

London Borough of Merton Corporate Policy on Violence at Work



1. General Policy Statement

Merton Council recognises it has a duty to provide a safe and healthy workplace and working environment so far as is reasonably practicable for all its employees. This policy provides a framework for enabling employees to deal with violence, aggression, or verbal abuse in connection with their work, and applies to all staff irrespective of their working arrangements or place of work and includes home; remote; and flexible working.

Any form of violence against staff is unacceptable. Merton Council is committed to the prevention of violence against staff on any basis for which it has a zero tolerance.

Through the risk assessment process, line managers will implement suitable control measures to manage risks and equip staff to handle incidents; such control measures will take account of the nature of the service being provided as well as the type and degree of risk.

2. Definition

The Health and Safety Executive (HSE) define violence at work as “any incident in which a member of staff is abused, threatened or assaulted in circumstances related to their work”. It includes verbal abuse and threats and/or physical threats and attacks.

Violence against employees also includes acts against an employee’s family or property, and incidents which result from employment, but which occur outside work.

3. Legal Responsibilities

With respect to the management of work-related violent incidents all employers have duties towards their employees under:

- Health and safety legislation;
- Employment legislation; and
- General Duty of Care.

These duties can be summarised as a duty to take reasonable care to:

- Put in place a safe system of work;
- Provide safe premises and/or place of work; and
- Provide safe plant and equipment.

4. Responsibilities

4.1 Chief Executive

The Chief Executive has overall responsibility for all health and safety matters including the management of violence at work.

4.2 Executive Directors

It is the responsibility of each Executive Director to:

- i) Disseminate this policy within their area of responsibility;
- ii) Ensure this policy is implemented within their area of responsibility by providing support and advice to their managers;
- iii) Ensure a sufficient number of Departmental Review Officers (DROs) are appointed within their department to review incidents of violence, aggression and verbal abuse and maintain and keep up to date the Departmental Register of Customers and Addresses of Concern referred to in the rest of this policy as the "Departmental Register";
- iv) Ensure staff within their department and those of all other departments can access as appropriate the Departmental Register;
- v) Ensure the names and contact details of all Departmental Review Officers (DROs) and any subsequent changes to these details are provided to the Interim Head of Safety Services.
- vi) In conjunction with their Departmental Review Officer(s) determine the format, layout, and content of all letters with respect to Customers of Concern (CoC) and Addresses of Concern (AoC).

4.3 Departmental Review Officer (DRO)

Executive Directors will appoint the DRO(s).

The primary role of the DRO is to:

- reach an independent and balanced decision about whether a person or address should be placed on the Departmental Register;
- periodically review whether the entry should remain on the scheme and ensure names and details are removed as appropriate after review;

- communicate and liaise with other Departmental Review Officer(s) and be a point of contact for all enquiries with respect to their Departmental Register;
- maintain and up-date their Departmental Register;
- in conjunction with their Executive Director determine the format, layout, and content of all letters with respect to Customers of Concern (CoC) and Addresses of Concern (AoC).

4.4 Heads of Service and Managers

It is the responsibility of Heads of Service and Managers to ensure:

- Service specific procedures are written in compliance with this policy where significant risk of violence is identified;
- Any written procedures are monitored and adhered to;
- Specific risk assessments are undertaken for all staff (including those on contracts and those working for an agency) identified at risk from and/or exposed to the risk of violence at work;
- Appropriate risk reduction measures are actioned, training needs identified, and appropriate training given to all staff identified at risk;
- All incidents of violence at work are reported, investigated, and monitored in accordance with the council's accident and incident reporting procedure;

4.5 Human Resources

The role of Human Resources is to support staff post any incidence of violence and where necessary arrange for additional support to be provided.

- The Interim Head of Human Resources, supported by HR's Learning and Development Section will ensure the procurement, production and availability of suitable and sufficient training as identified and requested by Heads of Service and Managers;
- The Interim Head of Human Resources will ensure via the HR function that post-incident support is provided and followed up in appropriate cases e.g., Employee Assistance Programme (EAP).

4.6 Employees

It is the duty of each staff member, including those on contracts and those working for an agency to:

- Report all incidents of violence at work in accordance with the council's accident and incident reporting procedure.
- Co-operate to enable the council to comply with its health and safety responsibilities including raising concerns about potential risks from violence at work;
- Participate in and complete any training appropriate to their duties including induction training;
- Make full and proper use of any equipment, information or system of work provided for them;
- Follow the policy, instructions, and procedures in their own work area;
- Assist in the risk assessment process as required.

4.7 Corporate Safety Services

The Head of Safety Services will:

- i) Provide advice and guidance to Heads of Service and line managers undertaking violence at work risk assessments and report to the council's Corporate Health and Safety Committee and Departmental Consultative Committees on the implementation of such risk assessments across the council;
- ii) Provide advice and guidance to Heads of Service and Line Managers on risk reduction measures and post-incident management;
- iii) Advise in the identification and development of appropriate training in conjunction with HR's Learning and Development Section;
- iv) Monitor the effectiveness of policy implementation and review the policy on a regular basis.

4.8 Occupational Health

Occupational Health Services help keep employees health and safe whilst in work and manage any risks in the workplace that are likely to give rise to work related ill health.

Occupational health is to be used when a problem has been identified which has caused employees to be absent from work or affected how they are able to work.

An Occupational Health Assessment is a medical examination performed by an Occupational Health Physician or Nurse. Its main aim is to advise employers on the employee's health and make recommendations on what adjustments could be considered to ensure a safe/healthy working environment for that employee.

Managers are required to make an online referral to arrange an occupational health appointment for their employees.

4.9 EAP (Employee Assistance Programme)

EAP is a free and confidential 24hour a day helpline offering expert advice, specialist counselling and support to Merton employees for any work or life issues, they also offer support to Managers to help them deal with employees struggling.

As well as offering telephone support and face to face counselling sessions, EAP have an app and online health portal that offers support. Employees are able to self-refer and Managers are able to make a management referral for one-to-one counselling sessions on behalf of the employee.

5. Principles of applying the policy

The following principles will apply in the design and implementation of departmental procedures to comply with the Corporate Violence at Work Policy.

Violence can take many forms. It can be physical, verbal, or in the form of written or virtual threats and abuse, and it is acknowledged that each can have a potentially intimidating and lasting effect on staff;

The importance of prevention is paramount. This will be assisted by knowledge of the people involved, the surrounding environment and circumstances;

Prevention of violence at work starts with a full assessment of the risks carried out with the staff directly involved;

When violence occurs, speed in its resolution is of prime importance;

Emphasis will be placed on the knowledge that if a physical response to the violent episode is necessary, then the minimum of force should be used and that taking avoidance steps and summoning of assistance should also be the first line of defence;

The importance of staff welfare over that of property;

Managers will ensure there is a prompt review of any significant violent incident and that this is used to evaluate policy guidelines and skills to avoid further incidents;

The role of occupational health and the EAP in offering services to staff affected by violent incidents is recognised and the role of managers in making these services available stated;

A commitment to regular and appropriate training of staff in understanding and dealing with violence;

Risk assessments as required under the Management of Health and Safety at Work Regulations take into account the risk to staff of violence at work;

Where the risk of violence to staff is assessed as significant, or liable to arise because of the work activity, and where that risk cannot be avoided, appropriate risk reduction measures are taken. This requires the development of local policies, procedures, safe systems of work and the provision of suitable safe working environments and safety/protective equipment;

Where the risk assessments identify a staff training requirement to reduce the risk to an acceptable level, that suitable training will be provided;

When incidents of violence at work occur, they are reported, recorded, and investigated in accordance with the council's accident/incident reporting procedure;

This policy applies across all areas of the council, including Merton controlled schools.

Terms of reference:

Any decision to classify a person, as a **Customer of Concern (CoC)** or an address as an **Address of Concern (AoC)** must be made taking into account all the circumstances of the incident and the people involved, including the reaction of staff. It is not possible to give a precise definition of what circumstances would lead to classification of a CoC or AoC, but the following should be taken as guidance.

Generally, any of the following are likely to lead to a classification of a **Customer of Concern (CoC)**. An individual who:

Has a history of violence to Merton staff including:

- Assaults or attempts to assault a member of staff.

Other risk of significant violence including:

- Has reliably been reported with evidence as a PVP by another organisation.
- Has been convicted of a serious crime of violence (including sexual assault).

Threat of physical violence including:

- Made a credible threat of violence to a member of staff.
- Persistently verbally abuses or makes general threats against a staff member, including through virtual means.
- Behaves in a way that leaves a staff member feeling threatened or afraid, even though no specific threat may have been made.

History of other concerns

- Sexually harasses a member of staff

Aggressive associates meeting the above criteria.

- Associate means part of the household and likely to be with the customer at the time of visit

The following would typically **not** lead to a classification as a CoC.
A person who:

- Threatens violence but is clearly physically incapable.
- A person with a history of psychiatric illness but no history of violence
- A person who self-harms

An **Address of Concern (AoC)** is an address where an individual classified as a Customer of Concern (CoC) could be present or an address where a violent incident has taken place or where threats of violence have been made to staff.

Process for entering a person or address on a Departmental Register of Customers and Addresses of Concern

1. Any employee involved in any incident of violence, aggression or verbal abuse must enter the details onto the council's accident / incident reporting system or inform their line manager to arrange to enter details on their behalf.
2. Once the incident investigation is complete, the person involved in the incident and their line manager will consider whether the circumstances warrant a review with their Departmental Review Officer (DRO) for inclusion on the Departmental Register.
3. Where the line manager agrees the incident warrants potential inclusion onto the Departmental Register, they will contact their DRO who will initiate an investigation into the validity of the request for inclusion.
4. Where requests for inclusion are not acted upon, or there is a dispute regarding the incident, the Head of Corporate Safety Services should be contacted for further advice. The relevant Executive Director will make the final decision on inclusion where necessary.
5. If a customer disagrees with a Warning or proposed action, then they must give their reasons in writing as to why they disagree, and this will be processed through the Corporate Complaints Procedure.

Warning and Banning people

Where a decision has been taken to impose an action against a person and before any flag is placed on the system the review officer must send:

- A letter warning the person that their behaviour is unacceptable and that if there are any further incidents they will be banned. – this will be an initial warning if the customer has been verbally abusive to staff advising the customer that they must make an appointment by phone, with the service they require if they wish to see an officer face to face. If there is a second incident the customer will receive a letter permanently banning them from the building.
- Letter permanently banning the customer from the building and informing them that they must complete any further business either by phone or letter – this will be sent to a customer who has been racially abusive or has used threatening or actual violent behaviour towards staff.
- Copies of all letters warning or banning people will be kept and maintained by the Review Officer.
- If a customer disagrees with a Warn or Ban, then they must write in giving the reasons why they disagree, and this will be processed through the Corporate Complaints Procedure.

- Executive Directors and their respective Departmental Review Officer(s) are responsible for determining the format, layout, and content of all letters with respect to Customers and Addresses of Concern.

Reviewing classification as a Customer or Address of Concern

- Classifications will be reviewed at the time scheduled by the Departmental Review Officer.

Role of the Line Manager

- To undertake a risk assessment of any situation involving a CoC and/or AoC
- Draw up suitable and sufficient action plans with staff to mitigate any risks identified with a CoC and/or AoC
- Share as necessary across all council departments information relating to CoC; AoC; action plans; and risk assessments.

Role of Council Staff

- All council staff must follow council policy and procedures and report all accidents, incidents violence and verbal abuse using the corporate online accident and incident reporting system.
- All council staff must follow any information, instruction, training, or procedure that is put in place to protect their health, safety, and welfare at work.
- Where staff consider they may be at risk of violence from others, they should contact their Departmental Review Officer, who will check the relevant information on the person or address and where there is a warning flag posted, advise the member of staff who must take heed of that flag or warning and act on the information given.

Summary of CoC & AoC Process

