Policy has been in place since July 2006.
- 2.2 This policy is required to ensure that the Authority meets its legal requirements as specified in the following legislation:
- The Health and Safety at Work etc Act, 1974
 - The Management of Health and Safety at Work Regulations 1974
 - The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995.
- 2.3 The existing policy has undergone a review and significant changes have been made, mainly to ensure compliance with the Freedom of Information and the Data Protection Acts.
- 2.4 The Policy is accompanied by a Procedure document which provides detailed information on how the process works within the Authority and, provides guidance for managers regarding apply exemptions on the requirement to notify individuals that they have been placed on the Violence at Work Register.
- 2.5 Extensive discussions have been held with Legal Services and the Information Unit to ensure that the policy complies with both the relevant Health and Safety Regulations, and the requirements under the Data Protection Act.
- 2.6 The main changes that have been made to the policy are:
- Point 3.3 and 7.8.4 – That this policy will apply to council employees where they are acting as a member of the public at the time and are violent or aggressive towards an employee of the Authority. Where an incident of this type does occur a special review panel will be set up (point 7.8.4)

- Point 6.3.11 and the Violent Incident report form in Appendix 1 have been updated to reflect the need for notification to be sent to the person when their details have been entered onto the VAW register and allows for an exemption under Section 29 of the Data protection Act to be applied where necessary. An exemption can be applied in cases where it is foreseeable that if a notification is sent it is likely to lead to further instances of violence and/or aggression.
- Point 6.6 – Further clarification has been made with regards to the responsibilities of Directorate Health and Safety Officers when they attend review panels.
- Appendix 3, The Violence at Work - Incheck procedure, has been added to the policy. Appendix 3 is a stand alone Procedure which provides an in-depth guide to how the system will work in practice. This includes provided advice on how information received from third parties, for example with regards to violent offenders, should be processed.
- Appendix 4, Section 29 Exemption Guidance has been added on request of the Information Panel. They requested that a guidance note be made available to be used by Officers who are making the decision to apply a section 29 exemption, not to inform the assailant that their details have been placed on the Violence at Work Register. This is to ensure that the exemption is not over applied and is only used where there is a foreseeable risk that the notification may lead to further instances of violence or aggression.

2.7 This policy has received consultation with the following groups:

- Health and Safety Professionals Group
- Corporate Health and Safety Group
- Management consultation via Directorate Health and Safety Officers
- Direct union consultation

2.8 This policy is scheduled for review with the HR Strategy Group on 13th February and progress of this policy to Cabinet for final approval is subject to agreement from this group.

3. RECOMMENDATION

3.1 That the contents of the report be noted and the policy accepted, subject to agreement at HR Strategy Group.

Author: Karen Rogers, Senior Health and Safety Officer Ext 3763
 Consultees: Nigel Barnett, Director of Corporate Services
 Gareth Hardacre, Head of People Management and Development
 Councillor Gwyn Price, Cabinet Member for Human Resources and Constitutional Affairs
 Emma Townsend, Health and Safety Manager

Appendix 1:
 Violence at Work Policy