

PROCEDURE 010

Notifying Individuals Of Inclusion On The Violence At Work Register And Dealing With Representations Of Mitigation

Following the inclusion of an individual (or their premises) on the 'Violence at Work' register a decision must be made as to whether the individual is to be informed of their inclusion. Under the Data Protection Act (DPA) we are required to inform individuals of personal data being held on them, however notification must not be sent where it in itself is likely 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.

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 not increase the potential risk of violence and aggression occurring; for example following the inclusion of a dangerous animal, dangerous condition at a premises or where the notification to the individual is likely to result in a positive change to their behaviour. Health and Safety Officers can provide assistance to help make this decision and will agree it before adding the individual to the Violence at Work Register.

Where an individual is to be notified of their inclusion on the register they must be informed in writing using the letter attached in appendix one to this document. There is space for additional conditions, e.g. banned from premises, only communicate in writing, to be included in the letter, however the basic structure and information contained in the letter must be retained as we must provide the individual with certain information including their right to make representations on their own behalf.

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 reviewed. These must be in writing and submitted within 14 days of the date the notification letter was sent.

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 Senior Health and Safety Officer (or their representative) for the appropriate Directorate, the reporting officer, their line manager (where necessary) and any other person considered necessary by the Senior Health and Safety Officer (e.g. Health and Safety Manager, legal services representative, VAWR administrator, Social Worker). The panel need not physically meet – decisions can be made via written correspondence as long as an appropriate admin trail is maintained.

A response must 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).

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: 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 sort of behaviour towards our staff.

In order to safeguard our employees the Authority operates a Violence at Work 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 Violence at Work Register. Entries on the register are reviewed periodically and, assuming that no further incidents of this kind are reported to us, your entry will be reviewed within 6/12 months.

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

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 Violence at Work 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,

On Behalf Of insert Head of Service