

CORPORATE HEALTH AND SAFETY COMMITTEE – 22ND NOVEMBER 2010

**SUBJECT: NECESSARY AMENDMENTS TO THE VIOLENCE AT WORK
PROCEDURE**

REPORT BY: DEPUTY CHIEF EXECUTIVE

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to inform the Corporate Health and Safety Committee of recent updates to the violence at work procedure.

2. SUMMARY

- 2.1 Under the Data Protection Act 1998 we are obliged to inform individuals of information held on them. This includes when we make entries regarding individuals or their premises on the violence at work register.
- 2.2 Recent events have brought to our attention the fact that the current violence at work procedure does not allow for individuals who are notified under the Data Protection Act of their entry on to the violence at work register to make representations or put forward mitigating factors. Legal advice taken has suggested that this may breach an individual's human rights.
- 2.3 Appendix 1 details the procedure now put in place to allow for representations to be made by the individual when they are notified of their entry and contains the standard letter that will be sent to every person, setting out the process they should follow should they wish to make representations of mitigating factors. The basic procedure and letter have been seen and agreed by the Head of Legal Services as fulfilling our obligations.
- 2.4 Under the Data Protection Act 1998 we are permitted to not inform an individual of the information held on them if notification would be likely to increase the risk to our staff (known as a section 29 exemption). Where this exemption is applied it follows that individuals will not be given the opportunity to make representations.
- 2.5 It has additionally been noted that the current categories available within the violence at work procedure database do not fully cover repeated incidents that took place over the phone and did not include direct threats or swearing/abusive/obscene/discriminatory language, but did result in the CCBC employee feeling uncomfortable, upset or intimidated. Previously such individuals have been entered simply as an abusive person.
- 2.6 It was felt that there should be more specific terminology against which to record information regarding these individuals but that, for the purposes of consistency in decision-making and to ensure that information is only recorded when necessary to safeguard the wellbeing of employees, the decision to do so should not be taken by one officer alone.
- 2.7 A new category has been created termed 'Difficult Persistent Caller' to cover these incidents. Where information regarding incidents of this type is received it shall be referred to the Senior Health and Safety Officers' Group for a consensus as to whether the entry should be made.

2.8 The Violence at Work Policy, Corporate Management Arrangements and Procedure are currently undergoing a full review and the information regarding representations and Difficult Persistent Callers will be incorporated into the revised procedure.

3. RECOMMENDATION

3.1 That the contents of the report and appendix be noted.

Author: Beth Kendrick, Health and Safety Officer.
Consultees: Donna Jones, Acting Health and Safety Manager
Karen Rogers, Senior Health and Safety Officer
Nigel Barnett, Deputy Chief Executive
Gareth Hardacre, Head of People Management and Development
Councillor Allan Pritchard, Cabinet Member for Human Resources and Constitutional Affairs

Appendices:
Appendix 1 Procedure