

CAERPHILLY COUNTY BOROUGH COUNCIL

VIOLENCE AT WORK POLICY

November 2007
Issue 4

Corporate Health and Safety Unit document Reference Number: CHSU7

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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 document sets out the policy and outlines the protective and preventative measures to be implemented by Caerphilly County Borough Council (the Authority) to ensure the health, safety and welfare of its employees in relation to violence and aggression at work.
- 1.2. 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 in delivering high quality services to the community and will take all practical steps to ensure the health and safety of the Authorities employees, contractors and visitors to and users of council premises by taking steps to prevent exposing them to hazards associated with violence in the workplace.
- 2.2. The Authority recognises there are inherent risks with some work activities which put the employees at greater risk of work related violence, the Authority considers any violent or aggressive behaviour towards staff, unacceptable and will assess the risks and consider alternative safer systems of work.
- 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 Regulation 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 annually to ensure it is in line with current legislation.
- 3.3. This policy does not deal with incidents of violence and aggression between employees. 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 this policy will apply.
- 3.4 The effective date of issue 2 of this policy is XXXXXX

4. DEFINITIONS

- 4.1. For the purpose of this policy, the Health and Safety (HSE) has defined violence as: 'any incident in which a person is abused, threatened or assaulted in circumstances relating to their work.' This applies irrespective of the location where the incident occurs.

4.2. For the purpose of this policy, the public will be deemed to include clients, pupils, parents, contractors and visitors.

4.3. For the purpose of this policy, a 'visit' can be classed as a visit to a client's home or can be an invitation extended to a client into an Authority's or another's premises.

5. LEGISLATION

5.1. This policy along with its supporting procedures is designed to ensure the Authority meets its legal obligation as stated in:

- The Health and Safety at Work etc. Act, 1974
- The Management of Health and Safety at Work Regulations 1999
- The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR)
- The Data Protection Act 1998

6. RESPONSIBILITIES

NB Please note that all employees have a legal responsibility to comply with health and safety 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 corporate policy and associated directorate arrangements 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 towards violence and aggression.

6.3.2 Undertake, or ensure that a risk assessment for all identified posts is carried out in consultation with affected employees, and communicate the findings of the assessment to the relevant employees. Risk assessments need to ensure that they look at preventing incidents of violence from occurring and what control measures should be in place to deal with potential consequences.

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- 6.3.3 Co-ordinate the completion of any recommendations/ actions required as a result of the risk assessment.
 - 6.3.4 Ensure where identified in the risk assessment, information, instruction and training is provided to all employees, within a suitable timescale, on the risks they are exposed to and the appropriate control measures.
 - 6.3.5 Ensure the risk assessment is reviewed when there is reason to suspect the assessment is no longer valid or there have been significant changes in the work to which the assessment relates.
 - 6.3.6 Ensure where identified in the risk assessment, a personal attack alarm is provided, employees have an out of hours telephone number in case of emergencies and mobile phones are issued, fully charged and coded warnings are in place to enable colleagues to summon help.
 - 6.3.7 Ensure employees are aware of the Corporate Violence at Work Register, and there are arrangements in place to ensure all relevant employees are able to access the information held on the register.
 - 6.3.8 Ensure local arrangements are in place for the checking of the Violence at Work Register before any employee visits are carried out, including out of hours visits where applicable.
 - 6.3.9 Ensure employees are aware of the reporting procedure for violent and aggressive incidents and encourage the completion of Violent incident report and good visit forms.
 - 6.3.10 Ensure a 'Violent Incident Report Form' [Appendix 1](#) is completed when an employee is exposed to any verbal or physical abuse ensuring actions are put forward to prevent re-occurrence and copies forwarded to the appropriate Directorate Health and Safety Officer and the Corporate Health and Safety Unit. Where the individual sustains an actual physical injury then this should also be reported as detailed within the accident reporting policy.
 - 6.3.11 Ensure that where a notification may create a further risk of a violent or threatening reaction that a section 29 exemptions on notification is applied in line with the guidance in Appendix 4 and that the relevant sections of the Violent Incident Report form are completed, giving the reasons why an exemption has been applied.
 - 6.3.12 Ensure that where a decision to notify the individuals is made that the applicable Directorate Arrangement for notification are followed.
 - 6.3.13 Ensure a 'Good Visit Form' [Appendix 2](#) is completed when a visit is completed with a current offender, without incident. Completed Good Visit Forms must be forwarded to the relevant Directorate Health and Safety Officer.

- 6.3.14 Ensure employees understand the provisions for support the Authority has in place, following a physical and/or verbal incident.
- 6.3.15 Investigate any violent, aggressive incident where appropriate.
- 6.3.16 Ensure this policy is communicated to their employees.
- 6.3.17 Ensure their employees comply with this policy and associated Directorate arrangements for managing violence at work derived from this policy.

6.4. Each employee of the Authority will:

- 6.4.1 Comply with any working procedure or precautionary measure introduced to minimise the risk of violence and aggression.
- 6.4.2 Where appropriate carry out or request a search on the Corporate Violence at Work Register (INCHECK) before any visits are carried out and where positive result is found discuss actions to be taken with their line manager and if necessary review any risk assessments.
- 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 Specific Officers may be requested, by the Corporate Health and Safety Unit, to form part of a review panel e.g. Social Workers, Education Staff etc.
- 6.4.5 If employees wish to check that incidences have been recorded they can do this by contacting either their Directorate Health and Safety Officer or the Corporate Health and Safety Unit.

6.5. The Corporate Health and Safety Unit will:

- 6.5.1 Ensure the violence at work policy is reviewed at least annually to ensure it is in line with current legislation.
- 6.5.2 Co-ordinate meetings of the review panel as and when required.
- 6.5.3 When an initial notification has been sent, and this is shown on the Violence at Work Register, send the relevant correspondence to members of the public when they are removed from the register.
- 6.5.4 Direct any 'Freedom of Information' requests to the Information Unit, and provide a central point to provide information relating to the Violence at Work Register.
- 6.5.5 Provide advice and information on legislation or guidance relating to violence and aggression.
- 6.5.6 Act as a system administrator for the Violence at Work Register.

6.5.7 Audit compliance with this policy.

6.6. Directorate Health and Safety Officers will:

- 6.6.1 If required, provide advice and support to managers with regards to carrying out the risk assessment on violence and aggression.
- 6.6.2 Assist in the development and review of procedures in place within their Directorate in accordance with the Corporate Policy on Violence at Work. This includes ensuring that Directorate specific arrangements are in place with regards to notification of individuals.
- 6.6.3 Where appropriate investigate violence at work incidents together with the relevant manager.
- 6.6.4 Ensure, where applicable, local arrangements are in place for the transferring of information between any Directorate records and the corporate violence at work register, where there is a risk of violence or aggression towards employees.
- 6.6.5 Ensure, where applicable, that local arrangements are in place for the checking of the Violence at Work Register before any employee visits are carried out, including out of hours visits where applicable.
- 6.6.6 Ensure when a 'Violent Incident Report Form' is received it is entered onto the corporate register, INCHECK.
- 6.6.7 Ensure when a 'Good Visit Form' is received it is entered onto the corporate register, INCHECK.
- 6.6.8 Inform the CHSU of any entries within their Directorate that should be referred to the special review panel and take part in review panels where requested. When entries are subject to a special review co-ordinate the provision of updates to the review panel.
- 6.6.9 Ensure an e-mail is sent to the system administrator, when a new entry is added to the system.
- 6.6.10 Ensure any violent incident, which becomes reportable is reported to the HSE within the required timescale as detailed in the Corporate Health and Safety Policy.
- 6.6.11 Ensure the communication of the Corporate Policy and Directorate arrangements to all managers within their Directorate.
- 6.6.12 Monitor the effective implementation of this Corporate Policy and associated Directorate Arrangements.
- 6.6.13 When existing entries on the register are subject to review, provide updates and information to the review meeting.

6.7. Occupational Health Department will:

- 6.7.1 If required provide advice and support to employees and managers who have been affected by violence and aggression.
- 6.7.2 Maintain health records of any employees relating to above.

7.0 ARRANGEMENTS:

7.1 Violence and aggression could include the following:

- 7.1.1 Verbal aggression, including shouting and swearing, perhaps with violence against objects, for example banging the desk, overturning a chair, etc or threats of physical violence
- 7.1.2 Physical violence, possibly with threatening looks and gestures, with or without a weapon; for example

- Pushing
- Poking
- Punching
- Slapping
- Kicking
- Spitting
- Head butting

Physical pushing or pulling of the whole person into greater danger, for example throwing downstairs, on to an electric fire, into a car, behind bushes, etc;

- 7.1.3 Interference or deliberate damage with the person's belongings or property;
- 7.1.4 Violence with a weapon for example gun, knife, stick, chair, etc;
- 7.1.5 Sex-related aggression and violence, racist language, taunts, discriminatory language and Acts of bullying (These are also covered by Authority policies)

7.2 Threats:

- 7.2.1 A threat is a clear declaration or indication of someone's intention to inflict punishment or pain.
- 7.2.2 A threat might also manifest itself as a gesture such as an arm with a clenched fist or a combination of verbal or physical intention.

7.3 Risk Assessments:

- 7.3.1 Risk assessment is a line management responsibility for those who have responsibility for employees who may be exposed to violent/aggressive incidents, whilst 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.
- 7.3.2 The risk assessment should identify who is at risk, what and how arrangements are going to be put into place to control the risk. The findings of the risk assessment should be communicated to all affected employees and reviewed on a periodic basis as indicated in 7.4.2.
- 7.3.3 Please refer to 'Risk Assessment Policy' for further information.

7.4 Assessment Records:

- 7.4.1 Any violence and aggression risk assessment carried out must be kept by the line-manager until a new assessment is made.
- 7.4.2 The violence and aggression risk assessment shall be reviewed when there is reason to suspect that the assessment is no longer valid, or there has been a change in the work to which the assessments relates. The revised risk assessment shall be communicated to the relevant employees.
- 7.4.3 Please see 'Risk Assessment Policy' for further information.

7.5 Corporate Violence at Work Register INCHECK,:

- 7.5.1 The Authority has implemented a computerised Corporate Register of violent people or addresses systems, backed up by the INCHECK system to address Violence at Work.
- 7.5.2 It is imperative that the relevant checks are carried out **prior** to any visits. This should be used to ensure that suitable and sufficient controls are put in place.
- 7.5.3 A 'visit' can be classed as a visit to a client's home or can be an invitation extended to a client into premises owned or operated by the council or a third party.-

7.6 Training:

- 7.6.1 Where identified in the risk assessment, employees who have to deal with situations, which may become difficult, must be trained, within a suitable timescale, in how to handle such circumstances. The training must be tailored to the specific needs of the group of employees attending the training and will raise employees' awareness and

include how to defuse situations, recognise the danger signals and what to do if a violent situation occurs etc.

7.7 Reporting Procedure, Generic:

- 7.7.1 There is a legal requirement for the Authority to notify the Health and Safety Executive if an incident of 'non consensual physical violence' results in an employee being off work for 3 days or more. The Directorate Health and Safety officer, in accordance with corporate policy, will carry this out.
- 7.7.2 Incidents of violence, which result in physical injury or verbal assault, may be reported to the police.
- 7.7.3 Wherever possible the wishes of the offended person will be taken into account when reporting any incident, but 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 victim.
- 7.7.4 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 Reporting Policy.

7.8 Reporting Procedures – Violent Incident Report Forms

- 7.8.3 Incidents involving violence or aggression, animal or premises that that may pose a risk, must be reported using the Violent Incident Report form in Appendix 1. This form should be completed in line with section 8.0 contained with the Guidance in Appendix 3.
- 7.8.4 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.
- 7.8.5 Access to and the use of the Violence at Work Register, including notification to individuals, is detailed within the Violence at Work _INCHECK Procedure contained within Appendix 3. Where it is necessary to apply a section 29 exemptions on individual notification this must be done in line with the guidance contained within Appendix 4.
- 7.8.6 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, whereas if the visit went ahead and no issues occurred then a good visit form should be completed.

7.9 In The Event of a Physical or Verbal Assault: Course of Action:

- 7.8.1 In the event of a physical or verbal assault, employees who suffer shock or injury should obtain immediate medical attention.
- 7.8.2 The Manager will decide on appropriate future courses of action where employees have been assaulted. These actions will depend on the circumstances, feelings of the victim and if the violent and aggressive behavior is likely to continue to present an unacceptable risk to employees.
- 7.8.3 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.
- 7.8.4 In the event of a physical/verbal assault by another Authority employee, the Authority will, in line with HR policies, take appropriate action to ensure violent behavior does not occur again. However where the employee was acting as a member of the public at the time of the incident this policy will apply.

7.9 Support to Employees After a Physical or Verbal has occurred.

- 7.9.1 Employees who have been the victims of physical or verbal incident may need practical information and emotional support. Care First retained by the Authority is available to offer this support.
- 7.9.2 The Occupational Health Section is also available to provide practical information and emotional support.
- 7.9.3 Initial contact should be via the free phone number for the 'Care First' which is 0800174 319.
- 7.9.4 Advice on making an individual claim to the Criminal Injuries Compensation Authority can be obtained from Human Resources, Trade Union or Citizen Advice Bureau.

8. SUPPORTING DOCUMENTS

8.1 Guidance:

- 8.1.1 Violence at Work – HSE Guidance
ISBN 0 7176 1271 6 INDG 69(rev)
- 8.1.2 Caerphilly County Borough Council's Policy on Lone Working.
- 8.1.3 Caerphilly County Borough Council's Policy on Risk assessment.
- 8.1.4 Caerphilly County Borough Council's Corporate Health and Safety Policy.

- 8.1.5 Caerphilly Country Borough Council Violence at Work –INCHECK Procedure (Appendix 3)
- 8.1.6 Caerphilly County Borough Councils Guidance Document – Use of Section 29 exemptions with regards to the notification of entry onto the Violence at Work Register.
- 8.1.7 Caerphilly County Borough Council’s Guidelines on Dealing with “Violence and Aggression at Work”.

Appendix 1 – Violent incident report form.



VIOLENT INCIDENT REPORTING FORM

Please enter details within the grey areas or tick the grey boxes where appropriate.

DETAILS OF OFFENDED PERSON	
Name:	Job Title:
Service Area:	Location:
Telephone/Extension No:	Directorate:

STATUS:			
Employee	<input type="checkbox"/>	Trainee	<input type="checkbox"/>
Work/ Experience/ Volunteer	<input type="checkbox"/>		<input type="checkbox"/>
Other (please specify)			

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

DETAILS OF THE ASSAILANT(S)(if known)		
Name:	DOB:	Male/Female:
Address:		
Other Details (e.g. description):		
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:	
Other Details (e.g. description):		

Details of Incident: (Please tick as many of the boxes as are appropriate. If physical injury occurs an Accident/Incident Form must also be completed. This form must be filled in to the best of your knowledge).

Leading up to the Incident					
Involvement of	<input type="checkbox"/>	Solvents	<input type="checkbox"/>	Alcohol	<input type="checkbox"/>
Drugs		Racial		Challenging	
Sexual	<input type="checkbox"/>	Harassment	<input type="checkbox"/>	Behaviour	<input type="checkbox"/>
Harassment				Not Known	<input type="checkbox"/>

Type of Incident:					
Damage to	<input type="checkbox"/>	Anti-Social	<input type="checkbox"/>	Verbal Abuse	<input type="checkbox"/>
Property		Behaviour		Only	
Threat of	<input type="checkbox"/>	Physical Assault	<input type="checkbox"/>	Physical Assault	<input type="checkbox"/>
Physical Injury		with no Injury		with Injury	

Brief description of incident, including the relevant events leading up to it, and nature of any injury and damage caused. Please continue on a separate sheet if necessary:

IMMEDIATE ACTION TAKEN			
Medical Treatment <input type="checkbox"/>	Police Involved <input type="checkbox"/>	Accident Report Form Completed <input type="checkbox"/>	Head of 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"/>	
Please give details:			
Please add here any other comment you wish to make (feel free to continue on a separate sheet):			

I certify that to the best of my knowledge, these details are correct. Signature of Offended Person:	Date:
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Action to be taken by Head of Service/Headteacher/Officer in Charge/Manager including action taken to prevent a recurrence.

Signature of Head of Service/Headteacher/Manager:	Date:
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Notification of VAW register entry to Assailants		
The Data Protection Act requires us to notify assailants when they are placed onto the Authority's Violence at Work register. There is an exemption to this requirement where the notification is likely to lead to further instances of violence or aggression. If you have not /do not wish for the assailant detailed above to be notified, for this reason, please sign and date the statement below. If this section is not completed then it will be assumed that you have, following your Directorate arrangements, arranged for notification of the entry to be sent to the assailant 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.		
Notes for justification of use of the exemption:		
Signed: <u>(Line Manager)</u>	Print Name: _____	Date: _____
Signed: <u>(Offended Person)</u>	Print Name: _____	Date: _____

THIS FORM MUST BE COMPLETED PROMPTLY AND RETURNED TO YOUR DIRECTORATE SAFETY OFFICER AND TO THE CORPORATE HEALTH AND SAFETY UNIT.

Appendix 2 –Good Visit Form

**RECORD OF VISIT TO A HOUSE/PERSON
ON THE VIOLENT INCIDENT REGISTER**



GOOD VISIT FORM

PLEASE ENTER DETAILS WITHIN THE GREY AREAS OR TICK THE GREY BOXES WHERE APPROPRIATE.

VISIT LOCATION	
Person/House Visited	Date of Visit
Name of Officer Making Visit	Time of Visit
Directorate	

Reason on the Violent Incident Register					
Verbal Abuse	<input type="checkbox"/>	Threat of Physical Injury	<input type="checkbox"/>	Damage to Property	<input type="checkbox"/>
Actual Physical Injury	<input type="checkbox"/>	Anti-Social Behaviour	<input type="checkbox"/>		

Visit Details	
Purpose of this Visit	
Detail of the Visit	
Any Incidents During Visit	Yes <input type="checkbox"/> No <input type="checkbox"/>
ANY RECOMMENDED FUTURE ACTION	

Signature of Reporting Officer :	Date:
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PLEASE RETURN COMPLETED FORM TO YOUR DIRECTORATE HEALTH & SAFETY OFFICER AND CORPORATE HEALTH AND SAFETY UNIT

Appendix 3 –Violence at Work – Incheck Procedure

CAERPHILLY COUNTY BOROUGH COUNCIL

VIOLENCE AT WORK REGISTER, INCHECK PROCEDURE.

**November 07
Issue 3**

Corporate Health and Safety Unit document Reference Number: CHSU-P001

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1.0 INTRODUCTION:

Caerphilly County Borough Council (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. Part of this responsibility is a requirement to implement a safe system of work to ensure the sharing of information between Directorates about potentially violent individuals, locations, animals etc.

The Authority, in recognising its obligation to protect the Health and Safety of employees and others etc, has implemented a violent persons and dangerous addresses register, (Incheck), that enables staff to identify persons or addresses within the County that may present a risk to employees or others.

This document must be used in conjunction with relevant Corporate policies and Directorate arrangements on Violence at Work, Lone Working, Risk Assessment etc.

The Authority is committed to ensuring that this register complies with the provisions of the Data Protection Act 1998.

The system administrator of the Violence at Work Register, Incheck, is the Corporate Health and Safety Unit.

2.0 CRITERIA FOR ENTRY – Person/Address/Animal:

The Health and Safety Executive (HSE) has defined violence as: ‘any incident in which a person is abused, threatened or assaulted in circumstances relating to their work.’

For the purpose of this procedure the public will be deemed to include clients, pupils, parents and visitors.

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’s premises/any other premises.

The following behaviour or circumstances will warrant the inclusion of persons, properties or locations onto the register of potentially dangerous situations:

- Any acts of physical violence towards staff.
- Any behaviour, verbal or non-verbal, which results in the individual concerned feeling threatened, or where the individual feels that other employees may have their safety threatened by such behaviour.
- Any deliberate damage to Authority/Employees property,
- Any additional factors such as poor condition of premises, dangerous animal or aggressive relative/visitor, which may compromise the safety of the individual,
- Any other risk that have been identified and is considered not safe for an employee to visit alone. This includes information from third parties such as the police as detailed within sections 8 and 9.

3.0 EXEMPTIONS:

Where a child is to be considered for entry onto the register, 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 we recognise that they should be allowed to make mistakes and should not be unfairly labelled. Entry onto the register shall be decided on an individual basis.

Where an adult with a learning difficulties or mental health issues which result in challenging behaviour is to be considered for entry onto the register, it will be decided on an individual basis.

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 on whether an entry shall be made to the register will be made on a case by case basis.

In above cases, inclusion onto the register will be decided by a special review panel, which will be made up of the Incheck Administrator and representatives from: Corporate Health and Safety Unit, Legal section, the Directorate Health and Safety Unit and, where relevant, the Manager, Inclusion services, Social Services contact and reporting officer concerned.

The panel will meet as and when required. All decisions will be documented and feedback provided to the reporting officer and Manager concerned.

Where an incident occurs within a education setting, for individuals under the minimum school leaving age, a report by the Directorate Health and Safety Officers to the Education Senior Management Team will take the place of a review panel as detailed within the Directorate VAW Procedure.

4.0 JUSTIFICATION OF AN ENTRY:

An entry onto the register shall only be created where there is written evidence of an incident which shows that an individual/premises poses a risk to Authority employees, members or contractors. This will be in the form of a 'Violent Incident Report Form' and, where possible, back-up evidence such as witness statement etc. In some cases there may be a crime reference number, CCTV evidence, a recorded telephone conversation, threatening letter, an Anti Social Behaviour Orders (ASBO), Anti Social Behaviour Injunction (ASBI) or information from 3rd parties e.g. Police.

5.0 REVIEW OF ENTRIES:

Data protection requires that personal data be kept no longer than necessary. To satisfy this requirement, a review meeting shall be carried out every 6 months for records that have been on the system for longer than the minimum retention periods (as specified in table one). Unless retention of the record can be justified, due to the serious nature of the incident or because of further incidents, it should be deleted from the register. The system administrator shall organise the review meeting and a representative from each Directorate is required to attend the review meeting. Table 1 (below) lists the categories and the minimum length of time the entry will remain on

the Violence at Work Register. The system administrator can call additional review meetings in exceptional circumstances.

Before deletion of any entries, the Administrator will, where possible, contact the reporting officer to inform them of the reasons for deletion.

To satisfy the Data Protection Act, when an entry is removed from the electronic (Incheck) register it will be permanently deleted and not recoverable. Where the register indicates that the individual was contacted following their inclusion on the register, the system administrator, will send a letter, to the individual, confirming their removal.

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 VAW register (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
Building Hazard	180

Entries can only be deleted by the system administrator either following a review meeting, or when deletion is required in order to update the system e.g. due to a change of address.

6.0 ARRANGEMENTS:

The 'Violence at Work Register' can be accessed by authorised persons from Caerphilly's Intranet site by clicking on the 'Violence At Work' shortcut. The level of access and the information supplied is as follows:

6.1 **Tier one – Full access – System administrator.**

The system administrator has responsibility (joint) for data entry, correction and removal of entries. The system administrator 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 system administrator will also ensure access authorisation is limited to areas necessary for the duties performed. The auditing function on the register is only available to the system administrator.

6.2 **Tier Two – Data input and read only – Health and Safety Officers.**

Health and Safety Officers have responsibility for investigating the incident, where necessary and data entry. The Health and Safety Officer will act as the point of contact for any queries on the register and any entries on the register within their Directorate. Health and Safety Officers will also have responsibility for the training of users within their Directorates on the register.

6.3 Tier Three – No direct access, read only (Intranet) – Users.

Nominated persons in relevant sections will act as users for that section. They will have read only access to the register; they will only be able to enquire whether the name or location matched an entry on the register and access the notes for that entry, in order to relay that information to the person concerned who will be visiting the location or person. 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.

Printing of records is strictly forbidden.

7.0 SELECTION OF USERS – Tier Three:

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

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

The Manager of the section is responsible for the selection of users and ongoing training to ensure every user's knowledge of their responsibility in using this information.

8.0 WHEN AN INCIDENT OCCURS:

Any employee who feels that they have experienced an act of aggression, either physical or verbal, or any other risks that have been identified must report the incident verbally, as soon as is reasonably practicable, to their manager or the most senior manager available at the time.

The manager will discuss the incident with the employee, 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.

If the incident is serious, and presents an immediate danger to other employees, the manager will contact the Directorate Health and Safety Officer, or, in the absence of the Directorate Health and Safety Officers, the Corporate Health and Safety Unit, to input the information onto the register,

The Directorate Health and Safety Officer will then inform all other Health and Safety Officers within the Authority by e-mail Once the e-mail has been sent/ read/ actioned then the e-mail should be deleted from the Health and Safety Officers file.

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.

When completing the form a decision must be made whether or not to notify the individual of their entry onto the Violence at Work Register. Where it is felt that by informing the individual, the notification itself, would create a risk of further violence then an exemption can be applied under section 29 of the Data Protection Act. Where the exemption is applied the relevant section must be completed on the Violence Incident report form as this allows a record of the use of the exemption to be kept. Where there is no need for the exemption to be applied then the Manager should follow the applicable Directorates arrangement for notification to ensure that a letter is sent.

The Manager will send the completed form to the Directorate Health and Safety Officer and the Corporate Health and Safety Unit.

Depending on the seriousness of the incident the employee may require hospital treatment etc, which could delay the completion of the form. In this case the Manager must inform the Directorate Health and Safety Officer, in writing, of the incident and any details they may have.

Where a visit is made to a person on the register and a further incident occurs, a Violent Incident Report Form must be completed for the incident.

8.1 Information from third parties.

Where information is received from third parties such as the Police or other Local Authorities this can be added to the register where it is considered that the individual may pose a risk to employees. Where individuals are subject to MAPPAs meetings (or similar type meetings) and the individual may constitute a risk to employees then information should be passed, on a Violent Incident (VI) report form, to the Directorate H&S Officer.

In such cases as MAPPAs meetings the details on the VI Report form should contain the date of the meeting, suggested precautions to be taken, details such as name, rank and identification number of the person providing the information and contact details for CCBC staff if further information is required. It is important to note that whilst the notes of any meeting do not need to be provided with the VI report form where they are available the meeting notes will need to be made available to the exemption panel if required due to a freedom of information or subject access request.

Where information is not available in writing, every effort must be made to obtain confirmation from the informant in writing, where this is not possible and there is serious concern for the safety of staff a VI report form should be completed and sent to the Directorate H&S Officer. The Directorate H&S Officer will discuss the case with the System Administrator and take legal advice if needed.

9.0 DATA ENTRY - Tier Two – Health and Safety Officers

On receipt of a 'Violence at Work Form' from the manager/employee with ALL mandatory fields completed and signed by the manager and employee. The Directorate Health and Safety Officer will decide if a full investigation is required.

If the form is not completed fully, the Directorate Health and Safety Officer will contact the Manager to inform him/her of the concerns and send the form back to the manager for completion.

If a full investigation is required, the Directorate Health and Safety Officer will carry out the investigation together with the Manager, employee any witnesses etc. (All incidents leading to an over 3 day injury arising from the physical injury, but not the psychological reaction to the violence, must be investigated and communicated to the HSE). Where a F2508 report is required to be submitted to the HSE this should be completed in accordance with Directorate arrangements. Copies of completed F2508 forms should be provided to the Directorate and Corporate Health and Safety Units.

The Manager and Directorate Health and Safety Officer will communicate the results of the investigation to the employees. If all parties are in agreement, then the incident will be entered onto the register and send an e-mail to the system administrator(s).

If no investigation is required, the Directorate Health and Safety Officer will input the incident onto the register and an e-mail will be sent to the system administrator(s).

Where e-mails are sent / received then the e-mail should be deleted from the Health and Safety Officers file once it has been read and any necessary actions taken.

Except in the instances referred to in 3.0, the Directorate Health and Safety Officer shall decide if the incident is entered onto the register. If he/she is in any doubt, they will contact **THEIR** Manager and the CHSU to discuss the incident.

If the Directorate Health and Safety Officer decides not to enter the incident onto the register he/she will inform the Manager and the employee concerned, in writing, with the reasons. Copies of the original VAW form and following correspondence should be kept with the Directorate Health and Safety Officer for the periods as detailed within section 16. Following this period the records should be destroyed.

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.

9.1 Entry of information from Third parties

Where a VI report form is received and refers to a meeting with a third party, an entry should be made and the notes must include:

- The type of meeting, the date that it was held and details of the person supplying the information (e.g. name, rank and identification number).
- Any specific advice provided with regards to contact with the individual.
- Contact details for the Officer within CCBC who attended the meeting.

Where the Directorate H&S Officer has concerns that the information may be based on hearsay, this should be discussed with the system administrator, who will seek legal advice if necessary.

10.0 SYSTEM USAGE:

Any Authority employee that may, as part of their job, be required to contact any member of the public either within Council premises, or on a visit to their home or place of work, MUST initiate a search regarding the named individual or address by contacting a user of the register in their section.

Where the person/address is on the register, the employee will speak to their Manager to discuss alternative/precautionary measures to be taken. If applicable, modify the risk assessments in-line with the controls to be taken.

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 onto these individuals. 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. Where these individuals undertake activities on the behalf of the Authority they should be requested to submit violence at work or good visit forms.

11.0 GOOD VISIT FORMS:

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

The Directorate Health and Safety Officer will then input the information onto the existing record for that person.

12.0 OUT OF HOURS:

In the event that a search is required on the 'Violence at Work' register out of hours, the control room located at Tir-Y-Berth can be contacted on 01443 875000.

If, out of hours a contractor is required, the control at Tir-Y-Berth will carry out the search on the Violence at Work Register.

13.0 CONTACTING INDIVIDUALS

Following the inclusion of an individual (or their premises) on the 'Violence at Work' register a decision is to be made as to whether the individual is to be informed of their inclusion. Notification must not be sent where the notification itself is likely to lead to further instances of violence or aggression towards council employees, contractors or partnerships.

Contact shall only be made with individuals following their inclusion on the register where there is agreement between the Reporting Officer and their Line Manager and where informing the individual of their inclusion on the register, including any associated control measure introduced (e.g. prohibition of entry onto certain premises) will decrease the potential risk of violence and aggression occurring; for example following the inclusion of a dangerous animal, dangerous condition at a premise or where the notification to the individual is likely to result in a positive

change to their behaviour. Assistance can be provided by your Directorate Health and Safety Officers to help make this decision.

In contacting the individual it must be ensured that the information provided does not allow the individual to easily identify the Officer who originally reported the incident. Where an exemption (see below) is not applied the reporting Manager should following their directorate arrangements to ensure that a letter of correspondence is sent to the individual. Template letters to be used for correspondence can be found in Appendix 2.

Where contact of this type is made the date and details of the correspondence must be included on the Violence at Work Register. This is done by the Directorate Health and Safety Officers where it is indicated on the Violent Incident Report Form that a letter has been sent / no exemption has been applied.

Where it is decided by, the Reporting Officer and their Line Manager not to notify the individual in writing, the relevant section of the report form must be completed and signed by the Manager. Guidance on the use of a section 29 Exemption is available from the Directorate or Corporate Health and Safety Officers. . Where individuals have not been notified then the phrase, ‘ DPA section 29 Exemption applied, regarding notification’ should be entered onto the individuals record. This will be added to the register by the Directorate Health and Safety Officers. Where individuals are repeatedly aggressive towards staff, and an exemption on notification is not applied, consideration should be given to approaching Legal Services for a letter to be sent on behalf of the Authority.

14.0 DATA PROTECTION AND RECORD MANAGEMENT

Due to the personal nature of the information held on the ‘Violence at Work’ and Good Visit forms it is important that the records are suitably managed. Directorate Health and Safety Officers and the Corporate Health and Safety Unit will keep copies of completed Violence at Work and Good Visit Forms. Copies of the forms will be maintained by being filed in a secure location. When keeping copies the Individual Reporting Officers or their Line Management should keep copies of completed forms in accordance with this procedure and the requirements of the Data Protection Act.

The Corporate Health and Safety Unit and the Directorate Health and Safety Officers will keep paper copies of the Violence at Work Forms, in the case of an adult for three years and 4 months, for a child 4 months following their 21st birthday, or for as long as the entry is on the register, which ever is the longest. After this timescale copies kept by the Directorate Health and Safety Officers must be destroyed on removal from the register. On removal from the register the Corporate Health and Safety Unit should add a note, to the paper record to show date and reason that the entry was removed.

15.0 FREEDOM OF INFORMATION AND SUBJECT ACCESS REQUESTS

It is foreseeable that the Violence at Work 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 Corporate Health and Safety Unit as the system administrators. It is advised that all users of the register attend the Data Protection Act training that is provided by the Information Unit.

FREEDOM OF INFORMATION (FOI) REQUESTS

These requests tend to be 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 or increase the potential for violence or aggression to occur then the Corporate Health and Safety Unit will, in line with Corporate Policy, defer the request to the FOI exemption panel and strongly recommend that the information is not provided.

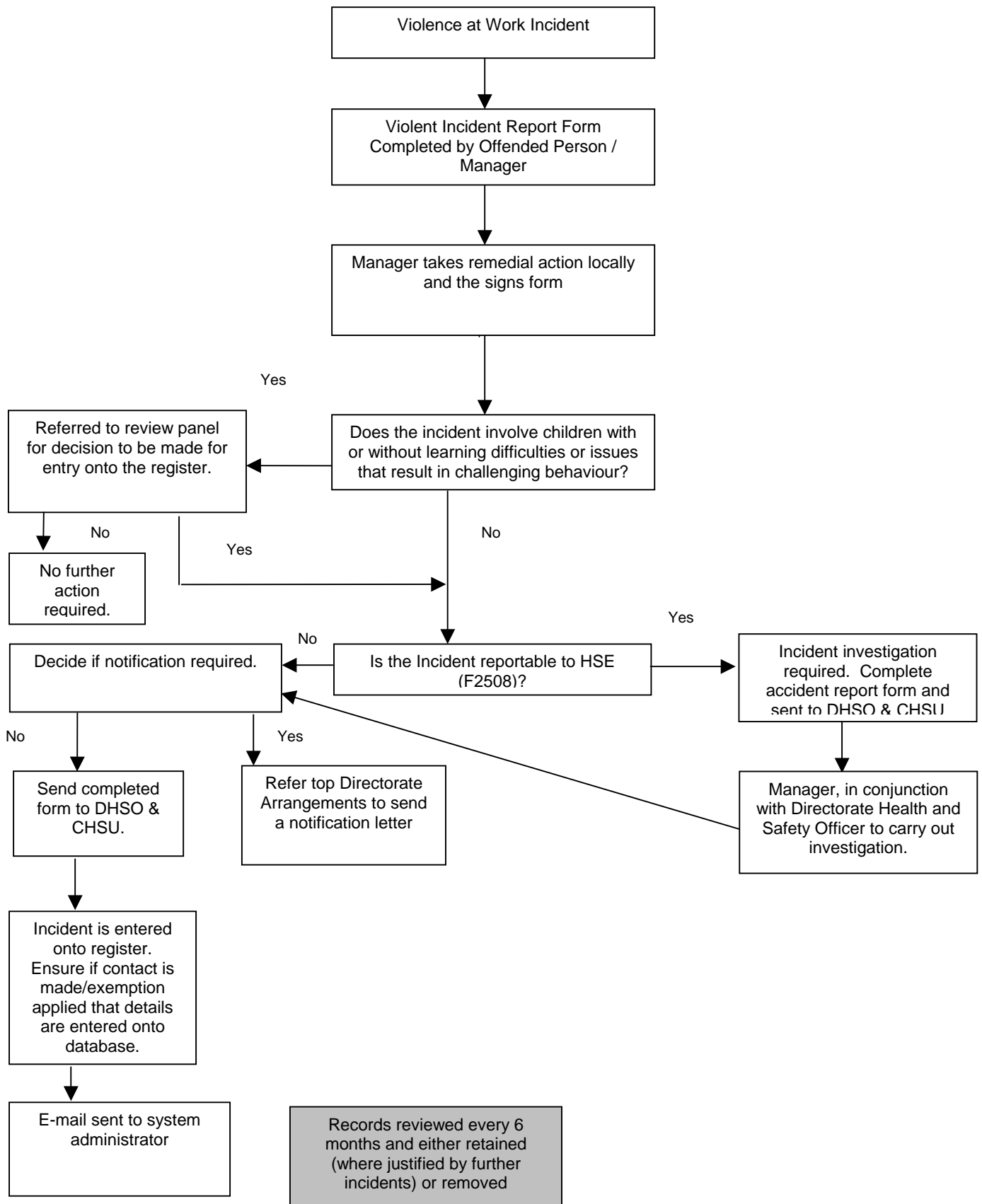
SUBJECT ACCESS REQUESTS (SAR)

Where Subject Access Requests (SAR) are received relating to the 'Violence at Work Register' these will be dealt with on a case-by-case basis. As SAR's tend to be of a personal nature, 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, for example following the inclusion of a dangerous animal, dangerous condition at a premise or where the notification to the individual is likely to result in a positive change to their behaviour.

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, the request will be referred to the Authority's Exemption Panel. Where this occurs the Corporate Health and Safety Unit 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.

Where individuals contact the Authority by phone following receipt of a letter, which informs them that they have been placed onto the register, then the Officer can confirm if an entry has been made on to the system. Before further information specific to the incident is provided, the Officer must verify the identity of the person making the enquiry, if the officer cannot establish that the person on the phone is the assailant they ask the individual to submit a formal subject access request via the Information unit.

APPENDIX 1



Appendix 2

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

Head Of Service
Contact Telephone
Number

Reference
Date

Dear _____ ,

RE: Chose from:

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

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 sort of behaviour towards our staff. In order to safeguard our employees the Authority operates a corporate Violence at Work Register, on which we retain details of individuals who have been involved in past incidents of violent or aggressive behaviour towards our staff, and who therefore may pose a further risk.

Due to this incident your details have been entered onto the Corporate Violence at Work Register. 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 assuming that no further incidents of this kind are reported to us your entry will be removed within 12 months.

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

(Optional) If you wish to discuss issues relating to the above please contact

Yours sincerely

On Behalf Of insert Head of Service.

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

Head Of Service
Contact Telephone
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 other 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 Violence at Work 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 Corporate Violence at Work Register. 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 to discuss issues relating to the above please contact

Yours sincerely

System Administrator
On Behalf Of insert Head of Service.

Appendix 4 –Section 29 Exemption Guidance



GUIDANCE SHEET – 000

TITLE – USE OF SECTION 29 EXEMPTION UNDER THE DATA PROTECTION ACT WITH REGARDS TO THE NOTIFICATION OF ENTRY ONTO THE VIOLENCE AT WORK REGISTER

The issue

The Authority has a duty of care to its staff to ensure their health and safety whilst they are at work. The use of the Violence at Work Register (VAWR) is a means of identifying, recording and sharing, information on individuals who pose, or could potentially pose, a risk to employees who may come into contact with them.

The information contained within the Violence at Work Register is personal data, and often sensitive personal data and therefore the use of the system and the information contained within must comply with the Data Protection Act 1998 (DPA). This guidance document is aimed at Officers and Managers who need to make the decision on whether to send notification to individuals where their details have been added to the VAWR, or to invoke the Section 29 exemption. In particular, individuals have a right under the DPA to be informed of what information the council holds on them and how we will use that information. This includes individuals being notified if they have been placed on the Violence at Work Register. The Authority can apply an exemption (section 29) to refuse to notify the individual if we determine that the notification is likely to lead to further instances of violence or aggression.

The legal guidance from the Information Commissioner's Office on the DPA states the following regarding decisions to apply an exemption under the DPA,

‘If challenged the data controller (CCBC) must be prepared to defend the decision to rely upon the exemption either to the Commissioner or to the Court. ‘

It is therefore advisable that the decision to apply any exemption is made at an appropriate management level and that the reason to apply the exemption are documented on the Violent Incident Report Form,

What do you need to know?

The Violence at Work Register, Incheck Procedure (CHSU document reference number CHSU-P001) provides in-depth procedures that should be followed when individuals are using the Authority's VAWR. Information is also available within the Violence at Work policy and associated guidance documents.

What do you need to do?

Following the submission of a violent incident report form a decision will be made whether to include the individual on the VAWR. This decision is made by the Reporting Officer in conjunction with their Manager and where necessary the Directorate Health and Safety Officer. This should occur where the individual/ animal or premise poses, or could pose, a potential risk to a member of staff.

For the processing to be fair under the DPA, individuals should normally be notified of their entry onto the register. Where notification to the individual is undertaken this

will be done, as detailed within your directorate arrangements using the template letters contained within the Violence at Work Register, Incheck Procedure and a note will be added, by the Directorate Health and Safety Officer, to the individual's record on the VAWR to show that notification has been sent.

There may be cases where it is felt that informing the individual would in itself create a substantial risk of a violent reaction from the individual, for example it is foreseeable that the individual would react violently to the notification, and hence increase the risk to employees. In these cases it may not be sensible to inform the individual as described above. In this type of case the need for notification can be negated, by the use of exemption 29 under the DPA. Where it is decided to use this exemption a note must be made on the individuals VAWR entry. Your Directorate Health and Safety Officer will add the note.

It is important that when decision are made to apply the section 29 exemption that this is done on a case by case basis and that all records are kept in line with the corporate procedure.

Where a section 29 exemption is not applied Managers must follow their Directorate arrangements to ensure that a letter of notification is sent to the individual. Where it is indicated that a letter has been sent a note is added to show this is added by the Directorate Health and Safety Officer to the entry on the Violence at Work Register. Where this is added the Corporate Health and Safety Unit will send an update to the individual when their details are removed from the register.

The legal position

As an employer the Authority has, under various pieces of health and safety legislation, a duty of care to ensure the health and safety of its staff and others e.g. contractors. The Data Protection Act allows, under schedule 2, for the data controller (in this case the Authority) to process information, which is necessary to comply with any legal obligation imposed on them, and schedule 3 allows processing of information where it is necessary to comply with any legal requirement imposed on the data controller in connection with employment. Keeping and sharing information on potentially violent individuals is necessary to ensure the Authority meets its legal obligations under health and safety law.

Contacts

In the event of you needing advice/further information on Use of Section 29 Exemptions under the Data Protection Act with regards to the notification of entry onto the Violence at Work Register or having a query on the or related to this please contact either the Corporate Health and Safety Officer or your Directorate Health and Safety Officer as detailed below:

Corporate Health and Safety Unit – 01443 873708
Education/Leisure – 01443 864865
Environment – 01443 873765
Chief Executives – 01443 864384
Social Services – 01443 864623

Further help and guidance on the Data Protection Act and applying it principles is available from the Authority's Information Officer on 01443 864322

Further information

Further information can be found in the following links:

HSE Guidance leaflet –
INDG 69 Violence at work – a guide for employers
<http://www.hse.gov.uk/pubns/indg69.pdf>

HSE Information Pages – Violence at work <http://www.hse.gov.uk/violence/index.htm>

Information Commissioner's Officer - Data Protection Good Practice Note on the use of violent warning markers.
http://www.ico.gov.uk/upload/documents/library/data_protection/practical_application/use_of_violent_warning_markers.pdf

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